



ADVISORY • CONSULTANCY • INVESTMENTS



 **The Data Privacy Regulations:**
A Kenya Data Protection Act Landscape

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THE DATA PRIVACY REGULATIONS:

A Kenya Data Protection Act Landscape



THE DATA PRIVACY REGULATIONS: A Kenya Data Protection Act Landscape

There has been an unprecedented shift on data privacy regimes across all industries especially with the advent of the GDPR. The regulation brought into play some of the most transformative regulations that has seen many institutions redefine their business models in line with management of personal data.

Kenya, in the footsteps of GDPR, also enacted the Kenya Data Protection Act, a law which sets ground for various regulations on data privacy in relation to processing and rights to the data subjects. This act gives effect to Article 31 of the Kenyan constitution which gives focus to the rights of the people on their personal information.

It is now critical to note that all data controllers and processors must comply with all the obligations set out in the act, failure to which some serious consequences will abound, including monetary fines and reputational damages.

The Principles of personal data protection as defined in the regulations states that every data controller shall ensure that personal data is: -



ARE YOU READY FOR THE REGULATION?



ARE YOU READY FOR THE REGULATION?



For you to be deemed compliant, the data commissioner has been mandated to verify and audit you before certifying you as being compliant. This has been defined in the Act through the clauses as highlighted below:

Kenya DPA Clause 18	Kenya DPA Clause 23	Kenya DPA Clause 31
The Act states that no person shall act as a data controller or processor unless registered with the data commissioner and to operate as a controller or processor	The Act states that the data commissioner will carry out periodical audits of the processes and systems of the data controllers and processors to ensure compliance with the Act	The Act states that data controllers or processors SHALL carry out a data protection impact assessment (DPIA) prior to processing any personal data especially where a processing operation is likely to result in high risk to the rights and freedoms of the data subject by virtue of its nature, scope, context and purpose.

Therefore, to be on the safe side of the compliance, you are required to ensure:



Personal data is properly identified throughout your business.



You have properly defined how the data is collected, processed archived or destroyed in a manner consistent with the rights of the data subjects



Identify where the data is transferred from and to

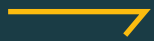


Ensure proper security measures are in place for data-at-rest, data-on-transit, and data-in-process

The following key engagements will have to be done to determine the compliance and maturity of your firm:

- Perform current state assessment- Determine your data privacy maturity in line with the obligations defined in the Act.
- Data Privacy Impact Assessment is done
- All your data privacy controls are well designed, implemented and operating effectively
- All contracts and agreements with partners and third parties are aligned to the provisions of the Act.
- A data processing inventory is well established and maintained this should include Data flow maps for all data processing activities.
- All templates necessary for communication and notifications have been developed and established.
- A proper DPO office and mandate is defined and setup.
- Data transfer frameworks with third parties and cross boarder are well defined
- Training and awareness programs are properly developed and instituted.

HOW CAN WE HELP?



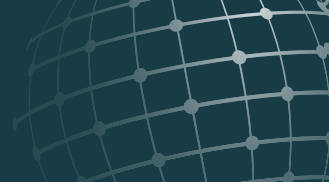
HOW CAN WE HELP?



We believe that our suite of products and services will help you establish a trust-centric ecosystem with a strong privacy regime which will certainly help you overcome privacy challenges. Whether your requirements is all about your maturity in line with compliance to a privacy regulation, or understanding your risk exposure in line with the trending risks on data privacy, or you want to provide your stakeholders that assurance on the safety of their personal data or re-engineer your privacy governance to show trust, we are your best option and can tailor any of our offerings below to suite your needs:

