



Prime Bank

P U T T I N G Y O U F I R S T

DATA PROTECTION COMPLAINT HANDLING PROCEDURE



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Data Protection Complaints Procedure

1. Introduction

1.1. The Kenya Data Protection Act 2019 ("KDPA 2019") and regulations thereof, give data subjects and authorised third parties rights in relation to their personal data. This procedure details how the Bank will respond to complaints from data subjects and third parties relating to the use of personal data.

Who are Data Subjects?

1.2. Data subjects are any natural living individuals whose personal data the Bank processes (collects, obtains, stores, retains, disposes of etc.). Data subjects may include staff members, customers, employment applicants, visitors, individuals captured by the Bank's CCTV cameras, etc. (herein after referred to as ("Customer(s)").)

Data subjects' rights

1.3. Outlined below are rights that a customer may exercise under Kenya Data Protection legislation, and these rights can be exercised at any time:

- a) Information about the processing of their data
- b) Access their own personal data
- c) Correct personal data
- d) Erase personal data, also known as the right to be forgotten(not absolute right)
- e) Restrict data processing
- f) Object to data processing, including for direct marketing
- g) Receive a copy of their personal data or transfer their personal data to another data controller/ processor (data portability,)
- h) Not be subject to automated decision-making and rights in relation to profiling.
- i) Be notified of a data security breach and
- j) Right to lodge a complaint

What is a complaint?

1.4. A complaint is an expression of dissatisfaction about the Bank's handling of a Customer's personal data or the data of the individual they represent. This can also include dissatisfaction with how the Bank has responded to a previous customer request, such as those detailed under 1.3 above.

2. Scope

2.1. This procedure addresses complaints made by customers regarding the use of their personal data. Complaints may be made in relation to any aspect of the Bank's processing of personal data including individual rights requests.

2.2. This procedure also addresses complaints made by third parties in relation to the Bank's use of personal data. These may be for example in relation to the Bank's response to a data related request from a third party, such as the Police, The Courts of law, Regulators or Government Agencies.

2.3. This procedure should also be followed for complaints in relation to use of personal data for direct marketing and/or profiling activity.

3. Responsibilities

3.1. The CEO/MD has overall responsibility for this procedure but has delegated day-to-day responsibility for overseeing its implementation to the Data Protection Officer. All relevant members of staff have been made aware of the procedure and have received appropriate training.

3.2. All Employees/Staff are responsible for ensuring that any complaints that are made in relation to this procedure are reported to the Data Protection Officer/Data Protection Team through the email address (dpo@primebank.co.ke), and cooperating with the Data Protection Officer in reviewing these complaints.

3.3. The Data Protection Officer and the Bank's Legal Department will review this procedure from time to time (and at least every two years) to ensure that its provisions continue to meet our legal obligations and reflect best practice.

3.4 Data protection officer will maintain and update a complaint register to record and monitor lifecycle of a complaint or request.

3.5 Head of Audit to audit and follow up to ensure all the recommendations given during a complain investigation process are implemented.

4. Making a Complaint

4.1. Customers or authorised third parties may make a complaint relating to the Bank's use of personal data. Complaints should be sent directly to the Data Protection Officer/Team at (dpo@primebank.co.ke)

A member of the Data Protection Team will normally acknowledge the complaint within 5 working days. The Bank's reserves the right to extend the period we need for response during Public Holidays and Bank's closure.

