

PRIVACY NOTICE (KENYA)

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This privacy notice describes how Sojitz East Africa Limited and other Sojitz Group company (where such company processes personal information of data subjects located in Kenya) ('**Sojitz**', '**we**' or '**us**') collects and processes personal information about an individual in the Kenyan Region ('**Personal Information**'), how we use and protect your Personal Information, and your rights in relation to your Personal Information.

This privacy notice applies to all Personal Information we collect or process about you. Personal Information is information, or a combination of pieces of information that could reasonably allow you to be identified as a natural person.

1. **PERSONAL INFORMATION WE COLLECT**

1.1. We will collect Personal Information about you from a variety of sources. Our main source of Personal Information collected will be directly from you. We will only collect your Personal Information indirectly in the circumstances outlined in paragraph 1.5. below.

1.2. Personal Information we collect directly from you

1.2.1. The categories of Personal Information that we collect directly from you are:

- 1.2.1.1. personal details (e.g. name, date of birth);
- 1.2.1.2. contact details (e.g. phone or mobile number, email address, postal address);
- 1.2.1.3. educational details (e.g. educational history, qualifications, certifications, skills);
- 1.2.1.4. citizenship or immigration information
- 1.2.1.5. professional experience; and
- 1.2.1.6. any other information you may choose to provide us in your dealings with us.

1.3. We will collect the Personal Information directly from you, when you:

- 1.3.1. place an order for any of our products or service;
 - 1.3.2. voluntarily complete a customer survey or provide feedback on any of our message boards or via email; or
 - 1.3.3. voluntarily provide your business card and/or business card information.
- 1.4. We may be required by law or as a consequence of any contractual relationship we have with you to collect certain Personal Information from you. In such case, your failure to provide the information may prevent or delay the fulfilment of our obligations under the law or the contract.
- 1.5. Personal Information we collect indirectly:
- 1.5.1. The categories of Personal Information that we may collect about you indirectly are:
 - 1.5.1.1. personal details (e.g. name, date of birth);
 - 1.5.1.2. contact details (e.g. phone number, email address, postal address or mobile number);
 - 1.5.1.3. information on your creditability or reputation; and
 - 1.5.1.4. Information obtained from carrying out your background check data.
 - 1.5.2. We may collect Personal Information indirectly from:
 - 1.5.2.1. public registrars;
 - 1.5.2.2. credit research agencies;
 - 1.5.2.3. recruitment agencies;
 - 1.5.2.4. employment screening agencies; and
 - 1.5.2.5. publicly available information provided on professional profiles on websites or social media (e.g., LinkedIn).
 - 1.5.3. We shall only collect Personal Information about you indirectly if you consent to it in advance or in cases where law expressly permits it such as where the Personal Information forms part of a public record. In the latter case, we will notify you of any indirect collection of your personal data within 14 days of such collection.
- 1.6. **Special Categories of Personal Information** (Sensitive Personal Information)
- 1.6.1. Some of the categories of Personal Information that we collect are special categories of Personal Information (also known as Sensitive Personal Information). In particular, we may process Sensitive Personal Information that may reveal your racial or ethnic origin, religion or that may relate to your health, such as your medical history and reports on medical diagnoses, injuries and treatment.
 - 1.6.2. We will only process your Sensitive Personal Information only when absolutely necessary and when you give us explicit consent or as permitted or required by law.

With respect to the above, we shall only collect Personal Information and Sensitive Personal Information under this paragraph 1 to the extent that this is absolutely necessary for our use and for the purpose indicated under section 2.

2. PURPOSE AND LEGAL BASIS OF OUR COLLECTION AND USE OF YOUR PERSONAL INFORMATION

2.1. We are required under the data protection laws to have a legal basis and purpose for collecting and processing your Personal Information.

2.2. We will only collect your Personal Information for the purpose of:

2.2.1. Performing and enforcing any contractual obligation under a contract with us;

2.2.2. Providing and personalising our services;

2.2.3. Dealing with your enquiries and requests;

2.2.4. Complying with legal obligations to which we are subject;

2.2.5. Cooperating with regulators and law enforcement bodies;

2.2.6. Contacting you with marketing offers related to products and services offered by us and/or other members of Sojitz Group Companies (defined in section 4) (unless you have opted out of marketing, or we are otherwise prevented by law from doing so); and

2.2.7. Personalising marketing messages we send you to make them more relevant and interesting.

2.3. Our legal basis to processing your Personal Information in most cases shall be one of the following:

2.3.1. To fulfil our contractual obligations to you, for example:

2.3.1.1. to provide the services, to ensure that invoices are paid correctly;

