

POLICY NUMBER: CS/POL/305

ORGANISATION: FSD AFRICA

TITLE: ONLINE PRIVACY POLICY

EFFECTIVE DATE ----- SEPTEMBER 2021

VERSION: 2023 NOVEMBER

Policy Summary

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| Title | Online Privacy Policy | |
| Version | August 2021 v0.3 | |
| Confidentiality | Public | |
| Owner | Director of Corporate Services | |
| Review date | November 2023 | |
| Frequency of review | After two years of operation, every two years subsequently | |
| Background | <p>A privacy policy is a legally required document that is used to disclose the practices of an organisation on protecting personal information of users.</p> <p>Respecting its users' right to privacy FSD Africa has developed this Online Privacy Policy. The Policy is designed to protect users' online privacy by making users of our websites aware of the organisation's procedures on the information collected from website visitors.</p> | |
| Related Policies | <ul style="list-style-type: none"> ▪ Data Protection Policy ▪ Website Terms and Conditions ▪ Cookie Policy | |
| Policy Reviewers | Director Corporate Services | |
| | EXCO | |
| | Chief Financial Officer/ Director Corporate Services | |
| | Staff Consultative Committee Representative | |
| Policy Approvers | Director Corporate Services | |
| | CEO | |
| | NRC Chair | |
| | Legal | |
| What has changed in the current version | <p>Inclusion of Clause 1 as an introduction of the document</p> <p>Clause 2 amended by adding a heading to it "Owner and Data Controller". The clause has also been amended by adding the definition of "personal information".</p> | |

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| | <p>Inclusion of Clause 3</p> <p>Inclusion of Clause 4</p> <p>The heading in Clause 5 is amended to read “How we collect information”. This has been amended under the different sub-headings which are.</p> <ul style="list-style-type: none"> ▪ Information you give us. ▪ Information we collect about you. ▪ Information we receive from other sources. <p>The heading in Clause 6 is amended to read “Use of your personal information”. The clause has been amended by adding the following information.</p> <ul style="list-style-type: none"> ▪ to comply with applicable laws and regulations ▪ to ensure we know if and how you prefer to be contacted. ▪ to keep record of your relationship with us <p>Clause 6 was amended by adding.</p> <p>“We do not knowingly collect and manage personal information from children and if a child has provided Us with your personal information without your consent, please contact us through the communication channel listed below.</p> <p>We will ask for your permission before using personal data for purposes other than those set out in this policy.”</p> <p>Inclusion of Clause 7</p> <p>Clause 8 is amended to read “Third Party disclosure”. The clause is also amended by adding the following:</p> <p>“We do not sell, rent, or lease our user lists to third parties”.</p> <p>“All such third parties are prohibited from using your personal information except to provide these services to us, and they are required to maintain confidentiality of your information.</p> <p>“We will only disclose your personal information, without notice only if required to do so by law or in good faith belief that such action is necessary to</p> <ul style="list-style-type: none"> ▪ Conform to the edicts of the law or comply with legal process served on us or our website. ▪ Act under exigent circumstances to protect the personal safety of our users, or the public and ▪ Protect and defend our property rights. Otherwise, we will seek your consent and agreement to disclose your information. <p>The heading in Clause 9 is amended to read “Storing your information and cross border data transfers”. The wordings in the</p> |
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| | <p>clause have been amended to indicate the extent to which information may be available on the website.</p> <p>Inclusion of Clause 10</p> <p>Clause 12 is wholly amended.</p> <p>The heading “Our contact details” has been deleted and the contents of this clause merged with Clause 13 on “Changes to our privacy policy”.</p> <p>Clause 13 is amended by adding that the contact person answerable for the Privacy Policy on behalf of FSD Africa to the public to be the Director Corporate Services. The clause also been amended to add the number of days it will take to respond to any queries with relation to the Privacy Policy.</p> |
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Introduction

Financial Sector Deepening Africa and FSD Africa (Investments) Limited (collectively referred to as “FSD Africa”, “we”, “our” or “us” in this privacy policy) take your privacy seriously and we are committed to protecting your personal data. This Online Privacy Policy (the “Policy”) will inform you as to how we collect and process your personal data, including any data you may provide through this website when you use it, when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

As entities established and operating in Kenya, we must comply with the Kenya Data Protection Act, 2019 and the regulations promulgated under it from time to time (together, **the DPA**) in relation to data protection and privacy, as well as any other applicable data protection laws and regulations.

1. Important Information and who we are

Purpose of this Policy

This Policy aims to give you information on how FSD Africa collects and processes your personal data through your use of this website, including any data you may provide through this website when you sign up to our newsletter or when you register on our consultant database ushauri.fsdafrica.org

It is important that you read this Policy together with any other privacy policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This Policy supplements other notices and privacy policies and is not intended to override them.

