



PRIVACY NOTICE

Introduction

Thank you for choosing Business Registration Service (BRS). We, as a data controller and data processor, respect your privacy and we are committed to maintaining the confidentiality and security of your personal data and the personal data of third parties that you provide to us. This Privacy Notice is a summary of our internal Data Protection Policy and describes how we collect, use, disclose, transfer, store or otherwise process your personal data and tells you about your privacy rights and how the law protects you.

Personal data means any information relating to you as an identified or identifiable natural person. In order for us to provide the services you have requested from us; it is necessary that we collect and process personal data from you.

Types of Personal Data that we Collect

We may collect, use, store, transfer or otherwise process personal data about you or persons connected to you, including, but not limited to, identification information such as name and national identity card number or passport number, KRA PIN, nationality, gender, date of birth, passport photographs, biometric data, contact information such as email address, telephone number and postal address, residential address, bank account information and CCTV video surveillance when you visit BRS premises.

If we need information about other individuals connected to you, we may ask you to provide it. If you share someone else's information with us, please ensure they are aware and consent to you doing so. You may find it helpful to share this Privacy Notice with them and encourage them to contact us if they have any questions or concerns.

How Do We Collect Your Personal Data?

For most part, we will collect personal data directly from you and this may include personal data you provide when you apply for any of our services, make enquiries, give us feedback or contact us.

In some instances, we may collect and receive your personal data from third parties or publicly available sources including the Kenya Revenue Authority (KRA), Integrated Population Registration Services (IPRS) platform and other Government platforms; or publicly available sources.

How we use your personal data and the legal basis for processing your personal data?

We use your personal data, including sensitive personal data in certain instances, for the following purposes:

- i. To consider your application for any service that you have applied for;
- ii. To meet our legal and regulatory compliance obligations; and
- iii. To use the data analytics to improve our website, services, customer relationships and experiences

In this regard, we rely on the following lawful basis for processing your personal data:

- **Consent** – Once you give us your personal details, you have consented to the processing of your personal data for the specific service that you seek.
- **Contractual obligation** – Where BRS is a party to a contract with you as a data subject, the processing of personal data shall be done in accordance with the provisions of the contract.
- **Compliance with any legal obligation** – Compliance with our legal and statutory obligations under different statutes including, but not limited to; the Companies Act, the Registration of Business Names Act, the Insolvency Act, the Income Tax Act, the NSSF Act and the SHIF Act.
- **Performance of tasks carried out by BRS** – We will process your personal data where BRS is mandated under statute to provide services to you.
- **Legitimate interest** – BRS processes biometrics, images from CCTV footage and your name and phone number at the banking hall for legitimate interests such as security and queue management. BRS may also process your personal data based on the legitimate interest of other data controllers, including but not limited to Designated Non-Financial Businesses and Professions (DNFBPs).

In the event that you fail to provide us with your personal data when requested, we may not be able to provide the service or perform the contract we have or that we wish to enter into with you. In that case, we may have to discontinue the service that you seek from us or cancel the contractual arrangement.

You have the right to withdraw your consent to our processing of your personal data at any time but please note, that your withdrawal will not affect the lawfulness of our processing of your personal data which was based on prior consent before your withdrawal or which is based on other legal basis for processing of your personal data. Please further note that we may not be able to provide you with our services or perform our contractual obligations if you withdraw your consent.

Who do we share your personal data with?

Based on BRS' compliance with any legal obligation and for the performance of our tasks as a public authority, we may share your personal data with third parties, such as competent authorities, supervisors or regulators of financial institutions and designated non-financial businesses and professionals, any government agency in charge of implementing anti-money laundering and countering financing of terrorism measures, our third-party service providers who help us manage our services including those service providers who maintain our IT and office systems, provide application processing, fraud monitoring, call centre and/or other customer services and where disclosure of personal information is pursuant to a court order.

In that connection, we will take adequate steps to protect your personal data including entering into written contracts, MOUs or other agreements with third party recipients of your personal data (as applicable) to govern the protection of your personal data. The agreements will include the processing details, security measures, data sharing and transmission and other clauses to ensure the protection of your personal data.

Security of your personal data

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal data to those employees, service providers and other third parties on a need to know basis. We have also put in place procedures to deal with any suspected personal data breach and will notify you, where practicable, and any applicable regulator of a breach where we are legally required to do so.

Retention and storage of your personal data

We will only retain your personal data for as long as may be necessary to fulfil the purpose we collected it for, including for the purposes of satisfying any legal, regulatory compliance, tax, accounting or reporting obligations.

Your rights as a data subject

You have the right to:

- be informed of the use to which your personal data is to be put as we have endeavoured to outline in this Privacy Notice and our internal Privacy Policy;
- request access to your personal data that we hold about you;
- object to the processing of all or part of your personal data;
- request correction of inaccurate, false or misleading data that we hold about you; and
- request deletion of false or misleading data that we hold about you.

Contacting Us

If you have any concerns about the use of your personal data, questions about this Privacy Notice including any requests to exercise your legal rights under the law, please contact us using the details set out below:

Email address: eo@brs.go.ke or dataprotection@brs.go.ke

Postal address: P.O. Box 30404-00100, Nairobi

Physical address: 17th Floor, 316 Upperhill Chambers, 2nd Ngong Avenue, Nairobi

Telephone number: +254 111127000

We will respond to your questions or concerns in a timely manner and in compliance with the relevant laws.

Please tick the box below once you have read and understood this privacy notice

☐ I have read and understood the contents of this privacy notice

CONSENT CLAUSES FOR MARKETING PURPOSES

We would like to use your details to carry out statistical, analytical and market research about our services and to provide you with information about Companies Registry, Official Receiver in Insolvency, Movable Property Security Rights and Hire Purchase.

Please note that if you do not wish to receive our marketing information you may opt-out by contacting us at any time.

Please tick the relevant boxes below if you agree to receive marketing information from us:

☐ Yes, I consent to receiving all marketing information and communications about all new BRS services

☐ No, I do not consent to receiving marketing information

**** If you do not tick a box we will assume that you do not wish to receive any marketing information.***

DECLARATION

I confirm that I have read and understood the Privacy Notice and that any queries/concerns I have with regard to the nature and purpose of the processing of personal data have been adequately addressed.