

DATA PRIVACY NOTICE

for

FANUSI STUDY CENTRE

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1 INTRODUCTION

- 1.1 At Fanusi Study Centre, we are committed to protecting your privacy and Personal Data. This Data Privacy Notice (the "**Notice**") explains how we collect, use, process, disclose, and protect your Personal Data when you interact with our centre, activities, and social media platforms. We are dedicated to upholding your privacy rights in accordance with any applicable laws or regulations.
- 1.2 This Notice applies to all individuals whose Personal Data is processed by the Centre. This includes, but is not limited to residents of the centre, university students and young professionals taking part in the activities offered in the centre, suppliers and contractors, members and their families, guests and children. We encourage you to read this Notice carefully to understand our practices regarding your Personal Data and how we process it.

2 DEFINITIONS

- 2.1 **Breach:** Any breach of security resulting in the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or unauthorized access to, Personal Data.
- 2.2 **Children:** Individuals below the age of eighteen (18) years.
- 2.3 **Consent:** Any express, unequivocal, free, specific and informed indication of the data subject's agreement to the Processing of their Personal Data communicated by a clear and affirmative statement or action.
- 2.4 **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.
- 2.5 **Data Processor:** A natural or legal person, public authority, agency or other body which processes Personal Data on behalf of the Data Controller.
- 2.6 **Data Protection Laws:** The Data Protection Act, 2019 and the regulations thereunder.
- 2.7 **Data Subject or You:** An identified or identifiable natural person who is the subject of Personal Data.
- 2.8 **Personal Data:** Any information relating to an identified or identifiable natural person.
- 2.9 **Processing:** Any activity that involves the use of Personal Data and includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data, including organizing, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring Personal Data to third parties.
- 2.10 **Regulator:** the Office of the Data Protection Commissioner established under the Data Protection Laws.

2.11 **Sensitive Personal Data:** Data that reveals a natural person's race, health status, ethnic or social origin, conscience, beliefs, genetic information, biometric details, property information, marital status, and family particulars, including the names of their Children, parents, spouse or spouses, as well as the sex or sexual orientation of the Data Subject.

2.12 **Fanusi, the Centre, We or Us:** Fanusi Study Centre

3 COLLECTION OF DATA

3.1 What information is collected?

We collect various categories of Personal Data from you as you take part in the Centre's activities. The specific types of data collected include, but are not limited to:

3.1.1 **Personal Identification Data:** This encompasses your full name, national identification numbers, passport numbers, passport photos, PIN certificates, and birth certificates. For members, this may also include other details necessary for membership registration and verification.

3.1.2 **Contact Data:** We collect your postal address, physical address, phone numbers, and email address to facilitate communication.

3.1.3 **Professional and Employment Data:** We collect details such as your profession/company affiliation, employment history, and educational background. This is for statistical and recording keeping purposes.

3.1.4 **Financial Data:** This includes financial information such as cheque information and other payment details necessary for processing activities fees, boarding service payments, payroll, and managing supplier invoices.

3.1.5 **Sensitive Personal Data:** We may collect Sensitive Personal Data, which includes your medical history, marital status and information about your family members/dependents.

3.2 How We Collect Your Personal Data

The Centre collects your Personal Data directly from you when you do any of the following:

3.2.1 sign up for the Centre's activities.

3.2.2 communicate with us via email, phone, in-person interactions, or through our official communication channels.

3.2.3 interact with us as a supplier or contractor.

3.2.4 use our services, facilities, or participate in our programs.

3.2.5 respond to surveys, feedback forms, or respond to our online marketing campaigns.

- 3.2.6 access our digital platforms, such as our website and fill in any form requesting for your information.
- 3.2.7 visit our premises. We maintain a register of visitors in which we collect information such as names, telephone numbers, vehicle registration details and National Identification (ID) numbers.

3.3 How We Use Your Personal Data (Purposes of Processing)

We will process your Personal Data for specific and legitimate purposes, ensuring that the Processing is compatible with the reasons for which the Personal Data was initially collected. Our primary purposes for Processing your Personal Data include:

3.3.1 Fanusi Residence

- 3.3.1.1 To manage your applications, interviews, communication and admission to the Residence.
- 3.3.1.2 To manage processing of monthly boarding fee.
- 3.3.1.3 To facilitate your participation in Residence activities.
- 3.3.1.4 To personalize your experience within the Centre, such as tracking guest visits for security and service enhancement.
- 3.3.1.5 To communicate important information regarding your stay in the Centre, updates, and service changes.