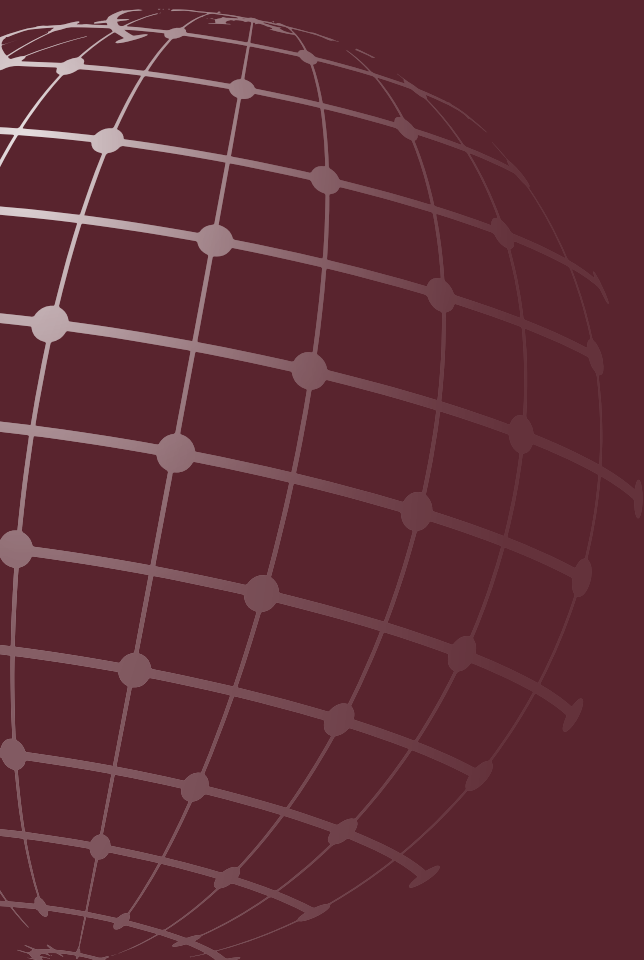
Privacy Assessment offerings	Privacy Assurance and transformation offering	Privacy Operations offerings	Legal advisory and support offerings	Managed Data Privacy offerings
<p>Data privacy maturity assessment: This entails performing current state assessment and gap analysis to determine the capability of the existing data privacy program in the protection of personal data and data subjects.</p>	<p>Privacy audit services: This service entails providing assurance on your preparedness for privacy and data localization audits, and developing assessment framework on privacy risk for your internal audit and enterprise risk management</p>	<p>Training and awareness: We offer customizable privacy awareness and Information Security trainings through online, classroom and bespoke setups in a way that is convenient, comprehensive, and interactive ways. The trainings are offered by our fully qualified resources in the respective areas of expertise.</p>	<p>Legal reviews services: We will help with the development of the privacy statements for your products, websites, and other platforms. We also develop privacy policies where it is non-existent, enhance the current ones to be more comprehensive and develop and enhance your terms of references</p> <p>We review contracts and agreements to ensure they adhere to the obligations defined in the privacy regulations.</p>	<p>DPO-as-a-Service: We offer DPO-as-a-Service by leveraging our technical, governance and legal expertise and resources. This entails providing the following services:</p> <ul style="list-style-type: none"> • Conducting quarterly privacy audits • Development and maintenance of the privacy plan • Performing data protection impact assessments on new sets of data deemed personal. • Being the Liaison between you and the supervisory authorities • Responding to a data breach • Responding to data subject access requests • Reviewing and maintaining privacy documentation every quarterly • Providing advisories on all clients' privacy and data protection obligations. • Training and awareness of internal staff, Board of directors, clients, third parties and connected partners.
<p>Data Protection Impact Assessment: This service entails reviewing the privacy program by evaluating the design, implementations and operating effectiveness of the various controls, governance, processes, and technology to assess the risk of harm to data subjects through misuse of their personal information</p>	<p>Advocacy assurance: This service entails providing representation to the data commissioner to help you get your licenses and approvals</p>			
<p>Data Governance: We perform enterprise-wide data discovery, traceability, data lineage, data flow maps, data processing registers and quality governance</p>				

HOW CAN WE HELP?

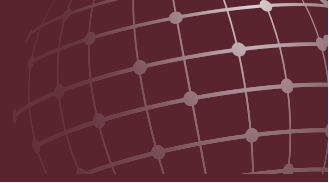


Privacy Assessment offerings	Privacy Assurance and transformation offering	Privacy Operations offerings	Legal advisory and support offerings	Managed Data Privacy offerings
<p>Privacy documents reviews: We perform review of contracts, agreements, Binding Corporate Rules (BCRs), Terms of references (TOR), Policies, Notification templates etc. to ensure that provisions of data privacy are articulated in a comprehensive and appropriate manner. This is done especially for scenarios that involves third parties and partners, on mergers and acquisitions and on customer onboarding.</p>	<p>Privacy strategy advisory services: We help build tactical/short term and long-term strategies on data privacy to enhance the eminence of your data privacy program with both the regulators and your stakeholders. This involves developing evaluation matrix for reporting performance of the program at any given time. It also entails developing global data transfer strategies and data retention strategies.</p>	<p>Policies, procedures, and standards reviews: We not only review your privacy policies, procedures, and standards, we also enhance them to ensure they are consistent to the needs of the privacy obligations and data privacy transformation.</p>		<p>Privacy by design services: We can provide you with support to implement privacy aspects in your product and services development.</p>

WHO WE ARE



WHO WE ARE



We are a growing risk advisory, consulting and investments management services firm that offers products and services across various industries including Financial services, Mining, Consumer industries, Energy, resources and industrials, technology, media and telecommunications, and government and public resources.

Through our advisory offerings, we build trust, resilience, and security by shaping responsible businesses to sustain and grow them in an increasingly unpredictable world. We endeavor strive to make an impact with value to our clients and community around us by providing value adding services through skillful executions, use of the best and proven tools for reviews and assessments and adopting tested and proven methodologies and approaches that enables us to make an impact that matters.

