



# **EXTERNAL PRIVACY POLICY**

Policy Version Reference	2024_1.0
Policy Approver	AGF Board of Directors, following the recommendation of the Audit and Risk Committee

# 1. Introduction

The African Guarantee Fund (AGF) for small and medium –sized enterprises (AGF) works to contribute to the promotion of economic development vital for prosperity, stability, and poverty reduction in Africa. We are committed to protecting the privacy and security of your personal information. This privacy policy is issued on behalf of AGF so when we mention “Company”, “AGF”, “we”, “us” or “our” in this privacy policy, we are referring to AGF as we are responsible for processing your data.

Data Protection and Privacy matters to us and we know it matters to you. In accordance with applicable laws & regulations, relevant international standards, and any relevant regional data protection laws where our operations extend, we are committed to protecting your privacy, keeping your information safe and ensuring the security of your personal information. To provide you with the most effective services, your personal information will be collected, processed lawfully, stored securely and not disclosed unlawfully to any third party.

## 2. Purpose

This Privacy Policy explains how AGF collects, uses, stores, and protects your personal data when you interact with us. It extends to both our control and processing of personal information. It will also inform you about your privacy rights and how the law protects you in accordance with the provisions of the applicable laws & regulations.

This Privacy Policy complements any specific data protection terms that may be included in contracts, consent forms, agreements, or other legally binding documents you may receive from AGF.

## 3. Scope

This Policy applies to:

- i. All AGF Clients; and
- ii. All AGF suppliers, partners, and service providers.
- iii. Any other individual whose personal data we collect and process

## 4. Revision

We will regularly review our Privacy Policy. AGF will make sure that you are aware of any material changes in accordance with legal obligations.

This version was last updated in December 2024.



## 5. Collected Information and Method

We collect and maintain personal information about you from many sources to understand and meet your needs, manage our business, and for other purposes disclosed to you. For example, we collect personal information about you from:

- You, when you voluntarily provide us with information.
- Your engagement with us.
- Other third-party sources.

Please be assured that any information obtained in this manner will be used in accordance with this Privacy Policy and will not supersede or otherwise prejudice your rights as a data subject, including your right to access, rectify, or erase your personal data. We encourage you to review the privacy policies of any third parties who may collect your information to understand how they handle your data.

The personal information we collect about you through these various sources may include, but is not limited to:

- **Identity Data:** includes first name, last name, username or similar identifier, identification number, passport number, date of birth, country of origin and physical address.
- **Visitor identification data:** includes name, national identity or passport number, the purpose of visit, telephone number, and email address. Please note that we have CCTV cameras installed throughout our premises for security and safety purposes.

- **Contact Data:** includes email address and telephone numbers.
- **Financial Data:** includes bank account information, Tax Identification number and payment information with regards to payments made.
- **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, device ID and other technology on the devices you use to access our website.
- **Usage Data:** includes information about how you interact with and use our website, and services.
- **Marketing and Communication Data:** includes imagery to be used for marketing and publications/reporting purposes.

We also collect, use, and share aggregated data such as statistical or demographic data which is not personal data as it does not directly (or indirectly) reveal your identity.

If we require information about other people connected to you, we may request you to provide such information in relation to those people. If you provide information about another person, we expect you to ensure that they are aware of your actions and consent to the disclosure of their information to us. It might be helpful to show them this Privacy Policy and encourage them to contact us if they have any concerns.

## 6. Legal Basis for Processing your Personal Data

### a. Legal Obligation

In some circumstances, where the processing of personal data is necessary for the performance of an obligation conferred or imposed by law on us, we will rely on Legal Obligation as a basis to process the personal information you have provided.

### b. Legitimate Interest

Our legitimate business interests, for example, direct marketing and improving our services. Whenever we rely on this lawful basis to process your data, we assess our business interests to make sure they do not override your rights as an individual. Additionally, in some cases, you have the right to object to this process. Please refer to the section 17 «Data Subject Legal Rights» of the policy.

### c. Consent

We may rely on the consent you provide in the absence of any other legal basis. Consent will always be presented separately to you, can be withdrawn at any time and you will be given details on how to do so.

### d. Contractual Obligation

We rely on contractual obligation as a legal basis to process your personal information when we need to deliver a contractual service to you or when it has become necessary to process data before entering a contract with you for purposes of documentation of the contract itself.