3.3.2 Operational and Administrative Purposes

- 3.3.2.1 For invoicing, financial management, and debt collection.
- 3.3.2.2 For supplier and contractor management, including selection, performance monitoring, and fulfilling other contractual obligations.
- 3.3.2.3 To maintain internal records and administrative processes.

3.3.3 Communication and Marketing

- 3.3.3.1 To send you information about The Centre's events, activities, and news that may be of interest to you, where you have provided your Consent to receiving such information. However, you may contact us at any time to opt-out of receiving such marketing communications.
- 3.3.3.2 To respond to any of your queries or concerns.

3.3.4 Security and Compliance

- 3.3.4.1 To ensure the safety and security of our residents, guests, employees, and assets within our premises.
- 3.3.4.2 To comply with legal and regulatory obligations, including those related to data protection, tax matters, occupational safety and health, and all other applicable laws in Kenya.
- 3.3.4.3 For incident and accident reporting and investigation where necessary to comply with the Centre's legal obligations to maintain and ensure a safe environment within its premises.

3.4 **Failure to Provide Personal Data**

- 3.4.1 Should we need to collect Personal Data or Sensitive Personal Data from you for the fulfilment of a lawful purpose or where we are required to do so by law and you decline to provide such Personal Data, we may not be able to provide the relevant services to you.
- 3.4.2 In such cases, we shall notify you of this position.

3.5 **Data Retention**

- 3.5.1 We will retain your Personal Data for as long as is necessary to fulfil the purposes for which it was collected, including for the purposes of satisfying any legal, accounting, or reporting requirements. 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 unauthorized 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.
- 3.5.2 We may also retain your Personal Data beyond the period which is necessary in the following cases:
 - 3.5.2.1 where we are required or authorised by law to do so;
 - 3.5.2.2 where such retention is reasonably necessary for fulfilling a lawful purpose;
 - 3.5.2.3 where you, as a Data Subject have consented to us retaining your data for such extended periods. In such cases, if the legal basis of such retention is Consent, we shall destroy the Personal Data once such Consent is withdrawn.
 - 3.5.2.4 for historical, statistical, journalistic, literature and art or research purposes, in which case, we may anonymize your Personal Data so that it can no longer be associated with you.

- 3.5.3 Upon the expiry of the applicable retention period, we shall anonymize such Personal Data or securely destroy it in accordance with applicable Data Protection Laws and our Data Retention Policy.

4 DATA SHARING AND DISCLOSURE

- 4.1 We may also share the Personal Data you have provided to us with the following third parties for the purposes set out in this Privacy Notice:

4.1.1 Internal Third Parties

We may share your Personal Data with affiliates of Fanusi within the Kianda Foundation and affiliated entities.

4.1.2 External Third Parties

We may also share your Personal Data with external third parties, who include:

- 4.1.2.1 service providers contracted to perform specific functions on our behalf, such as debt collection and debt recovery;
- 4.1.2.2 legal or regulatory authorities, law enforcement agencies, courts, or other government bodies, where disclosure of Personal Data is required by law or in response to a valid legal process;
- 4.1.2.3 any other person that we deem necessary to share the Personal Data with, in fulfilment of a legitimate interest.

- 4.2 All data sharing and disclosure to third parties as described above shall be in full compliance of all applicable laws.

5 YOUR DATA PROTECTION RIGHTS

- 5.1 Subject to legal and contractual exceptions (where applicable), you have the following rights in relation to your Personal Data:
- 5.1.1 The right to **be informed** that we are collecting Personal Data about you and the purposes for which we process that Personal Data;
 - 5.1.2 The right to **access** your Personal Data in our custody, as well as information about how we process such data;
 - 5.1.3 The right to **object** to the Processing of all or part of your Personal Data (unless we have compelling legitimate interests to continue such Processing, or when it is necessary for the establishment, exercise, or defence of a legal claim);

- 5.1.4 The right to **correct or rectify** false, inaccurate, outdated, incomplete, or misleading Personal Data about you (subject to our verification, such as examination of supporting documents);
- 5.1.5 The right to **erase or delete** Personal Data that is false, misleading, irrelevant, excessive or which we are no longer authorised to retain. Your right to erasure may be limited if it is necessary for us to continue to process your Personal Data to comply with a legal obligation, or to establish, exercise, or defend a legal claim;
- 5.1.6 The right to **copy, port, or receive** your Personal Data in a structured, commonly used, and machine-readable format, or to have your Personal Data ported to another Data Controller or Data Processor;
- 5.1.7 The right to withdraw Consent where you may have provided it for the collection and Processing of your Personal Data for a specific purpose. Once we receive notification that you have withdrawn your Consent, we shall no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.
- 5.2 If you wish to exercise any of the rights set out above, please contact us via email at [Email Address]
- 5.3 For us to respond to your request, we may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Data (or to exercise any of your other rights). This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request.

