

# Data Protection Policy

Lainisha Sacco

Wang'uru, Mwea  
Along Nairobi-Embu Highway

[info@lainishasacco.co.ke](mailto:info@lainishasacco.co.ke)

+254 705 492 352

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## 1. Introduction

Concerns over the security of personal data stored in institutions have led governments to enact data protection regulations. Kenya enacted its own Data Protection Act in 2019.

Data protection regulations aim to protect the privacy of individuals by enforcing a responsible approach to the processing of personal information.

This consists of incorporating principles of legal processing, reducing the gathering of data, guaranteeing the precision of data, and implementing security measures to safeguard personal data.

## 2. Policy statement

Lainisha Sacco is dedicated to abiding by the appropriate laws of Kenya and worldwide regulations that apply.

Lainisha Sacco acknowledges that safeguarding individuals by lawfully, legitimately, and responsibly handling and utilizing their personal data is an essential human right.

Lainisha Sacco will guarantee the protection of data subjects' rights and ensure that the collection and processing of data are conducted in accordance with the necessary laws.

Employees of Lainisha Sacco are obligated to adhere to this policy, and failure to do so may lead to disciplinary measures.

## 3. Purpose

The policy details the approach of Lainisha Sacco in managing the data it gathers. The objective of this policy is to aid Lainisha Sacco in adhering to the data protection legislation, safeguard the rights of the individuals whose data is collected, and mitigate any potential risks that may arise from non-compliance with the data protection law.

## 4. Scope

The policy applies to:

- a) The individuals who handle and utilize information belonging to Lainisha Sacco, including employees, implementing partners, vendors, contractors, and any other third parties, where Lainisha Sacco is the 'Controller' for the personal data being processed, whether in manual or automated forms, or if others hold it on their systems for the Sacco.
- b) All personal data processing carried out by Lainisha Sacco for others, where Lainisha Sacco is the 'Processor' for the personal data being processed.
- c) All formats of information, including printed and digital information, text and images, documents and records, data and audio recordings.

## 5. Definitions

**Data controller** means a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purpose and means of the processing of personal data.

**Data processor** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the data controller.

**Data subject** means an identified or identifiable natural person who is the subject of personal data.

**Personal data** means any information relating to an identified or identifiable natural person

**A personal data breach** means 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

**Sensitive personal data** means data that reveals the natural person'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.

**Processing data** means any operation or sets of operations performed on personal data whether or not by automated means, such as

- (a) Collection, recording, organization, structuring;
- (b) Storage, adaptation or alteration;
- (c) Retrieval, consultation or use;
- (d) Disclosure by transmission, dissemination, or otherwise making available; or
- (e) Alignment or combination, restriction, erasure or destruction.

## 6. Principles

Lainisha Sacco will ensure that data is:

- a) Processed in a lawful, fair, and transparent manner, while respecting the right to privacy.
- b) Collected only for specific, clear, and legitimate purposes, and not used in a way that is incompatible with those purposes.
- c) Kept to an appropriate level, relevant, and limited to what is necessary for the intended processing purposes.
- d) Accurate and, when necessary, regularly updated.
- e) Retained for the necessary time for processing purposes, without allowing the identification of data subjects.
- f) Processed securely, utilizing suitable technical and organizational measures to protect against unauthorized or unlawful processing, as well as accidental loss, destruction, or damage.
- g) Transferred out of Kenya only if there are adequate data safeguards/measures in place or with the consent of the data subject.

## 7. Duty to notify

Lainisha Sacco has a duty to notify data subjects of their rights before processing data.

Lainisha Sacco will therefore inform the data subjects of their right:

- a) Being notified about the purposes for which their personal data will be utilized.
- b) Having the ability to retrieve their personal data held by Lainisha Sacco
- c) Exercising the right to oppose the processing of any or some of their personal data.
- d) Requesting the rectification of inaccurate or deceptive data.
- e) Seeking the removal of false or misleading data pertaining to them.

## 8. Lawful and fair processing of data

Lainisha Sacco will only handle information when there is a legal reason to do so. The handling of personal information will only be considered lawful if the individual has given their explicit permission for one or more specific reasons, or if the handling is deemed necessary.

- a) For the performance of a contract to which the data subject is a party (for instance a contract of employment).
- b) To comply with the Sacco's legal obligations.

- c) To perform tasks carried out in the public interest or the exercise of official authority.
- d) To protect the vital interests of the data subject or another person.
- e) To pursue Sacco's legitimate interests where those interests are not outweighed by the interests and rights of data subjects.
- f) For historical, statistical, journalistic, literature and art or scientific research.

## 9.Minimization of collection

Lainisha Sacco will not process any personal data for a purpose for which it did not obtain consent. Should such a need arise, then consent must be obtained from the data subject.

Lainisha Sacco will collect and process data that is adequate, relevant, and limited to what is necessary. Lainisha Sacco staff must not access data which they are not authorized to access nor have a reason to access.

Data must only be collected for the performance of duties and tasks; staff must not ask data subjects to provide personal data unless that is strictly necessary for the intended purpose.

Staff must ensure that they delete, destroy, or anonymize any personal data that is no longer needed for the specific purpose for which they were collected.

## 10.Accuracy of data

Lainisha Sacco must ensure that the personal data it collects and processes is accurate, kept up to date, corrected or deleted without delay. All relevant records must be updated should staff be notified of inaccuracies. Inaccurate or out of date records must be deleted or destroyed.

## 11.Safeguards and security of Data

Lainisha Sacco has implemented data security measures as outlined in the Information Security Policy and Procedures. These measures are designed to protect personal data and must be adhered to accordingly.

## 12. Transferring personal data out of Kenya

Lainisha Sacco will transfer personal data out of Kenya only when they have:

- a) Proof of appropriate measures for security and protection of the personal data, and the proof provided to the Data Protection Commissioner in accordance with Kenya's Data Protection Act, 2019, such measures include that data is transferred to jurisdictions with commensurate data protection laws.
- b) The transfer is necessary for the performance of a contract, implementation of pre-contractual measures such as:
  - i. For the conclusion or performance of a contract to which the data subject is part of.
  - ii. For matters of public interest.
  - iii. For legal claims.
  - iv. To protect the vital interests of data subjects.
  - v. For compelling legitimate interests pursued by the data controller or data processor which are not overridden by the interests, rights and freedoms of the data subjects.

Lainisha Sacco will process sensitive personal data out of Kenya only after obtaining the consent of a data subject and on receiving confirmation of appropriate safeguards.

## 13. Onward reporting

In accordance with regulatory mandates, Lainisha Sacco shall promptly notify the Data Protection Commissioner of any occurrence of a data breach within a maximum period of 72 hours from the moment of becoming aware of it. Furthermore, Lainisha Sacco shall expeditiously inform the affected data subject(s) about the data breach, unless it is not feasible to establish the identity of the data subject(s).

## 14. Data retention

The duration for which data is retained in Lainisha Sacco is determined by legitimate necessities. Sufficient documentation of the decision-making process will be upheld to demonstrate justification.