## 7. Purpose of Collecting Personal Information

- a. Under your consent, we collect your personal information for a variety of business purposes. These include, but are not limited to:
  - i. Legitimate business interests.
  - ii. Legal regulatory and contractual obligations.
  - iii. Visitor registration.
  - iv. Security administration.
  - v. Social Media posting for marketing purposes.
  - vi. Sharing of AGF newsletters.
- b. We may keep a log of the activities performed by you on our network and websites by using various internet techniques such as web cookies, web beacons, server log files, etc. for analytical purposes, for analysis of the agreeableness of various features on our site and in accordance with requisite legal requirements. This information may be used to provide you with a better experience on our platforms.
- c. At any time while you are browsing our site, if you do not wish to share browsing information, you may opt out of receiving the cookies from our site by making appropriate changes to your browser privacy settings. Further information on cookies can be accessed via our Cookie Policy.
- d. There are Closed Circuit Television (CCTV) cameras in operation within and around our offices, which are used for the following purposes:
  - i. To prevent and detect crime.
  - ii. To protect the health and safety of our customers and employees.
  - iii. To manage and protect our property and the property of our guests and other visitors; and
  - iv. For quality assurance purposes.

## 8. Provision of Personal Data

It is not mandatory for you to provide any personal data to us in all instances. However, failing to provide certain personal data to us, where the same is required for AGF's legitimate interest or pursuant to a contractual obligation, particularly where that personal data has been requested by us may impact our ability to, amongst other things:

- provide our services to you.
- to support you with and manage our services.
- provide you full functionality to all our webpages; and
- on-board you as supplier, contractor, or service provider.

## 9. Collection of Personal Data

We may collect or receive your personal data in several different ways:

- Where you provide the personal data directly to us, for example by:
  - (i) corresponding with us by phone or email.
  - (ii) completing a form or events attendance lists to participate in our initiatives.
  - (iii) using or registering to use our website (i.e., <https://africanguaranteefund.com/>).
  - (iv) registering for any of our newsletters or attending any of our events; or
  - (v) entering a contract with us.
- From third parties, such as people who work on our behalf, whether as a paid consultant or on volunteer basis on our boards and/or committees; from individuals who have registered you for an event; or from event organisers who are involved in organising or contributing to AGF events; and
- From publicly available sources including but not limited to internet search engines, public records and registers and social media accounts (e.g., Facebook, LinkedIn, and Twitter).

Generally, you have no obligation to provide us with your personal data, but if you do not provide us with the information we need, we may be unable to assist and work with you.

We will seek to minimise the amount of information we request for, to only that which is needed to perform the relevant function or service at the time.

## 10. Use of Personal data

The Data Protection Act sets the lawful legal bases, which allow us to collect and process your personal data. For AGF, these are:

Processing Purposes	Illustration
<p>Consent</p> <p>(Please note that you have the right to withdraw your consent at any time)</p>	<p>Such as, but not limited, to when you attend our events.</p>
<p>Performance of our contract with you</p>	<p>Such as, but not limited, to when you enter a contract with us for the supply of specific goods and services.</p>
<p>Compliance with a legal obligation</p>	<p>Such as, but not limited, to when:</p> <ul style="list-style-type: none"> <li>- conducting compliance due diligence.</li> <li>- filing regulatory reporting; or</li> <li>- relevant regulatory authorities wish us to maintain certain records of any dealings with you.</li> </ul>
<p>For our legitimate interests</p> <p>(Please note that we will use this legal basis where our legitimate interests are not overridden by your fundamental rights and freedoms).</p>	<p>Such as, but not limited, to when:</p> <ul style="list-style-type: none"> <li>- maintaining our records.</li> <li>- responding to your complaints and queries.</li> <li>- organizing events and trainings.</li> <li>- conducting research activities and projects.</li> <li>- personalising your experience and use of our website.</li> <li>- featuring you in our case studies and research projects; and</li> <li>- sending you important notices such as changes to our terms, conditions and policies or unusual activity with respect to any of your accounts with us.</li> </ul>
<p>To establish, exercise or defend our legal rights</p>	<p>Such as, but not limited, to when we are faced with any legal claim or where we want to pursue any legal claims.</p>
<p>Protection of vital interests</p>	<p>This is where we receive your personal data from third parties, we may use it to validate the information you have provided to us or for fraud prevention purposes.</p>

We will rely on one legal basis for each of our processing activities which will be established before the said processing takes place.