4.2. Although a complaint may be brought at any time, there may be limits as to what the Bank can do in historic cases.

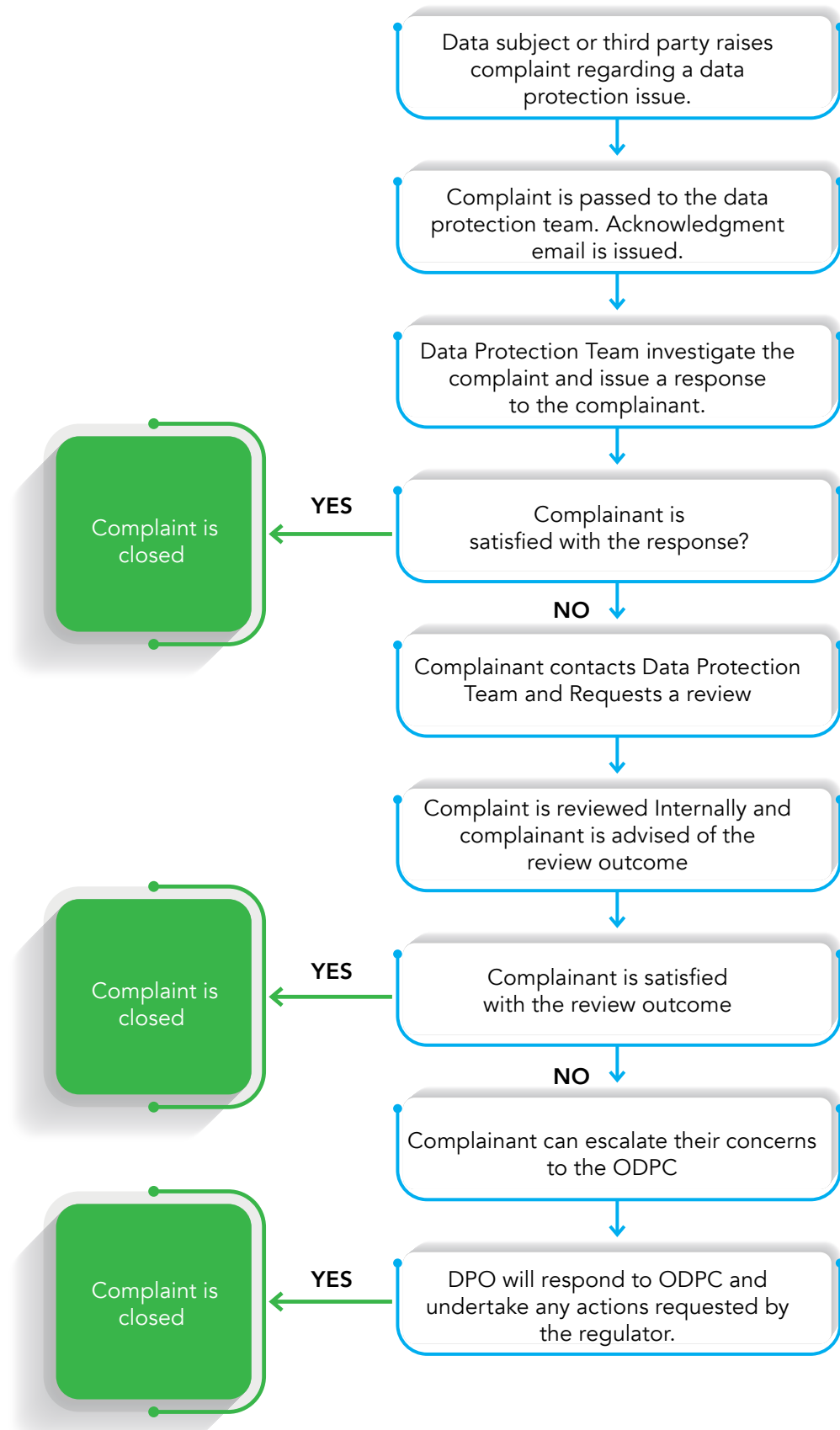
4.3. The bank will only accept a complaint from a customer's representative, if the representative provides the customer's written and signed consent authorising the representative to act on their behalf in relation to the complaint.

4.4. If there is any doubt about the identity of the complainant the Data Protection Team will first seek to verify the customer's identity or third party's entitlement to act on behalf of the individual. The forms of identification that are acceptable from a data subject are as follows;

- a) Passport
- b) National Identification number
- c) For third parties the identification requirements will vary dependent on their relationship to the data subject. Therefore, these will be assessed on a case by case basis.

4.5. Below is the complaint handling procedure flowchart to elaborate the step by step procedure of complaint/request handling process.

Data Protection Complaints Procedure Flowchart



5. Investigation and Complaint Outcome

5.1. Once all identification requirements have been met, the investigation will be carried out normally within 14 working days. If further clarification is required from the complainant or more time is required for the response to be completed the bank will inform the complainant prior to the original deadline giving reasons thereof.

