Public Data (Public)



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CENTRAL DEPOSITORY
JOB APPLICANT PRIVACY POLICY

DOCUMENT CONTROL

General Document Information	
Version:	1.0
Version date:	November 2023
Version status:	Approved by the Board on:
Purpose:	Set out CDSC's Privacy Policy for processing prospective Employees' Personal Data

Approval		
Signed by	**Designation**	**Signature**
Jesse Kagoma	Chief Executive Officer	
Aida Kimemia	Chairperson – CDSC Board	

Revision History			
Version	**Revision Date**	**Description**	**Approval Date**
Version 1.0		Approved	November 2023

Circulation	
To	All prospective Employees of CDSC Ltd

1. INTRODUCTION

1.1. The Central Depository & Settlement Corporation Limited ("**CDSC**," "**We**" "**Us**" "**Our**") is committed to ensuring that your personal data is collected and used in lawfully and transparently.

1.2. We process your personal information according to the guidelines in the Data Protection Act, 2019 and the Data Protection (General) Regulations, 2021.

2. PURPOSE OF THE POLICY

2.1. As part of our recruitment process, CDSC collects and processes personal data relating to job applicants to assess their suitability for open positions. We are committed to being transparent about how we collect and use the personal data as well as meeting the data protection obligations set out in the Data Protection Act, 2019 and the Data Protection (General Regulations) 2021.

2.2. This Privacy Policy explains:

2.2.1. the types of personal data we collect about you

2.2.2. how we collect, use, store, transfer or share your personal data.

2.2.3. your data rights over your personal data how you can exercise these rights.

2.2.4. the internal points of contact, should you have any questions about our use of your Personal Data.

3. SCOPE OF THE POLICY

3.1. This Privacy Policy applies to the personal data of all job applicants. This data is collected during the recruitment process.

4. DEFINITIONS

"Job Applicant"	Means a prospective employee undergoing a recruitment process with us. For the purpose of this policy, recruitment process shall commence with the submission of an application to when CDSC makes a conditional employment offer to a prospective employee.
"Personal Data"	means any information relating to an identified or identifiable natural person. This is an individual who can be identified directly or indirectly in reference to an identifier such as a name, identification number, location data, an online identifier or to one or more factors

	specific to physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person
"Processing"	Any action taken with personal data. It includes collection, use, storage, disclosure, destruction, or retention of data
"Sensitive Personal Data"	Means information revealing a person's race, health status, ethnic social origin, conscience, belief, generic data, biometric data, property details, marital status, family details.

5. WHAT PERSONAL DATA DO WE COLLECT?

5.1. As part of our recruitment process, we collect and process personal data relating to job applicants. We collect a range of information about you. This includes: -

5.1.1. Your name and title

5.1.2. Contact details i.e., Telephone Number, Email Address, Postal Address

5.1.3. National ID/Passport Number

5.1.4. Academic and professional qualifications, skills and experience

5.1.5. Work History

5.1.6. Referee's details i.e., name and contact details

5.1.7. Information about your current and desired level of remuneration

5.1.8. Background checks to verify identity of job applicants, professional and academic qualifications and work history details provided.

5.1.9. psychometric test results

5.1.10. Criminal records data and checks

5.1.11. Fitness to work status

5.1.12. Your image through CCTV footage when you visit our offices

5.2. CDSC does not usually request for sensitive personal information. Unless specifically responding to a question asked by us, please do not include sensitive personal data as part of your application. If we do require this information in connection with your application, this will be highlighted to you where we will obtain necessary consents and acknowledgements.

5.3. You are under no obligation to provide personal data to CDSC during the recruitment process. However, if you do not provide the information, CDSC may not be able to process your application properly or at all.

5.4. If you are successfully hired, CDSC keeps this information for the course of the employment relationship and, to the extent permitted by law, after the termination of employment.

5.5. If your application is not successful, we may retain and use your personal data for a further two (2) years after the end of the relevant recruitment process in order to consider you for other job opportunities where permitted by applicable law and/or for as long as necessary to comply with legal record retention requirements. At the end of that period, or once you withdraw your consent, your data is deleted or destroyed. If you do not wish us to retain your personal data, please contact us on cdscdpo@cdsckenya.com

6. HOW IS YOUR PERSONAL DATA COLLECTED?

6.1. We get information about you from the following sources:

6.1.1. **Directly from you** when you apply for a vacant position at CDSC– This is received either electronically or in hard copy.

