

# MMW ADVOCATES LLP'S PRIVACY POLICY

Effective Date April 2025

Introduction Welcome to MMW ADVOCATES LLP's privacy policy (Policy). MMW ADVOCATES LLP is a full-service law firm offering legal services in Kenya and is duly registered and regulated according to statutory requirements. We have appointed a Data Protection Officer (DPO). If you have any questions about this privacy notice, please contact the DPO using the details below.

## Contact details:-

- Email address: [dpo@mmw.legal](mailto:dpo@mmw.legal)

We take your privacy very seriously. Our privacy policy explains what personal data we collect, with whom we share it, how we may use your data and how you (the user of the service) can prevent us from sharing certain information with certain parties. Please read our privacy policy carefully to understand our views and practices regarding your personal data and how we will treat it in accordance with the Data Protection Act, 2019 and the attendant Regulations.

The information we collect includes both information you knowingly and actively provide us when using or participating in any of our services and promotions, and any information automatically sent by your devices while accessing our products and services.

Identity data: First name, last name, maiden name, photograph, username or similar identifier, title, date of birth, gender, identity document type, number, and age.

Contact data: billing address, delivery address, email address and telephone numbers.

Technical data includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this website.

Marketing and Communications data includes your preferences in receiving marketing from us and our third parties and your communication preferences.

Log data When you visit our website, our servers may automatically log the standard data provided by your web browser. It may include your device's Internet Protocol (IP) address, your

browser type and version, the pages you visit, the time and date of your visit, the time spent on each page, other details about your visit, and technical details that occur in conjunction with any errors you may encounter.

Please be aware that while this information may not be personally identifying by itself, it may be possible to combine it with other data to personally identify individual persons. We do not collect any sensitive personal data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

## **Personal Information**

### **Legitimate Reasons for Processing Your Personal Information**

We only collect and use your personal information when we have a legitimate reason for doing so. In which instance, we only collect personal information that is reasonably necessary to provide our services to you. Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

We will only use your personal data when we are legally permitted to do so. Most commonly, we will use your personal data in the following circumstances:

- Where you have consented before the processing.
- Where we need to perform the contract, we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

### **Purposes for which we will use your personal data**

We may process your personal data for more than one lawful grounds depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground, we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a client	(a) Identity  (b) Contact	Performance of a contract with you
To process and deliver services	(a) Identity  (b) Contact  (c) Financial  (e) Marketing and Communications	(a) Performance of a contract with you  (b) Necessary for our legitimate interests (to recover debts due to us)

<p>To manage our relationship with you which will include:</p> <p>(a) Notifying you about changes to our terms or privacy policy</p> <p>(b) Asking you to leave a review or take a survey</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Profile</p> <p>(d) Marketing and Communications</p>	<p>(a) Performance of a contract with you</p> <p>(b) Necessary to comply with a legal obligation</p> <p>(c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)</p>
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<p>To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity (b) Contact (c) Technical</p>	<p>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud  (b) Necessary to comply with a legal obligation</p>
<p>To deliver relevant website content</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical</p>	<p>Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)</p>
<p>To use data analytics to improve our website, products/services, marketing, customer relationships and experiences</p>	<p>(a) Technical (b) Usage</p>	<p>Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)</p>

<p>a. To provide a safe and secure environment our premises through use of CCTV surveillance</p> <p>b. Use of our WIFI</p>	<p>Identity</p> <p>Contact</p> <p>Profile</p> <p>Technical</p>	<p>Your consent</p> <p>Necessary for our legitimate interests (to ensure safety within our premises)</p>
<p>a. Analyzing job application documents</p>	<p>Identity</p> <p>Contact</p> <p>Profile</p>	<p>Your consent</p> <p>Necessary for our legitimate interests (for running our business)</p>

<p>a. To send you marketing notices, service updates, and promotional offers</p> <p>b.To measure and analyse the effectiveness of the publications we serve you</p> <p>c.To monitor trends so we can improve the services offered to you</p>	<p>Identity</p> <p>Contact</p> <p>Device</p> <p>Content</p> <p>Profile</p> <p>Usage</p> <p>Marketing and Communications</p> <p>Location</p>	<p>Consent</p> <p>Necessary for our legitimate interests (to develop our products/services and grow our business)</p>
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<p>a. To comply with applicable laws, regulations, and rules, such as those relating to “know-your-customer” and anti-money laundering requirements</p>	<p>Identity</p> <p>Contact</p>	
<p>b. To detect and prevent fraud and other illegal uses of our Services</p>	<p>Device</p> <p>Content</p>	
<p>c. To exchange information with any local or international law enforcement or competent regulatory or governmental agencies to assist in the prevention, detection, investigation or prosecution of criminal activities or fraud</p>	<p>Profile</p> <p>Usage</p> <p>Marketing and Communications</p> <p>Location</p> <p>Financial</p>	

## Marketing

We will only send you direct marketing communications by email or text if we have your consent. You have the right to withdraw that consent at any time by contacting us.

