



DATA PROTECTION STATEMENT

This Data Protection Statement provides information about the ways in which Pwani University (PU) collects, stores and uses personal data relating to individuals (data subjects). This Data Protection Statement relates to personal data received by PU where data subjects contact, request information from, or provides information to PU for purposes relating to PU directly, and also personal data received by PU indirectly.

PWANI UNIVERSITY,

Who are we?

Pwani University is a Public University established under section 3 of the Pwani University Charter granted by virtue of Section 21 of the Universities Act 2012 in the Kilifi County.

The objectives of Pwani University include, *inter alia*:

- To provide and advance university education and training appropriately qualified candidate leading conferred of degrees, diplomas and certificates.
- Provide for integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of society.
- Provide directly or in collaboration with other recognized institutions and organizations, facilities for university education and research including technological, scientific and professional education.
- To stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of society

PROCESSING OF PERSONAL DATA BY PU

PU is the controller for the personal data it processes. PU processes personal data for a number of different purposes, which arise from its statutory powers, functions and duties.

PU's statutory powers, functions and duties derived from the University Act, 2012 and Pwani University Charter.

The purposes for which PU may collect personal data in accordance with its functions include:

- Conducting research and survey
- Publishing made in furtherance of university mandate

- Maintaining contact details of members and stakeholders
- Ensuring compliance with legal obligations
- Making payments
- Other operations – including personal data received from a data subject directly (or through his or her representatives) where the data subject makes a complaint to PU;– including personal data received from individuals who have raised queries or concerns with PU;– including personal data obtained from service providers or suppliers engaged by PU;–including personal data relating to attendees at conferences, events and stakeholder forums organized by PU.

PU only processes personal data where it has a lawful basis to do so. This includes:

- Consent: The individual has given their explicit consent for their personal data to be processed.
- Contract: The processing is necessary for the performance of a contract with the individual.
- Legal obligation: The processing is necessary for compliance with a legal obligation.
- Vital interests: The processing is necessary to protect the vital interests of the individual.
- Public interest: The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority.

WHAT PERSONAL DATA DOES PU PROCESS?

Personal data

PU processes personal data. This includes, as set out above, personal data received by PU where data subjects contact, or request information from, PU directly, and personal data received by PU indirectly.

The personal data that we process includes (i) basic personal information, such as a data subject's name / surname; date of birth; the company or organisation a data subject works for; (ii) contact information, such as a data subject's postal address, email address and phone number(s); and (iii) any other personal data that is provided to PU during the course of the performance of its functions.

Sensitive data

PU also processes special category data. This includes; special category data received by PU where data subjects contact, or request information from, PU directly, and sensitive data received by the PU indirectly. Such sensitive data may include a 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.

WHO ARE THE RECIPIENTS OF PERSONAL DATA PROCESSED BY PU?

Disclosure to third parties

Personal data collected by PU is held confidentially and is not shared by the PU with any third parties, with the following exceptions:

- **Where the sharing of the personal data is necessary for the performance by the PU of its functions.** This may arise, for example, in the context of complaints handling, where PU will usually disclose the complainant's identity and the subject matter of the complaint to the data controller or data processor against whom the complaint is made. This is required both for practicality (because without disclosing the identity of the complainant in this manner, it will likely be impossible for PU to investigate the complaint) as well as to ensure procedural fairness.
- **In the case of cross border processing or for the purpose of co-operation with other supervisory authorities.** In certain circumstances, PU must cooperate with and assist other Data Protection Authorities, globally, in handling complaints and investigations. This may arise, for example, where the matter involves cross border processing. In such circumstances, in accordance with the law, we may share some or all of the content of PU's file with relevant Data Protection Authority.
- **For the purpose of legal proceedings.** In the event that the matter or complaint in question is brought before the Courts, the materials, including any information, documents or submissions provided by an individual, may be made public in open court.
- **In the case of service providers or suppliers to PU.** PU uses data processors to provide certain services to PU. PU requires such processors to abide by certain terms to protect any personal data which is processed by the service provider/supplier during the course of providing the service.

How Long Does PU Retain Personal Data?

The retention periods for personal data held by PU are based on the requirements of the data protection legislation and on the purpose for which the personal data is collected and processed. For example, in the case of complaints, PU will retain personal data (as contained on its case file) for as long as is necessary for the handling of the complaint and for any subsequent action that is required.

The retention periods applied by PU to personal data which it processes are also, in certain circumstances, based on legal and regulatory requirements to retain information for a specified period and on the relevant limitation periods for taking legal action.

Your Data Protection Rights

Under data protection law, data subjects have certain rights. The data subject rights are:

1. The right to be informed about the processing of your personal data;
2. The right to access your personal data;
3. The right to rectification of your personal data;
4. The right to erasure of your personal data;
5. The right to data portability;
6. The right to object to processing of your personal data; and
7. The right to restrict processing of your personal data.

OUR PRINCIPLES ON DATA PROTECTION

PU processes personal data in accordance with the following principles:

- **Lawfulness, fairness, and transparency:** Personal data is processed lawfully, fairly and in a transparent manner.
- **Purpose limitation:** Personal data is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- **Data minimization:** Personal data is adequate, relevant, and limited to what is necessary in relation to the purposes for which it is processed.
- **Accuracy:** Personal data is accurate and, where necessary, kept up to date.
- **Storage limitation:** Personal data is kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.
- **Integrity and confidentiality:** Personal data is processed in a manner that ensures appropriate security, including protection against unauthorized or unlawful processing, and against accidental loss, destruction, or damage.

DATA PROTECTION RESPONSIBILITIES

All members of PU are responsible for ensuring the protection of personal data. PU's Management is responsible for overseeing the implementation of this statement and ensuring that PU complies with applicable data protection laws and regulations.

DATA BREACHES

PU has implemented measures to prevent and respond to data breaches. In the event of a data breach, PU will take immediate action to contain the breach and assess the risk to individuals whose personal data may have been affected. PU will also notify the relevant authority and affected individuals where required by law.

TRAINING AND AWARENESS

PU will provide training and raise awareness among members and stakeholders on their responsibilities with respect to the protection of personal data and this statement.

THIRD-PARTY PROCESSORS

Where PU engages third-party processors to process personal data on its behalf, PU will ensure that the third-party processor complies with this statement and applicable data protection laws and regulations. PU will also enter into a written agreement with the third-party processor that sets out the terms of the processing and the measures that the third-party processor must take to protect personal data.

PU is committed to protecting the personal data of its members, stakeholders, and any other individuals whose personal data it processes. This statement outlines the measures that PU takes to ensure the protection of personal data and the rights of individuals whose data is processed. If you have any questions or concerns about this statement or PU's handling of personal data, please contact the data protection office.

YOUR RIGHT TO COMPLAIN

If you have any concerns in relation to the manner in which we process your personal data, you can contact data-feedback@pu.ac.ke

CHANGES TO OUR DATA PROTECTION STATEMENT

This Data Protection Statement is kept under regular review and is therefore subject to change. If you have any comments or queries in relation to this Data Protection Statement, please forward same to data-feedback@pu.ac.ke

NOTICE:

This statement serves as default data processing notification and consent as stipulated above for all Pwani University Members of Staff, Students, Partners and stakeholders who submit personal data directly or indirectly to Pwani University. Any Data Subject with a contrary opinion should communicate in writing to data-feedback@pu.ac.ke

Signed

Prof. James H.P Kahindi, Ph.D.

Vice Chancellor

Date ^{21st} November, 2023...