

# CAPSTONE BRIEF

## **Artificial Intelligence Adoption in the Office of the Attorney General: Opportunities, Risks, and Challenges**

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# Executive Summary

The Office of the Attorney General (OAG) is established under Article 156 of the Constitution of Kenya, which designates the Attorney General (AG) as the Government's principal legal adviser and vests the office with the responsibility of representing the national government in all legal proceedings, other than criminal proceedings, to which the Government is a party.<sup>1</sup> The Constitution further authorises the AG, with the leave of the court, to appear as *amicus curiae* in civil matters in which the Government is not a party.<sup>2</sup>

In addition to the constitutional mandate, the AG is tasked with, among other functions, providing legal advice to government ministries, departments, commissions and state corporations; negotiates, drafts and vets domestic and international agreements and treaties; coordinating Kenya's reporting obligations to international human rights bodies; representing the national Government in civil, constitutional and foreign proceedings; and performing such other functions as may be necessary for the effective discharge of duties of the office.<sup>3</sup> In discharging the functions, the AG is required to promote, protect and uphold the rule of law and to defend the public interest<sup>4</sup> a mandate that is implemented by 9 departments comprising; International Law Division, Advocates Complaints Commission, Government Transactions Division, Registrar General, Legislative Drafting, Legal Advisory and Research Division, Civil Litigation, Public Trustee and National Legal Aid Services (NLAS).

In addition to the Head Office in Nairobi, the OAG operates 18 regional offices and is in the process of operationalising offices in all the 47 counties. The broad mandate of the OAG influences the protection and realisation of fundamental rights and freedoms in Kenya, as its functions shape the legal and institutional standards that public bodies must adhere to, contribute to the development of rights-based jurisprudence, promote compliance with domestic and international human rights norms, and enhance access to justice, particularly for vulnerable and marginalised groups, directly impacting the protection of citizens' rights.

There is a growing adoption and integration of Artificial Intelligence (AI) in government, which has created a wide range of opportunities for public institutions and has the potential to transform traditional approaches to service delivery, policymaking, and regulatory enforcement across the public sector.<sup>5</sup>

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1. The Constitution of Kenya Art 156(4)(a)-(c)

2. The Constitution of Kenya Art 156(5)

3. Office of the Attorney-General Act (Cap 6A, Laws of Kenya) 2012 s 5(1)(a)-(k).

4. The Constitution of Kenya Art 156(5)

5. Zuiderwijk A, Chen Y-C and Salem F, 'Implications of the Use of Artificial Intelligence in Public Governance: A Systematic Literature Review and a Research Agenda' (2021) 38 Government Information Quarterly 101577



The OAG is considering adopting and using AI to enhance service delivery, streamline processes, and improve access to justice. For the OAG, AI presents significant opportunities for public-facing departments, including the National Legal Aid Services, Public Trustee, Marriages, and Societies. These departments interact directly with the public and serve individuals facing challenges related to distance to services, legal complexity, and limited legal awareness.

For the Civil Litigation Department, AI could help manage the high volume of cases by quickly reviewing pleadings, identifying key issues, and leveraging prior cases to inform predictions and drafting. It can also support legal research, prioritise cases, and organise workflows, improving efficiency and reducing backlogs. Beyond these, AI also offers benefits across all other departments.

Despite the opportunities, AI also presents challenges, as it may expose the office to risks arising from bias, a lack of transparency and accountability, which undermine national values of good governance and integrity, as well as fundamental rights and freedoms as enshrined in the Constitution, among others. This study assesses the current state of AI adoption within the OAG, identifies opportunities and associated risks, evaluates the adequacy of existing institutional and legal frameworks, and proposes a tailored AI governance policy and framework for the OAG.

The study will adopt a mixed-methods approach, combining quantitative data collected through questionnaires and qualitative data gathered through interviews. Document analysis, as well as comparative analysis of AI governance practices in African countries as well as an examination of how offices of the Attorney General in other jurisdictions have deployed and adopted AI, including the opportunities and challenges they have encountered, will be used to complement the primary data. The study is expected to result in a comprehensive understanding of how AI is adopted, used or contemplated in the office, provide an evidence-based assessment on the opportunities and risks posed, and an evaluation on the adequacy of existing policies and frameworks in addressing AI in the office with a view to developing institution-specific recommendations for the development of the organisation's AI policy.