In the instances where we rely on your express consent to use your personal information, we will provide you with the means to withdraw your consent.

Please note that we will use your personal data solely for the purposes for which it was acquired, unless we reasonably believe that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you, explain our legal basis and obtain your consent to process your personal data for the unrelated purpose.

## 11. Sharing of Personal Data

We will disclose your personal data to:

- our employees, where we may utilize some or all available personal information for legitimate business purposes and related activities within the parameters mentioned above.
- third parties such as external accountants, external legal teams, regulators, and other professional bodies. We will do this so that we can comply with any legal obligations.
- to fellow attendees, sponsors of an event or speakers of an event if you sign up to attend one of our events, we may share your name and the name of your employer or organisation solely for their information.
- our external service providers where we outsource certain functions, including but not limited to, our IT and office systems, and administrative services providers. We will only disclose personal data to our external service providers when it is essential for them to provide their service, and we have a contract in place that requires them to keep your information secure and not to use it other than in accordance with our specific instructions.
- public authorities, governments and law enforcement agencies when required by law, public interest, national security, regulation, legal process, or enforceable governmental request.
- establish, exercise, or defend our legal rights including providing information to others and/or in connection with any ongoing or prospective legal proceedings.

In all the cases cited above, we require all parties we share your personal data with to respect the security of your personal data and treat it in accordance with the law. Please note that we do not allow our external service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

Please note that if you request us, in writing, to share your personal data with third parties, we will follow your request to share the relevant information. However, we do not have control over how those third parties will use your information. Before you make your request, we recommend that you (or the person acting on your behalf) consider the data protection practices of that third party by reading their privacy policies or contacting them.

## 12. Cross Border Transfer of Personal Data

We may transfer your personal information or other information, or data collected, stored, and processed to any other entity or third party located outside the country of service, only, if necessary, for legitimate business purposes for providing services to you.

Where we transfer your personal data outside Kenya, we will ensure that such transfer is based on one of the following bases:

- appropriate data protection safeguards.
- an adequacy decision made by the Data Commissioner.
- transfer as a necessity for any of the purposes outlined under section 48(c) of the Act; or
- your consent as a data subject.

## 13. Data Security

We have put in place appropriate physical and technical measures to safeguard your personal data from being accidentally lost, used, disclosed, or accessed in an unauthorised way. For example, we will store your personal data on computer servers with limited access and when we transmit your personal data, we will protect it using encryption.

In addition, we will limit access to your personal data to those employees, agents, contractors and other third parties that require it for legitimate business purposes. They will only process your personal data on our instructions, and they are subject to a duty of confidentiality. We maintain the security of our internet connections and observe reasonable security measures to protect your personal information against hacking and virus dissemination. However, please keep in mind that while we will take appropriate measures to protect your personal data, no website, product, device, online application or transmission of data, computer system or wireless connection is secure enough and therefore for reasons outside our control, security risks may still arise.

We have established procedures to deal with any suspected personal data breach and will notify you and any applicable regulators of a breach where we are legally required to do so.



## 14. Retention and Storage of Personal Data

Personal information shared with us will be retained in line with the local regulations on records retention and our Records Retention Policy. We will only retain your personal data for as long as may be reasonably necessary to fulfil the purpose for which it was collected, including to comply with any legal, regulatory, tax, accounting or reporting information requirements.

Please note that the appropriate retention period we will retain and store your personal data is often linked to 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 those purposes can be achieved through alternative means, and the applicable legal requirements.

However, we may retain your personal data for a longer period if the retention is:

- required or authorised by law.
- reasonably necessary for a lawful purpose.
- authorised or consented by you.
- for personal data that has been anonymised.
- for historical, statistical, journalistic, literature and art or research purposes; or
- the end of the period in which litigation or investigations might arise in respect of the services.

If we do need to keep your personal data for a longer period, we will continue to protect and safeguard the personal data.

We may store your information in hard copy or electronic format and keep it in storage facilities that we own and operate ourselves, or that are owned and operated by our third parties/ service providers.

We use a combination of technical solutions, security controls, and internal processes to help us protect your information and our network from unauthorized access and disclosure.

## 15. Destruction of Personal Data

When we dispose of your personal information, we will use reasonable procedures to erase it or render it unreadable/anonymized.

## 16. Accuracy of Personal Data

We endeavour to ensure that personal information is accurate and encourage you to update your personal information in our possession as and when it changes by contacting us on the information provided in section 22.

