



DATA PROTECTION POLICY & MANUAL

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001

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REFERENCED DOCUMENTS

REF	TITLE
ISO 9001- 2015 Clause 8	International Standard on Quality Management Systems Requirements

COPY HOLDERS

1. Chief Executive Officer
2. Management representative

PREPARED BY

REVIEWED BY

**APPROVED BY CHIEF
EXECUTIVE OFFICER**

Name, date and signature

Name, date and signature

Name, date and signature



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1.0 Introduction & Purpose

- 1.1 This Data Protection Policy sets out how GALANA ENERGIES LIMITED ("we", "our", "us", "the Company") handle the Personal Data of our customers, prospective customers, suppliers, employees, workers, business contacts and other third parties.
- 1.2 This Data Protection Policy applies to all Personal Data we Process regardless of the media on which that data is stored or whether it relates to past or present employees, workers, customers, clients or supplier contacts, shareholders, website users, or any other Data Subject.
- 1.3 This Data Protection Policy applies to all Company Personnel ("you", "your"). You must read, understand and comply with this Data Protection Policy when Processing Personal Data on our behalf and attend training on its requirements. Data protection is the responsibility of everyone within the Company and this Data Protection Policy sets out what we expect from you when handling Personal Data to enable the Company to comply with applicable law. Your compliance with this Data Protection Policy is mandatory. Related Policies and Privacy Guidelines are available to help you interpret and act in accordance with this Data Protection Policy. You must also comply with all those Related Policies and Privacy Guidelines. Any breach of this Data Protection Policy may result in disciplinary action.
- 1.4 Where you have a specific responsibility in connection with Processing, such as capturing Consent, reporting a Personal Data Breach or conducting a DPIA as referenced in this Data Protection Policy or otherwise, then you must comply with the Related Policies and Privacy Guidelines.
- 1.5 This Data Protection Policy (together with Related Policies and Privacy Guidelines) is an internal document and cannot be shared with third parties, clients or regulators without prior authorisation from the DPO.


2.0 Scope and when to seek advice on data protection compliance

- 2.1 We recognize that the correct and lawful treatment of Personal Data will maintain

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trust and confidence in the organisation and will provide for successful business operations. Protecting the confidentiality and integrity of Personal Data is a critical responsibility that we take seriously at all times.

- 2.2 All line managers/Head of Departments are responsible for ensuring all Company Personnel comply with this Data Protection Policy and need to implement appropriate practices, processes, controls and training to ensure that compliance.
- 2.3 The DPO is responsible for overseeing this Data Protection Policy and, as applicable, developing Related Policies and Privacy Guidelines. That post is held by James Mwangi, who can be reached at james.mwangi@galanaenergies.com.
- 2.4 Please contact the DPO with any questions about the operation of this Data Protection Policy or if you have any concerns that this Data Protection Policy is not being or has not been followed. In particular, you must always contact the DPO in the following circumstances:
 - 2.4.1 if you are unsure of the lawful basis on which you are relying to process Personal Data (including the legitimate interests used by the Company);
 - 2.4.2 if you need to rely on Consent or need to capture Explicit Consent;
 - 2.4.3 if you need to draft Privacy Notices;
 - 2.4.4 if you are unsure about the retention period for the Personal Data being Processed;
 - 2.4.5 if you are unsure what security or other measures you need to implement to protect Personal Data;
 - 2.4.6 if there has been a Personal Data Breach;
 - 2.4.7 if you are unsure on what basis to transfer Personal Data outside Kenya;
 - 2.4.8 if you need any assistance dealing with any rights invoked by a Data Subject;
 - 2.4.9 whenever you are engaging in a significant new, or change in, Processing activity which is likely to require a DPIA or plan to use Personal Data for purposes other than for which it was collected;
 - 2.4.10 if you plan to undertake any activities involving Automated Processing including profiling or Automated Decision-Making;

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- 2.4.11 if you need help complying with applicable law when carrying out direct marketing activities; or
- 2.4.12 if you need help with any contracts or other areas in relation to sharing Personal Data with third parties (including our vendors) (see paragraph 22).

3.0 Responsibilities and Authorities

- 3.1 The Chief Executive Officer (CEO) has the prime responsibility and approval authority for this document.
- 3.2 All Employees are required to adhere to data protection policy and procedure in their daily work.

