

DATA PRIVACY STATEMENT

1.0 Introduction

Your privacy is important to us. This privacy statement explains the personal data Kisii Water and Sanitation Company Ltd (“KWASCO”) collects, how KWASCO processes it, and for what purposes.

This statement should be read together with the Terms and Conditions of Use for other KWASCO services. Where there is a conflict, this statement will prevail.

This statement applies to all customers, suppliers, agents, consultants, partners and all visitors frequenting any of KWASCO’s premises.

2.0 Definitions

References to:

2.1 “You” means:

- i. **Customer** – the person who subscribes to, uses our services or accesses our websites and includes any person who accesses any of our services you have subscribed to.
- ii. Any **agent, partner and consultant** who has signed an agreement with us and is recognised as an agent, partner or consultant in accordance with any applicable laws or Regulations.
- iii. Any **visitor** that is a person (including contractors/subcontractors or any third parties) who gains access to any KWASCO premises.
- iv. Any **supplier** who has been contracted by KWASCO and executed a supplier contract.

2.2 “KWASCO”, “we” or “us”, “our” and “ours” means Kisii Water and Sanitation Company Ltd.

The word “includes” means that what follows is not necessarily exhaustive and therefore the examples given are not the only things/situations included in the meaning or explanation of that text.

3.0 Policy Statement Details

3.1 Data Collection

3.1.1 We collect your personal information with your knowledge and consent when you do any of the following (please note that this list is not exhaustive):

- a) Register for a specific service, including but not limited to water connection, sanitation services, meter calibration services;
- b) Use KWASCO online services (self-service portal, KWASCO App) on phone or any other device;
- c) Subscribe to KWASCO email or social media platforms;
- d) Ask KWASCO for more information about a product or service or contact KWASCO with a query or complaint through USSD code *873*64# or customer care 0709000560.
- e) Respond to or participate in a survey;

- f) Visit, access or use KWASCO website;
- g) Report bursts, leaks, illegal use of water, or meter theft.

We may collect your information when you interact with us as a supplier, agent, contractor or consultant as prescribed in this statement.

We also collect information when you visit any of our premises.

3.1.2 We do not onboard minors (any person under 18 years of age) except where you register on their behalf as their parent and/or legal guardian.

3.2 What Data is Collected?

The information we collect and store about you includes but is not limited to the following:

3.2.1 Your identity including your name, KRA Pin No, Identity document No, email address, Phone number, Postal address, Location.

3.2.2 Information about your alternative contact person including name, Postal address, area code, phone number identification document.

3.2.3 Supply details including region, Plot number, House number, floor number, Meter number, street.

3.2.4 Name, family details, age, profiling information such as level of education, , income brackets, etc. collected as part of surveys conducted by KIWASCO and their agents/consultants on behalf of KIWASCO.

3.2.5 Your contact with us, such as when you: call us or interact with us through social media, our call centre, email (we may record your conversations, social media or other interactions with us).

3.2.6 We use Closed Circuit Television (CCTV) surveillance recordings. CCTV Devices are installed at strategic locations to provide a safe and secure environment in some of KWASCO premises as a part of our commitment to community safety, security and crime prevention.

3.2.7 We maintain a register of visitors in which we collect and keep your personal data such as names, company/institution details, telephone number, vehicle registration details and National ID number. This information is collected for safety and security purposes

3.3 Use of Data

We may use and analyse your information for the following purposes:

3.3.1 Processing services that you have applied for from KWASCO;

3.3.2 Billing you for using our products or services;

3.3.3 Responding to any of your queries or concerns;

3.3.4 Verifying your identity information through publicly available and/or restricted government databases in order to comply with applicable regulatory requirements;

3.3.5 Passing out information including disruption of water supply, change of tariff;

3.3.6 To comply with any legal, governmental or regulatory requirement or for use by our lawyers in connection with any legal proceedings;

- 3.3.7 In business practices including quality control, training, and ensuring effective systems operations;
- 3.3.8 Preventing and detecting fraud or other crimes;
- 3.3.9 For research, statistical, survey, and other scientific or business purposes;
- 3.3.10 Administering any of our online platforms/websites.

3.4 Data Categories

We may process any categories of personal data as defined in the Data Protection Act, 2019, depending on the services you subscribe to. Sensitive personal data (health, biometrics, etc.) is only processed with your explicit consent.

3.5 Lawful Basis for Processing Data

We will process your personal information based on any of the lawful bases provided under the Data Protection Law:

- 3.5.1 The performance of a service agreement with you;
- 3.5.2 KWASCO's legitimate business interests;
- 3.5.3 Compliance with a mandatory legal obligation;
- 3.5.4 Consent you provide (which you may withdraw at anytime)
- 3.5.5 Public interest;
- 3.5.6 Your vital interest.

3.6 Retention of Data

We retain your personal data only as long as necessary for the purposes collected, including satisfying legal, regulatory, tax, accounting, or reporting requirements. We may retain data longer in case of a complaint or anticipated litigation. After the retention period, your data will be securely destroyed or anonymised. Our Data Retention Schedule specifies exact periods for each data category.

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 unauthorised 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, the need to comply with our internal policy and the applicable legal, regulatory, tax, accounting or other requirements.

Anonymised information that can no longer be associated with you may be held indefinitely. After the retention period, your data will be securely destroyed or anonymised.

3.7 Whether Data Collection is Voluntary or Mandatory and Legal Basis

- 1) **Mandatory collection:** Where we collect your data to comply with a legal obligation (e.g., KRA reporting, water regulatory requirements), you are required to provide the data. Failure to do so may result in us being unable to provide the service or comply with the law.
- 2) **Voluntary collection:** Where we collect your data based on your consent (e.g., marketing communications), you are free to decline.

