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## DATA PROTECTION POLICY

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JANUARY 2016

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### 1.0 INTRODUCTION

- 1.1 FSD Africa strives to ensure that all of its activities in relation to the record keeping, storage, and security of data are conducted to the highest ethical standards and in compliance with its legal obligations.
- 1.2 During the course of FSD Africa's activities it will collect, store and process personal data about its funders, its investment counterparties, recipients of funding and its, and their, customers, suppliers and employees and FSD Africa recognises that the correct and lawful treatment of such data will maintain confidence in the organisation and will provide for successful operations.

### 2.0 ORGANISATIONAL SCOPE

- 2.1 This policy applies to all Board members, Committee members and advisors, FSD Africa staff, ex-staff, contractors, casual, agency and homeworkers, self-employed and job applicants.

### 3.0 POLICY STATEMENT

- 3.1 This Policy is based on best practice and seeks to safeguard an individual's rights with respect to the gathering, recording, storing, retrieval, consultation, use, disclosure, processing and transferring of their personal data held by others whether that data is held on a computerized system or manually (including emails).
- 3.2 The following definitions apply in the context of this policy

**Data subject** - means all living individuals about whom FSD Africa holds personal data.

**Personal data** - means data relating to a living individual who can be identified from that data (or from that data or other information in FSD Africa's possession). Personal data can be factual (for example a name, address or date of birth) or it can be an opinion about a person or their actions or behaviour.

**Processing** - means any activity that involves the use of personal data. It includes obtaining, recording or holding the data or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also refers to transferring personal data to third parties.

**Sensitive personal data** - includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life or about the commissioning of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of the court in such proceedings. Sensitive personal data can only be processed under strict conditions, including a condition requiring the express permission of the person concerned.

- 3.3 Anyone who processes any personal data must comply with the following eight principles. Information must be:
  - 3.3.1 Fairly and lawfully processed.

Personal data must be processed in accordance with, and on the basis of, applicable law. This will require, amongst other things, the data subject's consent to the processing, or that the processing is necessary for the performance of a contract with the data subject, or that the processing is in compliance with a legal obligation to which FSD Africa is subject, or that the processing is required for the legitimate interest of FSD Africa or the party to whom the relevant data is disclosed. When sensitive personal data is being processed, additional conditions must be met.
  - 3.3.2 Processed for limited purposes.

During the course of FSD Africa's activities, it may collect and process a wide range of personal data. This may include information that is received directly from a data subject (for example, by completing forms or by corresponding by email, phone, mail or otherwise) and data that FSD Africa receives from other sources (for example, business partners, sub-contractors in technical, payment and delivery services, credit reference agencies and others).

FSD Africa will only process data to the extent that it is strictly necessary to do so and then only in accordance with the provisions of this Policy. FSD Africa shall notify such purposes to the data subject, the types of third parties (if any) with whom their personal data may be shared and the means by which data subjects can limit the use and disclosure of their personal data as and when it first collects data from them or as soon as possible thereafter.

3.3.3 Adequate, relevant and not excessive.

FSD Africa will only collect and process personal data to the extent that it is required for the specific purpose notified to the data subject.

3.3.4 Accurate and up to date.

FSD Africa will ensure that personal data that it holds is accurate and kept up-to-date. It will check the accuracy of any personal data at the point of collection and at regular intervals afterwards. FSD Africa will take all reasonable steps to destroy or amend inaccurate or out-of-date data.

3.3.5 Not kept for longer than is necessary.

FSD Africa will not keep personal data for longer than is necessary for the purpose or purposes for which it was collected. FSD Africa will take reasonable steps to destroy, or erase from its systems, all data which is no longer required.

3.3.6 Processed in line with individuals' rights.

FSD Africa will process all personal data in line with the following rights of data subjects: to request access to any data held about them; to prevent the processing of their data for direct marketing purposes; to ask to have inaccurate data amended; and to prevent processing that it likely to cause damage or distress to themselves or to anyone else.

3.3.7 Secure.

FSD Africa will take appropriate security measures against unlawful or unauthorised processing of personal data and against the accidental loss of, or damage to, personal data. FSD Africa shall maintain data security by protecting the confidentiality, integrity and availability of personal data.

3.3.8 Not transferred to other countries without adequate protection.

FSD Africa may transfer any personal data that it holds to another country provided that one of the following conditions applies: the country to which the personal data is transferred ensures an adequate level of protection for the data subjects' rights and freedoms; the data subject has given his consent; the transfer is reasonably necessary for the performance of a contract between FSD Africa and the data subject or to protect the interests of the data subject; the transfer is legally required on important public interest grounds or for the establishment, exercise or defence of legal claims; or where FSD Africa has adduced that adequate safeguards otherwise exist with respect to the protection of the data subjects' privacy, their fundamental rights and freedoms and the exercise of their rights.

