REPUBLIC OF KENYA

OFFICE OF THE DATA PROTECTION COMMISSIONER



2ND NATIONAL DATA PROTECTION MOOT COURT COMPETITION RULES

Preamble

The Office of the Data Protection Commissioner (the ODPC), in line with its mandate to promote awareness and safeguard the rights of data subjects, seeks to empower the next generation of legal practitioners with practical knowledge and skills in data privacy and protection. To this end, the ODPC proudly launches the Second National Data Protection Moot Court Competition.

To ensure the fair and transparent administration of this initiative, the ODPC hereby adopts the following Rules to govern the Competition.

Chapter I: General

Rule 1 - Object

a. The rules govern the National Data Protection Moot Court Competition (hereinafter "the Competition"), organized by the Office of the Data Protection Commissioner (hereinafter "the Office").

b. The ODPC Moot Court Committee has the overall responsibility for the organization of the Competition.

c. The ODPC Office is located at Britam Towers, 12th Floor, Hospital Road, Upperhill, Nairobi, Kenya. P.O. Box 30920-00100 G.P.O. Nairobi, Kenya. Mobile: +254 796 954269 / +254 752 896867; Email: mootcourt@odpc.go.ke.

d. All materials developed by the Moot Court Committee for the Competition, including, without limitation, the Official Rules and the Competition Hypothetical Problem, are the sole property of ODPC. These materials may not be reproduced for any purpose other than participation in or administration of the Competition without the express and prior written consent of ODPC. In addition, all Memorials become the sole property of ODPC and may not be republished without its express consent.

Rule 2 - Subject

All teams participating in the Competition are presumed to have knowledge of and shall be subject to these Rules.

Rule 3 - Aim of the Competition

This Competition will provide young people with a unique, hands-on platform to deepen their understanding of data protection laws, simulate real-world privacy litigation, and develop strong advocacy, critical thinking, and problem-solving skills.

By engaging in this initiative, participants will not only gain valuable experience in interpreting and applying data protection laws but also position themselves as future leaders and champions of digital rights. The Competition will cultivate a generation of legal professionals who are well-equipped to navigate the complex challenges of data governance, privacy, and cybersecurity in an increasingly digital world.

Rule 4 - Eligibility

a. The Competition is open to undergraduate law students enrolled in accredited law schools across Kenya.

b. Each established law school is eligible to register only one (1) team for this Competition. Where a university has independently established law schools on different campuses, each such law school may register and participate as a separate team.

c. Only students actively enrolled in a Bachelor of Laws (LL.B.) programme in an accredited law school in Kenya are eligible to participate.

d. It is each team's responsibility to ensure that its team members have a level of legal knowledge suitable for the Competition.

e. Institutions are encouraged to ensure diversity and affirmative action when selecting teams.

Chapter II: Competition Structure

Rule 5 - Team Composition

a. Each team shall consist of three (3) persons: two (2) of whom will present arguments during oral hearings, and one (1) researcher who will assist in preparation and strategy.

b. The number of team members may never exceed three (3) at any moment in the Competition.

c. Any changes in the team membership must be submitted in writing at least 24 hours before the Finals. Any request for changes in the team composition after this time frame shall be rejected. However, the Moot Court Committee reserves the right to allow changes in team composition after this deadline in consideration of exceptional circumstances, or the interests or fairness of the Competition.

d. Teams must represent a single law school.

Rule 6 - Structure

a. The Competition shall be conducted in two (2) distinct phases, each subject to separate evaluation: a written round (Memorials) and an oral round (Hearings).

b. The oral round will be organized as knockout rounds, culminating in the final match to determine the winner.

c. Both the Memorials and Hearings are to demonstrate an in-depth understanding, accuracy, legal reasoning, and adherence to data protection principles.

d. Advancement in the knockout rounds will be contingent on the cumulative scores, with the top-performing teams progressing to subsequent stages of the Competition.

e. The two (2) teams eliminated at the semi-final stage shall compete in a separate Third-Place Playoff Match to determine the Second Runner-up of the Competition. The Playoff Match shall be held either on the evening before the Final Round or concurrently with the Final Round before a different Bench, as the Moot Court Committee may determine.

f. The team that secures the higher score in the Third-Place Playoff Match shall be declared the Third-Place Winner and awarded the Second Runner-up position.

g. The Third-Place Playoff Match shall be conducted under the same rules and scoring criteria governing the Final Round, unless otherwise specified by the Moot Court Committee.

Rule 7 - Memorials Round

a. All teams will submit written memorials for both the Applicant and Respondent outlining their legal arguments through the Moot Court Registration portal provided on the ODPC website https://www.odpc.go.ke/moot-court/.

b. Submissions will be evaluated by the Committee on clarity, accuracy, legal reasoning, and adherence to data protection principles.

c. The top-scoring teams will advance to the oral rounds.

