



# Tourism Fund Data Privacy Statement

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## Tourism Fund Data Privacy Statement

### Introduction

At Tourism Fund, we respect your privacy and are committed to protecting your personal data. This data privacy statement will inform you about how we collect and handle your personal data, your privacy rights, and how the law protects you, how Tourism Fund processes it, and for what purposes.

This statement should be read together with the Terms and Conditions of Use for other Tourism Fund services. Where there is a conflict, this statement will prevail.

This statement applies to all Hotel Establishments(customers), Suppliers, Staff, Vendors, visitors to all Tourism Fund Headquarters and Regional offices.

Remember your privacy is important to us and we look forward to ensure its Guaranteed.

### Definitions of Terms

References to:

#### i) “You ” means:

**-Student** – means any Kenyan citizen admitted and pursuing higher education with financial assistance from the Board.

**-Loanee** – means any person granted an education loan either under the Higher Education Loans Fund Act (Cap. 213, now repealed) or any person granted an education loan by the Ministry of Education from 1974 through the National Bank of Kenya or any person granted an education loan by the Ministry of Education through the National Bank of Kenya and the Kenya Commercial Bank from 1989 until commencement of this Act, or any person granted an education loan by the Board under this Act.

**-Customer-** the person who registers an E-levy account on behalf of a Hotel Establishment or any other Establishment as stipulated by the Law or uses any of tourism Fund products and services, accesses its website including any person who accesses any of the Tourism Fund product and services you have subscribed to.

-**Any Establishment**, a business organization, public institution, who is categorized to pay tourism Levy as per the Laws and is recognized as a merchant or agent in accordance with any applicable laws or Regulations of Kenya.

-**Any visitor** that is a person (including contractors/subcontractors or any third parties) who gains access to any Tourism Fund offices.

-**Any supplier** who has been contracted by Tourism Fund and executed a Supplier contract.

*ii) The Tourism Fund: /TF/TTRF/We/our/ours/us/* means Tourism Fund (TF) a State Corporation established under the Tourism Act, 2011.

iii)**Data Protection Officer** is a person designated or appointed by the Tourism Fund to monitor compliance with the Data Protection Act, No. 24 of 2019 and the Regulations made under the Act.

iv)**Data Collection** means gathering of information that relates to you.

v) **Personal data** means information about you that identifies you directly or indirectly as a unique individual such as name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of a natural person.

vi)**Processing** means any operation or sets of operations which is performed on your personal data whether or not by automated means, such as: collection, recording, organization or structuring; Storage, adaptation or alteration; Retrieval, consultation or use; Disclosure by transmission, dissemination, or otherwise making available; Alignment or combination, restriction, erasure or destruction.

vii)**Sensitive personal data** is data revealing your racial or ethnic origin, Location, professional membership, and the processing of biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's gender.

viii) **Third Party** - means a natural or legal person, public authority, agency or body other than you and Tourism Fund, who under the direct authority of Tourism Fund are authorized to process your personal data.

## Tourism Fund Data Privacy Statement

### Collection of Information

- We collect your personal information with your knowledge and consent when you do any of the following (please note that this list is not exhaustive):
- register for as a Levy payer, including but not limited to e-Levy registration, e-Filling of returns, subscribe to Tourism fund designated communication systems.
- subscribed to Tourism Fund, Short Message Service (SMS), email or social media platforms;
- ask Tourism Fund for more information about a E-levy service or any other services or contact Tourism Fund with a query or complaint;
- respond to or participate in a survey, marketing promotion, prize competition or special offer;
- visit, access or use Tourism Fund website/portal;
- We may also collect your information from other organizations on Non-disclosure agreement basis.
- We may collect your information when you interact with us as an Establishment (Hotel/Restaurant), supplier, Vendor or Employee as prescribed in this statement;
- We also collect information when you visit any of our Tourism Fund Regional offices and Head Quarters.

## What Information is collected?

The information we collect and store about you includes but is not limited to the following:

- Tourism Fund collects your personal data both directly and indirectly in accordance with the law. We collect your personal information with your knowledge and consent with exception to cases where prior consent cannot be obtained for real reasons and the processing of the data is permitted by law.
- The personal data we collect includes name, email, national identification number/passport number/Alien identification number, Address, phone number, business ownership, property, gender, photographs, citizenship.
- Your identity registration information, including your name, photograph, address, location, phone number, identity document type and number, date of birth, email address, age, gender and phone numbers.
- Name, family details, age, profiling information such as level of education, bank account status, income brackets, etc. collected as part of surveys conducted by Tourism Fund.
- Your contact with us, such as when you: call us or interact with us through social media, email, Call center calls are recorded to enable us serve you better.
- We use Closed Circuit Television (CCTV) surveillance recordings. CCTV Devices are installed at strategic locations to provide a safe and secure environment in all Tourism Fund offices as a part of our commitment to community safety, security and crime prevention.
- When you request us to reserve parking for you, we will collect and retain your personal data (name, telephone number, and vehicle registration details) when you request Tourism Fund to reserve parking space for you and where you use any of our parking facilities as a contractor. We use the data you provide to ensure effective visitor, contractor and car park management, Health and Safety compliance (orderly entry and exiting to and from the car parks and buildings) and inventory management.

- We maintain a register of visitors in which we collect and keep your personal data such as names, company/institution details, telephone number, vehicle registration details and National ID number. This information is collected for health, safety and security purposes.
- When you use Tourism Fund WIFI for guest and visitors, we collect email IDs and will provide user name and password. We record the device address and also log traffic information in the form of sites visited, duration and date sent/received.

