



	Ref.: MTK/POLICY/DATA PRIVACY		
	MTECH LIMITED DATA PRIVACY POLICY		
	Rev.: 00 of 11 th March 2024		

DATA PRIVACY POLICY

11th March, 2024

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		Signature		Sign
Prepared by:	Data Protection Officer	William Warero		11/03/2024
Approved by:	Chief Executive	William Chesire		11/03/2024



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MTECH LIMITED DATA PRIVACY POLICY

Introduction

1.1 This Data Privacy Policy outlines how Mtech Limited collects, uses, discloses, transfers, and stores your personal data in accordance with the Data Protection Act of 2019 and other applicable Kenyan laws and regulations pertaining to data protection and privacy.

Scope and Application

2.1 This policy applies to the processing of personal data by Mtech as both a data controller and data processor in the course of our business activities and service provision to our customers.

Definitions

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

3.2 "Processing" means any operation or set of operations performed on personal data or sets of personal data.

3.3 "Data subject" means the individual to whom personal data relates.

3.4 Other key definitions are as set out in the Data Protection Act of 2019.

Principles Relating to Processing of Personal Data

In processing personal data, Mtech shall be guided by the principles set out in the Data Protection Act, including:

4.1 Processing personal data lawfully, fairly and in a transparent manner.

4.2 Collecting personal data only for explicit and legitimate purposes.

4.3 Ensuring personal data is adequate, relevant, and limited to what is necessary.

4.4 Keeping personal data accurate and up to date.

4.5 Retaining personal data only as long as necessary for the specified purpose.

4.6 Processing personal data in a secure manner to prevent unauthorized access or disclosure.

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Obtaining Consent

5.1 Mtech shall obtain clear, unambiguous consent from data subjects before collecting, using, or disclosing their personal data, unless an exception applies under the law.

5.2 Consent shall be obtained through a freely given, specific, informed, and unambiguous indication by the data subject.

5.3 Data subjects have the right to withdraw their consent at any time.

Grounds for Processing Personal Data

6.1 Mtech shall only process personal data where there is a lawful basis as permitted by the Data Protection Act, including:

- (a) With consent from the data subject.
- (b) To fulfil our contractual obligations to the data subject.
- (c) To comply with a legal obligation.
- (d) To protect the vital interests of the data subject or another person.
- (e) To carry out a task in the public interest.
- (f) To pursue our legitimate interests or those of a third party (balanced against the rights of the data subject).

6.2 For processing special categories of personal data, additional protections and safeguards shall be put in place as per the Act.

Privacy Notices

7.1 When collecting personal data directly from data subjects, Mtech shall provide data subjects with the following information through clear privacy notices:

- (a) Identity and contact details of Mtech as the data controller.
- (b) Purpose and legal basis for processing personal data.
- (c) Categories of personal data being processed.
- (d) Any recipients or categories of recipients sharing the personal data.
- (e) Details of transfers of personal data outside Kenya.

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- (f) Period for which personal data will be stored.
- (g) Existence of data subject rights.
- (h) Right to withdraw consent at any time.
- (i) Right to lodge a complaint with the Data Commissioner.
- (j) Source of personal data, if not obtained directly from the data subject.
- (k) Existence of automated decision-making, including profiling.

Data Subject Rights

8.1 Data subjects have the following rights with respect to their personal data processed by Mtech:

- (a) Right to access their personal data and receive a copy of it.
- (b) Right to have inaccurate personal data corrected.
- (c) Right to have personal data erased in certain circumstances.
- (d) Right to restrict or object to certain processing of their personal data.
- (e) Right to data portability by receiving personal data in a generic format.
- (f) Right to object to automated decision-making, including profiling.
- (g) Right to withdraw consent for processing based on consent.

8.2 Mtech has implemented measures to address and facilitate data subject requests regarding these rights within the timelines specified by law.

Transfer of Personal Data Outside Kenya

9.1 Mtech shall not transfer personal data to a location outside Kenya unless:

- (a) The data subject has consented to the transfer; or
- (b) The country or territory enforces data protection laws/rules that provide adequate protection as determined by the Data Commissioner; or
- (c) Contractual clauses are in place to ensure adequate safeguards for the protection of personal data.

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Data Protection Measures

10.1 Mtech shall implement appropriate technical and organizational measures to protect personal data against accidental or unlawful destruction, loss, alteration or unauthorized disclosure or access.

10.2 These measures include, but are not limited to, encryption, access controls, audit trails, system monitoring, incident response plans and regular security testing.

Data Protection Officer

11.1 Mtech has appointed a Data Protection Officer (DPO) to monitor compliance with the Data Protection Act and our internal data protection policies and procedures.

11.2 The DPO can be contacted at: dpo@mtech.ke

Compliance and Accountability

12.1 Mtech maintains documentation of our data processing activities and implements data protection by design and default principles.

12.2 Where required, Data Protection Impact Assessments are conducted for high-risk processing activities.

12.3 Mtech employees undergo regular data protection training and awareness programs.

12.4 Mtech shall cooperate with the Office of the Data Protection Commissioner regarding compliance matters.

Third-Party Service Providers

13.1 Mtech imposes appropriate contractual obligations and due diligence processes on third-party service providers acting as data processors to ensure compliance with the Data Protection Act.

Retention of Personal Data

14.1 Personal data shall only be retained for as long as necessary to fulfil the purpose for which it was processed.

14.2 Mtech maintains documented retention schedules and periodically reviews the need for retaining personal data.

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Modifications

15.1 This Data Privacy Policy may be updated periodically to reflect changes in our practices, services, or legal requirements. The latest version shall be made available on our website.

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