2.3.1.2. to ensure you are able to access our premises when required; and

2.3.1.3. to process your contact details and bank account details

2.3.2. To comply with our legal obligations, for example:

2.3.2.1. obtaining proof of your identity to enable us to meet our anti-money laundering obligations;

2.3.3. To protect your or another person's vital interests, for example by providing your health information to a doctor in case of a medical emergency situation;

2.3.4. For the performance of a task carried out in the public interest; and

2.3.5. To meet our legitimate interests, for example screening your background for anti-corruption purpose or to understand how you use our services or products and to enable us to derive knowledge from that to enable us to develop new services or products. When we process Personal Information to meet our legitimate interests, we put in place robust safeguards to ensure that your privacy is protected and to ensure that our legitimate interests do not override your interests or fundamental rights and freedoms; and

2.3.6. Your Consent:

- 2.3.6.1. When you consent to the processing of your Personal Information for a specific purpose, you may withdraw your consent at any time by contacting us using the details at the end of this privacy notice.
- 2.3.6.2. Please note that where you do not provide us with Personal Information or withdraw your consent to the processing of the same (and where such processing was based on your consent) we may not be able to provide you with our products/services when such Personal Information is necessary to provide the said products/services under any contractual arrangement.
- 2.3.7. For purposes of all situations where we process any of your Personal Information on the basis of your consent, please take note of the following:
 - 2.3.7.1. the identity of the entity processing your Personal Information (this shall be Sojitz);
 - 2.3.7.2. the purpose of each of the processing operations for which consent is sought (see paragraph 2.2 above);
 - 2.3.7.3. the type of personal data that is collected and used (See paragraphs 1.2 and 1.3 above);
 - 2.3.7.4. the third parties with whom your Personal Information may be shared (see paragraph 4 below);
 - 2.3.7.5. the right to withdraw consent (see paragraphs 2.3.6.1 above);
 - 2.3.7.6. the implications of providing, withholding or withdrawing consent (see paragraph 2.3.6.2 above);
 - 2.3.7.7. where necessary, we will provide you, on a case-by-case basis, with the information on the following:
 - 2.3.7.7.1. the use of the Personal Information for automated decision-making;
 - and
 - 2.3.7.8. the possible risks of data transfers due to absence of an adequacy decision or appropriate safeguards.

3. YOUR RIGHTS OVER YOUR PERSONAL INFORMATION

- 3.1. You have certain rights regarding your Personal Information, subject to local law. These include the following rights to:
 - 3.1.1. be informed of the use to which your Personal Information is to be put;
 - 3.1.2. access your Personal Information in our custody;
 - 3.1.3. object to our use and processing of all or part of your Personal Information;
 - 3.1.4. request us to rectify any false or misleading Personal Information; and
 - 3.1.5. request us to erase any false or misleading Personal Information.
- 3.2. We encourage you to contact us to update or correct your Personal Information if it changes or if the Personal Information we hold about you is inaccurate.
- 3.3. We will contact you if we need additional information from you in order to honor your

requests. If you would like to discuss or exercise such rights, please contact us at the details below.

4. INFORMATION SHARING

4.1. We may share your Personal Information with third parties under the following circumstances:

4.1.1. Service providers and business partners. We may share your Personal Information with our service providers and business partners that perform marketing services and other business operations for us. For example, we may partner with other companies to process secure payments, fulfil orders, optimize our services, send newsletters and marketing emails, support email and messaging services and analyze information.

4.1.2. Our group companies. We work closely with other businesses and companies that fall under Sojitz Corporation (1-1, Uchisaiwaicho 2-chome, Chiyoda-ku, Tokyo 100-8691, Japan) ('Sojitz Group Companies'). We may share your Personal Information with Sojitz Group Companies for marketing purposes or anti-corruption compliance purposes.

4.1.3. Law enforcement agency, court, regulator, government authority or other third party. We may share your Personal Information with these parties where we believe this is necessary to comply with a legal or regulatory obligation, or otherwise to protect our rights or the rights of any third party.

4.1.4. Asset purchasers. We may share your Personal Information with any third party that purchases, or to which we transfer, all or substantially all of our assets and business. Should such a sale or transfer occur, we will use reasonable efforts to try to ensure that the entity to which we transfer your Personal Information uses it in a manner that is consistent with this privacy notice.

4.2. Because we operate our business globally, the recipients referred to above may be located outside the jurisdiction in which you are located (or in which we provide the services). See paragraph 6 (International Data Transfer) for more information.