## 1.0 Problem Statement

The OAG, through the Honourable Attorney General, has expressed the intention to adopt AI to enhance efficiency and service delivery within the organisation. The office has made public statements about the potential deployment of AI chatbots for legal aid services and has established an internal innovation hub, demonstrating institutional interest in leveraging AI for service delivery.

Currently, the OAG lacks an AI policy. The development and deployment of AI within the OAG is guided by general legal and policy instruments in the country, including the Constitution which provides for national values, access to information, fair administrative action and access to justice among others, the Data Protection Act 2019 which provides safeguards on processing of personal data, the Kenya National Digital Master Plan 2022 - 2032 on digital transformation of public service delivery, the National AI Strategy on national approach to AI development, and the OAG & DoJ Strategic Plan which focuses on service delivery, efficiency, public trust and automation of services among others.

These frameworks are neutral and do not embed the African-centred principles of responsible AI as stipulated in the CIPIT framework on framing AI through an African lens, which prioritises people-centred development, local context, social inclusion, and decoloniality. As the principal legal adviser to the government, the manner in which the OAG adopts and deploys AI has consequences beyond the institution itself, particularly in public-facing departments such as the Public Trustee, Advocates Complaints Commission, Societies, National Legal Aid Services and the Registrar General, where it directly affects service delivery, access to justice and public trust. The OAG's approach to AI thus sets an important benchmark for the responsible adoption of technology across the national government.

AI tools such as chatbots and automated information systems can improve access to justice by providing timely legal information, simplifying procedures, reducing waiting times, and enhancing responsiveness through local languages well understood by clients. As Uzok, Cadet, & Ojukwu opine, the primary benefit of AI chatbots is their ability to operate for 24 hours, which ensures that clients receive assistance at any time, regardless of business hours.<sup>6</sup>

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6. Uzoka A, Cadet E and Ojukwu PU, 'Leveraging AI-Powered Chatbots to Enhance Customer Service Efficiency and Future Opportunities in Automated Support' (2024) 5(10) Computer Science & IT Research Journal 2485–2510 <https://doi.org/10.51594/csitrj.v5i10.1676>



In addition to the absence of an AI policy, the office lacks a data protection policy, despite its extensive handling of sensitive and personal data. Departments such as the Public Trustee, Marriages, and Societies process highly sensitive information, including personal identifiers, family and succession records, assets and liabilities, and residential information. The deployment of AI tools in the departments, without proper safeguards, raises serious concerns regarding compliance with the Data Protection Act,<sup>7</sup> in terms of lawful processing,<sup>8</sup> transparency,<sup>9</sup> accountability,<sup>10</sup> and protection of data subjects' rights.<sup>11</sup>

Further, where AI decisions cannot be adequately explained, reviewed, or audited, citizens accessing services at OAG are at risk of being deprived of their right to lawful, reasonable, and procedurally fair administrative action. The unregulated use of AI within the organisation therefore threatens the fundamental rights and freedom, including the right to privacy<sup>12</sup> human dignity, equality, access to information and fair administrative action, as guaranteed by the Constitution and undermines national values of good governance, integrity, transparency, weakens accountability<sup>13</sup> and erodes public trust in the Office.

Improperly designed or deployed AI systems within the justice sector may also entrench unequal treatment of individuals or groups. The establishment of clear governance frameworks and safeguards to assess risks, monitor incidents, and provide effective remedies for affected persons is thus essential to promote the responsible and trustworthy use of AI in the administration of justice.<sup>14</sup>

Given the OAG's role as the government's principal legal adviser<sup>15</sup> it is imperative that the policy and governance gap is addressed. This project seeks to identify the opportunities and risks associated with the adoption and use of AI in the OAG, with the aim of determining whether existing institutional frameworks are adequate to govern AI. The project will examine how AI is currently used within the office, the associated opportunities and risks, and propose appropriate policy and governance mechanisms to address the identified gaps.

