

PRIVACY NOTICE

Subject : **Data Protection and Privacy Policy**
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Author : **PANAFCON Ltd**

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1. Information About Us

Panafcon Ltd is a privately owned Kenyan Consultancy Firm incorporated in 1990 as a Subsidiary of DHV Group of The Netherlands [currently The Royal Haskoning DHV (RHDHV) Group]. Since 1 December 2009, Panafcon is wholly owned by Kenyans after a successful management buyout.

Panafcon has an on-going cooperation agreement with RHDHV Group that enables access to International Experts and Systems within the Group. The Group technical support guarantees the input of all the combined experience that the Group has developed in projects over the last decades particularly in East Africa as well as the African Region.

1.1 Information

Registered Address: PANAFCON Ltd, a company incorporated under the laws of Kenya, having its registered address at NextGen Commercial Centre, 4th Floor, Unit No 14, Mombasa Road, P O Box 53147 – 00200, Nairobi - Kenya

Email Address: info@panafcon.net

Telephone No.: +254 (20) 8098325.

Website: <https://www.panafcon.net>

Panafcon is committed to protecting the personal data of its members, stakeholders, and any other individuals whose personal data it collects processes, stores and or uses. This data protection policy outlines the measures that Panafcon takes to ensure the protection of personal data and the rights of individuals whose data is collected, processed, stored and or used.

1.2 Scope

This Privacy Notice applies to all personal data collected, processed stored and or used by Panafcon, whether electronically or in hard copy format, and covers all activities undertaken by Panafcon, including but not limited to research, events, and publications.

1.3 Principles

- **Lawfulness, Fairness, and Transparency:** Personal data is collected, processed lawfully, fairly and in a transparent manner.
- **Purpose Limitation:** Personal data is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- **Data Minimization:** Personal data is adequate, relevant, and limited to what is necessary in relation to the purposes for which it is collected and processed.
- **Accuracy:** Personal data is accurate and, where necessary, kept up to date.
- **Storage Limitation:** Personal data is kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is collected processed, stored and or used.
- **Integrity and Confidentiality:** Personal data is collected processed, stored and or used in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing, and against accidental loss, destruction, or damage.

This is Panafcon Limited Notice ("**Privacy Notice**") which may be accessed from our webpage or a hard copy from our offices.

We are referred to in this Privacy Notice as "**Panafcon**", "**We or Our**" or "**Us**". An individual who is the subject of the personal data is referred to as "**PAP - Project Affected Persons / Representatives Project Affected Persons**", "**User**" or "**You**".

This Privacy Notice only covers all the data that we process including:

- Data you provide directly about yourself or your beneficiaries; or
- Data provided by your family member on your behalf; or
- Data provided by our Client collected previously; and
- Data provided by the Ministry Lands.

Panafcon's employees or Sub Consultants' personal details are handled in-line with the terms of employment agreement or contractual relationships, or our separate policies that we provide, as relevant, independent of this Privacy Notice.

2. What Does This Privacy Notice Cover?

- 2.1 This Privacy Notice explains how we use your personal data: how it is collected, how it is held and how it is processed and or used. It also explains your rights under the law relating to your personal data.
- 2.2 We will process any personal data we collect from you in accordance with this Privacy Notice and our Contract (together with any other documents referred to in it). Kindly read this Notice carefully so that you can understand how we handle your personal data.

3. What is Personal Data?

- 3.1 Personal data refers/means any information relating to an identified or identifiable natural person.
- 3.2 The personal data that we collect, and use is set out in Part 4, below.
- 3.3 Processing of personal data is governed by the Data Protection Act, 2019 ('the Act'), The Data Protection General Regulations 2021, The Data Protection (Registration of Data Controllers and Data Processors) Regulations 2021, The Data Protection (Complaints Handling and Enforcement Procedures) Regulations 2021 as may be amended from time to time, and any other regulations made thereunder (collectively, "the Data Protection Legislation").

4. How Do We Collect, Process, Store and Use Your Personal Data?

4.1 What sensitive personal data do we collect and how?

We may collect '**sensitive**' personal data like data relating to your health status, gender, race, ethnic social origin, property details, marital status, family details including names and details of your children, parents, spouse or spouses, conscience, belief, genetic data, sex or the sexual orientation. We will only collect sensitive data about you if we have your explicit consent, or if authorized under the Data Protection Legislation. The data shall be collected by use of computer tablets and transmitted directly to our server for safe storage/processing.