4.0 References and Definitions

- 4.1 Reference
 - 4.1.1 ISO 9001:2015 Quality Management Systems Standard
- 4.2 Definitions
 - 4.2.1 **CEO:** Chief Executive Officer
 - 4.2.2 **GEL :** Galana Energies limited
 - 4.2.3 **Company name or Company:** Galana Energies Limited.
 - 4.2.4 **Consent:** means any manifestation of express, unequivocal, free, specific and informed indication of the data subject's wishes by a statement or by a clear affirmative action, signifying agreement to the processing of personal data relating to the data subject.
 - 4.2.5 **Controller:** Galana Energies Limited.
 - 4.2.6 **Criminal Convictions Data:** personal data relating to criminal convictions and offences, including personal data relating to criminal allegations and proceedings.

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- 4.2.7 **Data Subject:** has the meaning assigned to it in the Data Protection Act, 2019 Cap 411C.
- 4.2.8 **Data Privacy Impact Assessment (DPIA):** tools and assessments used to identify and reduce risks of a data processing activity. A DPIA can be carried out as part of Privacy by Design and should be conducted for all major system or business change programmes involving the Processing of Personal Data.
- 4.2.9 **Data Protection Officer (DPO):** means James Mwangi Murithi.
- 4.2.10 **Explicit Consent:** consent which requires a very clear and specific statement (that is, not just action).
- 4.2.11 **Personal Data:** has the meaning assigned to it in the Data Protection Act, 2019 Cap 411C.
- 4.2.12 **Personal Data Breach:** has the meaning assigned to it in the Data Protection Act, 2019 Cap 411C.
- 4.2.13 **Privacy by Design:** implementing appropriate technical and organisational measures in an effective manner to ensure compliance with the Data Protection Act 2019, Cap 411C.
- 4.2.14 **Privacy Notices (also referred to as Fair Processing Notices) or Privacy Policies:** separate notices setting out information that may be provided to Data Subjects when the Company collects information about them. These notices may take the form of:
- general privacy statements applicable to a specific group of individuals (for example, employee privacy notices or the website privacy policy); or
 - stand-alone, one-time privacy statements covering Processing related to a specific purpose.
- 4.2.15 **Processing or Process:** means any operation or sets of operations which is performed on personal data or on sets of personal data whether or not by automated means, such as:-

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- 4.2.15.1 collection, recording, organization, structuring;
- 4.2.15.2 storage, adaptation or alteration;
- 4.2.15.3 retrieval, consultation or use;
- 4.2.15.4 disclosure by transmission, dissemination, or otherwise making available; or
- 4.2.15.5 alignment or combination, restriction, erasure or destruction.

4.2.16 **Pseudonymisation or Pseudonymised:** means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, and such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

4.2.17 **Related Policies:** the Company's policies, operating procedures or processes related to this Data Protection Policy and designed to protect Personal Data.

4.2.18 **Special Categories of Personal Data:** information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data.

5.0 Resources

- 5.1 The Data Protection Act
- 5.2 Regulations and guidelines
- 5.3 Company policies and procedures
- 5.4 Data

6.0 Inputs

- 6.1 Data

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- 6.2 Applicable laws and regulations
- 6.3 Company policies and procedures


7.0 Outputs

- 7.1 Data protection policy
- 7.2 Staff training and awareness
- 7.3 Third party agreements
- 7.4 Privacy notification and policies
- 7.5 Incidence reports

8.0 Procedure Details

8.1 Personal data protection principles

- 8.1.1 We adhere to the principles relating to Processing of Personal Data set out under s.25 of the Data Protection Act 2019, CAP. 411C which require Personal Data to be:
 - 8.1.1.1 processed in accordance with the right to privacy of the data subject;
 - 8.1.1.2 processed lawfully, fairly and in a transparent manner in relation to any data subject;
 - 8.1.1.3 collected for explicit, specified and legitimate purposes and not further processed in a manner incompatible with those purposes;
 - 8.1.1.4 adequate, relevant, limited to what is necessary in relation to the purposes for which it is processed;
 - 8.1.1.5 collected only where a valid explanation is provided whenever information relating to family or private affairs is required;
 - 8.1.1.6 accurate and, where necessary, kept up to date, with every reasonable step being taken to ensure that any inaccurate personal data is erased or rectified without delay;