3.4 Individuals have the right of access to any personal data that FSD Africa may hold about them.

3.5 FSD Africa understands its obligations and in particular takes steps to ensure that adequate arrangements are made to ensure the security, confidentiality, accuracy and relevance of data.

3.6 No staff member should feel reluctant, for fear of management's response, to disclose any

information about wrongdoing within FSD Africa.

3.7 Any breach of this policy will be taken seriously and may result in disciplinary action.

## 4.0 REQUIREMENTS

4.1 Responsibilities of all staff:

4.1.1 Anyone who processes personal data on behalf of FSD Africa must ensure that they comply with the principles of this Policy.

4.1.2 To ensure that FSD Africa can maintain the accuracy of the details they hold, it is the responsibility of all staff to ensure that they keep the Chief Operating Officer up to date with any changes in their personal information such as address or emergency contact details etc.

4.1.3 FSD Africa requires all staff to comply with the Policy in respect of all personal data (including, without limitation, in relation to information about other staff members). Failure to do so, e.g. unauthorised, inappropriate or excessive disclosure of, or obtaining information about individuals will be regarded as serious misconduct and will be dealt with in accordance with the Disciplinary Policy.

4.1.4 Anyone who considers that this Data Protection Policy has not been followed in respect of personal data should raise their concern with the Chief Operating Officer.

4.2 Additional responsibilities of HR and anyone with supervisory or leadership responsibility:

The Chief Operating Officer and all those in managerial or supervisory roles have a specific responsibility to ensure good information handling practice.

4.3 Specific responsibility of FSD Africa in respect of FSD Africa staff members' personal and private data:

FSD Africa will not release staff members' personal and private data to a third party without their express consent, so if for any reason (e.g. a staff member is applying for a personal loan) a staff member needs the organisation to release their personal data i.e. home address, personal contact number to a third party they should advise the Chief Operating Officer so that they can process the request speedily.

4.4 Examples of FSD Africa staff members' personal data which may come into the possession of FSD Africa includes, but is not limited to, the following:

4.4.1 Information gathered during the recruitment process (including references).

4.4.2 Details of terms of employment.

4.4.3 Payroll, Tax Identification Number and information.

4.4.4 Performance Records.

4.4.5 Details of grade and job duties.

4.4.6 Health Records.

4.4.7 Absence Records (including holiday records).

4.4.8 Details of any disciplinary investigations and proceedings.

4.4.9 Details of any grievance investigations and proceedings.

4.4.10 Training Records.

4.4.11 Emergency contact names and addresses.

4.4.12 Correspondence between FSD Africa and the member of staff and other information provided

to FSD Africa.

4.4.13 Personal Profile Form.

4.4.14 Copy of Passport and/or ID.

4.4.15 Copy of Educational Documents.

4.4.16 Contracts, Job Description any other HR related documents.

4.5 FSD Africa holds this data in order to administer contracts of employment and keep accurate records of its staff. The information held will be for management and administrative use only, but from time to time, it may be necessary to disclose some information held about staff members to relevant third parties (e.g. where legally obliged to do so or requested to do so by a staff member for the purposes of giving a reference). This data will be held throughout employment and for as long a period as is necessary following the termination of employment.

4.6 FSD Africa may also transfer information to another group/organisation, solely for purposes connected with a staff member's career or the management of the organisation's business.

4.7 FSD Africa might also hold information about a staff member's health for which disclosure to any person will be made only when strictly necessary for the purposes of:

4.7.1 Compliance with health and safety and occupational health obligations.

4.7.2 Personnel management and administration (for example to consider how a staff member's health affects their ability to do their job and, if the staff member is disabled, whether they require any reasonable adjustment to be made to assist them at work).

4.7.3 Administration of insurance (for international staff), pension, sick pay and any other related benefits in force from time to time.

## 5.0 SUPPORT AND ADVICE

5.1 Support and advice on the application of this policy can be obtained through speaking to your Supervisor, Manager or Chief Operating Officer.

5.2 It is FSD Africa's policy to be confidential about the personal data held about its staff. If a staff member would like to see the information that the organisation holds on them they should put their request in writing via email to the Chief Operating Officer.

## 6.0 RELATED DOCUMENTS

Staff are encouraged to look at this policy in conjunction with:

- Code of Conduct
- Disciplinary Procedure

## 7.0 DOCUMENT APPROVAL

Matthew Rudd                      Chief Operating Officer                      Signature:

Mark Napier                      FSDA Director                      Signature:

## 8.0 REVISION HISTORY

8.1 FSD Africa reserves the right to amend this policy and procedure from time to time.

Date	Revision Number	Change	Reference Section
			[Kenyan Labour Law]