



Kenya School of Government  
Staff Retirement Benefit Scheme

# Data Protection and Privacy Policy

2023-2025

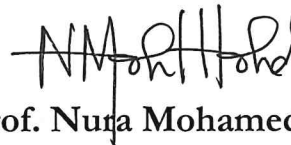
## **APPROVAL OF THIS DATA PROTECTION AND PRIVACY POLICY**

The Kenya School of Government Staff Retirement Benefit Scheme Board of Trustees deliberated on and adopted this Data Protection and Privacy Policy in its meeting of ..... The policy was approved for use with effect from .....

The Board of Trustees will review the policy from time to time and in any case within a period of three years. All amendments will be communicated in writing. This will provide assurance that the Policy will remain consistent with the Scheme's mandate, objectives, roles and responsibilities.



**Mr. Joseph Musyoki**  
**Chairman, Board of Trustees**  
**Kenya School of Government**  
**Staff Retirement Benefit Scheme**



**Prof. Nuja Mohamed, Ph.D., EBS**  
**Trust Secretary**  
**Kenya School of Government**  
**Staff Retirement Benefit Scheme**

### AMENDMENT SHEET

Issue/Revision No.	Subject Of Amendments	Reviewed By (Signature)	Authorized By (Signature)	Date

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## ABBREVIATIONS

DPA	–	Data Protection Act
DPO	–	Data Protection Officer
KSG-SRBS	–	Kenya School of Government Staff Retirement Benefit Scheme
RBA	–	Retirement Benefit Authority

## DEFINITION OF TERMS

Consent	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
Data	All data including personal data in electronic or manual form
Data Controller	Natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purpose and means of the processing of personal data
Data Processor	Natural or legal person, public authority, agency or other body which processes personal data on behalf of the data controller
Data Subject	Identified or identifiable natural person who is the subject of personal data
Members	active, dormant and deferred members
Partners	Individuals or institutions with whom KSG-SRBS has a contractual agreement to deliver all or part of a project and not lead institutions
Personal Data	Any information relating to an identified or identifiable natural person such as <i>racial, ethnic or social origin, political opinions or the religious or conscience belief, culture dress language or birth of the data subject, gender, disability, sexual life or orientation, pregnancy, colour, age, marital status, health Status, any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings and biometrics (where needed for identification)</i>
Processing Data	Any operation or sets of operations performed on personal data whether or not by automated means, such as (a) collection, recording, organization, structuring (b) storage, adaptation or alteration (c) retrieval, consultation or use (d) disclosure by transmission, dissemination, or otherwise making available or (e) alignment or combination, restriction, erasure or destruction
Scheme	Kenya School of Government Staff Retirement Benefit Scheme
Sensitize data or sensitive personal data	means data revealing the natural person's race, health status, ethnic social origin, conscience, belief, genetic data, biometric data, property details, marital status, family details including names of the person's children, parents, spouse or spouses, sex or the sexual orientation of the data subject
Staff	All persons who have signed a contract with KSG-SRBS to work in any capacity at any given time ( <i>on regular or temporary terms, interns, volunteers, and consultants</i> )



# SECTION ONE

## INTRODUCTION

### 1.1 Mandate of the Scheme

- i. This Policy and Procedure Manual will aid realization of the mandate of the Scheme through effective management of members' fund.
- ii. Kenya School of Government Staff Retirement Benefits Scheme (*Formerly Known as Kenya Institute of Administration Staff Retirement Benefits Scheme*) was established by a Trust Deed dated 15<sup>th</sup> July 2003 between the Founder and the Trustees at the time. The Trust Deed has since been amended as follows:
  - a. By a supplemental trust deed dated December 2008 made between the Founder and the Trustees at the time the Original Trust Deed was amended
  - b. By a revised Trust Deed and Rules dated 1<sup>st</sup> December 2010 made between the Founder and the Trustees at the time the Original Trust Deed was amended
  - c. By a deed of amendment dated 9<sup>th</sup> December 2015 made between the Sponsor and the Trustees at the time the Original Trust Deed was amended
  - d. By a deed of amendment dated 9<sup>th</sup> May 2022 made between the Sponsor and the Trustees at the time the Original Trust Deed was amended
- iii. The Scheme is constituted in Kenya as a Defined Contribution Scheme and the main purpose of the Scheme is the provision of pension and other retirement benefits for Members upon their retirement from the Sponsor's service and relief for the dependants of deceased Members

### 1.2 Vision

Secure, prosperous and sustainable retirement life

### 1.3 Mission Statement

To prudently manage the scheme towards providing quality life to our members and beneficiaries of the Scheme



## 1.4 Core values

Kenya School of Government Staff Retirement Benefit Scheme (KSG-SRBS) will uphold the following values as the guiding principles for its operations:

