

**TRADESURE ESCROW PAYMENT SERVICES
PRIVACY POLICY**

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1 Last updated

This Privacy Policy was last updated on 14th July 2021.

2 Definitions

- 2.1 The terms, “we”, “us”, and “our” wherever they appear in this Privacy Policy refer to Payindex Limited, a private company with limited liability incorporated under the Companies Act, No. 17 of 2015. The terms, “you”, “your” and “yourself” in this Privacy Policy refer to any natural or legal person who accesses or otherwise uses, whether they have registered or opened an account with us, the Service as a registered User.
- 2.2 In this Privacy Policy, unless the context otherwise requires,
- 2.2.1 words denoting the singular number only shall include the plural number also and vice versa and words importing the masculine gender include the feminine gender and neuter and vice-versa;
 - 2.2.2 the expression “Party” means a party to this Privacy Policy and “Parties” shall be construed accordingly;
 - 2.2.3 references to any statute or statutory provision shall include any statute or statutory provision that amends or replaces, or has amended or replaced it and shall include any subordinate legislation made under the relevant statute;
 - 2.2.4 reference to sections, clauses and sub-clauses shall be construed as references to sections, clauses and sub-clauses of this Privacy Policy; and
 - 2.2.5 the word “person” shall include any legal or natural person, partnership, trust, company, joint venture, government or any agency thereof, local authority department or other body (whether corporate or unincorporated).
- 2.3 In this Privacy Policy, unless the context otherwise requires, the following words and expressions have the following meanings:
- 2.3.1 Personal Information or Personal Data: means any information relating to an identified or identifiable natural person;
 - 2.3.2 Platform: means the TradeSure escrow payment services solution that may be accessed through our Website, our mobile application(s), or such other electronic means and which offers a secure transaction platform that guarantees both immediate payment and confirmed delivery of goods or services;
 - 2.3.3 Service or Services: means the provision of certain escrow payment processing, data, technology and analytics services, and any other business or non-business services that may be offered by us and our affiliates (each, a “Service”) non-electronically, through our Website or its sub-domains, and/or through any part of our Sites.
 - 2.3.4 Site or Sites: means collectively, all our electronic platforms including but not limited to our Website including its sub-domains, our mobile application(s), our affiliate and non-affiliate or partner sites.
 - 2.3.5 TradeSure: means the proprietary brand name for the Platform and associated with the Services and Sites which is owned solely by Payindex Limited;
 - 2.3.6 User or Users: means any natural or legal person who accesses or otherwise uses, whether they have registered or opened an account with us, the Service; and
 - 2.3.7 Website: refers to <http://www.tradesure.co.ke> including all its sub-domains.

3 Introduction

- 3.1 This Privacy Policy will explain how we use the personal data we collect from you when you use our Service or otherwise access our Website or our mobile application(s). We will only

collect personally identifiable information about you in response to you using our Website or actively registering for any one of our online services or products.

- 3.2 This Privacy Policy is complemented by and should be read alongside our Terms and Conditions (the “Terms”) and any other terms that we may make available to you from time to time.
- 3.3 We review this Privacy Policy regularly to ensure that we continue to respect your privacy rights. We reserve the right to update it when we find it necessary.
- 3.4 If you have any comments, complaints, or questions regarding this Privacy Policy please contact us at the details provided below.

4 Consent

- 4.1 We value you and the information that we gather from you. When you access our Sites, sign up as a User, and/or perform transactions on our Platform, we will ask you to provide certain information for your own benefit and convenience of use of our Services, and for legal reasons too.
- 4.2 We are required by law including primarily, the Kenyan Data Protection Act, 2019 (the “DPA”) to obtain your consent before, during and after receiving certain information about you.
- 4.3 Therefore, by accessing our Services, you accept and signal your acceptance to us of this Privacy Policy, and you unequivocally consent to us collecting, storing, retrieving, transmitting, altering, using, disclosing or otherwise “processing” (as defined in the DPA) your Personal Information.
- 4.4 In addition, we will ask for your consent to be added to, join, or access certain functionalities on our Sites which may not necessarily form part of our Services. Such functionalities include, signing us to receive news, insights, or marketing information, among others.
- 4.5 Please note that you have the option not to disclose some part or all of your Personal Information to us. In that case, you may or may not be able to access some of the Services and Sites fully or partially. However, in that case, we cannot guarantee that you will have an optimised experience. You have the unfettered right in that case, to stop using the Services or otherwise accessing the Sites including requesting us to delete any accounts or information you may have shared with us.

5 What data do we collect?

- 5.1 We collect the following data:
 - 5.1.1 personal identification information which can be used to identify a person for example, name, email address, telephone number; and
 - 5.1.2 non-personal identification information which cannot on its own be used to identify a person.

6 How do we collect your data?

- 6.1 When you register on the Platform, when you access the Platform for example through our Website, when you create and update your user profile, and when you carry out a transaction on the Platform, we and third parties working with us may collect the following information:
 - 6.1.1 name, email address, age, citizenship, home address, date of birth, telephone number(s), country of nationality, nature of products or services you are selling or buying, nature of your business, products or services, other personal data if you choose to register or access the Platform through third party sites such as Google, and have provided your personal information on those third party sites, credit/debit card information, information and documentation you provide to you when you communicate with us, information provided from third party sources that we partner with.