- 3) **For service provision** (contractual necessity), providing data is required to enter into or perform the contract. Where any field is marked “optional”, you may choose not to provide it without affecting the core service.

3.8 Consequences of Failing to Provide Data

If you fail to provide personal data that is mandatory (by law or contract):

- 1) We may be unable to process your application for water services;
- 2) We may be unable to bill you correctly or collect payments;
- 3) We may be unable to respond to your queries or complaints;
- 4) We may be required by law to disconnect or restrict services.

If the data is voluntary (e.g., marketing preferences), there is no consequence other than you not receiving the specific communication.

4.0 Disclosure of Data

4.1 Any disclosure of your information shall be in accordance with applicable law and regulations. KWASCO shall assess and review each application for information and may decline to grant such information to the requesting party.

4.2 We may disclose your information to:

- a) Law-enforcement agencies, regulatory authorities, courts or other statutory authorities in response to a demand issued with the appropriate lawful mandate and where the form and scope of the demand is compliant with the law;
- b) Our associates, partners, software developers or agents who are involved in delivering KWASCO services you use;
- c) Fraud prevention and anti-money laundering agencies, credit-reference agencies;
- d) Publicly available and/or restricted government databases to verify your identity information in order to comply with regulatory requirements;
- e) Debt-collection agencies or other debt-recovery organisations;
- f) Survey agencies that conduct surveys on behalf of KWASCO;
- g) Any other person that we deem legitimately necessary to share the data with.

4.3 Safeguards for third-party disclosures:

All third parties who receive personal data from us (whether as data processors or independent controllers) are required to:

- 1) Sign a Data Processing Agreement (DPA) that mandates compliance with the Data Protection Act, 2019;
- 2) Implement appropriate technical and organisational security measures;
- 3) Use the data only for the specified purpose and no longer than necessary;
- 4) Notify us immediately of any data breach.

4.4 We shall not release any information to any individual or entity that is acting beyond its legal mandate.

4.5 We will get your express consent before we share your personal data with any third party for direct marketing purposes.

5.0 The Use of Cookies

5.1 We may store some information (using “cookies”) on your computer when you visit our websites. This enables us to recognise you during subsequent visits. The type of information gathered is non-personal (such

as the Internet Protocol (IP) address of your computer, the date and time of your visit, which pages you browsed and whether the pages have been delivered successfully.

6.0 The Use of Hyperlinks

6.1 Our websites may provide hyperlinks to other locations or websites on the Internet. These hyperlinks lead to websites published or operated by third parties who are not affiliated with or in any way related to us and have been included in our website to enhance your user experience and are presented for information purposes only.

6.2 We do not endorse, recommend, approve or guarantee any third-party products and services by providing hyperlinks to an external website or webpage and do not have any co-operation with such third parties unless otherwise disclosed. We are not in any way responsible for the content of any externally linked website or webpage.

6.3 By clicking on a hyperlink, you will leave the KWASCO webpage and accordingly you shall be subject to the terms of use, privacy and cookie policies of the other website that you choose to visit.

7.0 Access to and Updating Your Information

To update your information, you can call our office on **0798754178** or send an email to info@kwasco.co.ke and copy dpo@kwasco.co.ke. You can change how we get in touch with you whenever you like.

8.0 Safeguarding and Protection of Information

KWASCO has put in place technical and operational measures to ensure integrity and confidentiality of your data via controls around: information classification, access control (only authorised personnel can access personal data based on their role), physical and environmental security (restricted access to offices and server rooms), regular backups, and staff training (all employees receive data protection training).

9.0 International Data Transfers

From time to time, we may need to transfer your personal information outside the Republic of Kenya. Where we send your information outside Kenya, we will make sure that your information is properly protected in accordance with the applicable Data Protection Laws.

10.0 Your Rights

You have rights under data protection laws in relation to your personal data. These include:

- a) Right to be informed that we are collecting personal data about you;
- b) Right to access personal data that we hold about you and request for information about how we process it;
- c) Right to request that we correct your personal data where it is inaccurate or incomplete;
- d) Right to request that we erase your personal data (right to be forgotten), noting that we may continue to retain your information if obligated by the law or entitled to do so;
- e) Right to object and withdraw your consent to processing of your personal data. We may continue to process if we have a legitimate or legal reason to do so;
- f) Right to request restricted processing of your personal data, noting that we may be entitled or legally obligated to continue processing your data and refuse your request;
- g) Right to request transfer of your personal data in an electronic format (data portability).

If you wish to exercise any of the rights set out above, please contact us on dpo@kwasco.co.ke

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 to speed up our response.

11.0 Complaints Handling Mechanism (Regulation 23(2)(c))

If you have a concern about how we handle your personal data, please first contact us directly:

Data Protection Officer

Email: dpo@kwasco.co.ke copy info@kwasco.co.ke

Kisii Water and Sanitation Company Ltd

Bobaracho, Along Kisii-Keroka Rd

Address: P.O. Box 3880 - 40200, Kisii, Kenya

www.kwasco.co.ke

We will acknowledge your complaint within 5 business days and aim to resolve it within 30 days. Occasionally it could take us longer if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

12.0 Right to Lodge a Complaint

You have the right to lodge a complaint with the relevant supervisory authority that is tasked with personal data protection within the Republic of Kenya.

13.0 Non-Compliance with this Statement

KWASCO 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 statement.

14.0 Amendments to this Statement

KWASCO reserves the right to amend or modify this statement at any time. Any changes will be communicated through our offices and website. You can access the most current version of the privacy statement so that you will always know how your personal information is being used or shared. Any amendment or modification to this statement will take effect from the date of notification.