

EMPLOYEE DATA PRIVACY POLICY

1. Introduction

- 1.1. At Gertrude's Children's Hospital ("**Gertrude's**" or "**we**" or "**our**"), we are committed to safeguarding the privacy and security of your personal data (or personal data you provide to us). Personal data means '*any information relating to an identified or identifiable natural person*'.
- 1.2. This Employee Data Privacy Notice describes how we collect and use personal data about you during and after your employment and/or contract with us, in compliance with the Data Protection Act, 2019 (the **Act**) and the regulations under the Act, (all together, **Data Protection Legislation**).
- 1.3. Gertrude's is a "*data controller*". This means that we are responsible for deciding how we hold and use personal data about you (or personal data you provide). The Data Protection Legislation requires that we notify you of the information contained in this privacy notice.
- 1.4. This notice does not form part of any contract of employment or other contract to provide services.
- 1.5. It is important that you read this privacy notice together with any other privacy policy or notice, we provide on specific occasions when we collect or process personal data about you to ensure that you are fully aware of how and why we are using your data and what your rights are under the data protection privacy.

2. The kind of personal data we process about you (or persons connected to you)

- 2.1. We will collect, use, store, transfer or otherwise process personal data about you (or persons connected to you including):
 - (a) **Personal details** such as your name, title, gender, nationality, marital status, date of birth, place of birth, age, national identification/passport number, addresses, telephone numbers, personal email addresses, driver's licence number, location data, emergency contact information, genetic information, biometric data, information about your next of kin, dependents, and other family members.
 - (b) **Recruitment selection data** such as previous experience, skills, qualifications, references, interview and assessment data, background and verification data and other information included in a curriculum vitae/resume or cover letter or as part of the application process.
 - (c) **Employment related data held by Gertrude's** such as your contract of employment, employment contact details, payroll number, national identification/passport number, photographs, salary, annual leave, pension and benefits information, work location, your worker identification number, work biography, your assigned department, your reporting line, your employee/contingent worker type, job titles, work history, working hours, disciplinary and grievance information, termination/contract end date, the reason for termination, last day of work and exit interview.
 - (d) **Regulatory information** such as information about your registration with any regulatory or professional body, credit background checks and any regulatory certificates and references.

EMPLOYEE DATA PRIVACY POLICY

- (e) **Remuneration and benefits information** such as your remuneration information (including salary/hourly plan/contract pay/fees information as applicable, allowances, overtime, bonus and commission plans), payments for leave/, bank account details, grade, tax information, details of any benefits you receive or are eligible for, National Hospital Insurance Fund (NHIF) number, National Social Security Fund (NSSF) number, benefit coverage start date, expense claims and payments, information and agreements.
- (f) **Leave and absence management information** such as attendance records, absence records, leave dates, requests and approvals and information related to family leave or other special or statutory leave, absence history, medical fitness notes, details of incapacity, details of work impact and adjustments, manager and Human Resources (HR) communications, return to work interviews.
- (g) **Performance management information** such as colleague and manager feedback, your appraisals and performance review information, outcomes and objectives, talent programme assessments and records, succession plans, formal and informal performance management process records.
- (h) **Training and development information** such as data relating to training and development needs or training received or assessments completed.
- (i) **Monitoring information (to the extent authorised by applicable laws)** such as closedcircuit television footage, system and building login and access records, photo on access card, download and print records, call or meeting recordings, information about your use of our information and communication systems and information captured by IT security programmes and filters.
- (j) **Financial information** such as bank account details, payroll records, personal identification number and tax status information.
- (k) **Health related Information** such as any medical condition, health and sickness records, details on absence from work on sick leave, any health information in relation to a claim made under our health insurance scheme and medical reports.

- 2.2. Please note that by providing us with any personal data about a third party, you will be confirming (i) that you have obtained the necessary consent from those third parties to the use of their personal data and (ii) that the third parties are aware of your actions.