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7. No. 24 of 2019

8. Data Protection Act, 2019, Section 30

9. Data Protection Act, 2019, Section 25

10. Ibid

11. Data Protection Act, 2019, Section 26

12. Constitution of Kenya, 2010, Article 31

13. Constitution of Kenya, 2010, Article 10

14. Organisation for Economic Co-operation and Development (OECD), AI in Justice Administration and Access to Justice (in Governing with Artificial Intelligence, June 2025)

15. Supra n.1



## 2.0 Capstone Objectives

- 1 To assess how AI is currently adopted within the Office of the Attorney General.
- 2 To identify opportunities and risks associated with the adoption and use of AI in the Office of the Attorney General.
- 3 To determine whether existing legal and institutional policy frameworks are adequate to address AI governance in the Office of the Attorney General.
- 4 To propose appropriate policy and governance frameworks to address AI adoption and use in the Office of the Attorney General.

## 3.0 Policy Review

The study will be guided by the Constitution of Kenya, which provides the foundational legal framework governing public administration and the protection of fundamental rights. It is relevant to this study because the deployment of AI within OAG has implications for fundamental rights and freedoms. Furthermore, the values and principles of public service emphasise the need for high standards of professional ethics, efficient and effective service delivery, equality, transparency, and accountability, which align with the principles of AI governance.

A review of the Office of the Attorney General Act, the Public Trustee (Amendment) Act of 2018, the National Legal Aid Services Act, the Marriage Act, and the Societies Act is also necessary because these laws define the legal roles, decision-making powers, and service-delivery obligations of the respective offices. Understanding their roles enables a grounded analysis of how AI can enhance service delivery, where it introduces new risks, and what legal and institutional safeguards are required to ensure that AI deployment complies with constitutional principles and statutory obligations, and to promote public trust in the institution.

The role of the Public Trustee under the Public Trustee (Amendment) Act, 2018 is to, among others, administer estates of deceased persons, manage trust property of minors or persons incapable and oversee the distribution of estates where no executor has been appointed. AI systems have the potential to enable faster asset identification, beneficiary mapping, and document management. They could also support asset valuation through data-driven market analysis.

However, risks include data breaches involving sensitive personal and financial information, algorithmic errors in valuation or distribution and inappropriate reliance on automated outputs in matters requiring careful legal and ethical judgment. Reviewing the Act is therefore essential to determine how these statutory duties can be reconciled with AI processes while preserving accountability and protecting beneficiaries.

The National Legal Aid Services Act aims to make legal aid accessible to indigent persons, increase public legal awareness, and promote alternative dispute resolution. AI tools can support this mandate by providing chat-based legal information, automatically assessing eligibility for legal aid, preparing standard legal documents, and analysing data to identify where legal services are most needed, particularly in marginalised communities. However, risks such as bias may lower the quality of case assessment. The Act requires review to clarify how AI may be used in legal aid services and the safeguards that must be implemented.

The Marriage Act establishes the requirements for the registration and recognition of marriages in Kenya. AI can improve the department's services by providing information via chatbots in local languages, automatically scheduling appointments, and verifying identity documents, thereby accelerating the process and increasing accessibility, particularly for people in remote areas. However, it also poses risks, including identity fraud, misuse of personal data, and exclusion of individuals with low digital skills. It is therefore important to review the Act to ensure that technology is used in a way that remains fair, inclusive and compliant with national laws.

The Societies Act provides for the registration and management of societies in Kenya. AI could help by automating registration, verifying compliance, and identifying governance issues early. At the same time, there is a risk of errors in automated systems, privacy breaches, and the exclusion of small or informal societies with limited access to digital tools. Reviewing the Act will help align these legal duties with the use of AI and identify where new rules or internal policies are needed.

It is noteworthy that AI tools are trained using data. Data protection is therefore a key concern in the deployment and use of AI tools, as they interact directly with users and process sensitive information. Organisations must implement robust safeguards to prevent data breaches and comply with applicable regulatory obligations. Further, clear and transparent practices regarding how customer data is collected, used and stored are essential for building trust and sustaining user confidence.