Rule 8 - Oral Round

a. Shortlisted teams will participate in oral hearings held over two (2) days.

b. The oral phase will be organized as knockout rounds, culminating in the final match to determine the winner.

c. The decision of the judges shall be final.

Chapter III: Memorial Provisions

Rule 9 - Facts and Clarification of the Moot Problem

a. The facts that constitute the subject matter of the moot are provided in the moot case.

b. No additional facts may be introduced unless they are a logical and necessary extension of the given facts in the moot case.

Rule 10 - Submission of Memorials

a. Participating teams are required to submit both Applicant and Respondent Memorials by 10th December 2026.

b. Following submission, no alterations or revisions to any memorial will be permitted.

c. The delayed delivery of Memorials beyond the stipulated deadline will result in automatic disqualification from the Competition.

Rule 11 - Memorial Format

a. Each team must submit its Memorials in PDF format.

b. Each team must submit its Memorials in size 12 Tahoma font style.

c. Each page must have a margin of at least 2 cm on every side of the text.

d. Memorials must be continuously page-numbered with 1.5line spacing.

e. Each Memorial must not exceed 3000 words, inclusive of footnotes. The cover page, table of contents and list of authorities are excluded from the word count.

f. Each Memorial must use the standard cover page template provided by the Moot Court Committee, which shall be annexed to these Rules and made available for download on the ODPC website.

g. All Memorials must follow the Oxford University Standard for the Citation of Legal Authorities (OSCOLA), latest edition, for referencing authorities.

h. To ensure anonymous and impartial assessment, the Moot Court Committee shall issue each registered team with a unique team code at least one (1) week before the memorial submission deadline. Teams shall identify their Memorials using only their assigned team code. The name of the university or law school, the names of team members, or any other identifying information shall not appear anywhere in the Memorials, including in the file name and document properties.

i. Violations of this Rule are sanctioned with one (1) penalty score per violation, with a maximum of three (3) penalty scores.

Rule 12 - Cover Page Requirements

The cover page must contain only the following information:

a. Team code;
b. Role (Applicant Counsel or Respondent Counsel);
c. Title of the Competition (2nd National Data Protection Moot Court Competition);
d. Year; and
e. Word count.

Rule 13 - Footnotes

Footnotes must be uniform. Footnotes have to be in Tahoma, size 10 font. Footnotes of more than one line in length must be single-spaced.

The text inside individual footnotes should have 1.5line spacing.

Consistency in the reference to sources throughout the Memorials is required. All footnotes shall follow the OSCOLA citation style prescribed under Rule 11.

Rule 14 - Penalties

a. Plagiarism, the use of Artificial Intelligence (AI) tools to generate the content of Memorials or oral submissions, disruptive conduct, or attempts to influence the judges in submissions will be sanctioned with the disqualification of the team.

b. Late submissions of written memorials will warrant disqualification.

c. Non-compliance with format or rules may lead to disqualification or point deduction.

d. A team's disqualification is final and irrevocable.

Chapter IV: Oral Round Provisions

Rule 15 - Content

a. Each team's oral pleadings must demonstrate an outstanding knowledge of data protection and privacy law and case law.

b. The oralists must demonstrate clarity, confidence and persuasiveness.

Rule 16 - Speakers

a. Each team will have two (2) individual speakers.

b. Verbatim reading of the memorials during the hearings is strictly prohibited.

Rule 17 - Dress Code

a. Teams are required to present themselves in proper legal attire, complete with court robes/gowns, reflecting the professional decorum expected in a High Court setting.

b. Men: Black formal coat, white shirt, collars, black formal trousers, black formal shoes, and a black court robe/gown.

c. Ladies: Black formal coat, white shirt, collars, black formal trousers, black formal shoes, and a black court robe/gown. Alternatively, a black executive skirt may be worn in lieu of trousers, paired with black formal shoes and a black court robe/gown.

Rule 18 - Presentation

a. Each team shall be allocated a total of thirty (30) minutes per side for its oral submissions, whether appearing as Applicant Counsel or Respondent Counsel.

b. The thirty (30) minutes shall be shared between the team's two (2) speakers as the team sees fit.

c. The Applicant team shall reserve time for rebuttal within its allocated thirty (30) minutes, in accordance with Rule 20.

d. Questions posed by the Bench Members are included in the speaking time of the Presentation.

e. Each team is responsible for managing its time accordingly.

f. The court may, at its discretion, extend the time for each counsel, provided that the maximum extension for any counsel shall not exceed two (2) minutes.

