



PRIVACY AND DATA PROTECTION POLICY

© October 2020

1. About the Policy

This Privacy and Data Protection Policy provides information on the collection, use, and sharing (collectively referred to '**processing**' or '**process**') as of personal information by Africa Lion Advisory LLP and its affiliates ("ALA", "we" or "us") in connection with your use of ALA websites, mobile applications, and social media pages that link to this Privacy Policy, your interactions with ALA during in-person meetings or at ALA events, and in the context of other offline sales and marketing activities. This Privacy Policy also explains the privacy rights you have in relation to these processing activities.

This Privacy Policy was last updated on October 2020. However, the Privacy Policy can change over time, for example to comply with legal requirements or to meet changing business needs. In case there is an important change that we want to highlight to you, we will also inform you in another appropriate way (for example via a pop-up notice or statement of changes on our website).

2. Scope

This Privacy Policy applies to the processing of personal information by ALA of:

- a. visitors and users of the various ALA sites, including our websites on <https://africalionadvisory.com/>, computer or mobile software applications and our social media pages that link to this Privacy Policy (collectively referred to as the **sites**);
- b. attendees of ALA events or ALA-sponsored events;
- c. customers and prospective customers and their representatives; and
- d. suppliers and business partners and their representatives.

When interacting with our websites, you also have the ability to link or connect with non-ALA websites, services, social networks, applications or other features. Enabling these features will lead to other parties than ALA processing information about you. ALA does not have any control over these features of other parties. We encourage you to review the privacy policies of these parties before using these features.

3. Definitions

"Consent" means any manifestation of express, unequivocal, free, specific and informed indication of the data subject's wishes by a statement or by a clear affirmative action, signifying agreement to the processing of personal data relating to the data subject;

"Data" means information which —

- a. is processed by means of equipment operating automatically in response to instructions given for that purpose;
- b. is recorded with intention that it should be processed by means of such equipment;
- c. is recorded as part of a relevant filing system;
- d. where it does, not fall under paragraphs (a) (b) or (c), forms part of an accessible record; or
- e. is recorded information which is held by a public entity and does not fall within any of paragraphs (a) to (d).

"Data controller" means a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purpose and means of processing of personal data;

"Data processor" means a natural or legal person, public authority, agency, or other body which processes personal data on behalf of the data controller;

"Data subject" means an identified or identifiable natural person who is the subject of personal data;

"Offline information" means information about you originates from our interactions with you during in-person meetings or at ALA events, conferences, workshops or gatherings;

"Online information" means information about you originates from your activities on our sites, for example, in relation with your interactions with ALA via electronic communication tools such as email or telephone. Information about you may also be provided by third party sources, such as data aggregators who may not have a relationship with you. Online information about you may also originate from the use of cookies and similar technologies (for example, pixel tags and device identifiers) on our sites or sites of third parties;

"Person" has the meaning assigned to it under Article 260 of the Constitution of Kenya;

"Personal data" means any information relating to an identified or identifiable natural person;

"Personal data breach" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed;

"Processing" means any operation or sets of operations which is performed on personal data or on sets of personal data whether or not by automated means, such as

- a. collection, recording, organization, structuring.
- b. storage, adaptation or alteration;
- c. retrieval, consultation or use;
- d. disclosure by transmission, dissemination, or otherwise making available; or
- e. alignment or combination, restriction, erasure, or destruction.

'Sensitive payment data' means data, including personalized security credentials which can be used to carry out fraud. For the activities of payment initiation, service providers and account information service providers, the name of the account owner and the account number do not constitute sensitive payment data.

"Third Party" means a natural or legal person, public authority, agency or other body, other than the data subject, data controller, data processor or persons who, under the direct authority of the data controller or data processor, are authorized to process personal data.

4. Categories of Personal Information

- a. ALA can process information about you collected both offline and online.
- b. For personal information collected about you, our basis for processing is the following:
 - In order to communicate adequately with you and to respond to your requests, we need to process information about you and therefore have a **legitimate interest** in processing this information.
 - In order to engage in transactions with customers, suppliers and business partners, and to process downloads of our services, we need to process information about you **as necessary to enter into or perform a contract** with you.

- We process personal information for marketing and sales activities based on your **consent** where so indicated on our sites at the time your personal information was collected, or further to our **legitimate interest** to market and promote and services.
 - We rely on our **legitimate interest** to analyze, develop, improve and optimize our sites, products and services, and to maintain the security of our sites, networks and systems.
 - In order to **comply with applicable laws and regulations**, such as legal processes or to process an opt-out request.
- c. Specific pieces of information about you that ALA may be collect and process includes:
- name and physical address, email addresses, and telephone numbers;
 - demographic attributes, when tied to personal information that identifies you;
 - photographs and testimonials;
 - Organization data such as the name, size and location of the Organization you work for and your role within the Organization;
 - data from surveys and publicly available information, such as social media posts;
 - call recording and chat transcript data from customer support calls and live chat sessions;
 - unique IDs such as your mobile device identifier or cookie ID on your browser;
 - IP address and information that may be derived from IP address, such as geographic location;
 - information about a device you use, such as browser, device type, operating system, the presence or use of “apps”, screen resolution, and the preferred language; and
 - behavioral data of the internet connected computer or device you use when interacting with the sites, such as advertisements clicked or viewed, sites and content areas, date and time of activities or the web search used to locate and navigate to a site.
- d. Please note that ALA does not control the content that you may post to ALA forums or social networks; in some cases, such content may be publicly available on the Internet. You should carefully consider whether you wish to submit personal information to these forums or social networks and whether you wish to make your profile available to other users, and you should tailor any content you may submit accordingly.