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- 8.1.1.7 kept in a form which identifies the data subjects for no longer than is necessary for the purposes which it was collected; and
- 8.1.1.8 not transferred outside Kenya, unless there is proof of adequate data protection safeguards or consent from the data subject.
- 8.1.2 We are responsible for and must be able to demonstrate compliance with the data protection principles listed above.
- 8.2 Lawfulness, fairness and transparency**
 - 8.2.1 Personal data must be Processed lawfully, fairly and in a transparent manner in relation to the Data Subject.
 - 8.2.2 You may only collect, Process and share Personal Data fairly and lawfully and for specified purposes.
 - 8.2.3 You must identify and document the legal ground being relied on for each Processing activity.
- 8.3 Consent & Data Subject Rights**
 - 8.3.1 Galana Energies Limited will only process personal data if the Data Subject consent to the processing of their personal data. In seeking the processing, we shall inform the Data Subject of:
 - 8.3.1.1 the identity of the data controller or data processor;
 - 8.3.1.2 the purpose of each of the processing operations for which consent is sought;
 - 8.3.1.3 the type of personal data that is collected and used;
 - 8.3.1.4 information about the use of the personal data for automated decision-making, where relevant;
 - 8.3.1.5 the possible risks of data transfers due to absence of an adequacy decision or appropriate safeguards;
 - 8.3.1.6 whether the personal data processed shall be shared with third parties;
 - 8.3.1.7 the right to withdraw consent; and
 - 8.3.1.8 the implications of providing, withholding or withdrawing consent.

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- 8.3.2 Data relating to minors (individuals below the age of 18 years) will be processed once consent is obtained from the minor’s guardian/parent and in a manner that advances the best interest of the minor.
- 8.3.3 In processing personal data belonging to minors, Galana Energies Limited shall adopt appropriate age verification mechanisms.
- 8.3.4 A Data Subject consents to Processing of their Personal Data if they clearly indicate agreement to the Processing.
- 8.3.5 A Data Subject must be easily able to withdraw Consent to Processing at any time and withdrawal must be promptly honoured. Consent may need to be refreshed if you intend to Process Personal Data for a different and incompatible purpose which was not disclosed when the Data Subject first consented.
- 8.3.6 When processing Special Category Data or Criminal Convictions Data, we will usually rely on a legal basis for processing other than Explicit Consent or Consent if possible. Where Explicit Consent is relied on, you must issue a Privacy Notice to the Data Subject to capture Explicit Consent.
- 8.3.7 You will need to evidence Consent captured and keep records of all Consents in accordance with Related Policies and Privacy Guidelines, so that the Company can demonstrate compliance with Consent requirements.
- 8.3.8 At the centre of the processing of personal data by Galana Energies Limited is adherence to the rights of the data subject which are:
- 8.3.8.1 to be informed of the use to which their personal data is to be put;
 - 8.3.8.2 to access their personal data in custody of data controller or data processor;
 - 8.3.8.3 to object to the processing of all or part of their personal data;
 - 8.3.8.4 to correction of false or misleading data; and
 - 8.3.8.5 to deletion of false or misleading data about them.

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8.4 Purpose limitation

- 8.4.1 Personal Data must be collected only for specified, explicit and legitimate purposes. It must not be further Processed in any manner incompatible with those purposes.
- 8.4.2 You cannot use Personal Data for new, different or incompatible purposes from that disclosed when it was first obtained unless you have informed the Data Subject of the new purposes and they have Consented where necessary.
- 8.4.3 If you want to use Personal Data for a new or different purpose from that for which it was obtained, you must first contact the DPO for advice on how to do this in compliance with both the law and this Data Protection Policy.

8.5 Data minimization

- 8.5.1 Personal Data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is Processed.
- 8.5.2 You may only Process Personal Data when performing your job duties requires it. You cannot Process Personal Data for any reason unrelated to your job duties.
- 8.5.3 You may only collect Personal Data that you require for your job duties: do not collect excessive data. Ensure any Personal Data collected is adequate and relevant for the intended purposes.
- 8.5.4 You must ensure that when Personal Data is no longer needed for specified purposes, it is deleted or anonymised in accordance with the Company's data retention guidelines.

8.6 Accuracy

- 8.6.1 Personal Data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when inaccurate.
- 8.6.2 You must ensure that the Personal Data we use and hold is accurate, complete, kept up to date and relevant to the purpose for which we collected it. You must check the accuracy of any Personal Data at the

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point of collection and at regular intervals afterwards. You must take all reasonable steps to destroy or amend inaccurate or out-of-date Personal Data.