Data Controller

FSD Africa is the data controller and is responsible for your personal data. The Director Corporate Services is responsible for overseeing questions in relation to this Policy. If you have any questions about this Policy, including any requests to exercise your legal rights, please contact the Director Corporate Services using the details set out in paragraph 12 below.

For the purpose of this Policy, ‘personal data’ or ‘personal information’ means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

2. The data we collect about you

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data:** includes first name, last name, [username or similar identifier], [marital status,] title, date of birth, gender, photo.
- **Contact Data:** includes telephone number(s), e-mail address and postal address.
- **Technical and Usage Data:** includes the internet protocol (IP) address used to connect your computer to the internet; your login information; browser type and version; time zone setting and location; browser plug-in types and versions; operating systems and platforms; domain names; Uniform Resource Locators (URL) clickstream to, through, and from our

website (including date and time); matters that you viewed or searched for; page response times; download errors; length of visits to certain pages, page interaction information (such as scrolling, clicks and mouse-overs); methods used to browse to and away from the page; referring website addresses and other technology on the devices you use to access this website.

- **Profile Data:** includes your username and password, your interests, preferences, feedback and survey responses.
- **Communications Data:** includes your communication preferences.
- Professional details such as job experience and career history, educational background and professional membership, published articles, language skills.
- Family and beneficiary details for insurance and pension planning services such as the names, gender, nationality, and dates of birth)
- Financial information such as taxes, bank details, payrolls
- Image of that may be collected by CCTV at our offices.
- We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Policy.

We do not typically collect sensitive personal data (e.g. race or ethnic social origin, conscience or belief, health status, genetic data, biometric data, property details, marital status, family details including names of your children, parents, spouse or spouses, sex or sexual orientation). Nor do we collect any information about criminal convictions and offences.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel a service you have with us, but we will notify you if this is the case at the time.

3. How we collect information

Information you give us. You may give us information (e.g., Identity and Contact Data) through:

- Filling in forms on our website (www.fsdafrica.org) or by corresponding with us by telephone, email or otherwise.

- Registering or signing up for events, newsletters or publications on the website.
- Posting content or communicating via our website,
- Reporting a problem with our site and/or when you are providing us with feedback on our services or complete surveys.
- Registering as an individual or firm consultant on Ushauri.fsdafrica.org
- Job application via linked in, BambooHR or other job related websites

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Information we collect about you. As you interact with our website we may automatically collect Technical and Usage Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs, and other similar technologies. [We may also receive Technical Data about you if you visit other websites employing our cookies.] Please see our [\[Link to Cookie Policy\]](#) for further details.

Information we receive from third parties or other publicly available sources. We will receive personal data about you from various third parties and public sources as set out below:

- Identity and Contact Data - through your use of social media such as Twitter, YouTube or LinkedIn.
- Technical Data from analytics providers (e.g., Google)

4. Use of your personal information.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- For the performance of a contract with you or in order to take steps you have requested before we enter into a contract with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data although we will get your consent before sending any marketing or other commercial communications to you. You have the right to withdraw consent to marketing or other commercial communications at any time by contacting us.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about

the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

| Purpose/Activity | Type of Personal Data | Lawful basis for processing including basis of legitimate interest |
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| to provide you with such information as you may seek from us | (a) Identity (b) Contact | Performance of a contract with you |
| to inform you as to any key developments or events in the context of FSD Africa and of its activities and/or to inform you about any changes to our activities and any changes to this Policy | (a) Identity (b) Contact (c) Profile (d) Communications | (a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our services) (d) (In the case of events) your consent |
| to ensure that content from our website is presented in the most effective manner for you and for your computer | (a) Identity (b) Contact (c) Profile (d) Technical and Usage (e) Communications | Necessary for our legitimate interests (to study how customers use our services, to develop them, to grow our business and to inform our strategy) |
| to ensure we know if and how you prefer to be contacted | (a) Identity (b) Contact | Necessary for our legitimate interests (to keep our records updated) |
| to keep record of your relationship with us; | (a) Identity (b) Contact (c) Profile (d) Communications | Necessary for our legitimate interests (to study how customers use our services, to develop them, to grow our business, to keep our records updated and to inform our strategy) |
| to administer our website for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes | (a) Identity (b) Contact (c) Technical and Usage | (a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation |
| to carry out analysis and research to improve our website, services, publications, events and activities more generally | (a) Identity (b) Contact (c) Profile (d) Technical and Usage (e) Communications | (a) Necessary for our legitimate interests (to study how customers use our services, to develop them, to grow our business and to inform our strategy) (b) (In the case of events) your consent |

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| as part of our efforts to prevent and detect fraud and abuse and to keep our website safe and secure | (a) Identity (b) Contact (c) Technical and Usage | (a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation |
| to make suggestions and recommendations to you about matters that may be of interest to you | (a) Identity (b) Contact (c) Profile (d) Technical and Usage (e) Communications | Necessary for our legitimate interests (to develop our products/services and grow our business) |

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. You may object to the additional use.

