



**OFFICE OF THE DATA PROTECTION COMMISSIONER**

# **National Data Protection Moot Court Competition**

**2025**

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## PREAMBLE

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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 First 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

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### 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.P Nairobi, Kenya, Mob: +25479 6954269/+254752896867; Email: [mootcourt@odpc.go.ke](mailto: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 universities across Kenya.
- b. Each university is eligible to register only one (1) team for this Competition.
- c. Only actively enrolled students in a Bachelor of Laws program in an accredited university in Kenya
- 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 institution.

### 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.

## 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 a single day.
- 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

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### 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 **14<sup>th</sup> December 2025**.
- 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 1.5 spacing.
- e. Each Memorial must not exceed 5 pages (including footnotes).
- f. Violations of this article 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 the following information:

- a. Team name;
- b. Team Members;
- c. Name of Institutions;
- d. Role (Appellant Counsel or Respondent Counsel);
- e. Title of the Competition (National Data Protection Moot Court Competition);
- f. Year; and
- g. Number of pages.

## Rule 13 - Footnotes

- a. 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.
- b. The text inside individual footnotes should have 1.5 line spacing.
- c. Consistency in the reference to sources throughout the memorials is required.

## Rule 14 - Penalties

- a. Plagiarism, 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

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### Rule 15 - Content

- a. Each team's oral pleadings must demonstrate an outstanding knowledge of data protection and privacy 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 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 19 – Presentation

- a. Presentation by Applicant Counsel: up to 30 minutes.
- b. Presentation by Respondent Counsel: up to 30 minutes.
- c. Questions posed by the Bench Members are included in the speaking time of the Presentation.
- d. 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 20 - Rebuttal

- a. Rebuttal by Applicant Counsel: up to 10 minutes.
- b. Rebuttal by Respondent Counsel: up to 10 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. All arguments and issues raised by opposing counsels during both presentation and rebuttal may be discussed during the rebuttal.
- 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 21 - Bench Composition

- a. The Bench will be composed of five (5) Members 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 22- Role of the Bench Clerks

- a. The Bench Clerk is nominated by the Moot Court Committee
- b. The Bench Clerk is responsible for: The collection of the score sheets; Briefing and advising the Bench Members on the Rules of Procedure contained herein; Keeping order during the Hearing;
- c. Facilitating the sessions' development;
- d. Time keeping

## Rule 23- 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 24 - Penalties for Inappropriate Behavior

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

## Rule 25- Scouting

- a. Scouting is forbidden at all times 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 article will result in disqualification. A team's disqualification is final and irrevocable

## CHAPTER V: ADMINISTRATIVE PROVISIONS

### Rule 26 - 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 27- Communication**

All communication shall be done through the official email address [mootcourt@odpc.go.ke](mailto:mootcourt@odpc.go.ke)

## **CHAPTER VI: THE AWARDS**

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### **Rule 28 - Categories of the Awards**

- a. The following awards will be given:
  - i. Winner
  - ii. First Runner-up
  - iii. Second Runner-up
  - iv. Best Oralist.
  - v. Best Written Submission Applicant;
  - vi. Best Written Submission Respondent;
- b. Upon completion of the entire program, each participant shall receive a certificate of participation.

## **CHAPTER VII: MISCELLANEOUS RULES**

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### **Rule 29- 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 30 - 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 31 – 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 32 - 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.
- d. 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](mailto:mootcourt@odpc.go.ke)

## CHAPTER VIII SCORING STRUCTURE MEMORIALS

**B. SCORING CRITERIA (Total 100 Marks)**

No.	Evaluation Criterion	Description	Max Marks (%)	Score
1.	Knowledge of Law and Facts	Demonstrates understanding of the Data Protection Act, 2019; Data Protection Regulations; the Constitution; and the factual matrix of the case. Shows a grasp of legal principles governing data protection, algorithmic governance, and fair trial.	20	
2.	Legal Reasoning and Analytical Depth	Applies law to facts logically and persuasively; identifies relevant issues; distinguishes or analogizes precedents; exhibits analytical structure in argumentation.	15	
3.	Use of Authorities and Research	Appropriately cites statutes, case law, ODPC guidance, and comparative authorities; integrates them meaningfully into the argument rather than listing.	10	
4.	Understanding of Technical and Policy Dimensions	Demonstrates comprehension of algorithmic bias, data processing flows, DPIA, and privacy-by-design principles; articulates their relevance.	10	
5.	Responsiveness to Judicial Questions	Addresses questions directly, confidently, and respectfully; shows flexibility and composure under pressure.	10	
6.	Structure, Clarity, and Persuasiveness	Logical sequencing; clear transitions; confident presentation; maintains audience engagement; effective summarization.	10	
7.	Courtroom Etiquette and Demeanor	Observes decorum, professional courtesy, and adherence to formal courtroom style; avoids overstatement or interruption.	5	
8.	Team Coordination and Time Management	Balanced allocation of speaking time; seamless transition between speakers; concludes within allocated time.	5	
9.	Originality and Creativity of Argument	Presents novel or insightful interpretations of law, data ethics,	10	

		or policy; demonstrates independent thinking beyond rote citation.		
<b>10.</b>	Professionalism and Ethical Awareness	Demonstrates respect for opposing counsel and bench; shows understanding of advocacy ethics and duty of candor.	5	
<b>TOTAL</b>			<b>100</b>	