

OYA PRIVACY POLICY.

This Privacy Policy describes our policies and procedures on the collection, use and disclosure of your information when you use our services. It also informs you about your privacy rights and how the law protects you.

We use your Personal data to verify your identity, process your transaction and prevent fraud and other illegal uses of the service. By using any of our services, products, website etc, you agree to the collection and use of information in accordance with this Privacy Policy.

Interpretation and Definitions

Interpretation

The words of which the initial letter is capitalized have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

Definitions

For the purposes of this Privacy Policy:

- **"Agreement"** means the loan agreement signed by the borrower to facilitate transfer of funds by the lender;
- **"Business"**, for the purpose of the Companies Act, 2015, refers to the Company as the legal entity that collects borrowers' personal information and determines the purposes and means of the processing of borrowers' personal information, or on behalf of which such information is collected and that alone, or jointly with others, determines the purposes and means of the processing of borrowers' personal information, that does business in the Republic of Kenya;
- **"Cookies"** are small files that are placed on your computer, mobile device or any other device by a website, containing the details of your browsing history on that website among its many uses;
- **"Company"** (referred to as either "the Company", "We", "Us" or "Our" in this Agreement) refers to Oya Micro Credit Company Limited;

For the purpose of the Data Protection Act, 2019, the Company is the Data Controller;

- "**Data Controller**", for the purposes of the Data Protection Act, 2019, refers to the Company as the legal person which alone or jointly with others determines the purposes and means of the processing of Personal Data;
- "**Data subject**", for purposes of the Data Protection Act, 2019, refers to the borrower or any user of our services/products as the subject of personal data;
- "**Device**" means any device that can access the Service such as a computer, a cell phone or a digital tablet;
- "**Personal Data**" means any information relating to an identified or identifiable natural person;

For the purposes of Data Protection Act, Personal Data means any information relating to you such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity, or

any information that identifies, relates to, describes or is capable of being associated with, or could reasonably be linked, directly or indirectly, with You;

- "**processing**", for the purpose of the DPA (Data Protection Act), 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 or manually 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.
- "**Service**" refers to the services offered by the Company such as the provision of Loans;
- "**Service Provider**" means any natural or legal person who processes the data on behalf of the Company. It refers to employees or agents employed by the Company to facilitate the Service, to provide the Service on behalf of the Company, to perform services related to the Service or to assist the Company in analyzing how the Service is used. For the purpose of the DPA, Service Providers are considered Data Processors.
- "**Website**" refers to Oya Micro Credit Kenya accessible from <https://oyamicrocredit.co.ke>
- "**You**" means the borrower accessing or using the Service, or the company, or other legal entity on behalf of which such individual is accessing or using the Service, as applicable.

Under Data Protection Act, you can be referred to as the Data Subject or as the user as you are the individual using the Service.

Collecting and Using Your Personal Data

Types of Data Collected

(a) Personal Data (Actively collected)

While using Our Services, we require that you provide us with certain personally identifiable information that can be used to contact or identify you and subsequently to process your loan Application. Personally identifiable information may include, but is not limited to:

- Email address
- First name and last name including copies of identification documents such as National Identity Card, PIN Certificate
- Phone number
- Postal Address, both residential and business physical address
- Business details including the nature of business, stock levels and photos of the business.
- Details of the spouse and loan guarantor details including identification documents, phone numbers etc

(b) Passive Information

When you visit our Website, our web server automatically records some information about your visit, the collected information does not recognize or record individual information that identifies you unless you actively give us your own personal information voluntarily

The information that is recorded and is which is used for analytical purposes include

- Your server address
- The date and time of visit
- Duration of visit
- Number of pages viewed
- The pages accessed and documents downloaded
- Type of device visited from
- Type of browser used
- And other such analytical information

Use of Your Personal Data

The Company may use Personal Data for the following purposes:

- **To verify your identity;**
- **To process your Loan transaction;**
- **To provide and maintain our Service,** including to monitor the usage of our Service;
- **To manage Your Account:** To manage your registration as a user of the Service. The Personal Data you provide can give You access to different functionalities of the Service that are available to You as a registered user;
- **For the performance of a contract:** To collect payments of the loan amount disbursed to you;
- **To contact you:** To contact you by email, telephone calls, SMS, or other equivalent forms of electronic communication, regarding service updates or informative communications as authorized for the purposes described in this privacy policy;
- **To allow our partners to fulfil their obligations to you;**
- **To allow us to fulfill our obligations to our partners;**
- **To manage your requests:** To attend and manage your requests to Us.
- **To comply with applicable laws, regulations and rules, such as those relating to “know your customer” and anti-money laundering requirements; and**
- **For other purposes:** We may use Your information for other purposes, such as data analysis, identifying usage trends, determining the effectiveness of our promotional campaigns and to evaluate and improve our Service, products, services, marketing and your experience.