5.2. The complaint outcome will be communicated to the complainant in writing, normally by email.

6. Review

6.1. If the complainant does not agree with the outcome, they can request a review of the decision. This request must be made within 1 month of the original decision being communicated and should be sent to the Data Protection Team through the email dpo@primebank.co.ke. The decision will be internally reviewed by the Data Protection Officer or CEO/MD normally within 21 working days from the receipt of the request for Review.

6.2. Once the internal review has been completed, the Bank will communicate the outcome in writing, normally by email.

7. Independent External Review

7.1. If the complainant remains dissatisfied, they may escalate their complaint to the office of Data Protection Commissioner (the "ODPC"). Information about how to make a complaint to the ODPC can be found here: [File a Complaint](#).

7.2. In order to respond to the complaint, the Data Protection Officer will investigate the complaint based on the information provided by the ODPC. This may necessitate access to personal data and other information held across the Bank. The cooperation of any staff members able to assist with the investigation will be required. The reason for the investigation may need to be disclosed to the relevant staff members.

7.3. The Data Protection Officer will draft and submit a response to the ODPC in consultation with the Bank's Legal Officer and the CEO/MD.

8. Manifestly unfounded, abusive, vexatious or excessive correspondence and complaints

8.1. In some scenarios the Bank may refuse to handle a complaint. This will be when a complaint is deemed to be manifestly unfounded, abusive, vexatious or excessive. Each complaint will be considered on a case by case basis. The following factors will be taken into consideration:

- a. Data subject has explicitly stated that they intend to cause disruption (whether in the complaint, or in other correspondence), and has threatened individuals;
- b. The data subject has made unsubstantiated accusations against individuals, and is persisting in those accusations;
- c. The data subject is targeting particular individuals, against whom they have a personal grudge;
- d. The data subject makes frequent complaints intended to cause disruption; and
- e. The data subject continues to repeat the substance of previous complaints which have already been investigated and closed.

8.2. Where a complaint is deemed to be manifestly unfounded, excessive, abusive or vexatious the Bank will contact the customer/ individual and in a reasonable timeframe explain to them:

- a. The reasons for refusing to consider the complaint;
- b. The alternative dispute resolution mechanism,
- c. Their right to make a complaint to the ODPC; and
- d. Their right to pursue their data subject rights through a judicial remedy.

9. Use of Data from Complaints

9.1. The Bank will collect data on complaint outcomes at each stage of this procedure and any complaints submitted by complainants to any regulators (including the ODPC), and use the data for:

- a) Internal reporting, evaluating, learning and training; and
- b) Externally for discussion with regulators

9.2. The data used by the Bank for the purposes set out in paragraphs 9.1 a) and b) will be anonymised. The personal data and personal sensitive data ('Personal Data') as defined by the Kenya Data Protection Act 2019 (the "KDPA") may be disclosed to the Bank's members of staff and regulators only for the purpose of dealing with your complaint, or a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the Bank has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the KDPA.

10. Data subject access rights forms

Customers may exercise rights granted in the Act using the prescribed forms below, however, the Bank may request for further information to enable it to fulfil the request in a timely manner.

10.1 Complaint Submission Form

(Form DPC 1)

A. PARTICULARS OF THE COMPLAINANT/REPRESENTATIVE	
Full Names	
National Identification Card Number/ Passport Number	
Contact information (Phone number/ email address)	
B. PARTICULARS OF THE COMPLAINT	
Describe your complaint;	
Indicate to whom the complaint is against;	
When did you become aware of the alleged breach	
C. REMEDY SOUGHT	
D. Which other steps have you already taken in relation to the Complaint, if any	
State any other institution contacted over the complaint, if any.	

Signature

Date

Note:

- * If the space provided for in this Form is inadequate, submit information as an annex.
- * If you have supporting documents to substantiate your claim, please annex copies to this Form.
- * The information submitted will be treated with the upmost confidentiality.