The project will analyse the Data Protection Act, which is the primary legal framework governing the processing and protection of personal data. This is very crucial for this study because AI systems deployed within the OAG will access personal and sensitive data belonging to members of the public. The Act provides a benchmark against which existing and proposed AI use and adoption within the OAG can be assessed. It will enable the research to identify governance gaps, evaluate compliance risks, and justify the need for an institution-specific policy and governance framework within the OAG.

Another key instrument is the Computer Misuse and Cybercrimes Act, which is important because AI tools rely on interconnected systems and large datasets, thereby heightening the risk of hacking, data breaches, system manipulation, and misuse of personal information. There is a need to align safeguards and offences with the Act to prevent, detect, and respond to cyber threats.

In March 2025, the Ministry of Information, Communications and Digital Economy (MICDE) launched the Kenya National Artificial Intelligence Strategy 2025-2030, which provides a roadmap for guiding AI innovation, ethical deployment, adoption and data governance. In addition to the three core pillars, that is, AI digital infrastructure, data ecosystem and AI research and innovation, in which the strategy is anchored, it prioritises healthcare, education, agriculture, and the public sector. By identifying public service delivery as a priority area for AI deployment, the strategy provides a policy foundation for evaluating existing gaps and informing the development of an institution-specific framework. This will help assess how the OAG's use of AI and adoption align with Kenya's broader AI strategy.

Further, the National AI Strategy provides for ethical principles such as fairness, transparency, human oversight, and data protection as essential standards for AI deployment and highlights the importance of strong data ecosystems that promote secure data management and privacy. These provide a relevant framework for assessing institutional practices to determine their alignment with national policy requirements.

The National AI strategy is aligned with the African Union (AU) Continental Artificial Intelligence Strategy, which was adopted in July 2024, and aims to harness AI for Africa's development and prosperity in alignment with Agenda 2063 and Sustainable Development Goals (SDGs), emphasising an Africa-centric, inclusive approach to maximise benefits while minimising risks.



The AU Continental Artificial Intelligence Strategy will form an integral part of the literature review, providing continental policy and normative context for the study. The strategy is guided by principles such as local first, ethics, inclusion, diversity, human rights, dignity, and African values, including Ubuntu, which are critical to OAG as a public institution.

It focuses on five key areas, maximising AI benefits for socio economic development and cultural renaissance which harness AI benefits for people and sectors like agriculture, health, education, and climate change, AI governance and regulation which addresses risks through governance, inclusion, human rights, and safety, building capabilities in infrastructure, data, skills, and research to leverage AI for development, minimising the risk for a responsible, safe and secure AI in Africa, and public sector and private sector investment in AI.

The key areas are supported by fifteen action areas, including establishing AI governance and regulations at regional and national levels, promoting AI adoption in public and private sectors, ensuring high-quality diverse datasets and computing infrastructure, upholding ethics respecting human rights, diversity, setting safety standards and advancing regional coordination, global participation, and partnerships, all of which provide benchmarks for evaluating OAG frameworks against continental expectations.

In addition to the above, the study will review national AI strategies, policies, and/or frameworks of other African countries. According to CIPIT, sixteen African countries have already developed AI strategies, with others in the pipeline. Public-sector implementation of AI to enhance government efficiency and optimise state management and service delivery is a pillar of the South African National AI policy framework.

This is also reflected in Rwanda's National AI Policy, which recognises the potential of AI to improve the performance and efficiency of public services and acknowledges that a few ministries and public sector agencies are already harnessing it. The same is featured in other countries' AI policies, reflecting a continental approach that positions AI as a strategic tool for improved service delivery and public-sector governance. A comparative analysis will enable the study to examine how different African countries are operationalising AI within government institutions, thereby informing recommendations in the OAG.