6.1.2. **From your references or background checks providers**. We contact your employment references to obtain personal information relating to your employment. We may also obtain such information from background check providers whom we shortlist from time to time. We will seek information from third parties only once a job offer to you has been made and will inform you that we are doing so.

6.1.3. **From your LinkedIn or other publicly available professional networking platforms** – we may sometimes obtain your contact details from these platforms. Where we do so, we adhere to the platform's terms and your privacy settings. We will only contact you if your settings and the terms of use permit us to do so.

6.1.4. **From our CCTV Cameras that capture your image when you visit our premises**.

7. WHY WE COLLECT, USE AND STORE YOUR PERSONAL DATA

7.1. to set up interviews and determine the types of assessments to be administered.

7.2. to assess your suitability for the role applied.

7.3. to communicate to you about the progress of your application.

7.4. to contact third party references provided by you to evaluate your previous performance.

7.5. to conduct background checks to the extent permitted by law.

7.6. to maintain records in relation to the recruitment process according to our data retention policy.

7.7. to develop and improve our recruitment processes, website, and other related services.

7.8. If you are hired, for populating your employee file and various systems and tools used in connection with your employment at CDSC.

7.9. to comply with any legal obligations imposed on us.

8. OUR LAWFUL BASES FOR PROCESSING YOUR DATA

8.1. CDSC processes your personal data on the following legal grounds: -

8.1.1. **Where necessary, to establish and perform the employment contract -** We assess your capabilities and job qualifications to make a decision about your recruitment or appointment.

8.1.2. **Where necessary, for CDSC's legitimate interests** as listed below, where those interests are not overridden by your rights, freedoms, and legitimate interests: -

a. sourcing talent and administering the recruitment process.

b. managing the selection process and making an appropriate employment offer.

c. carrying out background checks to verify the details you have supplied during the recruitment process.

d. To respond to queries that you may raise during your interview.

8.1.3. **Where required by applicable laws:** For example, Immigration documentation for foreign applicants.

8.1.4. **Where necessary for reasons of substantial public interest** as may be determined by law.

9. AUTOMATED DECISION-MAKING

9.1. Recruitment processes are not based solely on automated decision-making.

10. INTERNATIONAL TRANSFERS

10.1. From time to time, we may transfer your personal information outside Kenya.

10.2. When we transfer your personal data to third parties based outside Kenya we will ensure:

10.2.1. there are adequate regulations in respect of data protection in the countries we transfer your data to.

10.2.2. we have put in place appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects Kenyan law on data protection.

11. HOW YOUR PERSONAL INFORMATION IS SHARED

11.1. We take care to allow your Personal Data to be accessed only by those who truly must access it to perform a service for You.

11.2. We may share your Personal Data in the following ways:

11.2.1. *With third party service providers and agents:* We may make certain Personal Data available to third parties who provide services to us such as recruitment agencies or psychometric testing providers. When we share with these third parties, we do so on a need-to-know basis and under clear contractual terms and instructions for the processing of the Personal Data.

11.2.2. *With other third parties:* We may also share your information with other types of third parties, such as the institutions listed on your CV to conduct background checks.

11.3. Whenever we authorize third parties to access your Personal Data, we take steps to ensure they have appropriate security measures in place and that they only use the Personal Data in confidence and in a way that is consistent with this Privacy Notice.

12. HOW WE PROTECT YOUR PERSONAL DATA

12.1. CDSC has taken appropriate technical, administrative, physical, and procedural security measures, consistent with local and international information practices and regulations, to protect the personal data from misuse, unauthorized access or disclosure, loss, alteration, or destruction. These measures include:

12.1.1. Physical safeguards, such as locked doors and file cabinets, controlled access to our facilities, and secure destruction of media containing personal data.

12.1.2. Technology safeguards, such as use of anti-virus and endpoint protection software, passwords, encryption, and monitoring of our systems and data centres to ensure compliance with our security policies.

