

PRIVACY POLICY



1. WHAT DOES THIS PRIVACY POLICY DO?

This "Privacy Policy" contractually regulates how we collect and use your information and your rights in this regard. Please read this Privacy Policy carefully before entering the Wavumbuzi Entrepreneurship Challenge ("the Challenge") on our "Website" (<http://entrepreneurshipchallenge.africa/>) or using our Website. This Privacy Policy will apply to you, and creates a legally binding contract between us ("us" being the Allan & Gill Gray Philanthropy registered as a foreign branch in Kenya, Registration No. FC-M8T9X6, hereafter referred to as Allan & Gill Gray Philanthropies (AGGP), Kenya ("AGGP, Kenya") and "you" being the browser / user of our Website), whenever you use or access our Website.

Any personal data we collect from you will be processed in accordance with the Kenyan Data Protection Act (2019) and its attendant regulations.

Further to the terms of this privacy policy, Website users remain bound by the privacy related provisions under Articles 24 and 31 of the Constitution of Kenya (2010), the provisions of the Kenyan Data Protection Act (2019), and all attendant rules and regulations for the time being in force.

2. WHEN DOES THIS PRIVACY POLICY APPLY?

You agree that this Privacy Policy applies when you access or use our Website. Agreement to this Policy may also be done on your behalf, for any learner / student below 18 years of age, by your parent or guardian or your school.

3. OTHER APPLICABLE TERMS

There are also "Browser Terms" on our Website that apply when you use the Website for any reason and additional terms that will apply specifically to the Challenge ("the Challenge Terms"). If there is a conflict between these Terms and the Challenge Terms or Browser Terms, the various terms will apply in the following order of precedence:

- (i) Challenge Terms;
- (ii) Privacy Policy and
- (iii) Browser Terms.

4. CHANGES TO THIS PRIVACY POLICY

Unless the law requires otherwise, we may change the terms of this Privacy Policy from time to time in line with any changes that the law or our internal business operations require, without prior notice. The version of this Privacy Policy that is displayed on the Website at the time you visit and / or use our Website will apply to and regulate our relationship. It is your responsibility to consider the Privacy

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Policy each time you use our Website. If you do not agree with any terms of this Privacy Policy, you must stop using our Website.

5. OUR COMMITMENT

This Privacy Policy and your right to privacy is important to us. We are committed to taking steps to protect your privacy when you use our Website. We implement business practices that comply with all relevant legislation and take special precaution in respects of the protection of children's personal information in line with the Kenyan Data Protection Act (2019) and other attendant laws in force as of present or in the future. In this Privacy Policy, we explain how we will use and protect your personal information.

6. WHAT IS PERSONAL INFORMATION?

If we refer to "personal information" or "information" in this Privacy Policy, we mean any information relating to identified or identifiable natural persons as users and includes but is not limited to, your full name, surname, email address, identity number, contact details, location, the name of your school and other data or information which you may upload to the Website. If you are under the age of 18 (eighteen) years, your personal information will qualify as "personal data relating to a child" as described within the Kenyan Data Protection Act (2019) for purposes of this policy, and our organization shall undertake to put in place further protection in the processing of such information as required by data protection laws. The terms data and information are used interchangeably in this Policy and have the same meaning.

7. COLLECTING YOUR PERSONAL INFORMATION

We collect personal information about you when you use our Website, communicate with us and/or submit or upload information or data to the Website. We may also collect information about you from third parties - by using our website you expressly agree to the collection of the information.

We shall only collect personal data relating to a child with the consent of their parent, guardian or school and shall process such data in a manner that protects and advances the rights and best interests of the child.

8. USE OF COOKIES

When you use our Website, we may automatically receive and record information on our server logs from your browser which may include your location, IP address, cookie information, and the page you requested. This is statistical data about browsing actions and patterns and does not identify any

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individual. We may also obtain information about your general internet usage through a cookie file which is stored on the hard drive of your computer. Cookies enable us to improve our service to you, estimate our audience size and usage patterns, store information about your preferences and recognize you when you return to our Website.

In some instances, we may collect and store information about your location. We convert your IP address or mobile GPS data into a rough geo-location. We may use location information to improve our business and the Challenge and its related activities for you.

You can set your web browser to refuse cookies, but if you do this you may not be able to enjoy the full use of our Website and you may not be able to take advantage of certain additional activities or promotions we may run relating either to the Challenge or to offerings from our partners / sponsors.