- 6.2 When you access our Website, we may use cookies to track, collect and aggregate information about your use of the Website. To understand more how we use our cookies, please refer to our cookies policy below.
- 6.3 As mentioned above, we may also receive your data indirectly from the following sources:
- 6.3.1 on Websites and connected devices and third-party Websites, mobile applications and other online features and services that share your data;
 - 6.3.2 our partners who may include, e-commerce trading platforms, and payment processors who may collect personal identification information and non-personal identification information from you; and
- 6.4 Please note that third parties who provide us with your information are governed by their own privacy policies and related data handling terms and strategies. Please check these before providing your information to them.

7 Why and how will we use your data?

- 7.1 We collect your data so that we can:
- 7.1.1 provide you with access to our Sites;
 - 7.1.2 deliver any ordered services or otherwise process or implement your transactions;
 - 7.1.3 provide technical support to you and manage your account with us;
 - 7.1.4 verify the information Users provide us with;
 - 7.1.5 to send you email, notifications and updates about our Services;
 - 7.1.6 improve our Services;
 - 7.1.7 subject to your consent to receive marketing communication, for marketing purposes to offer promotional material from us and third party offers to Users;
 - 7.1.8 to monitor and analyse activities by Users on our Platform including, identifying trends on our Website and trends in our Users database. If we use this information, it will be in an aggregated and anonymous format. We may also share this information with third parties; and
 - 7.1.9 comply with our legal and regulatory and applicable legal obligations.

8 Whom we share your data with?

- 8.1 With your consent, we may share your data with our partners or affiliated entities including our service providers so that they can offer services on our behalf, offer you their products and services, and/or carry out any part of the Services delegated to them. If you are asked to submit personal data on any third-party websites, the collection of that data will not be covered by this Privacy Policy. Any third parties' use of your personal data will be governed by their own privacy policies and may involve separate obligations under the applicable laws. We highly recommend you review these third parties' privacy policies if they apply to you.
- 8.2 Third parties that may receive your information from us include:
- 8.2.1 our payment service providers such as PayPal, Safaricom's M-Pesa, airtel money;
 - 8.2.2 any party that provides services on our Platform;
 - 8.2.3 our identity verification partners, when we deem it necessary to verify your identity by asking for your personal information;
 - 8.2.4 our data storage and management service providers;
 - 8.2.5 our customer relationship management service providers which we may use to send personalised email communications amongst other uses;

- 8.2.6 if we adopt a rating programme that involves collecting and moderating any reviews and ratings, our third-party review and ratings partner;
 - 8.2.7 any third party that may invite you to access our Website and/or register as a User;
 - 8.2.8 any of our group entity, for analytical use only and in a pseudonymised format;
 - 8.2.9 if all, or substantially all of our assets, are acquired by a third party subject to the acquirer continuing to use your data in accordance with the terms of this Privacy Policy, in which case the data we hold may be part of the transferred assets; and
 - 8.2.10 if we sell or acquire any business or assets, in which case we may disclose your information to the prospective seller or acquirer, provided that they continue to use your data in accordance with the terms of this Privacy Policy.
- 8.3 We may also disclose your information, with or without your consent, to any entity in respect of which we have a duty to disclose or share your information so as to comply with any legal obligation or in order to enforce or apply our Terms of Use and any other legal requirements; or to protect our rights, safety, property, our Users or others.
- 8.4 We use cookies to collect information relating to your use of our Website so that we can maintain and improve its functioning, and the quality of our Platform and our Services.

9 How do we store and secure your data?

- 9.1 Information you provide us with is stored in secure servers provided by our cloud storage service provider. In addition, this information may be stored or processed in countries outside Kenya, which may have different standards of data protection than in Kenya. Whereas we have taken extreme precaution in selecting these service provider(s), we cannot guarantee that they will always have secure storage capabilities. Further, it is your sole responsibility to make an informed decision to access or use our Services. We will, however, always be vigilant to ensure that any weakness identified in the storage of your information is quickly addressed to prevent any misuse of your information.
- 9.2 Please note that the transmission of information through the internet is not completely secure. Therefore, although we will take all reasonable measures to ensure the information you provide us with is secure and there is no unauthorised access, we cannot guarantee the security of your data. As such, any transmission you make will be at your own risk.
- 9.3 When you register as a User, you will be asked to choose a password which you will use to access User-related Services. You are responsible for keeping this password confidential. Do not share this password with anyone.

