



DATA PROTECTION POLICY



LIS Mombasa collects and uses personal information about staff, learners, parents or caregivers and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act NO.24 of 2019 and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically. All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

General Statement

The school is committed to ensuring that it will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared.
- Check the quality and the accuracy of the information it holds.



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- Ensure that information is not retained for longer than is necessary.
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely.
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorized disclosure, irrespective of the format in which it is recorded.
- Share information with others only when it is legally appropriate to do so.
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensure our staff are aware of and understand our policies and procedures.

Definition of terms

Personal Information

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

"Data"

Means information which;

- a. Is processed by means of equipment operating automatically in response to instructions given for that purpose.
- a. Is recorded with intention that it should be processed by means of such equipment.
- b. Is recorded as part of a relevant filing system.

Data controller" Means a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purpose and means of processing of personal data.



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"Data processor" Means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the data controller;

"Data subject" means an identified or identifiable natural person who is the subject of personal data.

Principles of data protection

The school management shall ensure that personal data is;

- a. Processed in accordance with the right to privacy of the data subject.
- a. Processed lawfully, fairly and in a transparent manner in relation to any data subject.
- b. Collected for explicit, specified and legitimate purposes and not further processed in a manner incompatible with those purposes.
- c. Adequate, relevant, limited to what is necessary in relation to the purposes for which it is processed.
- d. Collected only where a valid explanation is provided whenever information relating to family or private affairs is required.
- e. accurate and, where necessary, kept up to date, with every reasonable step being taken to ensure that any inaccurate personal data is erased or rectified without delay.
- f. Kept in a form which identifies the data subjects for no longer than is necessary for the purposes which it was collected.
- g. Not transferred outside Kenya, unless there is proof of adequate data protection safeguards or consent from the data subject.

Rights of a data subject

A data subject has a right;

1. To be informed of the use to which their personal data is to be put.



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2. To access their personal data in custody of a data controller or data processor.
3. To object to the processing of all or part of their personal data.
4. To correct false or misleading data.
5. To delete false or misleading data about them.

Collection of personal data

1. A data controller or data processor shall collect personal data directly from the data subject.
2. Despite sub-section (1), personal data may be collected indirectly where—
 - a. the data is contained in a public record;
 - a. the data subject has deliberately made the data public;
 - b. the data subject has consented to the collection from another source;
 - c. the data subject has an incapacity, the guardian appointed has consented to the collection from another source;
 - d. the collection from another source would not prejudice the interests of the data subject;
 - e. collection of data from another source is necessary—
 - . For the prevention, detection, investigation, prosecution and punishment of crime.
 - i. For the enforcement of a law which imposes a pecuniary penalty; or 16
Data Protection No. 24 of 2019.
 - ii. For the protection of the interests of the data subject or another person.



2. A data controller or data processor shall collect, store or use personal data for a purpose which is lawful, specific and explicitly defined.

Duty to notify

A data controller or data processor shall, before collecting personal data, in so far as practicable, inform the data subject of

- a. The rights of data subjects.
- a. The fact that personal data is being collected.
- b. The purpose for which the personal data is being collected.
- c. The third parties whose personal data has been or will be transferred to, including details of safeguards adopted.
- d. The contacts of the data controller or data processor and on whether any other entity may receive the collected personal data.
- e. A description of the technical and organizational security measures taken to ensure the integrity and confidentiality of the data.
- f. The data being collected pursuant to any law and whether such collection is voluntary or mandatory.
- g. The consequences if any, where the data subject fails to provide all or any part of the requested data.

Lawful processing of personal data

1. A data controller or data processor shall not process personal data, unless—
 1. The data subject consents to the processing for one or more specified purposes.
 2. the processing is necessary—



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- a. For the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject before entering into a contract.
- a. For compliance with any legal obligation to which the controller is subject.
- b. in order to protect the vital interests of the data subject or another natural person;
- c. For the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- d. the performance of any task carried out by a public authority;
- e. For the exercise, by any person in the public interest, of any other functions of a public nature.
- f. For the legitimate interests pursued by the data controller or data processor by a third party to whom the data is disclosed, except if the processing is unwarranted in any particular case having regard to the harm and prejudice to the rights and freedoms or legitimate interests of the data subject.
- g. For the purpose of historical, statistical, journalistic, literature and art or scientific research. 17 No. 24 of 2019 Data Protection (2) Further processing of personal data shall be in accordance with the purpose of collection. (3) A data controller who contravenes the provisions of sub-section (1) commits an offense

Personal Information Relating to Personnel

We hold the following information:

- contact details
- National Insurance numbers
- ethnic group
- employment contracts
- remuneration details



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- qualifications
- absence information
- marital status

Personal Information Relating to Students.

We hold the following information:

- contact details
- national curriculum assessment results
- attendance information
- any exclusion information
- transferring school
- ethnic group
- any special needs
- relevant medical information

Security Measures

We work in conjunction with the local authority Code of Practice to ensure that computers and servers comply with all up to date Government regulations and are secure with:

- anti-virus software;
- firewall software;
- passwords.

All school personnel are trained:

- to be discreet and confidential
- to consider the safe and secure positioning of computers;
- to back up data;
- to turn off computers when not in use;



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- to remember password access;
- to lock filing cabinets and doors to offices;
- to shred confidential material;
- to clear their desk before they leave school;
- not to use non-encrypted data storage devices for sensitive data;
- to use only school USB Flash Drives that comply with current encryption standards;
- not to remove or copy sensitive or personal data from the school's premises;
- not to publish any documents containing personal data on externally accessible websites;
- to securely delete sensitive or personal information from their systems once it is no longer required.

Disclosure of Data

Personal data cannot be disclosed to a third party without the consent of the individual except when it is legally required.

Requests for Access to Data

All requests from school personnel for access to their data must be made in writing on headed notepaper and sent to the data controller.

Rights of Individuals

Individuals have rights to:



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- know when their data is being processed, the reason it is being processed and the name of the person or organization requesting the information;
- prevent processing which could be harmful to them or others;
- prevent the processing of their performance management records;
- go to court to prevent inaccurate data being used;
- stop data being processed for direct marketing

Individuals are not entitled to:

- copies of their references;
- information on pay reviews;
- examination results until they have been released

Complaints

Complaints will be dealt with in accordance with the school’s grievance handling policy.

Signatories

1. Name Date

2. Name Date

3. Name Date



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