

HUMANIST PARTY OF KENYA (HUMANIST)

PRIVACY STAMENT VOL. 1



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1. INTRODUCTION

The Humanist Party of Kenya ("Humanist", "the Party") is committed to protecting the privacy, confidentiality, security and lawful use of personal data entrusted to the Party by its members, prospective members, supporters, officials, employees, volunteers, applicants, suppliers, visitors, website users and other persons who interact with the Party.

This Privacy and Data Protection Statement explains how Humanist collects, receives, uses, stores, protects, discloses, transfers and otherwise processes personal data.

The Party recognizes the constitutional right to privacy under **Article 31 of the Constitution of Kenya, 2010**, and is committed to ensuring that personal data is processed lawfully, fairly, transparently and responsibly.

This Statement is made pursuant to and shall be interpreted consistently with applicable Kenyan law, including:

- the Constitution of Kenya, 2010;
- the **Data Protection Act, 2019 (No. 24 of 2019)**;
- the Data Protection (General) Regulations, 2021;
- the Data Protection (Registration of Data Controllers and Data Processors) Regulations, 2021;
- the Data Protection (Complaints Handling and Enforcement Procedures) Regulations, 2021;
- the Political Parties Act, 2011, as amended;
- the Political Parties (Membership) Regulations, 2021;
- the Access to Information Act, 2016, where applicable;
- applicable electoral and political-party laws and regulations; and
- applicable directions, guidance, standards and requirements issued by the Office of the Data Protection Commissioner (ODPC) and the Office of the Registrar of Political Parties (ORPP).

The ODPC identifies the Data Protection Act as the principal legislative framework governing the processing of personal data in Kenya, while its electoral guidance expressly recognizes political parties as organisations required to comply with data-protection obligations when processing members' and potential voters' information.

2. PURPOSE OF THIS STATEMENT

This Statement is intended to:

1. explain what personal data Humanist collects and processes;
2. explain why the Party collects and processes personal data;
3. explain the legal basis for processing;
4. protect members and other data subjects against unlawful or excessive processing;
5. explain how membership information is managed and submitted to the ORPP;
6. explain the rights of data subjects;
7. establish safeguards for political, membership and other sensitive information;
8. explain the circumstances in which information may be disclosed to third parties;
9. explain how data breaches are handled;
10. establish accountability for Party officials, agents, volunteers, contractors and service providers who handle personal data; and
11. provide a mechanism through which data subjects may exercise their rights or raise privacy concerns.

3. WHO IS RESPONSIBLE FOR YOUR PERSONAL DATA?

For purposes of applicable data-protection law, Humanist shall act as a **data controller** where it determines the purposes and means of processing personal data.

Where Humanist engages another organisation or person to process personal data on its behalf, that organisation or person may act as a **data processor** and shall be required to process personal data only in accordance with applicable law and the Party's instructions and contractual safeguards.

Humanist shall maintain appropriate internal responsibility for data protection and shall designate an appropriate officer or responsible person to coordinate privacy and data-protection compliance.

Where required by law, the Party shall appoint or designate a Data Protection Officer and shall publish the relevant contact details.

4. PERSONAL DATA THE PARTY MAY COLLECT

Depending on the relationship between the individual and the Party, Humanist may collect and process:

4.1 Identification information

- full name;
- national identification number;
- passport number;
- date of birth;

- nationality/citizenship information;
- membership number;
- signature;
- photograph, where lawfully required or voluntarily provided.

4.2 Contact information

- telephone number;
- email address;
- postal address;
- physical address;
- county;
- constituency;
- ward;
- polling-station or community information where necessary for lawful political-party administration.

4.3 Membership information

The Party may process information necessary for:

- membership application;
- verification of eligibility;
- membership registration;
- membership confirmation;
- issuance of membership identification;
- maintenance of the Party membership register;
- resignation;
- transfer of membership;
- expulsion or other lawful cessation of membership;
- statutory reporting to the ORPP; and
- administration of members' rights and obligations.

The ORPP currently provides for manual and electronic party recruitment and requires political parties to maintain and continuously update membership information.

4.4 Political affiliation and related information

Membership of a political party necessarily involves information concerning political affiliation or adherence.

Humanist recognizes that such information requires particular care and shall not process, disclose or publish it beyond what is legally authorized, reasonably necessary for legitimate Party functions, or otherwise lawfully permitted.

