



KENIC PRIVACY POLICY

Document Information

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I. INTRODUCTION

- 1.1. This policy document sets out KENIC's Privacy Policy, drafted in line with the Data Protection Act, 2019 Laws of Kenya to codify KENIC's commitment to the responsible processing, use and storage of personal information by KENIC.
- 1.2. KENIC is committed to providing quality services and the instant policy outlines KENIC's ongoing obligations to its customers/clients, stakeholders and third parties in respect of how it manages Personal Information.
- 1.3. Where applicable, KENIC shall ensure that individuals are made aware of:
 - i. The right to consent to the processing of personal information prior to such information being processed;
 - ii. When personal information about them is being processed;
 - iii. The purpose for which the personal information is being processed;
 - iv. Whether the personal information may be passed on to third parties;
 - v. The right of individuals to request correction, erasure or destruction of any personal information processed, stored or is under the control of KENIC.
- 1.4. The instant policy applies only to the processing and use of personal information by KENIC. It does not apply to the processing and use of personal information by the Registrars or members of the domain name industry operating within the .KE domain.
- 1.5. Under KENIC's Registry Registrar Agreement, registrars are required to develop their own privacy policy in accordance with the requirements of the Data Protection Act and the instant KENIC Privacy Policy.

2. PROCESSING OF PERSONAL INFORMATION

- 2.1. In addition to paragraph 2.2 and 2.3, the instant policy adopts definition of terms as defined in the Data Protection Act and the various policies guiding KENIC.
- 2.2. For the purpose of implementing this policy:
 - i. **“Personal Information”** means any information relating to an identified or identifiable natural person; will include but is not limited to the name; email address, business address and business telephone number, of any individual or information 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
 - ii. **“Processing”** means any operation or sets of operations which is performed on personal information or on sets of personal information whether or not by automated means, such as:
 - (a) collection, recording, organization, structuring;
 - (b) storage or adaptation;
 - (c) retrieval, consultation or use;
 - (d) disclosure by transmission, dissemination, or otherwise making available; or
 - (e) alignment or combination, restriction, erasure, alteration or destruction.

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- 2.3. The personal information stored by KENIC is processed solely for the purpose of meeting its objectives as the administrator of the .KE domain in Kenya, and providing the services necessary and attendant to meeting those objectives.
- 2.4. In the course of managing the .KE domain, KENIC may process or store personal information in order to:
- i. Accredit registrars;
 - ii. Field and deal with consumer inquiries and complaints;
 - iii. Refer persons to appropriate bodies according to the nature of the person's inquiry;
 - iv. Engaging with stakeholders for their views, opinions and suggestions in relation to the .ke domain;
 - v. To register a domain name;
 - vi. To manage a .ke Domain Name Registration;
 - vii. To enable others to check/search a registration of the .ke domain;
 - viii. To maintain membership records;
 - ix. To contact Registrants about domain name registration issues;
 - x. To facilitate the resolution of any kind of dispute (be it via the KENIC Dispute Resolution Process or any other judicial process) arising from a .ke domain or .ke domain registration;
 - xi. To ensure good customer service, in the event a Registrant requires support or makes inquiries;
 - xii. To identify the individual(s) to law enforcement agencies, competent courts, and other competent judicial bodies when legally required to; and
 - xiii. To enable KENIC manage the .ke Registry in accordance with KENIC policies.
- 2.5. KENIC may process, store, and use Personal information from and individual in the following circumstances:
- i. If an individual visits KENIC's website, the web server logs IP addresses and associated information relating to the requests made;
 - ii. If an individual initiates a KENIC process, then KENIC may gather transactional information as part of the process;
 - iii. If an individual makes an inquiry or complaint, applies for a job, or visits KENIC's premises;
 - iv. If an individual responds to a survey or a call for public comment;
 - v. If an individual registers for a KENIC event, activity, or contest; and
 - vi. If an individual communicates or exchanges communication with KENIC in writing/verbally.
 - vii. KENIC may also process personal information in order to process applications for membership of, or employment with KENIC.
- 2.6. KENIC limits the processing of personal information to that which is required to perform

its functions including what is listed herein.

- 2.7. KENIC shall not process or store personal information, which would be considered "sensitive" and not necessary for KENIC's functions or activities.
- 2.8. KENIC will not sell or provide any personal information to any organization for any purpose other than in compliance with the Data Protection laws and the instant Policy.

3. USE OF PERSONAL INFORMATION

- 3.1. KENIC shall use personal information as dictated by the purpose for which the information was processed.
- 3.2. At the point of consenting to the processing of personal information, the relevant individual, will be made aware of the purpose of the processing of the personal information prior to such processing.
- 3.3. For the purpose of this clause, KENIC's business and mandate includes to operate and administer the .KE domain name and any additional matters related and/or linked thereto.
- 3.4. KENIC shall not use the information for marketing purposes and shall not share or disclose the information to other parties unless as specifically stated in the instant policy.
- 3.5. KENIC will only use personal information for a purpose other than the primary purpose (i.e. a secondary purpose) where:
 - i. KENIC may hire reputable third-party organizations to carry out the activities involved in operating the .ke domain name Registry on KENIC's behalf. Before disclosing any information to any third-party service provider, KENIC shall enter into an agreement with the service provider pursuant to which it is required to use the information solely for the purpose of providing the service and to maintain security and privacy measures at least as stringent as those of KENIC;
 - ii. KENIC will also provide, to a person who, in accordance with its policies requests in writing, a list of the .ke domain names registered in the name of a Registrant or registered in the name of the same Registrant as a domain name identified by the requester even if the identity of the Registrant is unknown. This is done to facilitate bona fide rights holders to determine infringements of intellectual property rights;
 - iii. the individual subject of the personal information has consented to such use;
 - iv. the secondary purpose is directly related to the primary purpose and the individual would reasonably expect KENIC to use or disclose the information in such a way; or
 - v. KENIC is permitted or required by law, or it is in the interest of public to do so.
- 3.6. Persons who subscribe to any of KENIC's mailing lists (such as the KENIC Announcements List) may decide at any time to unsubscribe from such lists.

