MWA-MKULU SERVICES KILIFI
*your eyes and ears*

MWAMKULU SERVICES KILIFI · YOUR EYES AND EARS

# Privacy Policy

How we collect, use and protect personal data, prepared in accordance with the Data Protection Act, 2019 of Kenya and the Regulations made under it.

> **Two fields remain open.** Insert your ODPC registration number, and the effective date, before this policy goes live. Everything else is complete. This document is a carefully drafted template prepared against the Data Protection Act, 2019 and its Regulations. It is not legal advice. Have a Kenyan advocate review it once, before publication.

| Who we are | Details |
|---|---|
| **Data controller** | MwaMkulu Services Kilifi |
| **Registered office** | 388 Kilifi, Kiwandani, Kwa Mike, Kenya |
| **Company registration** | BN-DLSZ6QVJ |
| **ODPC registration** | [Data controller registration number, or: registration pending] |
| **Data protection contact** | mwenimaurice82@gmail.com |
| **Telephone / WhatsApp** | +254 705 175 570 |
| **Website** | mwamkulusvcklf.co.ke |

## 1. Scope of this policy

This policy explains how MwaMkulu Services Kilifi ("we", "us", "our") collects, uses, stores, shares and protects personal data. It applies to our website, our enquiry and onboarding process, and the oversight and verification services we deliver on the ground in Kenya for clients living abroad.

We process personal data as a **data controller** within the meaning of the Data Protection Act, 2019 (Kenya). Where we act on a client's documented instructions in relation to material they supply to us, we may also act as a data processor for that material.

## 2. Two groups of people this policy covers

This is the most important section of this policy, and it is unusual, so we state it plainly.

— **Our clients.** The people who instruct and pay us, generally living outside Kenya.

— **People we observe or record in the course of an engagement.** Site managers, caretakers, relatives, contractors, workers, tenants, agents and neighbours. These individuals are usually not our clients, and in many cases have not asked to be observed. They have rights under the Data Protection Act, 2019 all the same, and we honour them.

> If you believe we hold personal data about you because a client instructed us to attend a property, a business or a site connected to you, you have the same rights under sections 26 and 34 of the Data Protection Act, 2019 as any other person. Contact us using the details above and we will respond within the statutory period. We will not treat your request as an adverse matter.

## 3. Personal data we collect

| Category | What it includes | Where it comes from |
|---|---|---|
| **Client identity and contact data** | Name, email, telephone or WhatsApp number, country of residence, identity document where verification of instruction is required. | Directly from you. |
| **Engagement data** | Property or business address, description of the asset, names and roles of persons connected to the asset, the account you have been given of the position on the ground, amounts you state you have remitted. | Directly from you, and from documents you send us. |
| **Field observation data** | Written observations, measurements, counts, timestamped and geotagged photographs, video, and audio recordings made during a site visit. | Created by our field officers during an engagement. |
| **Third-party data** | Names, roles, statements, and images of site managers, workers, contractors, tenants, relatives and other persons present at or connected to a site. | Observed or recorded on site, or supplied by you. |
| **Transaction data** | Payment references, invoices, receipts. We do not store full card numbers. | From you and from our payment providers. |
| **Website and communications data** | IP address, browser type, pages viewed, form submissions, message history with us. | Automatically, or from your messages. |

We do not deliberately collect sensitive personal data within the meaning of section 2 of the Act. If sensitive data reaches us incidentally — for example health information mentioned during a welfare visit — we restrict access to it and delete it where it is not necessary to the engagement.

## 4. Why we process personal data, and our lawful basis

| Purpose | Lawful basis under section 30, Data Protection Act, 2019 |
|---|---|
| **Responding to your enquiry and quoting for work** | Steps at your request prior to entering a contract. |
| **Delivering the oversight or verification service you have instructed** | Performance of our contract with you. |

| Purpose | Lawful basis under section 30, Data Protection Act, 2019 |
|---|---|
| **Observing and recording the physical condition of a site, and the persons present at it** | Our legitimate interests and those of our client in obtaining an accurate, independent account of an asset the client funds, balanced against the rights of the persons observed. Our balancing assessment is available on request. |
| **Recording a spoken statement** | Consent of the speaker, sought and recorded before the recording begins. |
| **Invoicing, accounting and tax** | Compliance with a legal obligation. |
| **Preserving evidence where a dispute is reasonably anticipated** | Establishment, exercise or defence of a legal claim. |
| **Improving our service and website** | Our legitimate interests in running and improving our business. |

## 5. Photography, video and audio recording

Evidence is the substance of our work, so we set out our rules for it clearly.

— We photograph and film property, structures, materials and site conditions. This is the ordinary conduct of the engagement.

— Where a person appears incidentally in a photograph or video of a site, we do not treat that as a covert recording of that person. On request, we will blur or crop the individual in any copy released beyond the client.