Our offerings are as highlighted below:

Risk Advisory Offerings	Investment management Offerings	Consulting Offerings
<ul style="list-style-type: none"> Technology Assurance and IT Specialised Audits Governance and Internal Controls Forensics and Legal Services Cyber security and Strategic Risk Management	<ul style="list-style-type: none"> Private Equity Real Estate Investment management Commodity Trading Private Wealth Management	<ul style="list-style-type: none"> Technology Architecture and Implementations Digital Innovations Strategy and Innovation Human Capital

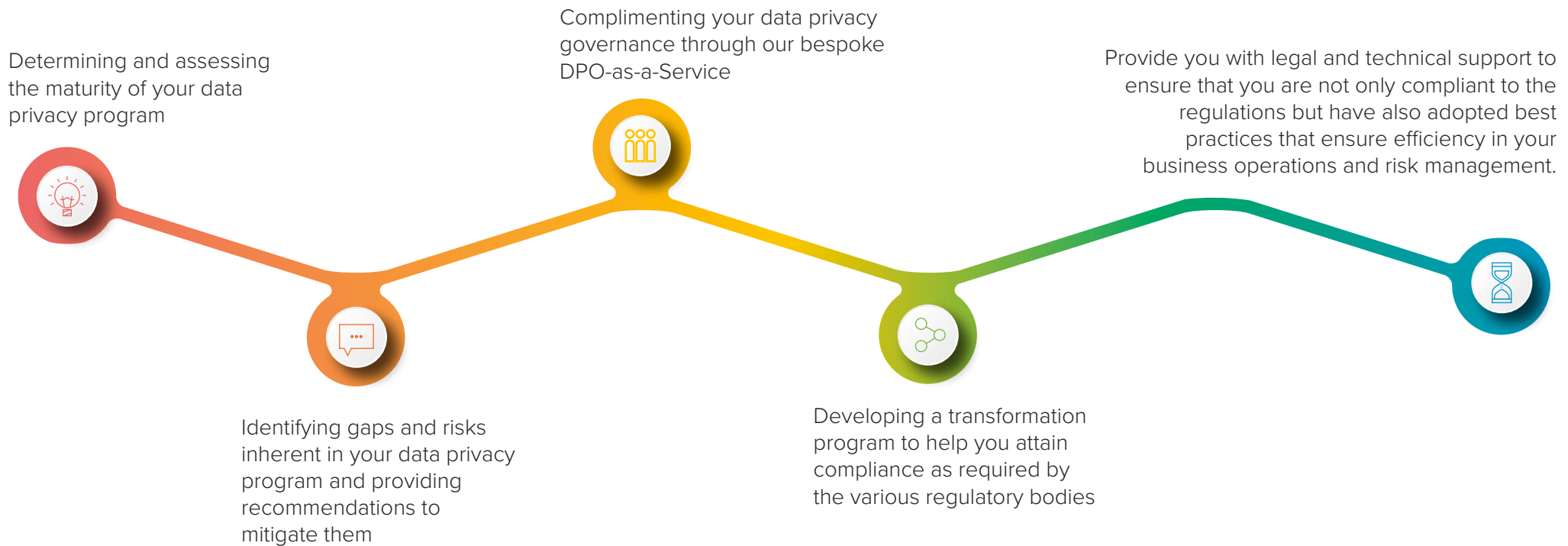
**WHY NASH
CONSULT IS
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COMPLIANCE**



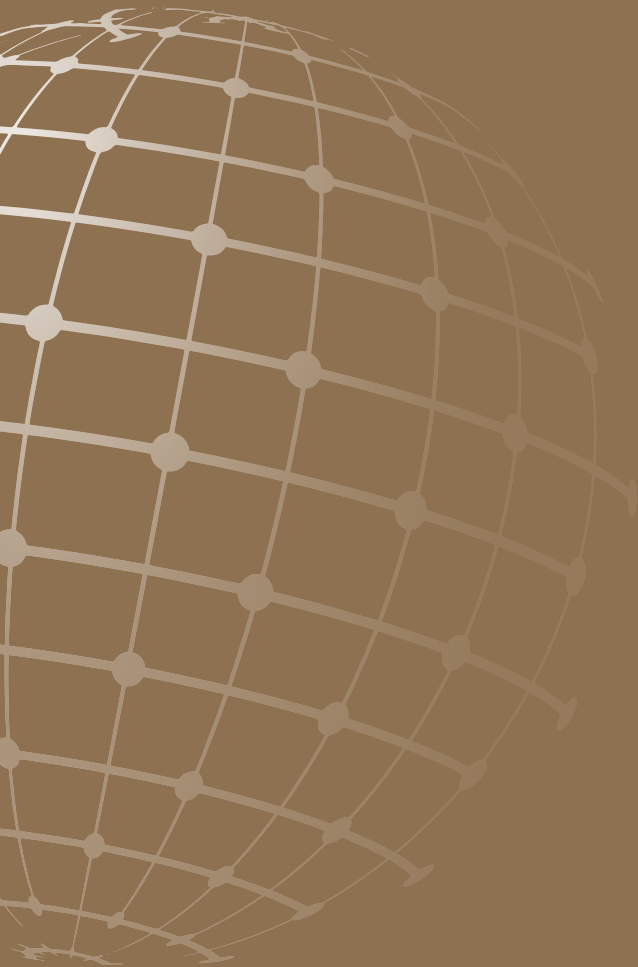
WHY NASH CONSULT IS YOUR BEST CHOICE OF A PARTNER