4. PROTECTION OF PERSONAL INFORMATION

- 4.1. Access to personal information held by KENIC is limited to those employees who specifically require it to carry out their work responsibilities. This extends to protecting personal information from misuse and loss, as well as from modification and disclosure.

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- 4.2. Commercially sensitive information (for example, information provided by a prospective registrar for the purpose of accreditation) will be held by KENIC and will not be disclosed to anyone outside the accreditation process.
- 4.3. All personal information will only be retained for a reasonable period of time.
- 4.4. KENIC shall endeavor to maintain the security and integrity of all facilities by which personal information is stored.

5. ACCESS TO PERSONAL INFORMATION

- 5.1. KENIC is committed to processing personal information promptly and accurately. As part of this commitment, individuals who have provided personal information to KENIC may request access to their information in order to verify that it is accurate, complete and up-to-date.
- 5.2. Requests for access to personal information should be directed to KENIC.
- 5.3. KENIC reserves the right to refuse a request if it is vexatious or frivolous, or if KENIC is legally entitled to do so.
- 5.4. KENIC will provide information on a domain name if the domain name is subject to a proceeding under the KENIC Dispute Resolution Policy, to the relevant Dispute Resolution Provider.

6. WHOIS

- 6.1. KENIC operates a look-up service called the WHOIS. The WHOIS is designed to provide information to site visitors about assigned .KE domain names for the following purposes:
 - i. To check if a given .ke domain is still available for registration;
 - ii. To resolve technical problems with a specific domain;
 - iii. To identify the person or host responsible for a domain name (e.g. to confirm that this matches the apparent provider of a website, email or other service related to the domain name);
 - iv. To allow registrants of .ke domain names to check information about their domain name;
 - v. To show publicly if a domain name is in a special status; and
 - vi. To locate and contact the registrant and/or host of the domain name in relation to the prevention or detection of systems abuse, or to establish or defend legal rights (including an intent to use the Dispute Resolution Service).
- 6.2. The following information concerning .ke domains registered to Registrants shall be made accessible to interested third parties through the WHOIS:
 - i. Domain name;
 - ii. Registrar's Name and or address/contact information;
 - iii. The registration/creation date of each domain name;

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- iv. The expiry date of each domain name;
 - v. The last update date of each domain;
 - vi. Status of a domain name i.e active, expired, suspended or pending deletion;
 - vii. The domains Name Servers.
- 6.3. Any person may use the WHOIS service, provided it is for the following purposes only:
- i. To query the availability of a domain name;
 - ii. Where permitted, to identify the holder of a domain name; and/or
 - iii. Where permitted, to obtain contact and/or other information concerning:
 - ✓ Individual Registrants and/or Registrants who are not individuals and the domain names that they have registered; and
 - ✓ Registrars, Administrative Contacts and/or Authorized Representatives.
- 6.4. Information acquired from the WHOIS shall not be used for any purposes other than those referenced herein.
- 6.5. Purposes which are prohibited shall include, but are not limited to, the carrying out of any activities which are unsolicited and can reasonably be viewed as involving the harvesting of WHOIS addresses (electronic or otherwise) for the purpose of transmitting by e-mail, telephone, facsimile, or regular mail any commercial advertising; the performance of market research; solicitation activities; and/or or any other purposes which may be reasonably viewed as intrusive to a reasonable domain name holder.
- 6.6. No user of the WHOIS is permitted to utilize automated and/or electronic processes that send queries or data to the WHOIS, except as is reasonably necessary to register domain names, search availability or modify existing registrations.

7. CONSENT

- 7.1. Pursuant to the Purpose of processing personal information, KENIC may require an individual to submit personal information for the registration of domain names.
- 7.2. KENIC has limited the information it collects to the absolute minimum.
- 7.3. Domain registration shall be done online.
- 7.4. The Registrars and KENIC (*where applicable*) shall seek/obtain express consent/ positive affirmation from all registrants on the following:
- i. That they have read and understood the instant policy and where on the part of the Registrars that they have read and understood the policy to be provided by the respective Registrars;
 - ii. That they understand that KENIC requires the information for the proper operation of Registry; and
 - iii. That they agree to the processing, use and disclosure of their personal information described herein.
- 7.5. Individuals may withdraw consent for the further use of their personal information at any time, by contacting KENIC. However, if the information in question is that which must

be processed in order to register a domain name, withdrawing consent will lead to the cancellation and deregistration of the domain name.

8. REVIEW OF POLICY

- 8.1. KENIC reserves the right to revise the instant policy at any time and those individuals who volunteer their personal details to KENIC are deemed to acknowledge and be bound by the instant policy and any changes made to it. This shall not affect the protection afforded under the relevant laws, according to which the instant policy was developed.

9. PRIVACY POLICY COMPLAINTS AND ENQUIRIES

- 9.1. If you have any queries or complaints about our Privacy Policy, please contact us at:

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P.O Box 1461 - 00606,

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