3. How is your personal data (or personal data you provide to us) collected?

-
- 3.1. We collect your personal data (or personal data you provide to us) from a variety of sources, but in most circumstances directly from you.
 - 3.2. We will collect your personal data (or personal data you provide to us) throughout the application and recruitment process directly from you, from an employment agency, from former employers or from other background checks providers.
 - 3.3. You will typically provide your personal data (or personal data you provide to us) directly to your managers or the HR contact, or enter it into our systems, or through your participation in HR processes, or via emails and instant messages which may be recorded electronically or manually. In addition, further personal data about you will come from your managers, HR or occasionally from your colleagues.

EMPLOYEE DATA PRIVACY POLICY

- 3.4. We may also obtain your personal data (or personal data you provide to us) from third parties, such as references from previous employers, medical reports from external professionals, information from tax authorities, benefit providers or where we employ a third party to carry out background checks or, occasionally, from our clients.
- 3.5. We will collect additional personal data in the course of job-related activities throughout the period of your employment.
- 3.6. In some circumstances, personal data may be collected indirectly through monitoring devices or by other means (for example, building and location access control and monitoring systems, CCTV, telephone logs and recordings, instant message logs and email and internet access logs), if and to the extent authorised by applicable laws.
- 3.7. Apart from your own personal data, we may also require that you provide us with the personal data of third parties such as your dependants and other family members, for purposes of HR administration and management, including the administration of benefits and a point of contact in an emergency. Before you provide us with such third-party personal data, you must first inform these third parties of any such information that you intend to provide and of the processing that we will carry out, as detailed in this notice.

4. How do we use your personal data (or personal data you provide to us)?

Subject to applicable law including the Data Privacy Legislation, we may store and process your personal data (or personal data you provide to us) because of your employment contract and also for the following purposes:

(a) Recruitment and selection including:

- To evaluate applications for employment and make decisions in relation to selection of employees.
- Pre-employment screening including, where relevant and appropriate, identity check, right to work verification, reference check, credit check, financial sanction check and criminal record checks.
- To make job offers, providing contracts of employment or engagement and to prepare to commence your employment or engagement where you accept an offer from us.
- To contact you should another potentially suitable vacancy arise.
- To respond to any inquiries, challenges or requests for feedback received in relation to our recruitment decisions.
- To monitor programmes that require us to ensure equality of opportunity and diversity.

(b) Ongoing management of all aspects of your employment with us including:

EMPLOYEE DATA PRIVACY POLICY

- To manage and maintain Human Resource hard copy records, files, and systems, including technical support and maintenance of Human Resource systems and managing electronic and hard copy records in line with our retention schedules.
- Providing and administering remuneration, benefits, pensions, and incentive schemes.
- To make appropriate tax and other statutory deductions and contributions.
- To configure and modify the building and system access permissions.
- Effectively identifying, and communicating with, you.
- Publishing relevant internal or external communications or publicity material, including via social media, as necessary.
- Managing and administering performance reviews, capability, attendance, and talent programmes.
- Managing grievances, allegations (e.g., whistleblowing, harassment), complaints, investigations, and disciplinary processes, and making related management decisions.
- Training, development, promotion, career, and succession planning.
- Business contingency planning and response to active incidents.
- Processing information about your membership in saccos, trade unions and other similar bodies with your consent, as well as administering any associated subscriptions and deductions made directly from your salary.

(c) Leave and other absence management and health and safety including:

- Processing information about your leave and other absence.
- Processing medical information regarding physical or mental health or condition in order to determine eligibility for incapacity or disability related remuneration or benefits.
- Determine fitness for work.
- Facilitate a return to work.
- Make adjustments or accommodations to duties or the workplace.
- Make management decisions regarding employment or engagement (or continued employment or engagement) or redeployment.
- Conduct related management processes.

(d) Compliance monitoring, security and systems use including:

EMPLOYEE DATA PRIVACY POLICY

- Measuring the performance of our IT systems by monitoring employee usage of our systems; this includes analysing time, locations, and activities whilst users are logged into our network.
- Auditing, monitoring, investigation, and compliance monitoring activities in relation to our policies, codes of conduct, applicable law, the prevention and detection of criminal activity and to protect our assets and premises.