Rule 19 - Rebuttal

a. The right of rebuttal is reserved exclusively for the Applicant. The Respondent shall not be entitled to a rebuttal.

b. Rebuttal by Applicant Counsel: up to five (5) minutes, reserved from within the Applicant's allocated thirty (30) minutes.

c. Questions posed by the Bench Members are included in the speaking time of the Rebuttal.

d. Speakers are not allowed to introduce new issues in their rebuttal.

e. The rebuttal shall be confined to responding to arguments and issues raised by Respondent Counsel during its presentation.

f. The court may, at its discretion, extend the time for rebuttal, provided that the maximum extension shall not exceed two (2) minutes.

Rule 20 - Bench Composition

a. The Bench shall comprise an odd number of Members, not fewer than three (3) and not more than five (5), and shall be assisted by a Bench Clerk.

b. All Bench Members must read the Case, as well as other explanatory documents.

c. Bench Members are not permitted to give their individual opinion outside the deliberation room regarding the quality of the presentations and results of the participating teams.

d. The Bench will follow its own Rules of Procedure within the framework of accepted norms of judicial practice, and with regard to questions of doubt or dispute in the procedure or facts. A decision of the Presiding Member of the Bench shall be final.

e. The Bench Members shall mark the oral arguments in accordance with the scoring criteria provided for in these Rules.

Rule 21 - Role of the Bench Clerks

The Bench Clerk is nominated by the Moot Court Committee, and is responsible for:

i. the collection of the score sheets;
ii. briefing and advising the Bench Members on the Rules of Procedure contained herein;
iii. keeping order during the Hearing;
iv. facilitating the sessions' development; and
v. time keeping.

Rule 22 - Calculation of Results

a. The Moot Court Committee is responsible for the calculation of the total score achieved by a speaker and by the teams, as well as for the transcription of the scores on the Official Scoring Sheets.
b. To ensure the best functioning of the Competition the results are not subject to appeal.
c. The Moot Court Committee will only reveal the final scores to each individual team on an official team's score sheet after the final. The scores will not be made public to other participating teams unless the team itself wishes to share them.

Rule 23 - Penalties for Inappropriate Behaviours

a. Every team should maintain dignity and decorum, not only in the Courtroom, but during the entire Competition.
b. Inappropriate behaviours or blatant disregard for the procedures may result in the deduction of penalty points and, in extreme cases, the disqualification of the team.

Rule 24 - Scouting

a. Scouting is always forbidden during the Competition.
b. Scouting is defined as: when a team or one or more of its members attend a Hearing in which they are not participants.
c. Violations of this Rule will result in disqualification. A team's disqualification is final and irrevocable.

Chapter V: Administrative Provisions

Rule 25 - Team Registration

a. Registration shall be done by visiting the ODPC website and submitting a written memorial.
b. Both oral and written submissions shall be in the English language only.
c. Registration for this moot court competition is completely free of charge.

Rule 26 - Communication

All communication shall be done through the official email address **mootcourt@odpc.go.ke**.

Chapter VI: The Awards

Rule 27 - Categories of the Awards

a. The following awards will be given by the Secretariat after the Final Round:
   i. Winners
   ii. First Runner-up
   iii. Second Runner-up (Third-Place Playoff winner)
   iv. Best Oralist;Best Written Submission (Applicant); and
   v. Best Written Submission (Respondent).

2. Upon completion of the entire programme, each participant shall receive a certificate of participation.

Chapter VII: Miscellaneous Rules

Rule 28 - Interpretation of the Official Rules

The Moot Court Committee shall have absolute discretion to resolve and decide on any questions or issues regarding the interpretation and application of the official rules.

Rule 29 - Video Recording & Photography

All participants shall be required to sign a Consent Form authorizing the Office of the Data Protection Commissioner to take photographs and video recordings during all Moot Court activities.

Rule 30 - Spectators

The oral rounds will be open to the public. Attendance will be subject to registration and venue capacity.

All complaints shall be directed solely to the Moot Court Committee. The Committee will, as a neutral intermediary, decide on the substance of the claim and the appropriate action. The Committee's decision is final.

Rule 31 - Fair Play

a. Students, coaches, and guests are expected to conduct themselves in the fairest manner at all stages of the Competition and show respect to all participants and organizers.
b. This can be achieved, for instance, by exchanging handshakes before and after all oral hearings.
c. The oral pleadings must be an effort of the team students only.

The Moot Court Committee expects that all participants will adhere to the principle of fair play. Any severe violation of this principle may be sanctioned with disqualification.

For correspondence and more information, please contact: Email: **mootcourt@odpc.go.ke**