## Opting out

You can ask us or third parties to stop sending you marketing messages at any time by contacting us to adjust your marketing preferences or by following the opt-out links on any marketing message sent to you.

## Collection and Use of Information

We may collect personal information from you when you do any of the following on our website:

Direct interactions. You may give us your identity or contact by filling in forms or by corresponding with us by telephone, email, social medial or otherwise. This includes personal data you provide when you:

1. Subscribe to our service or publications.
2. Request marketing material to be sent to you.
3. Give us feedback or contact us; or
4. Apply by sharing your Curriculum Vitae and any other information attendant thereto for any job opening that we may advertise.

## **Automated technologies or interactions**

As you interact with our website, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, [server logs] and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Third parties or publicly available sources. We will receive personal data about you from various third parties and public sources we interact with in the course of providing you with our services.

Please be aware that we may combine information we collect about you with general information or research data we receive from other trusted sources. We will only use your personal data for the purposes for which we collected it unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **Security of Your Personal Information**

When we collect and process personal information, and while we retain this information, we will protect it within commercially acceptable means to prevent loss and theft, as well as unauthorized access, disclosure, copying, use, or modification.



Although we will do our best to protect the personal information you provide to us, we advise that no method of electronic transmission or storage is 100% secure, and no one can guarantee absolute data security. We will comply with laws applicable to us in respect of any data breach. We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator when we are legally required to do so.

You are responsible for selecting any password and its overall security strength, ensuring the security of your information within the bounds of our services.

## **How Long We Keep Your Personal Information**

1. 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 unauthorised 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.
2. In adherence to the law we may keep your records for as long as we are representing you or you are involved in a legal claim, we are representing a party in.
3. In some circumstances you can ask us to delete your data: see your legal rights below for further information.
4. 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.

## **Children's Privacy**

We do not aim any of our products or services directly at children, and we do not knowingly collect personal information from children.

## **International Transfers of Personal Information**

Your Personal Data collected by us may be stored and processed outside Kenya in a location in which our agents maintain facilities. Whenever we transfer your personal data out of Kenya, we ensure a similar degree of protection is afforded to it by ensuring adequate safeguards are implemented. We ensure your personal data is protected by requiring all our group companies and agents to follow the same rules when processing your personal data. We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data.

## Your Rights and Controlling Your Personal Information

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

- Request access to your personal data (commonly known as a “data subject access request”) in a timely manner. This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
  - If you want us to establish the data’s accuracy.
  - Where our use of the data is unlawful, but you do not want us to erase it.
  - Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
  - You have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.
- Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

- Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.
- You also have the right to ask us not to continue to process your personal data for marketing purposes. You can exercise any of these rights at any time by contacting our DPO in the address provided above.

## **Data subject access request**

- You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we could refuse to comply with your request where we have a legal basis.
- 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 endeavor to respond to all legitimate requests within a 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.
- We will issue a written explanation where we have a valid reason for our incapability to grant certain access rights.

## **Limits of Our Policy**

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

## **Changes to This Policy**

At our discretion, we may change our privacy policy to reflect updates to our business processes, current acceptable practices, or legislative or regulatory changes. If we decide to change this privacy policy, we will post the changes here at the same link by which you are accessing this privacy policy. If required by law, we will get your permission or allow you to opt in to or opt out of, as applicable, any new uses of your personal information.

It is important that you read this privacy policy together with any other privacy policy or notice or processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements other notices and privacy policies and is not intended to override them. You have the right to make a complaint at any time to the Office of the Data Protection Commissioner (ODPC) the Kenyan regulator for data protection issues (<https://www.odpc.go.ke/file-a-complaint/>). We would, however, appreciate the chance to deal with your concerns before you approach the ODPC so please contact us in the first instance.

## **Contact Us**

For any questions or concerns regarding your privacy, you may contact us using the following details:

dpo@mmw.legal