8.7 Storage limitation

- 8.7.1 Personal Data must not be kept in an identifiable form for longer than is necessary for the purposes for which the data is processed.
- 8.7.2 The Company will maintain Personal Data for upto ten (10) years.
- 8.7.3 You must not keep Personal Data in a form which permits the identification of the Data Subject for longer than needed for the legitimate business purpose or purposes for which we originally collected it including for the purpose of satisfying any legal, accounting or reporting requirements.
- 8.7.4 You will take all reasonable steps to destroy or erase from our systems all Personal Data that we no longer require in accordance with all the Company's applicable records retention schedules and policies. This includes requiring third parties to delete that data where applicable.
- 8.7.5 You will ensure Data Subjects are provided with information about the period for which data is stored and how that period is determined in any applicable Privacy Notice.

8.8 Security integrity and confidentiality

- 8.8.1 Personal Data must be secured by appropriate technical and organisational measures against unauthorised or unlawful Processing, and against accidental loss, destruction or damage.
- 8.8.2 We will develop, implement and maintain safeguards appropriate to our size, scope and business, our available resources, the amount of Personal Data that we own or maintain on behalf of others, and identified risks (including use of encryption and Pseudonymisation where applicable). We will regularly evaluate and test the effectiveness of those safeguards to ensure security of our

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Processing of Personal Data. You are responsible for protecting the Personal Data we hold. You must implement reasonable and appropriate security measures against unlawful or unauthorised Processing of Personal Data and against the accidental loss of, or damage to, Personal Data. You must exercise particular care in protecting Special Categories of Personal Data and Criminal Convictions Data from loss and unauthorised access, use or disclosure.

- 8.8.3 You must follow all procedures and technologies we put in place to maintain the security of all Personal Data from the point of collection to the point of destruction. You may only transfer Personal Data to third-party service providers who agree to comply with the required policies and procedures and who agree to put adequate measures in place, as requested.
- 8.8.4 You must maintain data security by protecting the confidentiality, integrity and availability of the Personal Data, defined as follows:
 - 8.8.4.1 Confidentiality: only people who have a need to know and are authorised to use the Personal Data can access it;
 - 8.8.4.2 Integrity: Personal Data is accurate and suitable for the purpose for which it is processed; and
 - 8.8.4.3 Availability: authorised users are able to access the Personal Data when they need it for authorised purposes.

8.9 Reporting a Personal Data Breach


- 8.9.1 Section 43 of the Data Protection Act requires Controllers to notify any Personal Data Breach to the Data Commissioner and, in certain instances, the Data Subject.
- 8.9.2 We have put in place procedures to deal with any suspected Personal Data Breach and will notify the Data Subject or any applicable regulator where we are legally required to do so.
- 8.9.3 If you know or suspect that a Personal Data Breach has occurred, do not attempt to investigate the matter yourself. Immediately contact the DPO. You should preserve all evidence relating to the potential

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Personal Data Breach.

8.10 Transfer limitation

- 8.10.1 The Data Protection Act restricts data transfers to countries outside Kenya to ensure that the level of data protection afforded to individuals is not undermined. You transfer Personal Data originating in one country across borders when you transmit, send, view or access that data in or to a different country.
- 8.10.2 You must comply with the Company's guidelines on cross-border data transfers.
- 8.10.3 You may only transfer Personal Data outside Kenya if one of the following conditions applies:
- 8.10.4.1 The Government of Kenya has issued regulations confirming that the country to which we transfer the Personal Data ensures an adequate level of protection for the Data Subject's rights and freedoms;
 - 8.10.4.2 appropriate safeguards are in place such as binding corporate rules, standard contractual clauses approved for use in Kenya, an approved code of conduct or a certification mechanism, a copy of which can be obtained from the DPO;
 - 8.10.4.3 the Data Subject has provided Explicit Consent to the proposed transfer after being informed of any potential risks; or
 - 8.10.4.4 the transfer is necessary for one of the other reasons including:
 - the performance of a contract between us and the Data Subject;
 - reasons of public interest;
 - to establish, exercise or defend legal claims; and
 - in some limited cases, for our legitimate interest.

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8.11 Data Subject's requests

- 8.11.1 You must verify the identity of an individual requesting to exercise a Data Subject's rights.
- 8.11.2 You must immediately forward any Data Subject request you receive to your line manager OR the HR Department OR the DPO.
- 8.11.3 Withdrawal of consent by a Data Subject should be effected immediately.