# 17. Data Subject Legal Rights

## **a. Right to access personal information.**

You have the right to make a request for a copy of the personal information that we hold about you (including advertising, audience categories and inferred information) as permitted by law.

## **b. Right to correct personal information.**

You have the right to correct information held about you to ensure it is accurate, relevant, complete, and not excessive.

## **c. Right to object to the use of personal information**

You have the right to object to our processing your personal information, in certain circumstances as permitted by law. However, in instances where the basis for processing is legal obligation, you may not be able to exercise your right to object.

## **d. Right to opt-out of marketing messages.**

We will not issue targeted marketing to you unless you consent for us to do so. If you no longer want to receive marketing messages from us, you can choose to opt out at any time using the means made available to you. If you have previously opted in to receive personalized content based on how and where you use our network, you can also opt out at any time.

## **e. Right to personal data portability**

You have the right to request us, in writing or electronically to resend the personal data concerning you, where feasible, in a structured and readable format.

You also have the right to request the data controller in writing or electronically to have your personal data transmitted to another data controller, where technically feasible, without hindrance.

## **f. Right to restriction of processing of personal data**

You have the right to restrict us from processing your personal data for a given period under the conditions provided by the Law, where:

- accuracy of the personal data is contested by the data subject, for a period enabling AGF to verify the accuracy of the data.
- personal data is no longer required for the purpose of the processing, unless AGF or our data processors require the personal data for the establishment, exercise, or defence of a legal claim.
- processing is unlawful, and the data subject opposes the erasure of the personal data and requests the restriction of their use instead; or
- data subject has objected to the processing, pending verification as to whether the legitimate interests of AGF or our data processors overrides those of the data subject.

Note that in case the purpose of collecting and processing your information was to meet our contractual obligation to you, objection to processing may hinder us from providing our services to you.

#### g. Right to erasure of personal data

You have the right to request us in writing or electronically for erasure of your personal data. Where the personal data is required for the purposes of evidence, AGF or our data processors shall, instead of erasing or rectifying, restrict its processing and inform the data subject within a reasonable time.

## 18. Enforcing your Rights

If you wish to enforce any of your rights indicated above in section 17, please contact us on our details in section 22.

Kindly note that you will not be required to pay a fee to exercise any rights set out in section 17 above. However, we reserve the right to impose a reasonable fee where we are permitted to do so by the applicable Data Protection Laws. Alternatively, under specific circumstances that we will convey to you, we may refuse to comply with the request.

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

If you are aggrieved by our decision, you may lodge a complaint with the Data Commissioner.





## 19. Handling of Personal Data Breaches

While we implement reasonable measures to prevent or reduce the likelihood and impact of personal data breaches, this risk however cannot be eliminated. If we become aware of or reasonably suspect a personal data breach has occurred or that the integrity or confidentiality of personal data has been compromised, we shall adhere to our incident and breach management policies, procedures, and supporting documents governing the handling and reporting of personal data breaches as required by the Law.

## 20. Cookies

Africa Guarantee Fund (AGF) uses cookies and similar technologies to recognize you when you visit our websites at [<https://africanguaranteefund.com/>].

Please note that to improve our internet service to you, we will occasionally use a “cookie” and/or other similar technologies which may place certain information on your computer’s hard drive when you visit our website.

A cookie is a small amount of data that our web server sends to your web browser when you visit certain parts of our site.

We use cookies to do many different jobs, like letting you navigate between pages efficiently, identifying you after you have logged in by storing a temporary reference number in the cookie, allowing you to access stored information if you register for any of our online platforms, and generally improving your online experience.

Most Internet browser software allows the blocking of all cookies or enables you to receive a warning before a cookie is stored.

For more information about us and how we protect visitor information, please review the Privacy Policy for the Website, which may be located in the page footer or via the menu bar.

## **What are cookies?**

In order to provide you with a more personalized and responsive service, we need to remember and store information about how you use the Website. This is done using small text files called 'cookies' that are downloaded to your computer or other device by a server for the Website. Your web browser then sends these cookies back to the Website on each subsequent visit so that it can recognize you and remember things like your user preferences.

Whenever you use the Website, information may be collected and stored by cookies and other technologies. By using the Website, you agree to our use of cookies as described in this Policy.

## **What cookies do we use and why?**

### **1. Necessary Cookies**

Some of the cookies we use are necessary to enable you to move around the Website and use its features, such as accessing secure areas that may contain content for registered users.