- i. **Hope:** Providing confidence to members in our ability to persevere and to achieve goals
- ii. **Accountability:** Each of us is responsible for our words, our actions, and our results
- iii. **Professionalism:** We shall endeavor to demonstrate reliability, competence and expertise in all our dealings
- iv. **Integrity:** Being honest and showing a consistent and uncompromising adherence to strong moral and ethical principles and values

## 1.5 Key Result Areas and Strategic Objectives

### 1.5.1 Key Result Areas

The Scheme has identified the following Key Result Areas (KRAs):

- i. Sustainability and Adequacy
- ii. Member Satisfaction
- iii. Strengthen Governance Framework
- iv. Capacity Development

### 1.5.2 Strategic Objectives

The strategic objectives in the KSG-SRBS Strategic Plan, 2021-2026 are:

- i. Ensure financial sustainability of the scheme
- ii. Enhance Member Engagement and Satisfaction
- iii. Enhance Governance Framework and Operational Excellence
- iv. Strengthen Internal Stakeholders through Capacity Development

## 1.6 Policy Statement

- i. KSG-SRBS has a responsibility to protect confidential, restricted, and/or sensitive data from unwarranted disclosure, loss, or damage to avoid adversely affecting our members, staff and other scheme stakeholders from whom we collect data. Handling personal data in an ethical manner is in line with our values and the scheme shall apply all necessary resources to ensure that the rights of individuals are protected;

- ii. KSG-SRBS is committed to applying strong measures and a safeguard to protect individuals', members' as well as scheme's data. The Scheme shall endeavor to create transparency about how data is processed, protected, and shared;
- iii. KSG-SRBS recognizes that handling personal data appropriately is critical and has adopted appropriate data systems, privacy, and security measures to ensure that it shall not knowingly violate the rights of data subjects through its processing and handling of data;
- iv. This policy shall therefore provide a framework to assist members and staff maintain the confidentiality, ease of access and integrity of their data.

## **1.7 Purpose and Application of the Policy**

### **1.7.1 Purpose**

This policy is designed to:

- i. Provide guidance on how KSG-SRBS will handle the data it collects;
- ii. Help KSG-SRBS comply with the data protection law, protect the rights of the data subjects and protects Scheme from risks related to breaches of data protection;
- iii. Ensure effective protection and management of Personal Data by identifying, assessing, monitoring and mitigating privacy risks in programs and activities involving the collection, retention, use, disclosure and disposal of Personal Data;
- iv. Establish required institutional framework for privacy and data protection;
- v. Support the scheme's values of accountability, professionalism, and integrity.

## 1.7.2 Application

- i. The policy applies to the Board of Trustees, staff, members, partners, Suppliers, contactors, clients, members of the public and any other stakeholders.
- ii. The Policy applies to all personal data that KSG-SRBS holds relating to identifiable individuals. The Scheme may obtain, hold, and process the personal data of data subjects in order to implement and manage all services and without which, the Scheme might not be able to provide its services to these individuals or to its members. This data includes;
  - a) Personal details such as name, gender, race, family and social circumstances, signatures, contact details, photos and/or videos, passport information or other travel related information, education and training records, employment and financial records;
  - b) Details of any criminal allegations against a data subject obtained during routine due diligence checks;
  - c) Any other personal data routinely collected by the Scheme in its operations including during recruitment and other HR processes, provision of ICT support, finance and other Scheme-organized activity through which personal data is collected.
- iii. The Policy applies to data in the scheme's possession, collected from individuals within or outside the Scheme as part of the following functional categories;
  - a) **Personal data of employees/applicants:**

The Scheme collects and processes personal data of job applicants and employees as described in the Kenya Data Protection Act (DPA), 2019, and the Data Protection General Regulation 2021. The Scheme's Information is transmitted between and among internal units and divisions for necessary operational purposes.
  - b) **Personal data of Members**

The Scheme will collect or keep personal data of active, dormant, deferred or prospective members, in order to implement and manage all services and processes relating to its members, without which, the

Scheme may be unable to provide its services to these members or others

c) **Personal Data of Partners and Service Providers**

To implement and manage all services and processes relating to partners and service providers, the Scheme holds the personal and Special Category Data of data subjects.

