



## **MICRO AND SMALL ENTERPRISES AUTHORITY (MSEA) DATA STATEMENT.**

This Data Protection Statement provides information about the ways in which the Micro and Small Enterprises Authority ('MSEA') collects, stores and uses personal data relating to individuals ('Data Subjects').

For the purposes of this Data Protection Statement, reference to MSEA incorporates the office of the Registrar of Micro and Small Enterprises established under Section 4 of the Micro and Small Enterprises Act, No. 55 of 2012 that is headed by the Registrar of Micro and Small Enterprises and is responsible for the registration of micro and small enterprises

This Data Protection Statement relates to personal data received by MSEA where a Data Subject contacts, requests information from, submits an application to, or provides information to MSEA directly, and also personal data received by MSEA indirectly, and as set out below.

### **DEFINITIONS OF TERMS.**

Association	Has the meaning assigned to it under section 2 of the Micro and Small Enterprises Act, No. 55 of 2012.
Data Controller	A natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purpose and means of processing of personal data.
Data Processor	A natural or legal person, public authority, agency or other body which processes personal data on behalf of the Data Controller.
Micro enterprise	Has the meaning assigned to it under section 2 of the Micro and Small Enterprises Act, No. 55 of 2012.
MSE	Micro and Small Enterprise.
Personal Data	Information relating to an identified or identifiable natural person this being a "Data Subject".
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 the person's children, parents, spouse or spouses, sex or the sexual orientation of the Data Subject.
Small enterprise	Has the meaning assigned to it under section 2 of the Micro and Small Enterprises Act, No. 55 of 2012.
Umbrella organization	Has the meaning assigned to it under section 2 of the Micro and Small Enterprises Act, No. 55 of 2012.

## **THE MICRO AND SMALL ENTERPRISES AUTHORITY (MSEA).**

### **WHO WE ARE?**

MSEA is a state corporation established under section 29 of the Micro and Small Enterprises Act, No. 55 of 2012 ('the Act').

The object and purpose of the Act is to provide a legal and institutional framework for the promotion, development and regulation of micro and small enterprises by:

- (a) providing an enabling business environment.
- (b) facilitating access to business development services by micro and small enterprises.
- (c) facilitating formalization and upgrading of informal micro and small enterprises.
- (d) promoting an entrepreneurial culture.
- (e) promoting representative associations.

The functions of MSEA under the Act include, *inter alia*:

- to formulate and review policies and programs, for micro and small enterprises.
- to monitor and evaluate the implementation of existing policies and programmes related to, or affecting, micro and small enterprises and advise the Government on appropriate policies and course of action to be taken.
- to coordinate, harmonize and facilitate the integration of various public and private sector activities, programmes and development plans relating to micro and small enterprises.
- to promote and facilitate research, product development and patenting in the micro and small enterprises sector.
- to promote the mainstreaming of youth, gender and persons with disabilities in all micro and small enterprises activities and programs.
- to mobilize resources for the development of micro and small enterprise sector.
- to promote access to markets by micro and small enterprises.
- to promote innovation and development of products by micro and small enterprises.
- to formulate capacity building programmes for micro and small enterprises.
- to facilitate technology development, acquisition and transfer by micro and small enterprises.
- to develop mechanisms, tools and programs for collection of comprehensive data disaggregated by sex, region and age among others, in collaboration with key stakeholders, to enable proper planning for the, micro and small enterprises sector. Towards this end, the office of the Registrar of Micro and Small Enterprises registers micro and small enterprises, representative associations and umbrella organizations.

### **CONTACT DETAILS.**

MSEA is the controller for the personal data it processes. You can contact MSEA in a number of ways, which are set out on the contact page of MSEA website <https://msea.go.ke/>.

### **PROCESSING OF PERSONAL DATA BY MSEA.**

MSEA processes personal data for a number of different purposes, which arise from its statutory objects, functions and duties.

MSEAs statutory objects, functions and duties derive from the Micro and Small Enterprises Act, No. 55 of 2012 ('the Act') set out above.

Some examples of the purposes for which MSEA and the office of the Registrar of Micro and Small Enterprises collect your personal data with your knowledge and consent in accordance with its objects, functions and duties are:

- Application for registration/updating MSEA MSE data base-including personal data received from a data subject directly (or through his or her representatives) or a group or association to which a data subject is a member that submits an application for registration under the office of the Registrar of Micro and Small Enterprises or updating the MSEA MSE database.
- Application for/access to/purchase/subscription/registration for any of the products or services provided by MSEA or the office of the Registrar of Micro and Small Enterprises including capacity building, business development, infrastructure facilities.
- Employees/staff/job seekers-including personal data received from data subjects seeking employment within MSEA.
- MSE Business Development Service providers, Service providers and suppliers-including personal data obtained from interaction with Business Development Service Providers, service providers or suppliers engaged by MSEA.
- Government agencies, third-party strategic partners-including personal data obtained from Government agencies and third-party strategic partners working with MSEA.
- Conferences, meeting, seminars, events, stakeholder forums-including personal data relating to attendees at conferences, meeting, seminars, events, stakeholder forums organised by MSEA or MSEA third-party strategic partners.
- Responses to/participation in or a survey, education programme, marketing promotion, prize competition or special offer.
- Physical and virtual visits, access or use MSEA's or third-party premises or websites.
- Information from other organisations including Government agencies, credit-reference bureaus, fraud prevention agencies and business directories.

## **WHAT PERSONAL DATA DOES MSEA PROCESS?**

### **PERSONAL DATA.**

As set out above, MSEA processes personal data. This includes, as set out above, personal data received by MSEA where data subjects contact MSEA directly, and personal data received by MSEA indirectly.