12.1.3. Organizational safeguards, through training and awareness programs on security and privacy, to ensure employees understand the importance and means by which they must protect personal data, as well as through privacy policies and policy standards that govern how CDSC treats personal data.

12.2. If you suspect any misuse or loss of or unauthorized access to your personal data, please let us know immediately by sending us an email at cdscdpo@cdsckenya.com

13. WHAT RIGHTS DO YOU HAVE OVER YOUR DATA?

13.1. The Data Protection Act accords you with several rights over your data:

13.1.1. **right to information**: you have a right to be informed of how CDSC will use your personal data.

13.1.2. **right of access**: you are entitled to access your personal data that is in our possession or custody.

13.1.3. **right to object**: you can object to the processing of all part of your personal data, unless we can demonstrate a compelling legitimate interest for the processing which overrides your interests or for the establishment, exercise or defence of a legal claim.

13.1.4. **right to rectification**: you have the right to request us to rectify or correct, without undue delay, personal data in our possession or under our control that is inaccurate, outdated, incomplete or misleading

13.1.5. **right to erasure**: you can request us to delete or destroy, without undue delay personal data that we are no longer authorized to retain, or which is irrelevant, excessive, or obtained unlawfully.

13.1.6. **right to data portability**: you have the right to receive personal data concerning you in a structured, commonly used, and machine-readable format and to transmit the data to another data controller without hindrance. You also have the right, where technically possible, to have personal data transmitted directly from us to another data controller or data processor.

13.1.7. **automated decision making**: you have the right not to be subjected to a decision based solely on automated processing, including profiling, which produces legal effects concerning or that significantly affects you. CDSC may from time to time make decisions based on the automated processing of your personal data. In such instances, you will be informed, in writing, whenever a decision based on automated processing is taken. In addition, you can request us to reconsider any decisions made based on automated processing or to take a new decision that is not based solely on automated processing.

13.1.8. **right of restriction**: You have the right to request us to restrict the processing of personal data where: -

a. you contest the accuracy of the personal data.

b. the personal data is no longer required for the purpose of the processing.

c. the processing is unlawful of you have opposed the erasure of the personal data and requested for restriction of its use instead.

d. you have objected to the processing of personal data, pending verification as to whether our legitimate interests override your interests over the data.

13.1.9. **right to raise a complaint**: You can raise a complaint about our processing with the Regulator i.e., the Data Commissioner in Kenya. You may also be able to seek a remedy through the courts if you believe that your rights have been breached.

14. HOW TO EXERCISE YOUR RIGHTS

14.1. If you wish to exercise any of the rights outlined above, please contact us.

14.2. We will endeavor to answer all questions via email within the timelines stipulated in law.

14.3. If the provision of the data involves the data of third parties, these third parties can be asked in advance whether they have objections to the provisions.

14.4. We may ask for identification, because we need to know for certain whether we are issuing the data to the right person.

14.5. In some cases, we will not be able to comply with your request. If this happens, you will be duly notified.

15. YOUR RESPONSIBILITIES

15.1. You are responsible for the information you make available to CDSC, and you must ensure it is accurate, honest, truthful, and not misleading in any way. You must ensure that the information does not contain material that is obscene, defamatory, or infringing on any rights of any third party.

15.2. Further, if you provide any information concerning any other person, such as individuals you provide as references ("referee"), you are responsible for providing any notices and obtaining any consents necessary for CDSC to collect and use that information.

16. KEEPING YOUR DATA UP-TO-DATE

16.1. It is important that the data we hold about you is accurate and current. Please keep us informed of any changes after you submit your application by sending an email to recruitment@cdsckenya.com.

Public Data (Public)

17. HOW TO CONTACT US

17.1. If you have any questions or complaints about the processing of personal data, you can contact our Data Protection Officer through the following contact details:

The Data Protection Officer,
Central Depositories and Settlement Corporation Ltd,
Europa Towers, 10th Floor,
P O BOX 3464-00100 GPO,
Nairobi, Kenya.
Email: cdscdpo@cdsckenya.com

18. AMENDMENT TO THIS POLICY

18.1. It is important to point out that we may amend this Privacy Policy from time to time. Please visit www.cdsckenya.com if you want to stay up to date, as we will post any changes here.

19. EFFECTIVE DATE

1st September 2023