### **2. Functional Cookies**

We also use functional cookies to record information about the choices you have made and to allow us to tailor the Website to our users; for example, to remember your language or region or that you have already completed a survey. This information is usually anonymized and is not used for any purpose unrelated to the Website.

### **3. Analytics**

We or our service providers also use analytic services to help us understand how effective our content is, what interests our users have, and to improve how the Website works. In addition, we use web beacons, tracking pixels and similar services to understand more about the visitors to the Website, and to count visitor numbers and performance cookies to track how many individual users access the Website and how often. This information is used for statistical purposes and to improve how the Website works, and it is not our intention to use such information to personally identify any user. However, if at any time you register and sign into the Website, we may combine such data with information from our web analytic services and cookies to analyse how you use the Website in more detail.

### **4. Advertising Cookies**

The Website does not use targeting cookies to deliver targeted advertising on the Website; however, these cookies may be used on third party websites on which we occasionally advertise, to track the success of those advertising campaigns. We may use web beacons (also known as pixel tags) to determine which users have come to the Website after viewing an advertisement we have served on such third-party websites. We also work with such third parties to collect data so that we can determine the effectiveness of our ads and serve ads targeted to your interests. The use of web beacons does not

provide us with any personal information, and we do not use this technology to access your personal information. It is used only to compile aggregated data about users who visit the Website and to gauge the effectiveness of our ads. Web beacons do not place information on your device but may work in conjunction with cookies to monitor activity. You cannot remove or block web beacons, but you can remove or block cookies with which they work to block the collection of information about your user activity.

## **How to control cookies?**

By using the Website, you agree that we can place cookies on your computer or device as explained above. However, you can control and manage cookies in various ways. Please bear in mind that removing or blocking cookies can impact your user experience and parts of the Website may no longer be fully accessible.

If you do not accept the use of these cookies, please disable them by clicking the applicable Cookie Settings link on the Website. You may also be able to change your browser settings to manage and control cookies.

Accepting or declining cookies is limited to the Website and will not be reflected on other sites or pages that may be hyperlinked from the Website. For more information on cookies used by other sites and pages, please refer to the specific Cookie Settings link located on those sites.

## **Email communications**

We may also use tracking technologies to determine whether you have read, clicked on, or forwarded certain email communications we send to you so that we can make our communications more helpful and interesting. If you do not wish us to confirm whether you have opened, clicked on or forwarded our communications, you will need to unsubscribe, as it is not possible for us to send these emails without tracking enabled. Registered subscribers can update their communication preferences at any time by contacting us, or you can unsubscribe following the instructions in the individual email communications you receive from us.

We encourage you to periodically review this policy to be informed about how we are using cookies.

## **Disclaimer**

This 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.

AGF shall not be liable for any damage to your computer or device and/or loss of information or data when accessing the information contained in our website or through other means.

## 21. Policy Revision

We reserve the right to modify this Privacy Policy as and when required. It is important that you check this Privacy Policy frequently for updates, as we may make changes from time to time. The “Date last updated” section at the bottom of this page indicates when this Privacy Policy was last updated, and any changes take effect upon our publishing of the revised Privacy Policy.

We will, however, notify you if these changes are material and, where required by applicable law, we will obtain your consent. We will notify you of these changes by email or by posting a notice of the changes on our website.

## 22. Contact Details

If you have any queries, questions, or concerns in any aspect of this privacy policy or if you would want to exercise any of the rights mentioned above, please contact us at:

### **Republic of Mauritius**

9th Floor, Suite 9003  
Hennessy court, Pope Hennessy Street  
Port Louis, Mauritius  
**Telephone:** +230 210 1301

### **Nairobi**

Africa House  
Muthangari Road, Lavington  
P.O. Box 57795 – 00200  
Nairobi, KENYA  
**Telephone:** +254 732 148 000

### **Lomé**

#### **IMMEUBLE AGF**

5082, Bd GNASSINGBE Eyadéma, Lomé II  
01 BP 985 01  
Lomé, TOGO  
**Telephone:** +228 22 53 13 00

Our email address for data protection queries is [dataprotection@africanguaranteefund.com](mailto:dataprotection@africanguaranteefund.com).

If you would prefer to speak to us by phone, please call the Group Chief Internal Controller & Compliance Officer on +254 732 148 000.



Africa House, Muthangari Road  
Nairobi, Kenya

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