The personal data that MSEA processes includes (i) basic personal information, such as a data subject's name/surname; sex; date of birth; National identity card/passport number; the name of the association/group to which a data subject is a member; company or organisation a data subject works for; (ii) contact information, such as a data subject's postal address, home address, email address, phone number(s); physical location/region, reference data (iii) education/occupation/business information such as level of education/training, name of business, nature of business, annual turnover, projected annual turnover, number of employees (iv) statutory data such as KRA PIN number, NHIF number, NSSF Number, Bank account details, any (v) when you contact MSEA, such as when you: call us or interact with MSEA through social media, our chat-bot, email (we may record your conversations, social media or other interactions with us), register your biometric information such as your voice, finger prints (vi) other personal data that is provided to MSEA during the course of the performance of its functions.

## **SENSITIVE DATA.**

MSEA also processes sensitive data. This includes, as set out above, sensitive data received by MSEA where data subjects contact, or request information from, MSEA directly, and sensitive data received by MSEA indirectly. Such sensitive data may include a natural person's race, health status, ethnic social origin, conscience, belief, genetic data, biometric data, property details, marital status, family details including names of the person's children, parents, spouse or spouses, sex or the sexual orientation.

## **LAWFUL BASIS FOR PROCESSING YOUR INFORMATION**

MSEA will process your personal information based on any of the lawful basis provided for under the Data Protection Law:

- The performance of MSEA's legitimate statutory objects, functions or duties.
- Provision of a Product/Service by MSEA to you.
- Compliance with a mandatory legal obligation.
- Consent you provide.
- Public interest.
- Your vital interest.

## **WHO ARE THE RECIPIENTS OF PERSONAL DATA PROCESSED BY MSEA?**

### **DISCLOSURE TO THIRD PARTIES.**

Personal data collected by MSEA is held confidentially and is not shared by MSEA with any third parties, with the following exceptions:

- Where the sharing of the personal data is necessary for the performance by MSEA of its statutory objects, functions and duties, as outlined above.
- Law-enforcement agencies, regulatory authorities, courts or other statutory authorities in response to a demand issued with the appropriate lawful mandate and where the form and scope of the demand is compliant with the law.
- MSEA's partners, software developers or agents who are involved in delivering products and services.
- Fraud prevention and Anti money laundering agencies, credit-reference agencies.
- Publicly available and/or restricted government databases to verify your identity information and/or in order to comply with regulatory requirements.
- Survey agencies that conduct surveys for MSEA/other Government agencies.
- MSE Business development service providers (including MSE trainers, financiers, capacity building, business development, infrastructure facilities), service providers or suppliers to MSEA. MSEA uses data processors to provide certain services to MSEA. MSEA requires such processors to abide by certain terms to protect any personal data which is processed by the business development service providers/service providers or suppliers during the course of providing the service.
- Government agencies, supervisory authorities, strategic partners MSEA has partnered with in the performance of its statutory objects, functions and duties and any other person that we deem legitimately necessary to share the data with.

## **HOW LONG DOES MSEA RETAIN PERSONAL DATA?**

The retention periods for personal data held by MSEA are based on the requirements of the data protection legislation and on the purpose for which the personal data is collected and processed. For example, in the case of complaints, MSEA will retain personal data for as long as is necessary for the handling of the complaint and for any subsequent action that is required.

The retention periods applied by MSEA to personal data which it processes are also, in certain circumstances, based on legal and regulatory requirements to retain information for a specified period and on the relevant limitation periods for taking legal action.

## **THE USE OF COOKIES.**

MSEA may store some information (using "cookies") on your computer when you visit MSEA website. This enables MSEA to recognise you during subsequent visits. The type of information gathered is non-personal (such as: the Internet Protocol (IP) address of your computer, the date and time of your visit, which pages you browsed and whether the pages have been delivered successfully.

MSEA may also use this data in aggregate form to develop customised services - tailored to your individual interests and needs.

Should you choose to do so, it is possible (depending on the browser you are using), to be prompted before accepting any cookies, or to prevent your browser from accepting any cookies at all. This will however cause certain features of the web site not to be accessible.

## **THE USE OF HYPERLINKS.**

MSEA's website may provide hyper-links to other locations or websites on the Internet. These hyper-links lead to websites published or operated by third parties who are not affiliated with or in any way related to MSEA and have been included in MSEA's website to enhance your user experience and are presented for information purposes only.

MSEA does not endorse, recommend, approve or guarantee any third- party products and services by providing hyper-links to an external website or web-page and do not have any co-operation with such third parties unless otherwise disclosed. MSEA is not in any way responsible for the content of any externally linked website or web-page.

By clicking on a hyper-link, you leave MSEA's web-page and accordingly are subject to the terms of use, privacy and cookie policies of the other website that you choose to visit.

## **YOUR DATA PROTECTION RIGHTS.**

Under data protection law, data subjects have certain rights. The data subject rights are:

1. The right to be informed about the processing of your personal data.
2. The right to access your personal data.
3. The right to rectification of your personal data.
4. The right to erasure of your personal data.
5. The right to data portability.
6. The right to object to processing of your personal data.
7. The right to restrict processing of your personal data.

**YOUR RIGHT TO COMPLAIN.**

If you have any concerns in relation to the manner in which MSEA processes your personal data, you can contact MSEA on [info@msea.go.ke](mailto:info@msea.go.ke) or file a complaint at [complaints@msea.go.ke](mailto:complaints@msea.go.ke).

**CHANGES TO MSEA DATA PROTECTION STATEMENT.**

This Data Protection Statement is kept under regular review and is therefore subject to change.

If you have any comments or queries in relation to this Data Protection Statement, please forward same to [info@msea.go.ke](mailto:info@msea.go.ke).