(e) Responding to legal and regulatory requests including:

Comply with lawful requests by public authorities or where otherwise required or authorised by applicable laws, court orders, government regulations, or regulatory authorities (up to and including without limitation data protection, tax and employment), whether within or outside this country.

(f) Termination of employment and managing post-employment relationships including:

- Complying with reference requests.
- Managing termination and post-termination matters, including outplacement services, liaising with your legal representatives, enforcing restrictive covenants, loan repayments, overpayments, expense reimbursements, employee benefits as well as conducting termination and post-termination litigation.

5. Legal basis for processing your personal data (or personal data you provide to us)

5.1. We will only collect, use, and share your personal data (or personal data you provide to us) where we are satisfied that one of the following legal bases apply to a specific processing activity:

- (a) The processing is necessary for us to comply with a **legal obligation** to which we are subject, for example, disclosing information to local tax authorities, making statutory payments, avoiding unlawful termination, avoiding unlawful discrimination, complying with statutory record keeping and reporting requirements or health and safety obligations.
- (b) The processing is necessary for the **performance of a contract** to which you are a party or to take steps, at your request, prior to entering into such a contract, for example collecting bank details to pay your salary or processing information to provide you with the contractual benefits to which you are entitled.
- (c) The processing is based on your **consent**. Where consent is required for the processing in question, it will be sought from you separately to ensure that it is freely given, informed and explicit. You should be aware that it is not a condition or prerequisite of your employment.

In the limited circumstances where you have consented to the processing of your personal data (or personal data you provide to us) for a specific purpose, you have the right to

EMPLOYEE DATA PRIVACY POLICY

withdraw your consent at any time. Please note that withdrawing your consent, does not render unlawful our prior handling of your personal data (or personal data you provide to us) or the processing which is based on other legal justifications.

- (d) The processing is necessary for the **legitimate interests** pursued by us or by a third party, except where such interests are overridden by your interests or rights and freedoms which require protection of personal data. We believe that we have a legitimate interest in processing personal data for the purposes set out above, and to support the achievement of our immediate and long-term business goals and outcomes.
- (e) The processing is necessary to **protect your interests** (or someone else's interests).
- (f) The processing is necessary to perform a task carried out in the **public interest or for official purposes**.

5.2. Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data (or personal data you provide to us).

5.3. In summary, we will process your personal data (or personal data you provide to us) for the purposes and on the basis of the legal bases set out in the table below:

Personal Data	Purpose of Processing	Lawful Basis for Processing
Personal details Recruitment and selection data Regulatory information	Recruitment and selection purposes Onboarding purposes	Contractual performance Legitimate interest Compliance with a legal obligation
Personal details Onboarding data	Ongoing management of all aspects of your employment with us	Contractual performance Legitimate interest

EMPLOYEE DATA PRIVACY POLICY

<p>Employment related data</p> <p>Regulatory information</p> <p>Remuneration and benefits information</p> <p>Leave and absence management information</p> <p>Performance management information</p> <p>Training and development information</p> <p>Monitoring information</p> <p>Information about your health and/ or health of your dependants</p> <p>Financial information</p>		<p>Compliance with a legal obligation</p> <p>Consent</p>
<p>Personal details</p> <p>Information about your health and/ or health of your dependants</p>	<p>Leave and other absence management, health and safety</p>	<p>Contractual performance</p> <p>Legitimate interest</p> <p>Consent</p> <p>Compliance with a legal obligation</p>
<p>Personal details</p> <p>Employment related data</p> <p>Monitoring information</p>	<p>Compliance monitoring, security and systems use</p>	<p>Contractual performance</p> <p>Legitimate interest</p>
<p>Personal details</p> <p>Employment related data</p> <p>Regulatory information</p>	<p>Responding to legal regulatory requests</p>	<p>Contractual performance legal</p> <p>Compliance with a legal obligation</p> <p>Legitimate interest</p>

EMPLOYEE DATA PRIVACY POLICY

Personal details	Termination of employment and post-employment relationships	Contractual performance
Employment related data		Legitimate interest
Financial information		

6. If you fail to provide your personal data (or personal data you provide to us)

If you fail to provide certain personal data when requested, we may be unable,

(a) to perform the contract, we have with you (such as paying you or providing a benefit), or (b) to comply with our legal obligations (such as to ensure the health and safety of our workers).