4.5 Digital information

When individuals interact with the Party electronically, we may collect:

- IP address;
- device information;
- browser information;
- login information;
- website interaction data;
- cookies and similar technologies;
- communication records; and
- information voluntarily submitted through online forms.

5. SENSITIVE PERSONAL DATA

Humanist recognizes that certain categories of information constitute sensitive personal data under Kenyan law.

Where the Party processes sensitive personal data, it shall apply enhanced safeguards and shall process such information only where a lawful basis exists and where the processing is necessary, proportionate and compatible with the purpose for which the information was collected.

Sensitive information shall not be collected merely because it is convenient to do so.

The Party shall apply the principle of **data minimization**, meaning that only information reasonably necessary for the relevant purpose shall be collected.

The ODPC's registration framework specifically identifies categories including political opinion or adherence, religious or philosophical beliefs, health information, biometric information, marital and family information and other sensitive categories as requiring appropriate consideration.

6. HOW THE PARTY COLLECT PERSONAL DATA

Humanist may collect personal data:

1. directly from the individual;
2. through membership application forms;
3. through the prescribed ORPP membership forms;
4. through the Party's website;
5. through approved electronic membership platforms;
6. through Party offices and officials;
7. during Party events and activities;
8. through correspondence;

9. through surveys and consultations;
10. through lawful referrals;
11. from authorized service providers;
12. from the ORPP or other lawful public authorities; and
13. from other lawful sources where permitted by applicable law.

The Party shall not knowingly collect personal data through deception, unlawful coercion or fraudulent representation.

7. PURPOSES FOR WHICH PERSONAL DATA IS PROCESSED

Humanist may process personal data for the following legitimate purposes:

A. Party membership

- receiving and processing membership applications;
- verifying membership information;
- maintaining membership records;
- communicating with members;
- issuing membership identification;
- administering membership rights and obligations;
- processing resignations and changes in membership status.

B. Statutory and regulatory compliance

The Party may process and submit information where required by law or by a competent regulatory authority, including the ORPP.

C. Political participation

Where lawful and appropriate, information may be processed for:

- civic engagement;
- policy consultations;
- political education;
- lawful mobilisation;
- public participation;
- communication with members and supporters;
- organising Party meetings and events; and
- other legitimate Party activities.

D. Administration

Personal data may be processed for:

- human-resource administration;
- financial administration;
- procurement;
- accounting;
- auditing;
- legal compliance;
- security;
- internal governance;
- risk management;
- dispute resolution; and
- protection of Party property and systems.

E. Communications

Where lawful, Humanist may use contact information to communicate:

- Party notices;
- membership information;
- meetings;
- policy consultations;
- civic education;
- Party programmes;
- newsletters;
- electoral information;
- fundraising information; and
- other legitimate Party communications.

Where consent is required, the Party shall obtain appropriate consent before sending direct electronic marketing or other communications requiring consent.

8. LEGAL BASES FOR PROCESSING

Humanist shall process personal data only where there is a lawful basis.

Depending on the circumstances, this may include:

1. consent of the data subject;
2. performance of a contract or steps requested by the data subject;
3. compliance with a legal obligation;
4. protection of vital interests;
5. performance of a task carried out in the public interest or in accordance with applicable law; and
6. legitimate interests, where permitted by law and where such interests are not overridden by the rights and freedoms of the data subject.

The Party shall not rely on consent where another lawful basis is more appropriate.

Where processing is based on consent, the consent shall be appropriately informed, voluntary, specific and capable of being withdrawn.

9. MEMBERSHIP DATA AND ORPP

Humanist recognizes that political-party membership information is subject to both political-party regulation and data-protection law.

The Party shall:

- collect membership information through authorized processes;
- use the prescribed ORPP membership documentation where applicable;
- verify membership information;
- maintain accurate and up-to-date membership records;
- restrict access to authorized officials;
- securely transmit information to the ORPP where required;
- cooperate with lawful verification by the ORPP;
- correct inaccurate information;
- process resignations and changes in membership status lawfully; and
- ensure that membership information is not unlawfully disclosed or misused.

The ORPP states that party membership information is maintained through its Integrated Political Parties Management Information System (IPPMS), and that consent processes are incorporated into membership administration.

Humanist shall therefore treat the Party membership register as a controlled information resource and shall not make the complete membership register publicly available except where disclosure is expressly authorized or required by law.

10. DATA MINIMISATION

Humanist shall collect only personal data that is:

- adequate;
- relevant;
- necessary;
- proportionate; and
- reasonably required for the identified lawful purpose.