6 DIRECT MARKETING

- 6.1 You may be required to opt in or give any other form of explicit Consent before receiving marketing messages from us.
- 6.2 However, you may contact us at any time to opt-out of receiving such marketing communications.

7 ACCURACY OF YOUR PERSONAL DATA

- 7.1 The Centre takes reasonable steps to ensure that all Personal and Sensitive Personal Data is accurate, complete, and up to date, in line with the purpose for which it was collected.
- 7.2 We may from time-to-time request that you confirm the accuracy of any of your Personal Data that we hold. We also encourage you to notify us promptly in writing of any changes or corrections to your Personal Data. Such updates should be sent to [Insert relevant channel].

8 DATA STORAGE AND SECURITY

Fanusi is committed to safeguarding your Personal Data against unauthorised access, alteration, disclosure, or loss. We apply appropriate technical and organisational measures to ensure the integrity and confidentiality of your Personal Data throughout its lifecycle. Our practices include:

8.1 In-House Storage

Personal Data is primarily stored on secure electronic devices and physical files under Fanusi's direct control.

8.2 Technical Safeguards

8.2.1 **Encryption:** Data is encrypted in transit and at rest where applicable.

8.2.2 **Access Controls:** Only authorised personnel with a legitimate need can access Personal Data.

8.2.3 **Network Security:** Firewalls, intrusion detection systems, and related measures protect our network.

8.2.4 **Data Recovery:** Systems are in place to restore data availability in case of incidents or disruptions.

8.3 Organisational Safeguards

8.3.1 **Policies & Procedures:** Internal policies govern the secure handling and Processing of Personal Data.

8.3.2 **Confidentiality:** Employees and service providers handling Personal Data are bound by confidentiality obligations.

8.3.3 **Physical Security:** Access to servers and physical storage areas is restricted and monitored.

9 AUTOMATED DECISION-MAKING

Fanusi does not currently engage in any automated decision-making processes, including profiling, which produce legal or similarly significant effects on Data Subjects. Should this change in the future, Fanusi shall obtain your Consent or only proceed with such automated decision-making processes where it is necessary for the performance of a contract with you, or where we are authorised by law to do so. In such cases, we shall notify you that a decision has been made based solely on automated processing within a reasonable period. You shall also have the right to request a human review of an automated decision made by automated means and ask us to explain the automated decision-making process.

10 COMPLAINTS PROCEDURE

- 10.1 Data Subjects have the right to lodge a complaint in instances where they feel any of their rights under the Data Protection Laws have been infringed. Fanusi takes all complaints seriously and will address all such complaints in accordance with its internal procedures.
- 10.2 All complaints regarding our data handling practices should be submitted to Fanusi in writing via email through the following email address [Insert Email Address].

11 PERSONAL DATA BREACHES

In the event of a Data Breach that is notifiable by us (as a Data Controller) under the applicable Data Protection Laws, we shall respond as follows:

11.1 Notification to the Regulator

Where a breach that poses a real risk of harm to Data Subjects occurs, we shall notify the Regulator without undue delay, and in any case within seventy-two (72) hours of becoming aware of it. Where such notification is delayed, valid reasons will be provided.

11.2 Notification to Data Subjects

We shall also notify the affected Data Subjects where such notice is necessary under the Data Protection Laws.

11.3 Record-Keeping

We maintain an internal record of all Personal Data Breaches, including their nature, impact, and remedial steps taken.

- 11.4 You may report suspected Data Breach to our Data protection Officer through the contact details provided under clause 14 of this Notice.

11.5 NON-COMPLIANCE WITH THIS STATEMENT

Fanusi shall have the right to terminate any agreement with you for failure to comply with the provisions of this statement and reject any application for information contrary to this Notice.

12 CHANGES TO THIS PRIVACY NOTICE

Fanusi reserves the right to amend or update this Notice from time to time to reflect changes in our practices, technology, legal requirements, or other factors. We will notify you of any significant changes by posting the updated Notice on our website and, where appropriate, through other communication channels. Any amendment or modification to this statement will take effect from the date of its publication.

13 CONTACT US

If you have any questions, concerns, or requests regarding this Notice, our data handling practices, or if you wish to exercise any of your data protection rights, please do not hesitate to contact us. You may reach out to the following designated individuals:

13.1 Director

13.2 Sub-director

13.3 Secretary

13.4 Staff members