Please note that we may sometimes be required by law to process your personal data without your knowledge or consent. In such cases, we will inform you of the processing once we are able to do so.

This website may include links to third-party websites, plug-ins, and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. When you leave our website, we encourage you to review the privacy policy of every website you visit. We do not control these third-party websites and are not responsible for their privacy policies.

5. Cookies

Our website uses small files which are stored on your hard drive by our browser (“**cookies**”) to distinguish you from other users of our website and to monitor your use of the website during the time that you access it. This helps us to provide you with a good experience as and when you visit our website and allows us to improve our website. Cookies do not give us access to your computer or to any information about you other than the information that you have chosen to share with us. You can stop your browser from accepting cookies, but if you do so, some parts of our website may not work. For detailed information on the cookies, we use and for the purposes for which we use them please see our Cookie Policy.

For further explanation of cookies, see aboutcookies.org

6. Third Party disclosure

Internal Third Parties

We may share your personal data for the purposes set out in the table set out in paragraph 5 above with any member of our corporate group such as the FSD Network members¹ which means any subsidiaries² we may have, any holding company and any subsidiaries of any such holding company each as defined in accordance with Kenyan law (as from time to time amended).

External Third Parties

We do not sell, rent, or lease our user lists to third parties.

We may share your personal data with selected external third parties including:

- Our server providers;
- partners, advisers, service providers and sub-contractors for the performance of any arrangement we enter into with them or with you;
- analytics and search engine providers and engineers that assist us in the improvement and optimisation of our website;
- to the extent necessary in the event of a reorganisation and/or a restructuring of our business; and
- if we are under a duty to disclose or share your information in order to comply with any legal, audit, public accountability or other obligation (including for the purposes of fraud protection).

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

7. Data Transfers

We store your personal data outside Kenya, in secure servers in the UK. We do so to ensure that the safeguards we have adopted in respect of your personal data are commensurate with industry standards and available technology. We ensure that the countries outside Kenya to which we transfer your personal data offer appropriate safeguards which are commensurate to Kenya's. Where we need to transfer your sensitive personal data outside Kenya, we will seek your consent after informing you of the risks involved. We will also ensure appropriate safeguards exist.

For our users who are in Europe, please note that the information that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area ("EEA") and it may also be processed by staff operating outside the EEA who work for us or for a member of our corporate group or for any of our service providers or sub-contractors. These countries may not have the same level of protection. If necessary, we will ask the party to whom we transfer your personal data to agree to our privacy policies and associated practices.

¹ These currently include AFR (Rwanda), EFINA (Nigeria), FinMark Trust (South Africa), FSD Kenya, FSD Mozambique, FSD Tanzania, FSD Uganda, FSD Zambia, and includes a new FSD in Ethiopia.

² FSD Africa (Investments) Ltd is a subsidiary also funded by FCDO.

Any personal information that you may submit for publication on the website will be published on the internet and may be available around the world.

By submitting your information to us you agree to this transfer, storing or processing.

8. Retention period

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

9. Data Security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach. In the event your personal data is unlawfully accessed, we will comply with our obligations under the DPA to notify the Data Commissioner. Subject to our assessment of the risk posed to you, and guidance from the Data Commissioner, we will also notify you of the personal data breach and what you can do to protect yourself against any possible harm.

10. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Under the Kenya Data Protection Act 2019, these include the right:

- a) to be informed of the use to which your personal data is to be put;
- b) to access your personal data in our custody;
- c) to object to the processing of all or part of your personal data;
- d) to the correction of false or misleading data about you;
- e) to not be subjected to automated individual decision making;
- f) to receive your personal data in a portable format in the event you wish to transfer it to another data controller or data processor; and
- g) to the deletion of false or misleading data about you.

You may have other legal rights under other applicable data protection laws.

If you wish to exercise any of the rights set out above, please contact us using the contact details

in paragraph 12 of this Policy. For some of these rights, there are statutory forms you may be required to use and certain timelines for us to adhere to. We will ensure we process your requests within the timelines stipulated in the DPA and may charge a reasonable fee if allowed by the law.

11. Changes to our privacy policy and your duty to inform us of changes

We may make changes to this Policy from time to time.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

12. Our Contact Details

For any queries, complaints, or concerns regarding our Policy, how we process or protect personal data, or to update your personal data you can write to us, email us or call us on:

Data Protection Officer
Financial Sector Deepening Africa
Green Suites Palm Suite, Riverside Drive
P.O. Box 5980,00100
Nairobi, Kenya.
email: dataprotection@fsdafrica.org.

We aim to provide an initial response to your communication within 14 days.

You also have the right to make a complaint at any time to the Data Protection Commissioner, the Kenyan regulator for data protection issues at <https://www.odpc.go.ke> . We would, however, appreciate the chance to deal with your concerns before you approach the Data Protection Commissioner, so please contact us in the first instance.