

# AirTouch Connections Data Privacy Statement

## Introduction

Your privacy is important to us. This privacy statement explains the personal data AirTouch Connections (“AirTouch Connections”) processes, how AirTouch Connections processes it, and for what purposes.

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

This statement applies to all customers, suppliers, agents, merchants, dealers and all visitors utilizing AirTouch Connections services.

## Definitions

References to

**“You” means:**

- Customer - the person who subscribes to, uses or purchases any of our products and services or accesses our websites and includes any person who accesses
- Any visitor that is a person (including contractors/subcontractors or any third parties) who gains access to any AirTouch Connections premises.
- Any supplier who has been contracted by AirTouch Connections and executed a Supplier contract.

**“AirTouch Connections”, “we” or “us”, “our” and “ours” means AirTouch Connections**

The word “includes” means that what follows is not necessarily exhaustive and therefore the examples given are not the only things/situations included in the meaning or explanation of that text.

## Statement Details

### 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 a specific product or service, including but not limited to VoIP platform service, Bulk SMS, MO/MT, ecommerce platforms and USSD services;
- Buy, subscribe to or use a AirTouch Connections product or service online, on the cloud, on a mobile or other device.

- Subscribe to AirTouch Connections or third-party premium rates services, Short Message Service (SMS), email or social media platforms;
- Ask AirTouch Connections for more information about a product or service or contact AirTouch Connections with a query or complaint;
- Respond to or participate in a survey, marketing promotion, prize competition or special offer;
- Visit, access or use AirTouch Connections or third-party websites;
- We may also collect your information from other organizations including credit-reference bureaus, fraud prevention agencies and business directories;
- We may collect your information when you interact with us as a supplier, agent, merchant or dealer as prescribed in this statement;
- We also collect information when you visit any of our premises.

We do not onboard minors (any person under 18 years of age) except where you additionally register on their behalf as their parent and/ or legal guardian. If you allow a child to use our services, you should be aware that their personal information could be collected as described in this statement.

### **What Information is collected?**

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

- Your identity including your name, photograph, address, location, phone number, identity document type and number, date of birth, email address, age, gender and mobile number portability records.
- Your credit or debit-card information, information about your bank account numbers and SWIFT codes or other banking information.
- Your preferences for particular products and services, based on information provided by you or from your use of AirTouch Connections (or third party) products and services.
- Name, family details, age, profiling information such as level of education, bank account status, income brackets, etc.
- Your call data records: phone numbers that you call (or receive calls), log of calls, messages or data sessions on the AirTouch Connections platform and your approximate location.

### **Use of Information**

We may use and analyse your information for the following purposes:

- Processing products and services that you have bought from AirTouch Connections or from third parties on our ecommerce platforms;
- Billing you for using our or third-party products or services or taking the appropriate amount of credit from you;
- 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;
- Carrying out credit checks and credit scoring;

- Keeping you informed generally about new products and services and contacting you with offers or promotions based on how you use our or third-party products and services unless you opt out of receiving such marketing messages (you may contact AirTouch Connections at any time to opt out of receiving marketing messages);
- 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 protect our network including to manage the volume of calls.
- To understand how you use our network, products and services for purposes of developing or improving products and services;
- 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.

### **Sensitive (Special Categories) Data**

We may collect Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, political opinions, trade union membership, information about your health, criminal convictions and offences, gender, sexual orientation and biometric data). We will rely on any of the legal basis provided in clause 3.5(Legal Basis) below for such collection.

### **Lawful Basis for processing your information**

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

- The performance of a Product/Service Agreement with you;
- AirTouch Connections legitimate business interests;
- Compliance with a mandatory legal obligation;
- Consent you provide;
- Public interest;
- Your vital interest.

### **Retention of Information**

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe, there is a prospect of litigation in respect to our relationship with you.

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 policy and the applicable legal, regulatory, tax, accounting or other requirements.

Anonymised 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. AirTouch Connections 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:

- 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.
- our subsidiaries, associates, partners, software developers or agents who are involved in delivering AirTouch Connections products and services you order or use;
- Fraud prevention and Anti money laundering agencies, creditreference agencies;
- publicly available and/or restricted government databases to verify your identity information in order to comply with regulatory requirements;
- debt-collection agencies or other debt-recovery organisations;
- Survey agencies that conduct surveys on behalf of AirTouch Connections;
- 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 shall not release any information to any individual or entity that is acting beyond its legal mandate.

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

## **The Use of Cookies**

We may store some information (using "cookies") on your computer when you visit our websites. This enables us to recognise 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.

We may also use this data in aggregate form to develop customised services - tailored to your individual interests and needs. Should you choose to do so, it is possible (depending on the

browser you are using), to be prompted before accepting any cookies, or to prevent your browser from accepting any cookies at all. This will however cause certain features of the web site not to be accessible.

## **The Use of Hyperlinks**

Our websites may provide hyperlinks to other locations or websites on the Internet. These hyperlinks lead to websites published or operated by third parties who are not affiliated with or in any way related to us and have been included in our website to enhance your user experience and are presented for information purposes only.

We do not endorse, recommend, approve or guarantee any third- party products and services by providing hyperlinks to an external website or webpage and do not have any co-operation with such third parties unless otherwise disclosed. We are not in any way responsible for the content of any externally linked website or webpage.

By clicking on a hyperlink, you will leave the AirTouch Connections webpage and accordingly you shall be subject to the terms of use, privacy and cookie policies of the other website that you choose to visit.

## **Access to and Updating your Information**

To update your information, go to <https://airtouchvoip.co.ke> and sign in to your AirTouch Connections account to look at your personal information. You can change how we get in touch with you and your account details whenever you like.

## **Safeguarding and Protection of Information**

AirTouch Connections has put in place technical and operational measures to protect your information from unauthorized access, accidental loss or destruction.

## **International Data Transfers**

From time to time we may need to transfer your personal information outside the Republic of Kenya.

Where we send your information outside Kenya, we will make sure that your information is properly protected in accordance with the applicable Data Protection Laws.

## **Your Rights**

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;
- Right to request transfer of your personal data in [an electronic format].

If you wish to exercise any of the rights set out above, please contact us on [aclsupport@airtouchkenya.com](mailto:aclsupport@airtouchkenya.com).

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 time. 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.

## **How to Contact Us**

If you would like to contact us on any topics in this privacy policy, you can email us on [aclsupport@airtouchkenya.com](mailto:aclsupport@airtouchkenya.com).

Our contact details as a Data Controller are as follows:

Airtouch Connections Limited  
Valley View Flats, Lantana Road,  
Westlands Nairobi Kenya.  
Tel: 254-20-5292725, Mobile: 254-723-403466  
Email: [info@airtouchkenya.com](mailto:info@airtouchkenya.com)

## **Right to Lodge 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

## **Non-Compliance with this Statement**

AirTouch Connections 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.

### **Amendments to this Statement**

AirTouch Connections reserves the right to amend or modify this statement at any time. If AirTouch Connections amends this statement, You can access the most current version of the 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 AirTouch Connections website.

### **Statement Effective Date**

3<sup>rd</sup> June 2020