DATA PRIVACY POLICY

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TABLE OF CONTENTS

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DEFINITIONS

The following definitions shall apply to the terms used in this Data Privacy Policy. These definitions are meant to ensure that there is a common understanding, meaning, and interpretation of the terms or words:

Term	Definition
Anonymization	The removal of personal identifiers from Personal Data so that the Data Subject is no longer identifiable
Consent	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 Controller	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	A natural or legal person, public authority, agency or other body which processes Personal Data on behalf of the data controller
Data Subject	An identified or identifiable natural person who is the subject of Personal Data
DPA or "The Act"	The Data Protection Act, 2019
Personal Data	Any information relating to an identifies or identifiable natural person
Personal Data Breach	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
Personnel	All employees, workers, contractors, agency workers, consultants, directors and board members of EDOMx Limited.
Profiling	Any form of automated processing of Personal Data consisting of the use of Personal Data to evaluate certain personal aspects relating to a natural person, in particular to analyze or predict aspects concerning that natural person's race, sex, pregnancy, marital status, health status, ethnic social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth; personal preferences, interests, behavior, location or movements;
Data Protection Officer	The individual in EDOMx Limited generally responsible for data protection compliance

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Processing	Any operation or sets of operations performed on Personal Data or on sets of Personal Data whether or not by automated means
Sensitive Personal Data	Data revealing the Data Subject's race, health status, ethnic social origin, conscience, belief, genetic data, biometric data, property details, marital status, family details including names of the person's children, parents, spouse or spouses, sex or the sexual orientation of the Data Subject
Third party	Natural or legal person, public authority, agency or other body, other than the Data Subject, data controller, data processor, or persons who, under direct authority of the data controller or data processor, are authorized to process Personal Data

Unless otherwise states, words and expressions defined in the Data Protection Act, 2019 and or the Data Protection (General) Regulations, 2021 and used in this policy shall have the same meaning.

LIST OF ABBREVIATIONS

The following definitions shall apply to the abbreviations used in this policy in light of the relevant common definitions of terms given in the Data Protection Act, 2019 and the Data Protection Regulations, 2021 and any other relevant laws and regulations:

DPA: Data Protection Act, 2019
DPO: Data Protection Officer
ODPC: Office of the Data Protection Commissioner

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1. INTRODUCTION

1.1 EDOMx Limited (hereafter “EDOMx”, “the Company”, “We” or “Us”) relies on Personal Data for a broad range of activities.

1.2 We recognize the importance of Personal Data and it is our obligation to ensure that we protect the Personal Data entrusted to us.

1.3 This Data Privacy Policy sets out how EDOMx handles the Personal Data of customers, Personnel, and other third parties.

1.4 EDOMx is committed to implementing and maintaining sound Data Protection practices as envisaged in the DPA.

2. SCOPE

2.1 This Data Privacy Policy applies to all Personnel of EDOMx. You must read, understand and comply with this Data Privacy Policy.

2.2 This Data Privacy Policy is an internal document and cannot be shared with third parties.

3. ROLE OF THE BOARD

3.1 EDOMx recognizes the importance and value of the personal identifiable information that it handles on behalf of its Personnel in the course of business.

3.2 The policy provides a platform where the Personnel are mandated to protect the confidentiality of such personal identifiable information and transactions.

3.3 The Board shall align its conduct with the values and principles laid out in this policy and ensure these values are adhered to in all aspects of the EDOMx’s business.

3.4 The Board is responsible for ensuring that EDOMx has a culture of compliance and effective controls to comply with data protection laws and regulations to prevent, recognize and respond to data privacy breaches and communicate the serious consequences of non-compliance to employees, suppliers and partners.

3.5 It also has a responsibility to establish appropriate data privacy procedures, provide oversight on the management of customers’ and Personnel Personal Data.

3.6 The Board shall assure shareholders that the data protection risk is well managed.

3.7 The Board is mandated to ensure adequate training of staff in the protection of customers’ and employees’ Personal Data.

4. ROLE OF MANAGEMENT

4.1 The Management team of EDOMx shall develop effective administrative, technical and physical security controls for the Company.

4.2 Management shall ensure that all employees are aware of EDOMx’s data protection obligations by making sure that they have access to this and related policies.