5. INFORMATION SECURITY AND STORAGE

5.1. We have implemented reasonable technical and organizational measures to ensure a level of security appropriate to the risk to the Personal Information we process. These measures are aimed at ensuring the on-going integrity and confidentiality of your Personal Information. We evaluate these measures on a regular basis to ensure the security of the processing. They include the following:

5.1.1. setting up of Sojitz's personal computers (PCs) in accordance with a uniform software update standard set out in a group-wide PC set up manual that

- ensures all PCs meet the same standard of security and performance;
- 5.1.2. use of complex passwords for each person with access to the PCs to ensure that all information including Personal Information in the PCs is safeguarded from unauthorized user modification;
- 5.1.3. installation of data encryption software in the PCs to keep the confidentiality of the Personal Information; and
- 5.1.4. installation of advanced anti-virus software to protect the integrity of the Personal Information;
- 5.2. We will keep your Personal Information for as long as such retention is reasonably necessary to satisfy the purposes set out under paragraph 2 of this Privacy Policy. Once this necessity comes to an end and subject to paragraph 5.3 and エラー! 参照元が見つかりません。 below, we shall delete, erase, anonymize or pseudonymize your Personal Information.
- 5.3. We shall retain your Personal Information for a longer period of time than that specified under paragraph 5.2 above where such further retention is:
 - 5.3.1. required or authorized by law;
 - 5.3.2. reasonably necessary for a lawful purpose;
 - 5.3.3. authorized or consented to by you as the data subject;
 - 5.3.4. for historical, statistical, journalistic literature and art or research purposes.
- 5.4. If there is any Personal Information that we are unable, for technical reasons, to delete entirely from our systems, we will put in place appropriate measures to prevent any further processing or use of the data.

6. INTERNATIONAL DATA TRANSFER

- 6.1. Your Personal Information may be transferred to, stored, and processed in another country including where another Sojitz Group company is located, if :
 - 6.1.1. Sojitz, in its capacity as a data controller/data processor provides the Data Commissioner with proof of appropriate safeguards with respect to the security and protection of the Personal Information including proof of destination jurisdiction for the Personal Information that have commensurate data protection laws;
 - 6.1.2. The Data Commissioner makes a decision that an adequate level of protection of Personal Information has been met by a specific country or territory;
 - 6.1.3. you consent to the transfer of such Personal Information; or
 - 6.1.4. it is strictly necessary for specified purposes and there are no fundamental rights and freedoms of the data subjects concerned that override the public interest necessitating the transfer. The specified purposes are:
 - 6.1.4.1. the performance of a contract between the data subject and Sojitz in its capacity as data controller or data processor;
 - 6.1.4.2. the implementation of pre-contractual measures taken at the data

subject's request;

6.1.4.3. the establishment, exercise or defence of a legal claim;

6.1.4.4. for any matter of public interest;

6.1.4.5. for the protection of the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent; or

6.1.4.6. for the purpose of compelling legitimate interests pursued by Sojitz in its capacity as a data controller or data processor which are not overridden by the interests, rights and freedoms of the data subjects.

6.2. We have and shall put in place appropriate safeguards (such as contractual commitments) in accordance with applicable legal requirements to ensure that your personal information is adequately protected. For more information on the appropriate safeguards in place, please contact us at the details below.

7. CONTACT US

7.1. Sojitz East Africa Limited (2nd Floor, Block -A, Merchant Square, Riverside Drive, P.O. Box 25121-00603, Nairobi, Kenya) is the controller responsible for your Personal Information we collect and process.

7.2. If you have questions or concerns regarding the way in which your Personal information has been used, please contact to below contact:

Sojitz East Africa Limited

2nd Floor, Block -A, Merchant Square, Riverside Drive, P.O. Box 25121-00603, Nairobi, Kenya

To the attention of: MASAKI YAMAGUCHI

Email: yamaguchi.masaki@sojitz.com

With copy to:

Sojitz Corporation Middle East and Africa Office

Suite 1601, 16th Floor, Festival Tower, Dubai Festival City, Dubai, UAE, PO Box 6298

To the attention of: Corporate Administration Department

email: mea-compliance@sojitz.com.

7.3. We are committed to working with you to obtain a fair resolution of any complaint or concern about privacy. If, however, you believe that we have not been able to assist with your complaint or concern, you have the right to make a complaint to the data protection commissioner .

8. CHANGES TO THIS PRIVACY NOTICE

8.1. We may modify or update this privacy notice from time to time.

8.2. If we change this privacy notice, we will notify you of the changes. Where changes to

this privacy notice will have a fundamental impact on the nature of the processing or otherwise have a substantial impact on you, we will give you sufficient advance notice so that you have the opportunity to exercise your rights.

1st April 2023