10.2 Request to Discontinue or Withdraw a Compliant

(Form DPC 2)

A. NATURE OF REQUEST	
Mark the appropriate the box with an "x". Request for	
DISCONTINUATION <input type="checkbox"/>	WITHDRAWAL <input type="checkbox"/>
B. PARTICULARS OF THE COMPLAINANT/REPRESENTATIVE	
Full names	
National Identification Card Number/ Passport Numbe	
Contact Information (Phone Number/ Email Address)	
C. NATURE OF THE COMPLAINT	
Complaint Number/Reference Number	
D. STATE REASON FOR WITHDRAWAL/DISCONTINUATION OF COMPLAINT	

Signature

Date

Note:

**If the space provided for in this Form is inadequate, submit information as an Annexure to this form*

**If you have supporting documents to substantiate your claim, please annex copies to this Form.*

**The information submitted will be treated with the upmost confidentiality.*

10.3 Request for Restriction or Objection to the Processing of Personal Data (Form DPG 1)

Note:

- (i) A documentary evidence in support of the objection may be required.
- (ii) Where the space provided for in this Form is inadequate, submit information as an Annexure

A. NATURE OF REQUEST

Mark the appropriate box with an "x". Request for:

RESTRICTION ☐

OBJECTION ☐

B. DETAILS OF THE DATA SUBJECT

Name*: _____

Identity Number*: _____

Phone number*: _____

E-mail address: _____

(Your details below where initiating the request for a minor or a person who has no capacity)

Name*: _____

Relationship with the Data Subject*: _____

Contact Information*: _____

C. REASONS FOR THE REQUEST

(Please provide detailed reasons for the restriction or objection)

D. DECLARATION

☐ I certify that the information given in this application is true

Signature

Date

10.4 Request for Access to Personal Data (Form DPG 2)

Note:

- (i) Documentary evidence in support of this request may be required.
- (ii) Where the space provided for in this Form is inadequate, submit information as an annexure
- (iii) All fields marked as * are mandatory

A. DETAILS OF THE DATA SUBJECT

(This section is to provide the details of the Data Subject).

Name*: _____

Identity Number*: _____

Phonenumber*: _____

e-mail address: _____

(Provide the following details where making a request on behalf of a minor or a person who has no capacity)

Name*: _____

Relationship with the Data Subject*: _____

Contact Information*: _____

B. DETAILS OF THE PERSONAL DATA REQUESTED

(Describe the personal data requested)

MODE OF ACCESS

I would like to: (check all that apply)

☐ Inspect the record

☐ Listen to the record

☐ Have a copy of the record made available to me in the following format:

☐ photocopy (Please note that copying costs will apply) number of copies required: _____

☐ electronic

☐ transcript (Please note that transcription charges may apply)

☐ Other (specify) _____

C. Delivery Method

☐ Collection in person

☐ By mail (provide address where different/in addition to details provided above)

Town/City: _____

☐ By e-mail (provide email address where different/in addition to details provided above):

DECLARATION

Note: any attempt to access personal data through misrepresentation may result in prosecution.
I certify that the information given in this application is true.

Signature

Date

10.5 Request for Rectification (Form DPG 3)

Fill as appropriate

Note:

- (i) Documentary evidence in support of this request may be required.
- (ii) Where the space provided for in this Form is inadequate, submit information as an annexure
- (iii) All fields marked as * are mandatory

A. DETAILS OF THE DATA SUBJECT

(This section is to provide the details of the Data Subject).

Name*: _____

Identity Number*: _____

Phone number*: _____

e-mail address: _____

(Provide the following details where making a request on behalf of a minor or a person who has no capacity)

Name*: _____

Relationship with the Data Subject*: _____

Contact Information*: _____

Signature

Date

PROPOSED CHANGE (S)

	Personal data to be corrected e.g. name, residential status, and mobile number, email address.	Proposed change	Reason for the proposed change
1.			
2.			
3.			
4.			

B. DECLARATION

Note: any attempt to rectify personal data through misrepresentation may result in prosecution.

☐ I confirm that I have read and understood the terms of this request form and certify that the information given in this application is true.

Signature

Date

10.6 Request for Data Portability (Form DPG 4)

Note:

(iv) Documentary evidence in support of this request may be required.

(v) Where the space provided for in this Form is inadequate, submit information as an annexure

(vi) All fields marked as * are mandatory

A. DETAILS OF THE DATA SUBJECT

(This section is to provide the details of the Data Subject).