The Party shall not request personal information merely because it may be useful in the future.

11. ACCURACY OF PERSONAL DATA

Humanist shall take reasonable steps to ensure that personal data is:

- accurate;
- complete where necessary;
- current; and
- corrected where it is inaccurate or misleading.

Members may request correction of inaccurate information.

12. DATA RETENTION

Humanist shall retain personal data only for as long as reasonably necessary for:

- the purpose for which it was collected;
- membership administration;
- statutory obligations;
- accounting and audit requirements;
- legal claims;
- dispute resolution;
- historical or archival purposes where lawfully justified; or
- other lawful purposes.

At the expiry of the applicable retention period, personal data shall be securely deleted, anonymised or otherwise disposed of in accordance with the Party's records-retention procedures and applicable law. Retention periods shall be documented for major categories of personal data.

13. DATA SECURITY

Humanist shall implement appropriate technical and organizational measures to protect personal data against:

- unauthorized access;
- accidental loss;
- destruction;
- alteration;
- unlawful disclosure;
- unauthorized copying;
- misuse;
- cyberattack; and
- other unlawful processing.

Security measures may include:

- access controls;
- passwords and authentication;
- encryption where appropriate;
- secure databases;
- role-based access;
- physical security;
- secure document storage;
- staff confidentiality obligations;
- backups;
- cybersecurity controls;
- secure disposal;
- staff training; and
- periodic security reviews.

Access to sensitive membership information shall be restricted according to official responsibility and legitimate need.

14. CONFIDENTIALITY

Every Party official, employee, volunteer, agent, consultant, contractor and service provider who has access to personal data shall maintain confidentiality and shall use such information only for authorized purposes.

Unauthorized access, copying, disclosure, sale, transfer, publication or misuse of personal data may constitute a disciplinary matter and may also constitute a breach of applicable law.

15. DISCLOSURE TO THIRD PARTIES

Humanist shall not sell personal data.

Personal data may be disclosed to third parties only where legally permitted or required, including where disclosure is:

- required by law;
- required by a competent public authority;
- necessary for compliance with the Political Parties Act;
- necessary for lawful ORPP functions;
- necessary for legal proceedings;
- necessary for service provision by an authorised data processor;
- authorised by the data subject; or
- otherwise permitted under applicable data-protection law.

Where processors are engaged, Humanist shall require appropriate contractual and security safeguards.

16. TRANSFER OF DATA OUTSIDE KENYA

Humanist shall not transfer personal data outside Kenya unless the transfer is permitted under applicable Kenyan law and appropriate safeguards are in place.

Where required, the Party shall ensure that appropriate safeguards, contractual arrangements, adequacy requirements or valid consent are in place before transferring personal data outside Kenya.

The Data Protection Act contains specific requirements governing transfers of personal data outside Kenya.

17. COOKIES AND WEBSITE TECHNOLOGIES

Humanist may use cookies and similar technologies to:

- operate its website;
- improve website functionality;
- understand website usage;
- maintain security;
- remember preferences; and
- improve user experience.

Where cookies involve personal data or require consent under applicable law, appropriate notice and consent mechanisms shall be provided.

The Party shall not use cookies to collect excessive personal information.

18. CHILDREN'S DATA

Humanist shall exercise particular care when processing personal data relating to children.

Where processing children's data requires parental or guardian consent or other safeguards under applicable law, the Party shall implement the appropriate measures.

The Party shall not knowingly use children's personal information for political communication or targeted political purposes except where lawful, necessary and appropriately safeguarded.

19. POLITICAL COMMUNICATION AND DIRECT MARKETING

Humanist recognizes the distinction between legitimate political communication and direct marketing.

The Party shall ensure that electronic communications and political communications involving personal data are undertaken in accordance with applicable law.

Where consent is required, the Party shall provide an appropriate consent mechanism.

Individuals shall be provided with a reasonable means of opting out of communications where applicable.

20. AUTOMATED DECISION-MAKING AND PROFILING

Humanist shall not subject a data subject to a decision based solely on automated processing where such decision produces legal or similarly significant effects, except where permitted by law and subject to applicable safeguards.

Where profiling or automated decision-making is undertaken, the Party shall provide appropriate information and safeguards required by law.

21. DATA BREACHES

Humanist shall maintain procedures for identifying, investigating, containing and responding to personal-data breaches.