4.3 Management staff are responsible for ensuring that organizational, human resources, and technical measures are in place so that any data processing is carried out in accordance with applicable data protection laws and regulations.

4.4 Management shall ensure that their employees are sufficiently trained in data protection.

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4.5 Management, together with the data protection officer, shall ensure that any Personal Data Breach is reported to the ODPC within the timelines prescribed by legal and regulatory provisions.

5. ROLE OF STAFF

5.1 The policy provides a platform where employees and suppliers of EDOMx are mandated to protect the confidentiality of such personal identifiable information and transactions.

5.2 The Employees of EDOMx shall align its conduct with the values and principles laid out in this policy and ensure these values are adhered to in all aspects of the Company's business.

5.3 Staff shall attend any data privacy training and awareness sessions organized by EDOMx.

5.4 Staff shall report any data breach to the designated data protection officer on a timely basis.

6. PERSONAL DATA PROTECTION PRINCIPLES

6.1 EDOMx adheres to the principles and obligations of Personal Data protection, ensuring Personal Data is:

- 6.1.1 Processed in accordance with the right to privacy of the Data Subject;
- 6.1.2 Processed lawfully, fairly, and in a transparent manner in relation to any Data Subject;
- 6.1.3 Collected for explicit, specified and legitimate purposes and not further processed in a manner incompatible with those purposes;
- 6.1.4 Adequate, relevant, limited to what is necessary in relation to the purposes for which it is processed;
- 6.1.5 Collected only where a valid explanation is provided whenever information relating to family or private affairs is required;
- 6.1.6 Accurate and, where necessary, kept up to date, with every reasonable step being taken to ensure that any inaccurate Personal Data is erased or rectified without delay;
- 6.1.7 Kept in a form which identifies the Data Subjects for no longer than is necessary for the purposes which it was collected; and
- 6.1.8 Not transferred outside Kenya unless there is proof of adequate data protection safeguards or consent from the Data Subject.

6.2 EDOMx is responsible for and must be able to demonstrate compliance with the principles listed above.

7. LAWFULNESS, FAIRNESS, TRANSPARENCY

7.1 Lawfulness and fairness

- 7.1.1 The DPA allows for the processing of Personal Data in the following circumstances:

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7.1.1.1 Where the Data Subject consents to the processing for one or more specified purposes

7.1.1.2 Where the processing is necessary for:

a) The performance of a contract with the Data Subject;
b) Compliance with legal obligations;
c) The protection of the Data Subject's vital interests;
d) The performance of tasks in the public interest or by a public authority;
e) The pursuance of legitimate interests for purposes except where they are overridden because the Processing would prejudice the interests or fundamental rights and freedoms of Data Subjects; or
f) The purpose of historical, statistical journalistic, literature and art or scientific research.

7.2 Consent

7.2.1 It will be taken that a Data Subject consents to processing of their Personal Data if they indicate agreement clearly either by a statement or positive action.

7.2.2 Silence, pre-ticked boxes or inactivity are not sufficient to demonstrate consent.

7.2.3 Data Subjects must be able to withdraw consent at any time and withdrawal must be promptly honoured.

7.2.4 Consent may need to be refreshed if the EDOMx intends to Process Personal Data for a different and incompatible purpose which was not disclosed when the Data Subject first consented.

7.2.5 EDOMx will need to evidence Consent and keep records accordingly.

7.3 Transparency

7.3.1 If EDOMx is collecting Personal Data from Data Subjects (directly or indirectly), then EDOMx must provide the Data Subjects with a Privacy Notice which is concise, transparent, intelligible, easily accessible and in clear and plain language.

7.4 Data Minimization

7.4.1 Personal Data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

7.4.2 EDOMx must ensure that when the Personal Data is no longer needed for the specified purposes it was collected for, it is deleted or anonymized in accordance with the Company's retention guidelines.

7.5 Storage Limitation

7.5.1 EDOMx will adopt and maintain Personal Data retention guidelines to ensure that Personal Data is deleted or anonymized a reasonable time after the purpose it was being held for has lapsed, unless a law requires that data be kept for a minimum time.

7.5.2 EDOMx will take all reasonable steps to destroy or erase from its systems all Personal Data that is no longer required in accordance with the Company's data retention guidelines. This includes requiring third parties that it has shared the data with to delete that data where applicable.