Name*: _____

Identity Number*: _____

Phone number*: _____

e-mail address: _____

(Provide the following details where making a request on behalf of a minor or a person who has no capacity)

Name*: _____

Relationship with the Data Subject*: _____

Contact Information*: _____

B. DETAILS OF THE PERSONAL DATA REQUESTED

Please transfer a copy of my personal data to* _____

By Either:

a) Email a copy to them at _____

b) Mailing to: _____

c) Others (Please specify) _____

DECLARATION

Note: any attempt to rectify personal data through misrepresentation may result in prosecution.

☐ I confirm that I have read and understood the terms of this request form and certify that the information given in this application is true.

Signature

Date

10.7 Request for Erasure of Personal Data

Fill as appropriate

Note:

- (i) Documentary evidence in support of this request may be required.
- (ii) Where the space provided for in this Form is inadequate, submit information as an annexure
- (iii) All fields marked as * are mandatory

i. DETAILS OF THE DATA SUBJECT

(This section is to provide the details of the Data Subject).

Name*: _____

Identity Number*: _____

Phone number*: _____

e-mail address: _____

(Provide the following details where making a request on behalf of a minor or a person who has no capacity)

Name*: _____

Relationship with the Data Subject*: _____

Contact Information*: _____

ii. REASON FOR ERASURE REQUEST

(Tick the appropriate box)

- ☐ (a) Your personal data is no longer necessary for the purpose for which it was originally collected;
- ☐ (b) You have withdrawn consent that was the lawful basis for retaining the personal data;
- ☐ (c) You object to the processing of your personal data and there is no overriding legitimate interest to continue the processing;
- ☐ (d) the processing of your personal data has been unlawful
- ☐ (e) Required to comply with a legal obligation.

PERSONAL DATA TO BE ERASED

Describe the personal data you wish to have erased.

iii. Declaration

Note: any attempt to erase personal data through misrepresentation may result in prosecution.

☐ I confirm that I have read and understood the terms of this request form and certify that the information given in this application is true.


Signature

Date

11. Appendix A – Glossary of terms & Acronyms

TERM	DEFINITION
Breach	Security compromise leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, data transmitted, stored or otherwise processed.
ODPC	Office of the Data Protection Commissioner established in the Act and mandate with regulating and oversight on lawful processing of personal data.
CEO/MD	Chief Executive Officer/ Managing Director of Prime Bank Ltd
ACT	Kenya Data Protection Act, 2019
Data	Information which: (a) is processed by means of equipment operating automatically in response to instructions given for that purpose; (b) Is recorded with intention that it should be processed by means of such equipment. (c) Is recorded as part of a relevant filing system. (d) Forms part of an accessible record. (e) Can be either physical or logical.
Data Protection	Preservation of the confidentiality, integrity and availability of data. It provides the tools, processes and mechanisms to enforce privacy.

TERM	DEFINITION
Employee	<p>Permanent Employee – this means an employee who has been engaged on permanent and pensionable terms.</p> <p>Contract Employee – These persons are engaged to work on a specific task/role for a specified duration. The terms of service applicable shall be as stipulated in the respective specific contracts of employment.</p>
Personal Data	Any information relating to an identified or identifiable natural person
Processing	<p>Any operation or sets of operations which is performed on personal data or on sets of personal data whether or not by automated means, such as:</p> <ul style="list-style-type: none"> a) Collection, recording, organization, structuring. b) Storage, adaptation or alteration. c) Retrieval, consultation or use. d) Disclosure by transmission, dissemination, or otherwise making available. Or e) Alignment or combination, restriction, erasure or destruction
Sensitive Personal Data	Data revealing the natural person's race, health status, ethnic social origin, conscience, belief, genetic data, biometric data, property details, marital status, family details including names of a person's children, parents, spouse or spouses, sex, or sexual orientation of the data subject.
Third Party	Natural or legal person other than the data subject, data controller, data processor or persons who, under the direct authority of the data controller or data processor, are authorized to process personal data.
Request	A written or formal expression by a data subject to the Bank, who would like to exercise rights granted in the Act.

The background of the page features a blue geometric pattern consisting of various overlapping triangles and polygons in different shades of blue, creating a modern, abstract design.

This Procedure is available in accessible formats on
request from
Data Protection Team.

Please contact: dpo@primebank.co.ke