4.2 Details of Personal Data Collected and How?

Data Collected	How We Collect the Data
- Name - Dates of Birth - Gender - Address - Contact Details - telephone and email address - Employment Details/ Occupation - Family Structure/household Number - Identification documents - ID or passport number - Marital Status - Documents - copy of ID, passport, birth certificate, marriage certificate and/or death certificate, land title documents - Next of kin - Beneficiaries/dependent's - details pertaining to them (e.g., names, dates of birth etc) - Financial data e.g., salary, pension contributions and balances - KRA PIN number - Disability Status - Demographics - Employment status - Sources of income - Monthly/annual expenditure - Natural Resources - Energy Sources - Sanitation facilities - Water/drinking water sources - Waste management - Health facilities and services - Diseases/Maladies afflicting households - Action taken in disease management - Culture and heritage - Access to public amenities - Other	Most of the personal data that we collected is provided either by: i. By yourself ii. Your employer (current or previous) iii. The Trustees of a retirement benefits arrangement or a social security fund that you are (or were) a member of iv. Authorized Representatives
Other details collected – Land ownership and use	How we collect the data
- Description of Homestead Structures and Uses - Farm Plot details i. Trees ii. Animals iii. Agricultural/Agribusiness activities iv. Developments v. Title details/Copy including survey/deed plans	Most of the personal data that we collected is provided either by: i. By yourself ii. Your family member iii. Information previously collected by the Client

We process your personal data for one of the lawful bases of processing ("Lawful Basis") depending on the specific purpose or purposes for which we are using your data as summarized hereunder:

- Determination of persons that may be exposed to project impact;
- Determination of property ownership;
- Determination of project impact;
- Determination of property values in case compensation is necessary;
- Determination of vulnerability of any affected persons by the project; and
- Determination of restoration measures in case of impact.

5. WHAT ARE YOUR RIGHTS UNDER THE DATA PROTECTION LEGISLATION?

Under the Data Protection Legislation, you have the following rights, which we will always work to respect and uphold:

- a) The right to be informed about our collection and use of your personal data. This Privacy Notice should tell you everything you need to know, but you can always contact us to find out more or to ask any questions.
- b) The right to access the personal data we hold about you.
- c) The right to have your personal data corrected if any of your personal data held by us is false, erroneous or misleading.
- d) The right to ask us to delete or otherwise dispose of any of your personal data that we hold.
- e) The right to restrict (i.e., prevent) the processing of your personal data.
- f) The right to object to us to our use of your personal data for a particular purpose or purposes.
- g) The right to withdraw consent. This means that, if we are relying on your consent as the lawful basis for using your personal data, you are free to withdraw that consent at any time.
- h) The right to data portability. You have a right to request your personal data, which you have provided to us in a structured and commonly used format for your own use across different services.
- i) Rights relating to automated decision-making and profiling. We do not use your personal data in this way.
- j) For more information about our use of your personal data or exercising your rights as outlined above, please contact us by email as set out in Part 13. Note that the above rights are subject to exceptions and conditions set out under the Data Protection Legislation, and your positive identification as an individual for whom we process personal data.
- k) It is important that your personal data is kept accurate and up to date. If any of the personal data we hold about you changes, please keep us informed as long as we have that data.
- l) If you have any cause for complaint about our use of your personal data, you have the right to lodge a complaint with the Office of Data Protection Commissioner. We would welcome the opportunity to resolve your concerns ourselves, however, so please contact us first.
- m) If you wish to exercise any of the rights mentioned above, kindly submit your request to our Data Protection Officer at DPO@panafcon.net

6. Do We Share Your Personal Data?

All data sharing will be undertaken in line with the Data Protection Legislation.

7. Transfer of Your Personal Data Outside of the Republic of Kenya

- Safeguarding your data remains our utmost priority. In accordance with Data Protection Legislation, we may occasionally need to transfer your personal data to Client Offices located outside the country in order to provide the services and enable the performance of contract.
- We want to assure you that the majority of your data is securely stored on our on-premises servers. When we do need to transfer your data, stringent safeguards are upheld to ensure its protection.

- Our commitment includes verifying that the destination country upholds the data protection principles. Furthermore, we establish a comprehensive written agreement with the recipient, mandating them to safeguard your data.