8.12 Accountability

- 8.12.1 Galana Energies Limited will implement appropriate technical and organisational measures in an effective manner to ensure compliance with data protection principles.
- 8.12.2 Galana Energies Limited will put adequate resources and controls in place to ensure and to document compliance with the Data Protection Act including:
 - 8.12.2.1 appointing a suitably qualified DPO (where necessary) and an executive accountable for data privacy;
 - 8.12.2.2 implementing Privacy by Design when Processing Personal Data and completing DPIAs where Processing presents a high risk to rights and freedoms of Data Subjects;
 - 8.12.2.3 integrating data protection into internal documents including this Data Protection Policy, Related Policies, Privacy Guidelines or Privacy Notices;
 - 8.12.2.4 regularly training Company Personnel on the Data Protection Act and its regulations, this Data Protection Policy, Related Policies and Privacy Guidelines, and data protection matters including, for example, a Data Subject's rights, Consent, legal basis, DPIA and Personal Data Breaches. The Company must maintain a record of training attendance by Company Personnel; and

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8.12.2.5 regularly testing the privacy measures implemented and conducting periodic reviews and audits to assess compliance, including using results of testing to demonstrate compliance improvement effort.

8.13 Privacy by Design and Data Protection Impact Assessment (DPIA)

8.13.1 We are required to implement Privacy by Design measures when Processing Personal Data to implement the data protection principles in an effective manner; and to integrate necessary safeguards for that purpose into the processing by adopting measures such as:-

- 8.13.1.1 to identify reasonably foreseeable internal and external risks to personal data under the person's possession or control;
- 8.13.1.2 to establish and maintain appropriate safeguards against the identified risks;
- 8.13.1.3 to the pseudonymisation and encryption of personal data;
- 8.13.1.4 to the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;
- 8.13.1.5 to verify that the safeguards are effectively implemented; and
- 8.13.1.6 to ensure that the safeguards are continually updated in response to new risks or deficiencies.

8.14 Direct marketing

- 8.14.1 We are subject to certain rules and privacy laws when engaging in direct marketing to our customers and prospective customers (for example when sending marketing emails or making telephone sales calls).
- 8.14.2 For example, in a business to consumer context, a Data Subject's prior consent is generally required for electronic direct marketing (for example, by email, text or automated calls). The limited exception for

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existing customers known as "soft opt-in" allows an organisation to send marketing texts or emails without consent if it:

- 8.14.2.1 Has obtained contact details in the course of a sale to that person.
 - 8.14.2.2 Is marketing similar products or services.
 - 8.14.2.3 Gave the person an opportunity to opt out of marketing when first collecting the details and in every subsequent marketing message.
- 8.14.3 The right to object to direct marketing must be explicitly offered to the Data Subject in an intelligible manner so that it is clearly distinguishable from other information.
- 8.14.4 A Data Subject's objection to direct marketing must always be promptly honoured. If a customer opts out of marketing at any time, their details should be suppressed as soon as possible. Suppression involves retaining just enough information to ensure that marketing preferences are respected in the future.
- 8.14.5 You must comply with the Company's guidelines on direct marketing to customers and you should consult your line manager OR the marketing department OR the DPO if you are unsure regarding how to comply with either the Company's guidelines or the law.

8.15 Sharing Personal Data

- 8.15.1 Generally, we are not allowed to share Personal Data with third parties unless certain safeguards and contractual arrangements have been put in place.
- 8.15.2 You may only share the Personal Data we hold with another employee, agent or representative of our group (which includes our subsidiaries and our ultimate holding company along with its subsidiaries) if the recipient has a job-related need to know the information and the transfer complies with any applicable cross-border transfer restrictions.
- 8.15.3 You may only share the Personal Data we hold with third parties,

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such as our service providers, if:

- 8.15.3.1 they have a need to know the information for the purposes of providing the contracted services;
- 8.15.3.2 sharing the Personal Data complies with the Privacy Notice provided to the Data Subject and, if required, the Data Subject's Consent has been obtained;
- 8.15.3.3 the third party has agreed to comply with the required data security standards, policies and procedures, and put adequate security measures in place;
- 8.15.3.4 the transfer complies with any applicable cross-border transfer restrictions; and
- 8.15.3.5 a fully executed written contract that contains UK GDPR-approved third party clauses has been obtained.

8.16 Changes to this Data Protection Policy

- 8.16.1 We keep this Data Protection Policy under regular review. This version was last updated on 25th September, 2024. Historic versions are available from the DPO.
- 8.16.2 This Data Protection Policy does not override any applicable national data privacy laws and regulations in countries where the Company operates.

9.0 Record of Revisions

Rev	Date	Section	Paragraph	Summary of change	Authorized by
00	15/07/2024			Initial issue	CEO



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