7. Change of purpose

- 7.1. We will use your personal data (or personal data you provide to us) solely for the purposes for which it was collected, unless we reasonably believe that we need to use it for another reason that is compatible with the original purpose.
- 7.2. If we need to use your personal data (or personal data you provide to us) for an unrelated purpose, we will notify you, explain our legal basis and obtain your consent to process your personal data (or personal data you provide to us) for that unrelated purpose.
- 7.3. Please note that we may process your personal data (or personal data you provide to us) without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

8. Who do we share your personal data (or personal data you provide to us) with?

- 8.1. We may share your personal data (or personal data you provide to us) with third parties including,
 - (a) third-party service providers, including our lawyers, auditors, other contractors and designated agents;
 - (b) trustees and scheme managers of retirement benefits schemes we set up or organise;
 - (c) third parties providing administration and benefits provision services for any retirement benefits scheme we establish or organise;
 - (d) third party medical insurance service providers, including insurance brokers;
 - (e) third party healthcare providers;
 - (f) third party life insurance service providers;

EMPLOYEE DATA PRIVACY POLICY

- (g) our partners for internal business, operational and investigatory purposes and any other purpose consistent with the purpose for which the personal data was originally collected or subsequently authorised by you;
- (h) regulators such as the National Employment Authority and the Kenya Revenue Authority;
- (i) our professional advisers;
- (j) third party entities where you are a member such as trade unions and professional associations; and
- (k) any third party where it is necessary to do so in order to protect or pursue our legitimate interests (ensuring this is proportionate and limited to that information which is strictly necessary in the circumstances). This may include, but not be limited to, disclosure to a

party with whom we are in negotiation for the sale or transfer of a business, assets or services.

- 8.2. We will share your personal data (or personal data you provide to us) with third parties where it is required by law, where it is necessary to administer the working relationship with you or where we have another legitimate reason to do so. We require third parties to respect the security of your personal data (or personal data you provide to us) and to treat it in accordance with the law.
- 8.3. We will also share your personal data (or personal data you provide to us) with third parties where you request us in writing to do so. However, we do not have control over how such third parties will use your personal data (or personal data you provide to us).

9. Transferring personal data outside Kenya

-
- 9.1. We may transfer your personal data (or personal data you provide to us) to other hospitals, regulatory, prosecuting, tax and governmental authorities, courts and other tribunals, and other entities located in countries outside Kenya including countries which have different data protection standards to those which apply in Kenya.
 - 9.2. When we transfer your personal data (or personal data you provide to us) outside Kenya to other entities, we will ensure that they protect your personal data (or personal data you provide to us) in accordance with the requirements under the Data Protection Legislation and that it is kept secure and receives at least a similar level of protection as that which it receives in Kenya.

10. How long will we use your personal data (or personal data you provide to us)?



EMPLOYEE DATA PRIVACY POLICY

- 10.1. We will only retain your personal data (or personal data you provide to us) for as long as necessary to accomplish the purposes for which it was collected, including complying with any legal, accounting, or reporting requirements.
- 10.2. 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 (or personal data you provide to us), the purposes for which we process your personal data (or personal data you provide to us) and whether those purposes can be achieved through alternative means, and the applicable legal requirements.
- 10.3. In some circumstances we may anonymise your personal data (or personal data you provide to us) so that it can no longer be linked to you, in which case we may use such anonymised information without notifying you further. Once you are no longer our employee, your personal data (or personal data you provide to us) will be retained and securely destroyed in accordance with our personal data retention schedule.

