



KENIC PRIVACY NOTICE

Privacy Notice



Document Information

Document Contact

Contact the following for details relating to this document:

Title	Kenya Network Information Centre
Address	P.O BOX 1461-00606
Contact	0715 275 483
Email	admin@kenic.or.ke

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Approved by	ANDREW M. LEWELA
CEO Signature	
Chairman Signature	



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I. INTRODUCTION

The Kenya Network Information Centre (hereinafter KENIC) is a company, limited by guarantee, licensed to manage and administer the dot ke Country Code Top-Level Domain (.Ke ccTLD) name.

I.1. This Privacy Notice is drafted in line with the Data Protection Act, 2019 Laws of Kenya to codify KENIC's commitment to show and evidence the responsible processing of personal information by KENIC.

I.2. KENIC is committed to providing quality services and the instant notice outlines KENIC's ongoing obligations to its customers/clients, stakeholders and third parties in respect of how it manages personal information.

I.3. Within the limits of the law, KENIC shall ensure that individuals are made aware of the following rights:

- i. The right to be informed of the use to which their personal information is to be put;
- ii. The right to access their personal data in KENIC's custody;
- iii. The right to object to the processing of all or part of their personal information;
- iv. The right to correct false or incorrect personal information;
- v. The right to erase false or misleading personal information;
- vi. The right to request restricted processing of personal information;
- vii. Right to data portability.

I.4. This privacy notice only applies to the processing and use of personal information by KENIC. It does not apply to the processing and use of personal information by the Registrars or members of the domain name industry operating within the .KE domain.

I.5. Under KENIC's Registry Registrar Agreement, registrars are required to develop their own privacy policy in accordance with the requirements of the Data Protection Act and the instant KENIC Privacy Policy.

2. PROCESSING OF PERSONAL INFORMATION

I.6. In addition, this privacy notice adopts definition of terms as defined in the Data Protection Act, 2019 and the various policies guiding KENIC.

I.7. For the purpose of implementing this policy:

- i. **"Personal Information"** means any information relating to an identified or identifiable natural person;
- ii. **"Identifiable Natural Person"** means a person who can be identified, directly or indirectly, in particular by reference to an identifier such as name, an identification number, location information, an online identifier, or by one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of the natural person;
- iii. **"Processing"** means any operation or sets of operations which is performed on personal information or on sets of personal information whether or not by automated means, such as:

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- (a) collection, recording, organization, structuring;
- (b) storage or adaptation;
- (c) retrieval, consultation or use;
- (d) disclosure by transmission, dissemination, or otherwise making available; or
- (e) alignment or combination, restriction, erasure, alteration or destruction.

I.8. The personal information stored by KENIC is processed solely for the purpose of meeting its objectives as the administrator of the .KE domain in Kenya, and providing the services necessary and attendant to meeting those objectives

I.9. KENIC may collect personal information that includes but is not limited to the following:

I.10. In the course of managing the .KE domain, KENIC may process personal information collected for any of the following purposes but not limited to;

- i. Accredited registrars;
- ii. Field and deal with consumer inquiries and complaints;
- iii. Refer persons to appropriate bodies according to the nature of the person's inquiry;
- iv. Engaging with stakeholders for their views, opinions and suggestions in relation to the .ke domain;
- v. To register a domain name;
- vi. To enable others to check/search a registration of the .ke domain;
- vii. To maintain membership records;
- viii. To contact Registrants about domain name registration and renewal matters;
- ix. To facilitate the resolution of any kind of dispute (be it via the KENIC Dispute Resolution Process or any other judicial process) arising from a .ke domain or .ke domain registration;
- x. To ensure good customer service, in the event a Registrant requires support or makes inquiries;
- xi. To identify the individual(s) to law enforcement agencies, competent courts, and other competent judicial bodies when legally required to; and
- xii. To enable KENIC manage the .ke Registry in accordance with KENIC policies.

I.11. KENIC processes personal information in the following circumstances:

- i. If an individual visits KENIC's website, the web server logs IP addresses and associated information relating to the requests made;
- ii. If an individual initiates a KENIC process, then KENIC may gather transactional information as part of the process;
- iii. If an individual makes an inquiry or complaint, applies for a job, or visits KENIC's premises;
- iv. If an individual respond to a survey or a call for public comment;
- v. If an individual register for a KENIC event, activity, or contest; and
- vi. If an individual communicates or exchanges communication with KENIC in

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writing/verbally.

- vii. KENIC may also process personal information in order to process applications for membership, or employment with KENIC.

- I.12. KENIC limits the processing of personal information to that which is required to perform its functions including what is listed herein.
- I.13. KENIC shall not process or store personal information, which would be considered "sensitive" and not necessary for KENIC's functions or activities.
- I.14. KENIC will not sell or provide any personal information to any organization for any purpose other than in compliance with the Data Protection laws and the instant Policy.
- I.15. KeNIC retains data collected for different periods of time depending on regulatory requirements and guidelines outlined in KeNIC's data retention and disposal policy.

3. LEGAL BASIS FOR PROCESSING PERSONAL INFORMATION

KENIC will process personal information based on any of the following lawful basis provided under the Data Protection Act

- i. The performance of an agreement with KENIC;
- ii. Consent;
- iii. Legitimate business interests pursued by KENIC;
- iv. Compliance with a mandatory legal obligation;
- v. Public interest

4. INFORMATION SHARING

KENIC may share your personal information where required by law and its internal policies to

- i. Hire reputable third-party organizations to carry out the activities involved in operating the .ke domain name Registry on KENIC's behalf. Before disclosing any information to any third-party service provider, KENIC shall enter into an agreement with the service provider pursuant to which it is required to use the information solely for the purpose of providing the service and to maintain security and privacy measures at least as stringent as those of KENIC;
- ii. KENIC will also provide, to a person who, in accordance with its policies requests in writing, a list of the .ke domain names registered in the name of a Registrant or registered in the name of the same Registrant as a domain name identified by the requester even if the identity of the Registrant is unknown. This is done to facilitate bona fide rights holders to determine infringements of intellectual property rights;
- iii. The individual subject of the personal information has consented to such use;
- iv. The secondary purpose is directly related to the primary purpose and the individual would reasonably expect KENIC to use or disclose the information in such a way;
or
- v. KENIC is permitted or required by law, or it is in the interest of public to do so.

5. PROTECTION OF PERSONAL INFORMATION

- I.16. Access to personal information held by KENIC is limited to those employees who specifically require it to carry out their work responsibilities. This extends to protecting personal information from misuse and loss, as well as from modification and disclosure.
- I.17. All personal information will only be retained for a reasonable period of time as per KeNIC's data retention and disposal policy.
- I.18. KENIC shall endeavor to maintain the security and integrity of all facilities by which personal information is stored.

6. REVIEW OF POLICY

- I.19. KENIC reserves the right to revise the instant policy at any time and those individuals who volunteer their personal details to KENIC are deemed to acknowledge and be bound by the instant policy and any changes made to it. This shall not affect the protection afforded under the relevant laws, according to which the instant policy was developed.

7. PRIVACY POLICY COMPLAINTS AND ENQUIRIES

- I.20. If you have any queries, concerns, complaints or would like to exercise your rights, please contact us at:

Kenya Network Information Center (KeNIC)

CAK Centre, Opposite Kianda School,

P.O Box 1461 - 00606,

Nairobi - Kenya

Phone: +254 715 27 54 83 / 0702 693515

Email: dpo@kenic.or.ke

