

<b>Desafio Alimentario Limited</b> <b>Privacy Policy</b>
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## **1. Introduction**

- 1.1 We are committed to safeguarding the privacy of our website and online platform visitors, service users, individual customers and customer personnel.
- 1.2 This policy applies where we are acting as a data controller and/or processor with respect to the personal data of such persons; in other words, where we determine the purposes and means of the processing of that personal data.
- 1.3 This Privacy Policy describes our policies and procedures on the collection, use and disclosure of your information when you use the Service and tells you about your privacy rights and how the law protects you.
- 1.4 Our website/online platform incorporates privacy controls which affect how we will process your personal data. By using the privacy controls, you can specify whether you would like to receive direct marketing communications and limit the collection, sharing and publication of your personal data. You can access the privacy controls via <http://desafio.co.ke/terms>
- 1.5 In this policy, "we", "us" and "our" "Desafio" refer to Desafio Alimentario Limited.

## **2. Interpretation and definitions**

2.1 For the purposes of this Privacy Policy:

- (a) "**Account**" means a unique account created for you to access our service or parts of our service.
- (b) "**Country**" refers to Kenya
- (c) "**Device**" means any device that can access the service such as a computer, a cell phone or a digital tablet.
- (d) "**Personal Data**" is any information that relates to an identified or identifiable individual.
- (e) "**Service**" refers to the website or other online platform.
- (f) "**Service Provider**" means any natural or legal person who processes the data on behalf of Desafio. It refers to third-party companies or individuals employed by Desafio to facilitate the service, to provide the service on behalf of the company, to perform services related to the service or to assist the company in analyzing how the Service is used.
- (g) "**Usage Data**" refers to data collected automatically, either generated by the use of the service or from the service infrastructure itself (for example, the duration of a page visit).
- (h) "**You**" means the individual accessing or using the Service, or the company, or other legal entity on behalf of which such individual is accessing or using the Service, as applicable.

## **3. The personal data that we collect**

In this Section 3 we have set out the general categories of personal data that we process (and, in the case of personal data that we did not obtain directly from you, information about the source and specific categories of that data).

- 3.1 We may process data enabling us to get in touch with you ("**contact data**"). The contact data may include; your name, email address, telephone number, postal address and/or social media account identifiers. The source of the contact data is you. If you log into our website using a social media account, we will obtain elements of the contact data from the relevant social media account provider.
- 3.2 We may process your website user account data ("**account data**"). The account data may include your account identifier, name, email address, business name, account creation and modification dates, website settings and marketing preferences. The primary source of the account data is you although some elements of the account data may be generated by our website/online platform. If you log into our website/online platform using a social media account, we will obtain elements of the account data from the relevant social media account provider.
- 3.3 We may process information relating to transactions, including purchases of goods and/or services that you enter into with us and/or through our website ("**transaction data**"). The transaction data may include your name, your contact details, your payment card details or other payment details and the transaction details. The source of the transaction data is you and/or our payment services provider
- 3.4 We may process information contained in or relating to any communication that you send to us or that we send to you ("**communication data**"). The communication data may include the communication content and metadata associated with the communication. Our website/online platform will generate the metadata associated with communications made using the website/online platform.
- 3.5 We may process data about your use of our website and services ("**usage data**"). The usage data may include your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website/platform navigation paths, as well as information about the timing, frequency and pattern of your service use. The source of the usage data is our analytics tracking system.

#### **4. Purposes of processing personal data and legal bases**

In this Section 4, we have set out the purposes for which we may process personal data and the legal bases of the processing such data.

- 4.1 **Operations** - We may process your personal data for the purposes of operating our website/online platform, the processing and fulfilment of orders, providing our services, supplying our goods, generating invoices and receipts, bills and other payment-related documentation, and credit control. The legal basis for this processing is our legitimate interests, namely the proper administration of our website/online platform, services and business or the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract
- 4.2 **Publications** - We may process account data for the purposes of publishing such data on our website/online platform and elsewhere through our services in accordance with your express instructions. The legal basis for this processing is consent or our legitimate interests, namely the publication of content in the ordinary course of our operations or the

performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract

- 4.3 **Relationships and communications** - We may process contact data, account data, transaction data and/or communication data for the purposes of managing our relationships, communicating with you (excluding communicating for the purposes of direct marketing) by email, SMS, and/or telephone, providing support services and complaint handling. The legal basis for this processing is our legitimate interests, namely communications with our website/online platform visitors, service users, individual customers and customer personnel, the maintenance of relationships, and the proper administration of our website/online platform, services and business.
- 4.4 **Direct marketing** - We may process contact data, account data and/or transaction data for the purposes of creating, targeting and sending direct marketing communications by email, SMS, and making contact by telephone for marketing-related purposes. The legal basis for this processing is consent or our legitimate interests, namely promoting our business and communicating marketing messages and offers to our website/online platform visitors and service users.
- 4.5 **Research and analysis** - We may process usage data and/or transaction data for the purposes of researching and analysing the use of our website/online platform and services, as well as researching and analysing other interactions with our business. The legal basis for this processing is consent or our legitimate interests, namely monitoring, supporting, improving and securing our website/online platform, services and business generally.
- 4.6 **Record keeping** - We may process your personal data for the purposes of creating and maintaining our databases, back-up copies of our databases and our business records generally. The legal basis for this processing is our legitimate interests, namely ensuring that we have access to all the information we need to properly and efficiently run our business in accordance with this policy.
- 4.7 **Security** - We may process your personal data for the purposes of security and the prevention of fraud and other criminal activities. The legal basis of this processing is our legitimate interests, namely the protection of our website/online platform, services and business, and the protection of others.
- 4.8 **Legal compliance and vital interests** - We may also process your personal data where such processing is necessary for compliance with a legal obligation to which we are subject or in order to protect your vital interests or the vital interests of another natural person.

## **5. Disclosure of your personal data to others**

- 5.1 We may disclose your personal data to our professional advisers insofar as reasonably necessary for the purposes of obtaining or managing risks and obtaining professional advice.
- 5.2 Your personal data held in our website/online platform database will be stored on the servers of our hosting services providers.
- 5.3 We may disclose personal data to our suppliers or subcontractors insofar as reasonably necessary for meeting their obligations.

5.4 Financial transactions relating to our website/online platform and services are or may be handled by our payment services providers. We will share transaction data with our payment services providers only to the extent necessary for the purposes of processing your payments, refunding such payments and dealing with complaints and queries relating to such payments and refunds.

5.5 In addition to the specific disclosures of personal data set out in this Section 5, we may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise, or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

## **6. International transfers of your personal data**

In this Section 6, we provide information about the circumstances in which your personal data may be transferred to another country under the Data Protection Act 2019 (DPA).

6.1 We generally do not transfer personal data to another country. However, from time to time we may transfer your personal data outside Kenya for legitimate business or legal reasons. Where we send your personal data outside Kenya, we ensure that your data is properly handled and protected in accordance with the DPA.

6.2 You acknowledge that personal data that you submit for publication through our website/online platform or services may be available, via the internet, around the world. We cannot prevent the use (or misuse) of such personal data by others.

## **7. Retaining and deleting personal data**

This Section 7 sets out our data retention policies and procedures, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.

7.1 Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

7.2 Notwithstanding the above provision, we may retain your personal data longer than is necessary for the purpose or purposes where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

## **8. Your rights**

In this Section 8, we set out the rights that you have under the DPA and other relevant laws.

8.1 Your principal rights under data protection and privacy laws are:

- (a) **the right to access** - you can ask for copies of your personal data;
- (b) **the right to rectification and to update** - you can ask us to rectify inaccurate personal data and to complete incomplete personal data or to update your personal data;
- (c) **the right to erasure** - you can ask us to erase your personal data;

- (d) **the right to restrict processing** - you can ask us to restrict the processing of your personal data;
- (e) **the right to object to processing** - you can object to the processing of your personal data;
- (f) **the right to data portability** - you can ask that we transfer your personal data to another organisation or to you;
- (g) **the right to complain to a supervisory authority** - you can complain about our processing of your personal data to the relevant regulatory body; and
- (h) **the right to withdraw consent** - to the extent that the legal basis of our processing of your personal data is consent, you can withdraw that consent.

8.2 These rights are subject to certain limitations and exceptions as defined in law.

8.3 You may exercise any of your rights in relation to your personal data by written notice to us, using our contact details set out in the website/online platform.

## 9. Links to Other Websites

Our Service may contain links to other websites that are not operated by us. If you click on a third party link, you will be directed to that third party's site. We strongly advise you to review the privacy policy of every site you visit. We have no control over and assume no responsibility for the content, privacy policies, practices, products or services of any third party sites or services that you visit by clicking on third party links appearing on our website/online platform.

## 10. Amendments

10.1 We may update this policy from time to time by publishing a new version on our website/online platform.

10.2 You should check this page occasionally to ensure you are happy with any changes to this policy.

10.3 We will notify you of significant changes to this policy by email or by notice on our website/online platform.

## 11. Our details

11.1 This website/online platform is owned and operated by Desafio Alimentario Limited.

11.1.1 We are registered in Kenya under registration number *PVT-EYUYXJG* and our registered office is at *Ngong Lane Plaza, Ngong Lane on Ngong Road*

11.2 You can contact us:

- (a) by post, to 29014 - 00100 Nairobi, Kenya;
- (b) by telephone, on (the contact number published on website/online platform); or
- (c) by email, using (the email address published on the website).

## 12. Data protection officer

If you would like to contact us on any matters relating to this policy you can contact our data protection officer through email at: [contact details] or through post -P.O. box 29014 – 00100 Nairobi, Kenya.

**Date of Latest Version of Privacy Policy:** 15<sup>th</sup> August 2022.