5. Data Protection Principles

ALA is committed to processing data in accordance with its responsibilities under the ***Data Protection Act, 2019***. Section 25 of the Act requires that processing of personal data shall abide by the principles of data protection including;

- a. Processing personal data in accordance with the right to privacy of the data subject;
- b. Processing personal data lawfully, fairly and in a transparent manner in relation to any data subject;
- c. Collecting personal data for explicit, specified and legitimate purposes and not further purposes;
- d. Collecting personal data directly from the Customers, a fact which shall be disclosed to the Customer at the time of collection;

- e. Processing personal data in a manner incompatible with those purposes;
- f. Ensuring personal data is adequate, relevant, limited to what is necessary in relation to the purposes for which it is processed;
- g. Collecting personal data only where a valid explanation is provided whenever information relating to family or private affairs is required;
- h. Ensuring personal data is accurate and, where necessary, kept up to date, with every
- i. reasonable step being taken to ensure that any inaccurate personal data is erased or rectified without delay;
- j. Keeping personal data in a form which identifies the data subjects for no longer than is necessary for the purposes which it was collected; and
- k. Not transferring personal data outside Kenya, unless there is proof of adequate data protection safeguards or consent from the data subject.

6. General Provisions

- a. This policy applies to all personal data processed by ALA.
- b. The Data Protection Officer shall take responsibility for ALA's ongoing compliance with this Policy.
- c. The personal data shall not be used for commercial use, unless express consent has been obtained from the Customers.

7. Data Protection Officer

- a. ALA shall appoint a Data Protection Officer who shall be responsible for:
 - advise the data controller or data processor and their employees on data processing requirements provided under this Act or any other written law;
 - ensure on behalf of the data controller or data processor that this Act is complied with;
 - facilitate capacity building of staff involved in data processing operations;
 - provide advice on data protection impact assessment; and
 - cooperate with the Data Commissioner and any other authority on matters relating to data protection.
- b. The Data Protection Officer may be an employee and fulfil other tasks that result in conflict of interest

8. Lawful Purposes

- a. All data processed by ALA must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests.
- b. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
- c. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in ALA's systems.

9. Sharing within ALA

- a. Information about persons may be shared throughout ALA's affiliates, subsidiaries and/or related organizations.
- b. ALA employees are authorized to access personal information only to the extent necessary to serve the applicable purpose(s) and to perform their job functions.

10. Sharing with Third Parties

- a. We may share personal information with the following third parties for a business purpose:
 - Third-party service providers (for example, credit card processing services, order fulfilment, analytics, event/campaign management, website management, information technology and related infrastructure provision, customer service, e-mail delivery, auditing, and other similar service providers) in order for those service providers to perform business functions on behalf of ALA;
 - Relevant third parties in the event of a reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of our business, assets or stock (including in connection with any bankruptcy or similar proceedings);
 - As required by law, such as to comply with a legal process, when we believe in good faith that disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate fraud, or respond to government requests, including public and government authorities outside your country of residence, for national security and/or law enforcement purposes.
- b. We may share personal information with the following third parties for a commercial purpose:
 - ALA distributors or resellers for further follow-up related to your interests, specific partners that offer complementary products and services or with third parties to facilitate interest-based advertising.
- c. When third parties are given access to personal information, we will take appropriate contractual, technical and organizational measures designed to ensure that personal information is processed only to the extent that such processing is necessary, consistent with this Privacy Policy, and in accordance with applicable law.

11. Customers' Rights

In all transactions, the Organization shall ensure that the data subject have rights:

- a. to be informed of the use to which their personal data is to be put;
- b. to access their personal data in custody of data controller or data processor;
- c. to object to the processing of all or part of their personal data;
- d. to correction of false or misleading data; and
- e. to deletion of false or misleading data about them.

12. Data Minimization

- a. ALA shall ensure that personal data are adequate, relevant and limited to what is necessary in

relation to the purposes for which they are processed.

13. Accuracy

- a. ALA shall take reasonable steps to ensure personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

14. Archiving / Removal

- a. To ensure that personal data is kept for no longer than necessary, ALA shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
- b. The archiving policy shall consider what data should/must be retained, for how long, and why.

15. Security

- a. ALA shall ensure that personal data is stored securely using modern software that is kept-up-to-date.
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorized sharing of information.
- c. When personal data is deleted this should be done safely such that the data is irrecoverable.
- d. Appropriate back-up and disaster recovery solutions shall be in place.

16. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data, ALA shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the Data Protection Commissioner.

17. Dispute Resolution

If you have any complaints regarding our compliance with this Privacy Policy, please contact us first. We will investigate and attempt to resolve complaints and disputes regarding use and disclosure of personal information in accordance with this Privacy Policy and in accordance with applicable law.

If you have an unresolved privacy or data use concern that you believe we have not addressed satisfactorily, the same shall be forwarded for arbitration when other dispute resolution procedures have been exhausted. You also have the right to file a complaint with a competent Data Protection Commissioner.

18. Review

The Organization shall regularly review this Policy, in line with the Laws of Kenya and to ensure maximum protection of the Customers' personal data.

CONTACT US:

info@africalionadvisory.com

(+254) 0110-095547; (+254) 0110-095548

Approval

APPROVED BY:





Managing Partner: **ANDREW WACHIRA GICHU**

Signature *Andrew Wachira*

Date 15 / 10 / 2020

Partner **NOB SIX LIMITED**

Signature  

Date 15 / 10 / 2020