Please note that third parties listed on our Website may also use cookies, but we do not have access to, or control over them, and therefore cannot take responsibility for them. However, you can also disable these cookies in your web browser settings.

9. LINKS ON OUR WEBSITE

Our Website may include links to other apps or third-party websites which do not fall under our supervision. We cannot accept any responsibility for your privacy or the content of these links. You use these links at your own risk, and we will not be liable for any harm that you may incur when using these links.

10. HOW WE USE YOUR INFORMATION

We use your information to make our Website and the Challenge available to you and generally for purposes of our relationship. We will process your personal information for the purposes set out in this Privacy Policy and for any other legally justifiable purpose, such as for purposes of complying with the law or for our legitimate business interests. We will not process any children's personal information in such a way so as to adversely affect the individual privacy of that child.

11. INFORMATION THAT WE STORE AND USE

We generally store and use the following information: your first name(s), surname, address, phone numbers, email address, details of your school, IP address or cookie information, location information, demographic information including your age and gender, your submissions as a part of the Challenge and any other information which we reasonably need to perform our obligations in terms of facilitating the Challenge.

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12. PURPOSES FOR PROCESSING INFORMATION

We will only process adequate and relevant information to:

- Facilitate the running of the Challenge and/or to distribute prizes;
- Operate, manage and process your user account for the purposes of your participation in the Challenge;
- Contact you by email, sms, or other means to inform you of any prizes which you may have won or any other Challenge related information;
- Contact you about our related products, services, and/or opportunities that may be available to you (you can always opt-out from marketing communications);
- Enable our partners / sponsors to contact you about related products, services and/or opportunities;
- Monitor and analyse use of the Website or the Challenge and its related goals and performance indicators;
- Form a view about you as an individual and to identify, develop or improve products that may interest you;
- Carry out market research, business and statistical analysis;
- Carry out audits; and
- Perform other administrative and operational tasks like testing our processes and systems.

We may use your information for other purposes if the law allows for it, or if you consent to it, or if it is in the public interest or for the national security concerns. Further, any processing of children's personal information will only be done upon receiving consent to do so or in terms of any other legal justification to do so.

13. YOUR RIGHTS

You have the right to have your personal information processed according to the conditions for lawful processing of personal information as set out in the applicable data protection legislation, which includes the rights of:

- **Notification** – the right to be notified that personal information about you is being collected or that it has been accessed or acquired by an unauthorised person.
- **Access** – the right to establish where we hold your personal information and to request access to such personal information.

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- **Rectification and erasure** – the right to request, where necessary, the correction, destruction or deletion of your personal information.
- **Objection** – the right to object, on reasonable grounds in relation to your particular situation, to the processing of your personal information. This includes the right to object to the processing of your personal information for direct marketing.
- **Profiling** – the right not to be subject, under certain circumstances, to a decision which is made solely on the basis of the automated processing of your personal information intended to provide a profile of you.
- **Personal data portability** – the right to request for your personal data to be sent to you in a structured and readable format, and the right to request for it to be transmitted to another data controller, where technically feasible, without hindrance.
- **Right to restriction of data processing** – the right to restrict the processing of your personal data for a period where: you object to its accuracy and while its accuracy is being verified; you object to its processing pending the verification of whether the legitimate grounds given override your rights, freedoms or legitimate interests.
- **Right to designate an heir to personal data** – the right to leave a will with full or restricted rights relating to the processing of your personal data, if it still needs to be used.
- **Right to representation** – the right to representation where: you are under 18 years; you have a physical or medically determinable mental impairment and are unable to represent yourself or; for any other reason in which case you are represented by another person authorized in writing by yourself in accordance with relevant law.
- **Complaints** – the right to submit a complaint to the relevant regulator regarding alleged interference with the protection of your personal information.
- **Civil proceedings** – the right to institute civil proceedings regarding alleged interference with the protection of your personal information.

Please keep in mind that these rights are not unlimited. We are required by any relevant law to limit your right to exercise some of these rights. Examples of such instances include (among others) where required by:

- Tax laws; and
- Anti-money laundering and fraud-prevention laws.

14. SHARING OF PERSONAL INFORMATION

We will keep your personal information confidential and only share it with others in terms of this Privacy Policy, if you consent to it, or if the law requires from us to share it. We have trusted relationships with carefully selected third parties who perform services for us. All these service

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providers, partners / sponsors have a contract with us in terms whereof they have a legal obligation to secure your personal information and to use it only in a way that we permit, especially having regard to the nature of the information being children's personal information.