Where a breach occurs, the Party shall:

1. promptly assess the nature and extent of the breach;
2. contain and mitigate the breach;
3. document the incident;
4. investigate the cause;
5. take corrective measures;
6. notify the appropriate authority where legally required; and
7. notify affected data subjects where required by law.

The Party shall maintain an internal data-breach register and incident-response procedure.

22. RIGHTS OF DATA SUBJECTS

Subject to applicable legal limitations, a data subject has rights including:

1. the right to be informed about the processing of personal data;
2. the right of access to personal data;
3. the right to object to processing;
4. the right to correction of inaccurate or misleading data;
5. the right to deletion or erasure where legally applicable;
6. the right to data portability where applicable;
7. the right to restriction of processing where applicable;
8. the right to withdraw consent where processing is based on consent; and
9. the right to lodge a complaint with the ODPC.

The ODPC expressly recognises these data-subject rights under the Kenyan data-protection framework.

23. RIGHT TO ACCESS PERSONAL DATA

A data subject may request confirmation as to whether Humanist holds personal data concerning them and, where applicable, request access to such information.

The Party shall respond within the timelines prescribed by applicable law.

Requests may be subject to reasonable verification of the identity of the requester to prevent unauthorised disclosure.

24. RIGHT TO CORRECTION

Where a member or other data subject believes that personal data held by Humanist is inaccurate, incomplete or misleading, they may request correction.

The Party shall take reasonable steps to verify and correct the information where the request is justified.

25. RIGHT TO OBJECT

A data subject may object to certain processing of their personal data where permitted by law.

Humanist shall assess the objection and determine whether the processing may lawfully continue.

Where the objection relates to direct marketing, the Party shall respect the objection where required by law.

26. RIGHT TO ERASURE

A data subject may request deletion of personal data where the law permits such deletion.

The right to erasure is not absolute.

Humanist may retain information where retention is required or permitted by law, including information necessary for:

- statutory compliance;
- legal claims;
- regulatory obligations;
- legitimate archival purposes; or
- other lawful purposes.

27. DATA PORTABILITY

Where applicable under Kenyan law, a data subject may request personal data in a structured, commonly used and machine-readable format and may request its transmission to another controller where the statutory conditions are satisfied.

28. WITHDRAWAL OF CONSENT

Where processing is based on consent, the data subject may withdraw consent.

Withdrawal of consent shall not affect the lawfulness of processing undertaken before withdrawal.

Where withdrawal affects the Party's ability to provide a service or maintain a membership relationship, Humanist shall explain the consequences to the data subject.

29. HOW TO EXERCISE YOUR RIGHTS

A data subject may submit a privacy request to Humanist through the Party's designated data-protection contact.

A request should, where reasonably possible, contain:

- full name;
- contact details;
- nature of the request;
- relevant membership or reference number, where applicable;
- identification sufficient to verify the requester; and
- any information reasonably necessary to process the request.

The Party may request additional information where necessary to verify identity and protect against fraudulent requests.

30. COMPLAINTS

Any person who believes that Humanist has unlawfully processed their personal data may first submit a complaint to the Party through its designated privacy contact.

The Party shall investigate and respond in accordance with its internal complaints procedure and applicable law.

A data subject retains the right to lodge a complaint with the **Office of the Data Protection Commissioner (ODPC)** where permitted by law.

31. DATA PROTECTION IMPACT ASSESSMENTS

Where Humanist intends to undertake processing that is likely to result in a high risk to the rights and freedoms of individuals, the Party shall undertake an appropriate Data Protection Impact Assessment where required by law.

Particular attention shall be given to:

- political membership databases;
- large-scale processing;
- sensitive personal data;
- biometric information;
- surveillance technologies;
- profiling;
- automated decision-making;
- large-scale digital recruitment;
- significant changes to information systems; and
- other processing presenting substantial privacy risks.

32. THIRD-PARTY SERVICE PROVIDERS

Where Humanist uses third parties for services such as:

- website hosting;
- information technology;
- cloud storage;
- communications;
- membership systems;
- accounting;
- auditing;
- legal services;
- printing;
- event management; or
- other administrative functions,

the Party shall undertake reasonable due diligence and shall require appropriate confidentiality, security and data-protection safeguards.

33. RECORDS MANAGEMENT

Humanist shall maintain appropriate records concerning:

- categories of personal data processed;
- purposes of processing;
- data subjects;
- data recipients;
- retention periods;
- security measures;
- consent where applicable;
- data-processing agreements;
- data breaches;
- privacy requests; and
- other compliance matters required by law.