7.5.3 EDOMx will ensure Data Subjects are informed of the period for which Personal Data is stored and how that period is determined in the Privacy Notice.

7.6 Transfer of Personal Data outside Kenya

7.6.1 Personal Data may not be transferred to countries outside Kenya unless there is proof of adequate data protection safeguards.

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7.6.2 EDOMx will adhere to such guidelines as may be published by the ODPC from time to time regarding what constitutes adequate data protection safeguards.

7.6.3 EDOMx will only transfer Personal Data to a jurisdiction outside of Kenya if;

7.6.3.1 We have given proof to the Data Commissioner of the appropriate safeguards with respect to the security and protection of the Personal Data, including proof that the jurisdiction has commensurate data protection laws; or

7.6.3.2 The transfer is necessary for:

a) for the performance of a contract between the Data Subject and EDOMx or implementation of pre-contractual measures taken at the Data Subject's request;
b) for the conclusion or performance of a contract concluded in the interest of the Data Subject between EDOMx and another person;
c) for any matter of public interest;
d) for the establishment, exercise or defence of a legal claim;
e) in order to protect the vital interests of the Data Subject or of other persons, where the Data Subject is physically or legally incapable of giving consent; or
f) for the purpose of compelling legitimate interests pursued by EDOMx which are not overridden by the interests, rights and freedoms of the Data Subjects;

8. DATA PROTECTION BY DESIGN AND BY DEFAULT

8.1 Data Protection by Design

8.1.1 EDOMx is required to implement appropriate technical and organizational measures to ensure compliance with the data privacy principles laid out in clause 6.

8.1.2 EDOMx should conduct a Data Protection Impact Assessment (DPIA) where a processing operation is likely to result in high risk to the rights and freedoms of a Data Subject.

8.1.3 Particularly, EDOMx should conduct a DPIA before:

8.1.3.1 Implementing new technologies;

8.1.3.2 Developing and deploying new software applications;

8.1.3.3 Implementing Automated Processing including profiling and Automated Decision Making

8.1.3.4 Carrying out a large-scale Processing of Sensitive Personal Data; and

8.1.3.5 Carrying out a large-scale, systematic monitoring of Data Subjects in publicly accessible areas.

8.1.4 A DPIA must include:

8.1.4.1 A description of the processing, its purposes and EDOMx's legitimate interests;

8.1.4.2 An assessment of the necessity and proportionality of the Processing in relation to its purpose;

8.1.4.3 An assessment of the risk to Data Subjects; and

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8.1.4.4 The measures envisaged to address the risks and the safeguards, security measures and mechanisms to ensure the protection of Personal Data.

8.2 Data Protection by Default

8.2.1 Personal Data must be secured by appropriate technical and organizational measures against unauthorized or unlawful processing and against accidental loss, damage or destruction.

8.2.2 EDOMx will develop, implement and maintain safeguards appropriate to the size, scope and business of the Company.

8.2.3 EDOMx will regularly evaluate and test the effectiveness of those safeguards to ensure security of the Personal Data we hold.

8.2.4 EDOMx will follow all procedures and technologies put in place to maintain the security of all Personal Data from the point of collection to the point of destruction.

8.2.5 EDOMx will maintain data security by protecting the confidentiality, integrity and availability of Personal Data, defined as follows

8.2.5.1 *Confidentiality* means that only people who have a need to know and are authorized to use the Personal Data can access it;

8.2.5.2 *Integrity* means that Personal Data is accurate and suitable for the purpose for which it is processed; and

8.2.5.3 *Availability* means that authorized users are able to access the Personal Data when they need it for authorized purposes.

9. DATA SUBJECT RIGHTS AND REQUESTS

9.1 Data Subjects have rights regarding how their Personal Data is handled. This includes:

9.1.1 The right to withdraw consent to processing at any time;

9.1.2 The right to receive information about EDOMx's Processing activities;

9.1.3 The right to request access to their Personal Data that EDOMx holds;

9.1.4 The right to prevent EDOMx from using their Personal Data for direct marketing purposes;

9.1.5 The right to as EDOMx to erase their Personal Data if it is no longer necessary in relation to the purposes for which it was collected;

9.1.6 The right to rectify inaccurate data or complete incomplete data;

9.1.7 The right to object to or restrict processing in certain circumstances

9.1.8 The right to object to decisions bases solely on Automated processing including profiling, which produces legal effects concerning or significantly affects the Data Subject;

9.1.9 The right to be notified of a Personal Data breach which is likely to result in a risk to their rights and freedoms; and

9.1.10 The right to receive or ask for their Personal Data to be transferred to another data controller or data processor in a structured, commonly used and machine-readable format.