In general, we may share your information with our affiliates, partners / sponsors, third party service providers, regulatory and governmental authorities (if they request us to do so), and any other third party if the law requires from us to share it.

We may share your information for any of the lawful basis provided for under local Data Protection Law, including compliance with a mandatory legal obligation, for the fulfillment of our legitimate purpose and in the public interest.

For the avoidance of doubt, the use of our website shall expressly allow us to share your Personal Information only with trusted third parties.

15. HOW SECURE IS YOUR INFORMATION?

We are committed to implementing appropriate technical and other security measures to protect the integrity and confidentiality of your information. We protect and manage information that we hold about you by using electronic and computer safeguards like firewalls, data encryption, and physical and electronic access control to our buildings.

We only authorise access to information to those employees who require it to fulfil their designated responsibilities and such information will not be processed in any way so as to adversely affect your privacy.

16. QUALITY AND ACCESS TO YOUR INFORMATION

We want to ensure that your information is accurate and up to date. You may ask us to correct or remove any information that you think is inaccurate, by sending us an email to info@wavumbuzi.africa.

You have the right to request us to provide you with information that we hold about you. You must contact us directly to do so or send an email to info@wavumbuzi.africa.

17. RETENTION OF INFORMATION

We shall retain your personal information only for as long as necessary to satisfy the purposes for which it is processed in terms of this Privacy Policy or the Challenge Terms, but we may retain the information for a longer period in cases that it is:

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- (i) required or authorized by law;
- (ii) reasonably necessary for a lawful purpose;
- (iii) for legitimate business purposes;
- (iv) authorized or consented by you or, if a child, by the school; and
- (v) for historical, statistical, journalistic literature and art or research purposes.

We may keep information indefinitely and pseudonymize in a de-identified format for research and statistical purposes or for the benefit of our partners / sponsors. Personal information that is de-identified cannot be used to identify you.

This Privacy Policy also applies when we retain your information, even if our relationship has ended.

18. TRANS-BORDER FLOW OF INFORMATION

We may transfer your information to foreign countries for retention purposes or if our service providers are cross border or use systems cross border. If you continue to use our Website, you expressly agree that we may transfer the information cross border for these purposes.

Where transfer of your information is necessary, we shall ensure appropriate safeguards are in place in the foreign country for the security and protection of your information.

19. DELETION OF INFORMATION

We shall delete your information once it becomes obsolete.

20. SECURITY BREACH

We have put in place internal measures to ensure security of your data. However, in any instance where an identified breach of your data possesses a real risk of harm to your personal data we shall notify the Data Commissioner within seventy-two hours of becoming aware of such breach.

If you want to report any concerns about our privacy practices or if you suspect any breach regarding your information, kindly notify us by sending an email to info@wavumbuzi.africa.

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21. LODGING A COMPLAINT

Any questions, comments, or complaints regarding data and information collected by us to effect this Policy should be directed in writing and addressed to our Data Protection Officer at: info@wavumbuzi.africa.

22. AMENDMENTS TO THIS POLICY

We reserve the right to amend this Privacy Policy from time to time in response to changes in legislation or our business practices. Any changes we make will be displayed on our website and if appropriate notified to you by email or other means. Please check the website for the most up-to-date terms.

23. LEGAL DISCLOSURE

- Site owner: Allan & Gill Gray Philanthropy Rwanda registered as a foreign branch in Kenya, Registration No. FC-M8T9X6, herein referred to as Allan & Gill Gray Philanthropies (AGGP), Kenya ("**AGGP, Kenya**")
- Legal status: The Philanthropy is a company limited by guarantee incorporated in Rwanda, with a Kenyan branch duly registered in terms of the applicable laws of Kenya
- Description of the main purpose of AGGP, Kenya: Contributing to catalyzing the entrepreneurial spirit in Africa through the Entrepreneurship Challenge, foster responsible entrepreneurship for the common good through supporting high-impact entrepreneurs and their high-growth ventures ultimately addressing the unacceptable levels of poverty and unemployment hence leading to social change.
- Email address: info@wavumbuzi.africa
- Website address: <http://entrepreneurshipchallenge.africa/>
- Physical address: Nairobi Garage, Pine Tree Plaza, Kamburu Drive, Off Ngong Road, Nairobi, Kenya
- Postal address: Allan & Gill Gray Philanthropy Rwanda P.O. BOX 22226 -00505 Ngong Road, Nairobi, Kenya