## 1.8 Legislation and Policies

- i. The Data Protection and Privacy Policy is formulated in compliance with the relevant laws, regulations and procedures.
- ii. The use of the Policy should take cognizance of policy pronouncements from the Government.
- iii. Where any policy, rules, regulations, procedures or provisions of the Policy is in conflict with the applicable Kenyan Laws and other statutory requirements, the latter shall prevail. Where necessary, the Trust Secretary shall issue clarifications in writing.
- iv. Reference was mainly made to the following legal, policies and institutional documents during the review of this manual:
  - a. Constitution of Kenya, 2010
  - b. Data Protection Act, 2019
  - c. Data Protection General Regulation 2021
  - d. Public Officer Ethics Act
  - e. Employment Act, 2007
  - f. Public Finance Management Act No. 18 of 2012
  - g. Public Audit Act No. 34 of 2015
  - h. Leadership and Integrity Act No. 19 of 2012
  - i. Kenya School of Government Act of Parliament No. 9. of 2012
  - j. Public Service Code of Conduct
  - k. KSG Code of Co

## SECTION TWO

### OBLIGATIONS AND RIGHTS FOR DATA PROCESSING

#### 2.1 Introduction

- i. KSG-SRBS recognizes that it is the responsibility of all members, staff and stakeholders to protect personal data.
- ii. The policy will strive to ensure that collecting, processing, transmitting, using, storing and disposal of personal data is permitted only under lawful and legitimate basis.

#### 2.2 Guiding Principles

This policy is guided by the following principles

- i. **Fairness, lawfulness and Transparency**  
Personal Data will be processed lawfully, fairly and in a transparent manner and in line with the right to privacy.
- ii. **Purpose Limitation**  
Personal Data will be collected only for specified, explicit and legitimate purposes and not further processed in a manner incompatible with that purpose.
- iii. **Data Minimization**  
Personal Data will be adequate, relevant, and limited to what is necessary in relation to the purposes for which it is to be processed.
- iv. **Storage Limitation**  
Personal Data shall not be kept for longer periods than is necessary to achieve the purpose for which the data was collected and processed
- v. **Accuracy**  
Personal Data on file must be correct, complete, and be kept up to date

**vi. Confidentiality and Integrity**

Personal data must be processed securely to retain confidentiality and integrity in consistency, accuracy, and trustworthiness over its entire life cycle. Steps must be taken to ensure that data cannot be altered by unauthorized entities or people.

**vii. Accountability**

Data Controllers/Processors shall be responsible for personal data protection, and be able to demonstrate compliance to the principles on Data Protection

**viii. Consent**

Where necessary, the Scheme will maintain adequate records to show that consent was obtained before personal processing data. Data will not be processed after the withdrawal of consent by a data subject.

### **2.3 Duty to notify**

KSG-SRBS has a duty to notify data subjects of their rights before processing data. The Scheme will therefore inform the data subjects of their right to:

- i. Be informed of the use to which their personal data is to be put
- ii. Access their personal data in Scheme's custody
- iii. Object to the processing of all or part of their personal data
- iv. The correction of false or misleading data
- v. Deletion of false or misleading data about them

### **2.4 Rights of Data Subject**

There may be limitations on data rights of data subject when required by the law or when there are competing rights and therefore would require an assessment based on the facts and circumstances. A data subject (an individual to whom personal data relates) has the following rights:

- i. Right to access to personal information
- ii. Right to information as to whether personal data is being processed
- iii. Right to rectification if the information held is inaccurate or incomplete or requires to be updated

- iv. Right to restrict processing of their personal data
- v. Right to object decisions solely based on automated processing circumstances such as automated processing, publication/ processing of sensitive personal data profiling which produces legal effects or significantly affects data subject
- vi. Right to complain (as would be appropriate to the controller, processor or regulator)
- vii. Right to object the processing of their data for direct-marketing purposes
- viii. Right to data portability
- ix. Right to be forgotten/the right to erasure will require mechanisms to be put in place to ensure this right
- x. Right to appropriate security safeguards where personal data is being archived for various purposes
- xi. Right to appropriate security safeguards in cross border transfer of personal data; and
- xii. Right of the data subject can withdraw their consent at any time without detriment to their interests

## **2.5 Data Controller's obligations**

- i. Inform the data subject about the data processing activities and the rights of data subject under the law
- ii. Specify the purposes for which data is to be used
- iii. Should only collect and use personal data in accordance with lawful conditions
- iv. Should keep updated Records of Processing activities, making them available to the Office of the Data Protection Regulator and to the data subject on request
- v. Rely on consent as a condition for processing personal data only where the data controller first obtain the data subject's specific, informed and freely given consent
- vi. Notify the regulator of any data breach
- vii. Register with the data protection regulator
- viii. Designate a Data Protection Officer to handle all matters of data protection
- ix. Conduct data protection impact assessment
- x. Provide privacy notices/notifications to data subject before personal data is collected or used and
- xi. The processor and any person acting under the authority of the controller or of the processor, who has access to personal data, shall not process that data except on instructions from the controller, unless required to do so by law.