## 4.0 Stakeholder Mapping

According to Wairegi, Omino and Rutenberg, stakeholders in the AI ecosystem can be categorised into primary and secondary, according to how directly they influence and are impacted by AI development.<sup>16</sup>

### ▶ *Primary stakeholders*

Primary stakeholders are those with direct influence on AI development, adoption, or deployment, and whose interests and actions are central to governance outcomes.<sup>17</sup> For purposes of this study, primary stakeholders include;

- a) **ICT Department of the OAG:** The department is responsible for the implementation and maintenance of AI tools within the office. Their responsibilities include ensuring system security, data integrity, and compliance with national IT standards. They play a key role in translating governance and policy requirements into operational AI solutions and in supporting staff training on new technologies.
- b) **Staff at the OAG:** consisting of State Counsel and technical staff, including data processors who directly engage with, or are affected by, AI tools in their daily operations. As primary users of AI tools, they have first-hand experience with the opportunities and risks associated with AI adoption, making their input critical for assessing both operational effectiveness and governance challenges.
- c) **The public and clients** whose personal or sensitive information is processed by the office are primary stakeholders, as their interactions with the office will be directly affected by AI adoption, particularly with respect to privacy, data security, and service delivery. Their engagement, feedback, and participation will help ensure AI systems respect privacy, equity, and constitutional rights.

### ▶ *Secondary stakeholders*

Secondary stakeholders are those who are not directly involved in operational deployment governance, adoption, and compliance, but whose involvement is relevant. For purposes of this study, secondary stakeholders include;

16. Angeline Wairegi, Melissa Omino and Isaac Rutenberg, 'AI in Africa: Framing AI through an African Lens' (2021) Communication, technologies et développement 10 <https://doi.org/10.4000/ctd.4775> accessed 11 December 2025.

17. Ibid, the national authority responsible for AI policy, digital governance



- a) **Ministry of ICT**, the national authority responsible for AI policy, digital governance, and technology standards. For this study, their policies and frameworks provide a reference point for assessing how the OAG aligns its AI adoption with national priorities.
- b) **Office of the Data Protection Commissioner (ODPC)**, which is the office responsible for compliance with data protection and privacy laws. Their policies, decisions, and guidelines are crucial for assessing whether the OAG's AI adoption and use adhere to legal requirements for processing personal and sensitive data.

## 5.0 Significance

This capstone identifies a critical intervention at the intersection of technological innovation and constitutional governance. By focusing on the Office of the Attorney General (OAG), the project addresses a key institution that serves as the government's principal legal adviser and the primary representative of the state in legal proceedings. Consequently, the OAG's approach to AI does not merely affect internal efficiency, it also establishes an essential benchmark for the responsible adoption of technology across the entire national government.

The Capstone project identifies a critical governance gap. While the OAG has expressed clear intentions to deploy AI tools for legal aid and internal innovation hubs, it currently lacks a formal AI policy. This absence is particularly significant given that the OAG handles highly sensitive personal and financial data through departments like the Public Trustee and the Registrar General. Without a tailored framework, the adoption of AI threatens to undermine fundamental rights and freedoms guaranteed by the Constitution, including the rights to privacy, human dignity, and fair administrative action. The project is thus significant because it seeks to transition the OAG from a state of unregulated experimentation to one of structured, evidence-based governance.

This Capstone project emphasises the need for an African-centered approach to AI, moving beyond neutral global frameworks to prioritize local context, social inclusion, and decoloniality. By aligning the OAG's operations with the Kenya National AI Strategy 2025-2030 and the African Union Continental AI Strategy, the capstone project ensures that the office's modernization efforts are rooted in principles such as Ubuntu, which focus on human rights and ethics. Ultimately, the study provides a foundational blueprint for ensuring that AI is used to enhance the rule of law rather than to weaken institutional accountability and integrity.

*The Artificial Intelligence (AI) Policy Fellowship: Foundations and Governance for Policy Makers is an initiative of the East African artificial intelligence (AI) Policy Hub, designed to strengthen policy capacity on AI governance across the public sector. To date, the Fellowship has successfully equipped two cohorts of policymakers and regulators with the knowledge and tools required to engage with AI policy and governance challenges.*



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