Sharing of Your personal information:

By using the Services, you agree that we may, as necessary and appropriate for the Purposes, transfer and disclose any Customer Information/your personal data to the following recipients (who may also process, transfer and disclose such Customer Information for the Purposes):

- Any employee of Oya Micro Credit Company Limited and any sub-contractors, agents, service providers, or associates of Oya Micro Credit Company Limited (including their employees, directors and officers) debt collectors, advocates, auctioneers etc;
- Persons acting on your behalf, payment recipients, beneficiaries, account nominees, intermediary, your guarantors and agent banks, clearing houses, clearing or settlement systems, market counterparties, etc;
- Any financial institutions, credit reference agencies or credit bureaus, for the purposes of obtaining or providing credit references;
- Any third party to whom we provide introductions or referrals and who are connected to the provision of services to you;
- Third-party service providers under contract with Oya Micro Credit Company Limited that help us with our business operations, such as transaction processing, fraud prevention, and marketing. We share your Personal Information with these companies only as necessary to provide you with our Service; and

- Law enforcement, government officials or other third parties, but only
 - in connection with a formal request, court order, or similar legal procedure; or
 - when we believe in good faith that disclosure is necessary to comply with the law, prevent physical harm or financial loss, report suspected illegal activity, or to investigate violations of our User Agreement; or
- Any other legally permissible purpose.

Retention of Your Personal Data

The Company will retain your Personal Data only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use your Personal Data to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

In the event your loan account is cleared and your personal data is no longer necessary, we will ensure that your personal data is deleted in a secure manner or anonymized (according to the policies set out in this section) from the databases, unless such data is required to be retained for accounting, dispute resolution or fraud prevention purposes.

Transfer of Your Personal Data

Your personal data that we collect from you is processed at the Company's operating offices and/or stored in our secure servers. We may also disclose your data to anyone we consider necessary in order to provide you with services in connection with your Loan account. All our staff members adhere to our confidentiality policy and your data shall be processed as may be necessary to provide you with a service

Your consent to this Privacy Policy followed by your submission of such information represents your agreement to that transfer/disclosure of your data. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy.

The Company will take all steps reasonably necessary to ensure that Your data is treated securely and in accordance with this Privacy Policy and no transfer of your Personal Data will take place to any organization or a country unless there are adequate controls in place including the security of your data and other personal information.

Security of Your Personal Data

The security of Your Personal Data is important to us, but remember that no method of transmission over the Internet, or method of electronic storage is 100% secure to assure you absolute security.

We have put in place security measures and continually strive to use commercially acceptable means to protect your Personal Data.

Updates to this Privacy Policy

We may update Our Privacy Policy from time to time. We will place any changes on our webpage.

We will let You know via email and/or a prominent notice on Our Service, prior to the change becoming effective and update the "Last updated" date at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

Your Rights under the Data Protection Act, 2019.

You have the right under this Privacy Policy, and by law to:

- a) To be informed of the use to which your personal data is to be put;
- b) To access your personal data in custody of the company as the data controller or data processor;
- c) To object to the processing of all or part of your personal data;
- d) To correction of false or misleading data; and
- e) To deletion of false or misleading data about you

The Company undertakes to respect the confidentiality of your Personal Data and to guarantee you can exercise your rights. You may exercise your rights of access, rectification, cancellation and objection by contacting us. Please note that we may ask you to verify your identity before responding to such requests. If you make a request, we will try our best to respond to you as soon as possible.

You have the right to complain to the Office of the Data Protection commissioner about our collection and use of your Personal Data.

Contact Us

If you have any questions about this Privacy Policy, you can contact us:

- By visiting this page on our website: <https://oyamicrocredit.co.ke/donto.php>.
- By sending us an email: info@oyamicrocredit.co.ke or complaints@oyamicrocredit.co.ke