9.2 All Data Subject request received by the company must be immediately forwarded to the DPO for further processing of the request.

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10. TRAINING

10.1 All Personnel shall be aware of their responsibilities and those of EDOMx with regard to data protection including the penalties of non-adherence, and comprehensive training shall be provided to all Personnel on the same.

10.2 All Personnel will be required to sign an undertaking confirming that they have read and understood EDOMx's data privacy policy.

10.3 Changes to this Policy shall be communicated to the staff in a reasonable and timely manner.

11. AUDIT

11.1 EDOMx must also regularly test its systems and processes to assess compliance with data privacy laws.

12. SHARING OF PERSONAL DATA

12.1 EDOMx does not share Personal Data with third parties unless certain safeguards and contractual arrangements have been put in place.

12.2 EDOMx may only share Personal Data with third parties if:

- 12.2.1 They have a need to know the information for the purposes of providing the contracted services;
- 12.2.2 Sharing the Personal Data complies with the Privacy Notice provided to the Data Subject and, if required, the Data Subject's Consent has been obtained;
- 12.2.3 The third party has agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place;
- 12.2.4 The transfer complies with any applicable cross-border transfer restrictions;
- 12.2.5 A fully executed written contract that contains data protection-specific third-party clauses has been entered into;
- 12.2.6 There is a requirement in the contract that if the third party enlists another party, that they are to be held to the same privacy policies as EDOMx; and
- 12.2.7 Adequate breach detection and notification procedures are in place.

13. REPORTING A PERSONAL DATA BREACH

13.1 The DPA requires EDOMx to notify any Personal Data Breach to the ODPC and, in certain circumstances, the Data Subjects impacted by the breach.

13.2 Incidents must be communicated to the DPO immediately as EDOMx is required to notify the ODPC within seventy-two (72 hours).

13.3 If you know or suspect that a Personal Data Breach has occurred, do not attempt to investigate the matter yourself. Immediately contact the DPO.

13.4 You should preserve all evidence relating to the potential Personal Data Breach.

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14. THE DPO

14.1 The DPO is responsible for overseeing the implementation of this Data Privacy Policy.

14.2 Please contact the DPO with any questions concerning the operation of this Data Privacy Policy or any concerns that this Data Privacy Policy is not being followed.

14.3 You must always contact the DPO in the following circumstances:

- 14.3.1 If you are unsure of the lawful basis the Company is relying on to process Personal Data;
- 14.3.2 If you need to rely on consent and/or need to capture consent;
- 14.3.3 If you need to draft a privacy notice;
- 14.3.4 If you are unsure about the retention period for the personal for the Personal Data being processed;
- 14.3.5 If you are unsure about what security or other measures the Company needs to implement to protect Personal Data;
- 14.3.6 If there has been a Personal Data breach;
- 14.3.7 If you are unsure on what basis to transfer Personal Data outside of Kenya;
- 14.3.8 If you need any assistance dealing with any requests from a Data Subject;
- 14.3.9 If the Company is planning to use Personal Data for purposes other than what it was collected for;
- 14.3.10 If the Company plans to undertake any activities involving automated decision making;
- 14.3.11 If you need help complying with the DPA when carrying out direct marketing; or
- 14.3.12 If you need help with any contracts or other areas in relation to sharing of Personal Data with third parties.

14.4 The contact details of the DPO are as follows:

- 14.4.1 Email Address: privacy@edomx.com
- 14.4.2 Phone Number: +254 701 220220

15. NON-COMPLIANCE

15.1 Failure to adhere to this policy could result in disciplinary action or possible dismissal.

16. REVIEW OF THE POLICY

16.1 This policy will be revised and updated on a needs basis when there are developments in the law relating to data privacy and protection.

16.2 Interim review and revision will be discussed and agreed upon by the management to ensure that it is in line with the changing environment and internal working conditions.

16.3 A copy of this Policy shall be made available to all Personnel and any other stakeholder deemed appropriate to access the document.

16.4 This version is the initial one.

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