10 Legal basis for processing your data

- 10.1 We have several legal justifications for collecting and using the personal data described in this Privacy Policy. The justifications are:
- 10.1.1 where it is necessary to use your personal data under any contract with you;
 - 10.1.2 where you explicitly consent to the collection, storage, and use of your information for a particular purpose, including where you consent to receiving marketing and promotional communications relating to our Services or third parties’;
 - 10.1.3 where use of your personal data is necessary for us to pursue a legitimate interest or a legitimate interest of a third party, provided these interests subordinate to your own interests, legal rights or freedoms. Examples of such legitimate interests include:
 - (a) to carry out day to day business, including the operation of our fully functioning Sites;
 - (b) to ensure delivery of high level of customer service through open and effective communication channels;
 - (c) to build relationships with other third parties and service providers;

- (d) to track and ensure fulfilment of contractual obligations;
- (e) to carry our market research and business development;
- (f) to invest, test and launch new products and Services that might be of benefit to our customers or prospective customers;
- (g) to consider your application, if you apply for a job-related role with us; and
- (h) in some case, we may have a legal obligation to collect and/or otherwise process personal data from you.

11 Data retention

- 11.1 We retain personal information we collect from you where we have an ongoing legitimate business need to do so. When we have no ongoing legitimate business need to process your personal information, we will either delete or anonymise the information or, if this is not possible for example in cases where your information has been stored in backup archives, then we will securely store your information and separate it from any further processing until we are in a position to delete it.

12 Marketing communications

- 12.1 We would like to send you information about its products and services that we think you might like, as well as those of our partner companies.
- 12.2 If you have agreed to receive marketing, you may always opt out at a later date.
- 12.3 You have the right at any time to stop us from contacting you for marketing purposes or giving your data to our other members.
- 12.4 If you no longer wish to be contacted for marketing purposes, please write to us at the contacts provided in this Privacy Policy.

13 What are your data protection rights?

- 13.1 We would like to make sure you are fully aware of all your data protection rights. Under the Kenyan Data Protection Act, 2019 which came into force on 25th November 2019, every user is entitled to the following:
- 13.1.1 the right to be informed - you have the right to be informed of the use to which your personal information is to be put;
 - 13.1.2 the right to access - you have the right to request us or any other person or entity engaged by us to Process your personal information, to provide you with copies of your personal information. We may charge you a small fee for this service;
 - 13.1.3 the right to correction - you have the right to request us to correct any information you believe is inaccurate. You also have the right to request us to complete information you believe is incomplete. You can edit your personal details, including changing your preferences as to the material you wish to receive from us or our partners, through your profile page whenever you wish;
 - 13.1.4 the right to erasure - you have the right to request that we erase your personal data, under certain conditions such as where the information is false or misleading; and
 - 13.1.5 the right to object to processing - you have the right to object to our processing of your personal information, under certain conditions. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent.

14 Children

- 14.1 We take serious precautions to protect the privacy of children as this is our legal obligation. We do not knowingly collect or maintain personal information from persons under 18 years of age, and no part of the Website is directed to persons under 18 years of age. If you are under 18 years of age, then please do not use or access the Website at any time or in any manner. We will take appropriate steps to delete any personal information of persons less than 18 years of age.

15 How we use cookies

- 15.1 Cookies are text files placed on your computer to collect standard internet log information and visitor behaviour information. When you visit our Websites, we may collect information from you automatically through cookies or similar technology. We may also use cookies from third party websites, usually for our marketing and promotional efforts.
- 15.2 We use cookies in a range of ways to improve your experience on our Website, including:
- 15.2.1 to operate critical components of our Websites;
 - 15.2.2 to enhance your experience when you access or use our Websites and/or Services; and
 - 15.2.3 to understand how you use our Websites.
- 15.3 You can set your browser not to accept cookies. However, in some instances, some of our Website features may not function as a result or some functionalities may no longer be available to you.

16 Others' privacy policies

- 16.1 Again, our Sites may contain links to other Websites. Our privacy policy applies only to our Website, so if you click on a link to another Website, you should read their privacy policy and terms of use.

17 Changes to the Privacy Policy

- 17.1 We keep this Privacy Policy under regular review and places any updates its Website. Please check back regularly to review any changes made since your last visit.

18 Governing law

- 18.1 These Privacy Policy and any disputes that arise between us and shall be governed by and construed in accordance with the laws of the Republic of Kenya.

19 Resolution of disputes

- 19.1 Any dispute arising out of or in connection with this Privacy Policy that is not resolved by way of consultations between us and you, shall be referred to by either party and be finally resolved by a single arbitrator. The arbitrator shall be agreed by both parties, failing which, a request for appointment may be made by either party, to the Chartered Institute of Arbitrators. The provisions of the Arbitration Act, 1995 shall apply to such arbitration proceedings. The arbitration proceedings shall be held in Nairobi and the language of arbitration shall be English. The award of the arbitrator shall be final.

20 How to contact us

- 20.1 If you have any questions about this Privacy Policy, the information we hold on you, or you would like to exercise one of your data protection rights, please do not hesitate to contact us using the details set out below:
- Call us at: +254 (0)20 2177999.

- Or write to us at: info@tradesure.co.ke / 4th Floor, The Westwood, Vale Close, Off Ring Road, Westlands, Nairobi, Kenya / c/o Payindex Limited, P.O. Box 1206-00606, Nairobi, Kenya.