We value professionalism and making an impact that matters to you. We believe that regulatory compliance comes with its own sets challenges that requires proper skillsets and experience to navigate around. We have perfected these skillsets and through our cybersecurity and strategic risk management and legal offerings, we can help you in:



WHY ARE WE THE BEST AGAIN?



WHY ARE WE THE BEST AGAIN?

• We are the best because of our principles:



We exemplify the highest levels of integrity through trust, honesty, and carrying ourselves out with the highest ethical values.



We develop the most valuable solutions based on bespoke ideas and analysis that drives new perspectives to business and investment growth.



We are true to our values and know when to tread carefully in our decision-making and when to appreciate and seize great investment opportunities when it presents.



We leverage on our industry knowledge to be wise, tactful, and strategic in our approach to developing solutions that would best speak to our clients' needs.



We harness complex opportunities that would otherwise be ignored or overlooked by others in the market due to their eccentric nature.

• We are the best because of our bespoke skillsets:

We are experienced in providing data privacy solutions to clients in multiple industries both in the public and private sectors. We understand the dynamics and challenges of implementing a data privacy program and ensuring compliance to regulations such as the Kenya DPA and the GDPR.

We also pride ourselves on our capacity and individual experiences to provide unrivaled skillsets in reviewing and transforming data privacy programs. Our team is made of certified resources in data privacy management including:



Certified Information Privacy Professional



Certified Information Systems Auditor



Certified Information Privacy Manager



Certified Information Security Manager



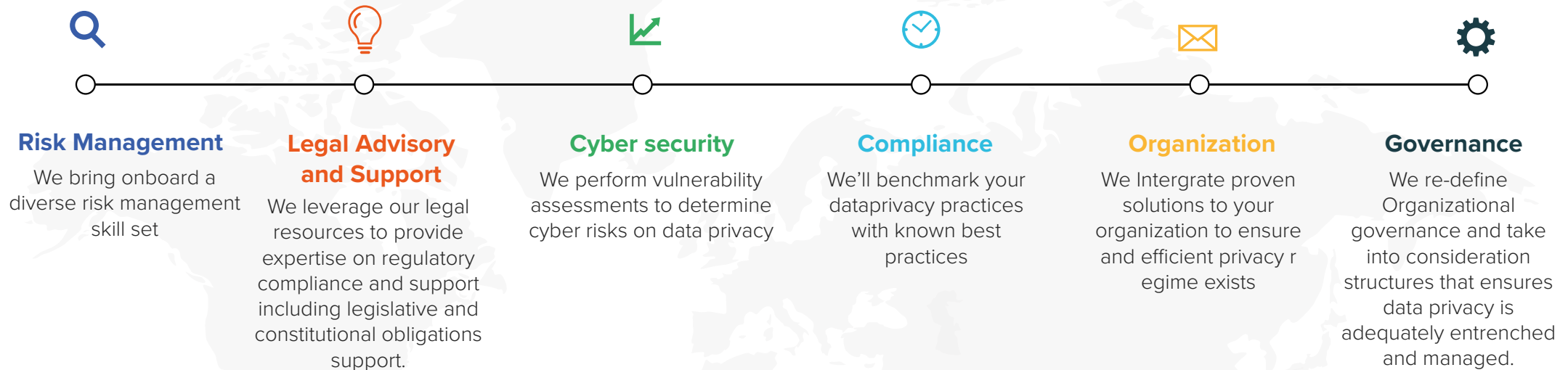
Certified Information Systems Security Professional



Offensive Security Certified Professional

WHY ARE WE THE BEST AGAIN?

• We bring to you the right mix of skills as shown below just to ensure we make an impact with value.





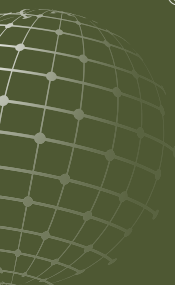
ABOUT NASH CONSULT

Nash Consult refers to a private company limited by guarantee and established to provide varied advisory, investment management and consulting products and services across the world. Refer to our website at www.nash-consult.com to learn more about our offerings and how we provide value to our clients.

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