### Use of Information

- We may use and analyze your information for the following purposes:
- Responding to any of your queries or concerns;
- Verifying your identity information through publicly available and/or restricted government databases in order to comply with applicable regulatory requirements;
- Keeping you informed generally on events that may affect you;
- To comply with any legal, governmental or regulatory requirement or for use by our lawyers in connection with any legal proceedings;
- In business practices including to quality control, training and ensuring effective systems operations;
- To understand how you use our Systems;
- Preventing and detecting fraud or other crimes and for debt recovery;
- For research, statistical, survey and other scientific or business purposes;
- Provide aggregated data (which do not contain any information which may identify you as an individual) to third parties for research and scientific purpose;
- Administer any of our online platforms/websites.

## Processing your information

We will process your personal information based on any of the lawful basis provided for under the Data Protection Law and the internal Tourism Fund policies:

- With your consent every time you interact with us through various platforms
- Where processing is necessary for carrying out the mandate of the Tourism Fund
- For the performance of a contract to which you are party to or at your request before entering a contract.
- In compliance with any legal obligation to which Tourism Fund is subject.
- For protecting the vital and legitimate interests of Tourism Fund or another person.
- For the performance of a task carried out in public interest.

## Retention of Information

- We will only retain your personal data to fulfil the purposes for which we collect your data and to satisfy any legal requirements to which we are subject.
- Due to the nature of our mandate, we may retain your personal data indefinitely in administration of a Levy collections law or in compliance with any other legal obligation.
- You may however request destruction of your personal data before expiry of the retention period as provided in law. Such requests shall be processed in accordance with the Data Protection Act, 2019 and the Tourism Fund data protection statement.
- To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, the need to comply with our internal statement and the applicable legal, regulatory, tax, accounting or other requirements.
- Anonymized information that can no longer be associated with you may be held indefinitely.

## Disclosure of Information

Any disclosure of your information shall be in accordance with applicable law and regulations. Tourism Fund shall assess and review each application for information and may decline to grant such information to the requesting party.

We may disclose your information to:

- Fraud prevention, Anti money laundering and Security agencies as per the law.
- law-enforcement agencies, regulatory authorities, courts or other statutory authorities in response to a demand issued with the appropriate lawful mandate and where the form and scope of the demand is compliant with the law.
- Software developers, Financial institutions or agents who are involved in delivering Tourism Fund mandate and service;
- Publicly available and/or restricted government databases to verify your identity information in order to comply with regulatory requirements.
- Survey agencies that conduct surveys on behalf of Tourism Fund;
- Emergency service providers when you make an emergency call (or where such disclosure to emergency service providers is necessary for your rescue, health and safety) including your approximate location;
- Any other person that we deem legitimately necessary to share the data with.

We will get your express consent before we share your personal data with any third party.

## Direct Communication/Subscribed communications

- You may be required to opt in or give any other form of explicit consent before receiving communication messages from us.
- You can ask us to stop sending you messages at any time by writing to us through [info@tourismfund.co.ke](mailto:info@tourismfund.co.ke) and checking or unchecking relevant boxes to adjust your preferences or by following the optout links on any marketing message sent to you or by attending to us or contacting us at any time through the provided contacts.



## The Use of Cookies

The Tourism Fund website use “**cookies**” to give you more personal, convenient website visits, this enables us to recognize you during subsequent visits. The type of information gathered is non-personal (such as: The Internet Protocol (IP) address of your computer, the date and time of your visit, which pages you browsed and whether the pages have been delivered successfully).

## Access, Change, Safeguarding and Protection of Information

You can access and update information shared with us, you can update how we get in touch with you and your account details whenever you like, Tourism Fund has put in place technical and operational measures to ensure integrity and confidentiality of your data.

## Your Rights (as a data subject)

Subject to legal and contractual exceptions, you have rights under data protection laws in relation to your personal data. These are listed below: -

- Right to be informed that we are collecting personal data about you;
- Right to access personal data that we hold about you and request for information about how we process it;
- Right to request that we correct your personal data where it is inaccurate or incomplete;
- Right to request that we erase your personal data noting that we may continue to retain your information if obligated by the law or entitled to do so;
- Right to object and withdraw your consent to processing of your personal data. We may continue to process if we have a legitimate or legal reason to do so;
- Right to request restricted processing of your personal data noting that we may be entitled or legally obligated to continue processing your data and refuse your request;

If you wish to exercise any of the rights set out above, please contact us on [info@tourismfund.co.ke](mailto:info@tourismfund.co.ke).

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within reasonable timelines as stipulated by the office of the ombudsman. Occasionally it could take us longer if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

### In case of a Complaint

You have the right to lodge a complaint with the relevant supervisory authority that is tasked with personal data protection within the Republic of Kenya .

Complaints will be received through [complaints@tourismfund.co.ke](mailto:complaints@tourismfund.co.ke) ,Suggestion boxes, call, Physical visit or any other mode of official mode of communication.

### Non-Compliance with this Statement

Tourism Fund shall have the right to terminate any agreement with you for failure to comply with the provisions of this statement and reject any application for information contrary to this statement.

Tourism Fund reserves the right to amend or modify this statement at any time. Link [Tourism Fund Privacy Statement](#) so that you will always know how your personal information is being used or shared. Any amendment or modification to this statement will take effect from the date of notification on the Tourism Fund website.