## 2.6 Staff and Members obligations

- i. Read, understand and comply with the contents of this policy
- ii. Report suspicions of breaches promptly

## 2.7 Big Data and Analytics

The Scheme will only permit the use of big data and analytics subject to the processes involved in complying with the requirements of the Data Protection Laws.

## 2.8 Processing sensitive personal data

The Scheme will process sensitive personal data only when:

- i. The processing is carried out in the course of legitimate activities with appropriate safeguards and that the processing relates solely to the staff or to persons who have regular contact with the scheme, and the personal data is not disclosed outside that Scheme without the consent of the data subject.
- ii. The processing relates to personal data that has been made public by the data subject.
- iii. Processing is necessary for:
  - a. The establishment, exercise or defense of a legal claim;
  - b. The purpose of carrying out the obligations and exercising specific rights of the controller or of the data subject;
  - c. Protecting the vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent.

## SECTION THREE

### INSTITUTIONAL FRAMEWORK

#### 3.1 Introduction

The compliance to this policy shall be ensured by the Board of Trustees. This policy provides mechanism on redress for administration, processing and appeals

#### 3.2 Office of the Data Protection Commissioner

The Office of Data Protection Commissioner is an Independent Public Office responsible for upholding the Bill of Rights and enforcing the application of Article 31 of the Constitution on the protection of Right to Privacy. The Office of Data Protection Commissioner will be charged with the responsibility of;

- i. Enforcing data protection procedures;
- ii. Receiving complaint on personal data breaches;
- iii. Central registration of data controllers;
- iv. Monitor and enforce the application of the laws and the regulations;
- v. Advise and promote awareness on data protection;
- vi. Administrate data breaches and other infringements;
- vii. Facilitate in investigation data breaches and other infringements;
- viii. Define conditions for imposing administrative fines;
- ix. Cooperate with other Supervisory Authorities and other relevant bodies in data protection; and
- x. Set and promote self-regulatory mechanisms.

#### 3.3 Board of Trustees

- i. The Board of Trustees will ensure that there are adequate and effective systems and process in place to safeguard data;
- ii. The Board of Trustees may conduct periodic audits to ensure compliance with this Policy. All employees shall cooperate with such audits and any outcomes, including remediation plans;

- iii. Provide governance oversight of activities under this policy.

### 3.4 Trust Secretary

The Board of Trustees has designated the Trust Secretary to be the Data Protection Officer (DPO). Accordingly, the DPO will:

- i. Advise Scheme staff on requirements for data protection, including data protection impact assessments;
- ii. Ensure members, consultants, service providers and partners are aware of the policy and are supported to implement and work by it, as well as creating a management culture that encourages a focus on data protection;
- iii. Ensure that the Scheme has complied with the legal requirements on data protection;
- iv. Facilitate capacity building of staff involved in data processing operations;
- v. Conduct risk assessments, and update controls and procedures to mitigate the risk of data breaches;
- vi. Liaise with the Office of the Data Protection Regulator to ensure that all the risks related to data protection are captured in a register and addressed appropriately;
- vii. Cooperate with external regulators on matters relating to data protection.

Scheme's DPO can be contacted via the email: [dataprotection@ksg-srbs.co.ke](mailto:dataprotection@ksg-srbs.co.ke)

## SECTION FOUR

### IMPLEMENTATION, MONITORING AND REVIEW

#### 4.1 Implementation

- i. The implementation of this policy will be gradual and in phases, and will start by having the policy approved by the Board of Trustees.
- ii. The Board of Trustees will appoint Data protection Officer
- iii. Policy will be launched and disseminated

#### 4.2 Administration of the Policy

- i. Administration of this policy shall be the responsibility of
  - a. The Board of Trustees who are the Principal administrator of the policy;
  - b. Trust Secretary who is responsible for the operationalization of the policy
- ii. Operating mechanisms will be developed in consultation with members of scheme to ensure uniform application and understanding of the policy.
- iii. Should there be need for clarification or interpretation on any specific matter, Trust Secretary in consultation with Board of Trustees will exercise the administrative responsibility for such interpretation.

#### 4.3 Review of the Policy

- i. This Policy shall be updated and revised whenever there are changes in policies, rules, procedures and guidelines as may be approved from time to time by the Board of Trustees;

- ii. The Policy shall also be reviewed and updated every three (3) years to be in line with changes in relevant statutory and regulatory rules and procedures as necessary;
- iii. Any proposed changes by the management to the Policy should be brought to the attention of the Board of Trustees and approved using the “Amendments Records Sheet”

#### **4.4 Independent assurance**

The adequacy and effectiveness of Scheme’s data protection procedures is subject to the regular internal audit reviews where necessary Board of Trustees may call an external review to provide assurance over the integrity.