— **We do not record a person's voice without their consent.** Consent is requested on the record before recording begins, and the request and the answer form part of the recording.

— We do not record inside a private dwelling without the express permission of the person who occupies it.

— We do not use covert cameras, body-worn recording devices concealed from view, tracking devices, or any method of interception. If a client asks us to, we decline the instruction.

— Our field officers identify themselves and the firm on request, and always to any person whose statement is being recorded.

## 6. Who we share personal data with

— **The instructing client.** Reports and their supporting evidence are released to the named client only.

— **Professionals engaged for your file** — an advocate, valuer, quantity surveyor or land surveyor — and only where you have instructed or approved that engagement.

— **Service providers** who host our systems, store our evidence archive, process payments or provide communications tools, each under a written contract restricting their use of the data.

— **Public authorities** where we are required by law to disclose, or where disclosure is necessary to comply with a court order.

We do not sell personal data. We do not share it for advertising. We do not disclose the existence or content of an engagement to any relative, manager, contractor or other person connected to a site, except to the extent necessary to conduct the visit itself.

## 7. Transfers of personal data outside Kenya

Most of our clients live outside Kenya, so delivering a report to you is a cross-border transfer of personal data under section 48 of the Data Protection Act, 2019 and the Guidance Note on Cross-Border Data Transfers issued by the Office of the Data Protection Commissioner.

We transfer personal data out of Kenya only where one of the following applies, and we record which one we relied on:

- The transfer is necessary for the performance of our contract with you, being the delivery of the report you commissioned.
- Appropriate safeguards are in place, including contractual data protection terms with the recipient.
- You have given explicit consent after being informed of the risks.

Some of our hosting and communications providers store data on servers outside Kenya. We select providers that offer protections comparable to those required under Kenyan law and bind them contractually to those protections.

## 8. How long we keep personal data

| Record | Retention period |
|---|---|
| **Enquiries that do not become engagements** | 12 months from last contact, then deleted. |
| **Reports and supporting evidence (photographs, video, audio)** | 24 months from the date of issue, then deleted, unless you ask in writing for a longer period or a dispute is live or reasonably anticipated. |
| **Signed engagement letters and NDAs** | 7 years from the end of the engagement. |
| **Invoices and accounting records** | 7 years, as required by Kenyan tax law. |
| **Website analytics data** | 14 months. |

You may ask us at any time to delete an evidence archive earlier than the periods above. We will do so unless we are required to retain it by law or it is needed for a live dispute.

## 9. How we protect personal data

- Evidence is uploaded from the field to encrypted storage and removed from the device.
- Access is restricted to the officer assigned to your file and the principal of the firm.
- Every member of our team signs a written confidentiality undertaking that survives the end of their engagement with us.
- Files are identified by a client reference rather than by name wherever it is practical to do so.
- We maintain a breach response procedure. Where a breach presents a real risk of harm, we will notify the Data Commissioner within 72 hours of becoming aware of it and notify affected individuals without undue delay, as required by section 43 of the Act.

## 10. Your rights

Under sections 26 and 34 to 40 of the Data Protection Act, 2019 you have the right to:

- be informed of the use to which your personal data is put;
- access the personal data we hold about you;
- object to the processing of all or part of your personal data;
- have false or misleading data about you corrected, and to have data erased where we no longer have a lawful basis to hold it;
- request that your data be transferred to another controller in a structured, commonly used format;
- withdraw a consent you have previously given, without affecting processing already carried out.

To exercise any of these rights, contact us using the details on the first page. We will respond within the period prescribed by the Act, and in any event within 30 days. We do not charge for a first request.

## 11. Complaints

If you are unhappy with how we have handled your personal data, please raise it with us first. If we do not resolve it to your satisfaction, you have the right to lodge a complaint with the Office of the Data Protection Commissioner under section 56 of the Act, using the complaints form published at odpc.go.ke/file-a-complaint.

## 12. Cookies and website data

Our website uses only the cookies necessary to make the site work and, where enabled, basic analytics to count visits and identify broken pages. We do not use advertising or cross-site tracking cookies. You can block cookies in your browser settings; the site will continue to function.

Our site embeds content from third-party platforms, including a map and social media posts. Those platforms may set their own cookies and are governed by their own privacy policies, not by this one.

## 13. Children

Our services are not directed at children and we do not knowingly collect the personal data of a person under 18 years of age, except where a child appears incidentally in site footage. Where a child is identifiable in material we hold and this is brought to our attention, we will blur or delete the image unless it is directly material to the engagement and its retention is lawful under section 33 of the Act.

## 14. Changes to this policy

We may update this policy from time to time. The version number and date at the foot of each page identify the current version. Where a change materially affects your rights, we will notify active clients by email or WhatsApp before it takes effect.