7.1 Within Panafcon

- To ensure efficient administration and seamless operations and in order for us to perform a contract or as required by law, we share some of your personal data among different departments at Panafcon, aligning with the principles of Data Protection Legislation and upholding your rights. Such sharing is conducted prudently and respects your privacy.
- Your personal data may be retained within our service repositories to fulfil our contract commitments and maintain accurate and current contact information across our services. This practice is essential in upholding your right to precise and up-to-date data.

7.2 Outside Panafcon

We work with a number of consultants who assist us in delivering our services to our Clients and we will share your information with these individuals. We will provide them access to your personal data for purposes of facilitating our reports to our clients within our contractual agreements and in compliance with local legislation.

- a) We share information of PAP's, Representatives of PAP and beneficiaries with our Clients as we deliver the reports that we are contracted to do.
- b) We may share information with the Ministry of Lands to verify land details.
- c) Where obliged by law, we will share some personal data with the Government, law and enforcement agencies. Where possible, we make this anonymous and only share statistics.
- d) Where your consent is needed to transfer the data, we will make this clear to you in simple and clear language so you may make an informed decision.
- e) We will never share your information if it's not legal to do so, and will always consider your rights, and whether there is another way of achieving our aim, before doing so.

8. We Keep Your Personal Data Safe

We use a high level of protection, both organizational and technical measures, to ensure we process our customers data safely. Some of the measures are:

8.1 Secure Servers

Our servers meet the highest standards for security, equipped with innovative firewalls, secure content delivery, network mechanisms, and a robust architecture. This ensures that your data remains safe and always protected.

8.2 Access Controls

- The data is stored in a mySQL database management system that is the leading SQL based management system running web-based applications.
- The database is protected using user roles and secure passwords for all users.
- Access to your data is granted only to authorized personnel through secure log-in procedures, closely monitored and restricted by our dedicated IT Team.
- We have regular backup procedures for the database to ensure disaster recovery in the event that the main database fails.
- Our systems are only accessible through strictly controlled security processes, ensuring that only the right people have access to your valuable information.

8.3 Safeguarded Access to Our Premises

Our buildings have 24/7 surveillance manned by security personnel as well as installed cameras at strategic points. Entry to our offices is through a biometric access control system, providing an additional layer of protection for your data.

8.4 Encryption, a Virtually Unbreakable Lock

We employ industry-accepted hashing algorithms like SHA 256 and PBKDF2 to encrypt passwords, making them indecipherable to unauthorized parties.

8.5 Password Protection and Clear Desk Policy

We take every measure to safeguard your data, including password protection, adhering to a clear desk policy, and enforcing entry control to where your personal information is stored.

8.6 Anonymization and Pseudonymization

Your privacy is of utmost importance to us. That's why we utilize advanced techniques like data anonymization and pseudonymization, ensuring your personal data remains protected without compromising your identity.

8.7 Secure Paper Data Storage

Even when data is stored on paper, it is kept securely locked away, with access limited to authorized personnel only.

8.8 Continuous Audits for Enhanced Security

Periodically, we conduct privacy and information audits and perform risk assessments at every stage of our projects involving personal data. This proactive approach allows us to maintain the highest level of security for your information.

8.9 Empowered Staff for Data Protection

Our team is trained rigorously in handling personal data appropriately to prevent data breaches, ensuring your information is in safe hands.

9. How Long Do We Keep Your Personal Data?

We are required under the Data Protection Legislation to keep your personal data only for specific period as lawfully required. Some of the considerations we consider when deciding on the retention of your data is:

- Where it is stipulated under the law; and
- The necessary time your data is needed for us to deliver the service to you.

As part of our commitment to you, we keep your data for only as long as required to fulfil the purpose for which it was collected. When that purpose is achieved, your data remains safely stored with us, ready to serve you whenever you need.

10. How we use Cookies & Beacons

We employ cookies to gather and retain insights regarding your interaction with our website. Further details can be found in our Cookie Policy, conveniently accessible at <https://www.panafcon.net>

11. Supervisory Authority Contact Details

If you have a complaint about our personal data processing practices, you should first contact Panafcons' Data Protection Officer. If you are not satisfied with our response, you have the right to lodge your complaint with the following supervisory authority:

Office of The Data Protection Commissioner-Kenya

CA Centre, Waiyaki Way, Nairobi

P.O Box 30920 – 00100

Tel: 0796954269/0703042000/0778048164

E-mail: info@odpc.go.ke

PANAFCON Ltd.

NextGen Commercial Centre

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