11. What Data Protection Rights Do You Have?

-
- 11.1. Subject to certain exceptions and limitations, you have a number of legal rights in relation to the personal data that we hold about you (or persons connected to you). These rights include the right to:
 - (i) **be informed** of the use to which your personal data (or personal data you provide to us) is to be used;
 - (ii) **request access** to your personal data (or personal data you provide to us) and receive a copy of the personal data we hold about you;
 - (iii) **request correction and erasure** of the personal data that we hold about you;

EMPLOYEE DATA PRIVACY POLICY

- (iv) **request the restriction of processing** of your personal data (or personal data you provide to us). This enables you to ask us to suspend the processing of your personal data (or personal data you provide to us);
- (v) **request us to transfer personal data** either to you or to another company in a commonly used electronic format. This is known as the right to data portability;
- (vi) **object to the processing of your personal data (or personal data you provide to us);**
- (vii) **object and opt-out** of our direct marketing services; and
- (viii) **request not to be subject to automated decision making.** This enables you to ask us not to make a decision about you that affects your legal position (or has some other significant effect on you) based purely on automated processing of your data.

11.2. To exercise any of these rights, please write to our Head of Human Resource and Communications] via the contact details given below.

11.3. We will respond to your request without undue delay and no later than the time periods stipulated by the applicable Data Protection Legislation.

12. Data security

12.1. We have implemented appropriate security measures to prevent your personal data (or personal data you provide to us) from being accidentally lost, used, or accessed in an unauthorised way, altered or disclosed.

12.2. In addition, we restrict access to your personal data (or personal data you provide to us) to those employees, agents, contractors and other third parties that require such personal data for legitimate business purposes. They will only process your personal data (or personal data you provide to us) on our instructions and are bound to a duty of confidentiality.

12.3. We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach if required by law.

13. How to contact us

13.1. If you have any questions about this privacy notice or how we handle your personal data (or personal data you provide to us), please contact Gertrude's Head of Human Resource and Communications at (hrteam@gerties.org).

13.2. We will respond to your questions and concerns in a timely manner and in compliance with the relevant laws.

14. Changes to this Privacy Statement

14.1. We reserve the right to update this Employee Data Privacy Notice at any time and we shall notify you of the changes through electronic mail or such other means of communication which may be available to us.



EMPLOYEE DATA PRIVACY POLICY

14.2. We may also notify you in other ways from time to time about the processing of your personal data (or personal data you provide to us).

ACKNOWLEDGEMENT

I _____ (employee's name) of ID Number _____ acknowledge that on _____ (date), I have received a copy of Gertrude's Employee Data Privacy Notice for employees and I have read and understood it.

Signature _____

Name _____

Date _____

CONSENT CLAUSES

A. Consent for the transfer and processing sensitive personal data outside Kenya *Sensitive personal data* means *data revealing your race, health status, ethnic social origin, conscience, belief, genetic data, biometric data, property details, marital status, family details including names of your children, parents, spouse or spouses, sex or your sexual orientation*. In order for us to process your sensitive personal data (or sensitive personal data you provide) out of Kenya, we require your consent.

By signing below, you [name] authorise us on [date] to transfer and process your sensitive personal data (or sensitive personal data you provide) out of Kenya.

Signature

B. Consent for processing personal data relating to a child

We may require you to provide us with personal data relating to a child. For instance, providing details of your dependents/next of kin in connection with medical insurance, retirement benefits and life assurance schemes. *Please note that a child is a person under the age of 18 years.*

In order for us to process any personal data relating to a child, we require,



EMPLOYEE DATA PRIVACY POLICY

(i) your consent as the child's parent or legal guardian, and (ii) proof of the child's age.

By signing below, you [name] confirm that you are the parent or legal guardian of all children, whose personal data you provide to us and you hereby consent on [date] to our processing of the child/children's personal data.

Signature.....

C. Consent for commercial use of your personal data

We may use your personal data for commercial purposes such as conducting analytics/market research about our products and services. We may also advertise and market to you our latest products and services.

Please note that if you do not want to receive our marketing information you may opt-out by contacting us at any time using the information provided above.

By signing below, you [name] authorise us on [date] to use your personal data for commercial purposes such as marketing or advertising to you.

Signature.....