34. ACCOUNTABILITY

Humanist shall adopt a privacy-by-design and privacy-by-default approach.

Privacy and data protection shall be incorporated into the design and implementation of:

- membership systems;
- websites;
- mobile applications;
- recruitment platforms;
- databases;
- communication systems;
- Party research systems;
- voter or supporter engagement systems; and
- other systems that process personal information.

Party officials responsible for processing personal data shall receive appropriate data-protection training.

35. PROHIBITED USES OF PERSONAL DATA

Party officials, members, agents and contractors shall not:

- sell membership information;
- use membership information for personal commercial purposes;
- disclose membership information to unauthorised persons;
- copy membership databases without authority;
- transfer membership information to unauthorised devices or platforms;
- use personal data to intimidate or harass individuals;

- manipulate membership records;
- register a person without lawful authority or appropriate consent;
- use another person's identity to recruit them;
- disclose sensitive information for political retaliation; or
- otherwise misuse personal data.

36. RELATIONSHIP WITH ORPP AND OTHER AUTHORITIES

Humanist shall cooperate with the ORPP and other competent public authorities where required by law.

Such cooperation shall not remove the Party's responsibility to apply appropriate data-protection safeguards.

The Party recognises that the ORPP membership register is subject to statutory access arrangements. ORPP states that members of the public may seek confirmation of their own membership status subject to the applicable legal framework.

37. PUBLICATION OF INFORMATION

Humanist may publish information about Party officials, candidates, spokespersons, activities and programmes where there is a lawful basis for doing so.

Before publication of photographs, videos, names, biographies or other personal information, the Party shall consider:

- the purpose of publication;
- the individual's reasonable expectation of privacy;
- whether consent is required;
- whether publication is necessary and proportionate;
- whether sensitive information is involved; and
- whether the publication could cause unjustified harm.

38. SOCIAL MEDIA

Where Humanist operates social-media accounts, personal information received through such platforms shall be handled responsibly.

The Party shall not intentionally publish personal information of members, supporters or members of the public without a lawful basis.

Individuals should also understand that social-media platforms operate under their own privacy policies and terms.

39. DATA PROTECTION COMPLIANCE

Humanist shall maintain appropriate evidence of compliance, including where applicable:

- ODPC registration;
- privacy policies and notices;
- data-processing records;
- consent records;
- data-processing agreements;
- security policies;
- retention schedules;
- data-breach procedures;
- staff confidentiality undertakings;
- training records;
- data-subject request records;
- Data Protection Impact Assessments; and
- internal compliance reviews.

The ODPC states that registration of data controllers and processors is a statutory compliance requirement for applicable entities processing personal data in Kenya.

40. CHANGES TO THIS PRIVACY STATEMENT

Humanist may amend this Statement from time to time to reflect:

- changes in legislation;
- regulatory requirements;
- ORPP requirements;
- ODPC guidance;
- technological developments;
- changes in Party operations; or
- improvements to privacy practices.

The latest version shall be published through the Party's official communication channels.

Material changes shall be communicated to affected persons where required by law.

41. GOVERNING LAW

This Privacy and Data Protection Statement shall be governed by the laws of the Republic of Kenya.

Nothing in this Statement shall be interpreted as limiting a right or protection granted to a data subject under the Constitution, the Data Protection Act or any other applicable law.

42. PRIVACY CONTACT

For privacy, data-protection, access, correction, objection, deletion, consent or other data-related requests, please contact:

Humanist Party of Kenya

Data Protection / Privacy Office

Email: dataprotection@humanistpartykenya.co.ke

Telephone: +254 729 261 243

Postal Address: 17136-00100, Nairobi Kenya

Physical Address: Kaka House-Right Wing, 6th , Off Parkland Road Westland.

Where the Party appoints a Data Protection Officer, the relevant DPO contact details shall be published here.

43. REGULATORY CONTACT

Data subjects may also contact the:

Office of the Data Protection Commissioner (ODPC)

Nairobi, Kenya

The ODPC is responsible for regulating the processing of personal data and protecting the privacy rights of individuals in Kenya.

44. DECLARATION OF COMMITMENT

Humanist Party of Kenya is committed to protecting the dignity, privacy and personal information of every person whose data comes into its possession.

The Party shall process personal data responsibly, lawfully, fairly, transparently and securely and shall continually improve its privacy and information-security practices.

Approved by:

National Executive Committee
Humanist Party of Kenya

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