

# Bamburi Cement PLC Data Protection Policy

February 2024

## Content:

### 1. Introduction, scope and objective

The Bamburi Cement PLC's Data Protection Policy is an integral part of the Bamburi Cement PLC Policy and Directive landscape. This Policy should be read in close conjunction with the Holcim Directive on General Data Protection.

#### 1.1 APPLICABILITY OF THIS GENERAL DATA PROTECTION POLICY

##### 1.1 Bamburi Cement PLC and its consolidated affiliated group companies

This Data Protection Policy applies to all officers, directors and employees of all grade and levels, and other staff, including temporary or contract staff, trainees, secondees and consultants (together "Bamburi Cement PLC Staff") of the Bamburi Cement PLC Ltd and its consolidated affiliated group companies ("Bamburi Cement PLC" or the "Group")

Bamburi Cement PLC Staff must make themselves familiar with and fully comply with this Policy when engaging in any data protection activities.

##### 1.2 Associated Companies/ Joint Ventures

In associated companies or joint ventures where Bamburi Cement PLC does not exercise equity or management control, the responsible Group Executive Committee Member will establish that the associated company or joint venture is aware of this Policy and will encourage its adoption or at least essentially equivalent standards by such associated company or joint venture.

##### 1.3 Third Parties

This Policy should also be made binding for Bamburi Cement PLC's suppliers, service providers, other business partners and third parties to the extent they perform data processing services for Bamburi Cement PLC. Appropriate provisions shall be incorporated into any service, contractor or other agreements with such third parties.

#### 1.2 CONTENT IN SCOPE

This Policy sets the overarching framework of Bamburi Cement PLC's data protection rules and procedures. It should be read in conjunction with Bamburi Cement PLC's and Holcim's other relevant policies, guidelines and procedures relating to data protection and data security matters.

The Policy defines and explains the rules and principles applied by Bamburi Cement PLC when processing personal data of our employees, customers and any other individuals who are in contact with us. It describes how we collect and process personal data and which procedures we have in place to protect and safeguard such personal data.

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If you have any questions in respect of this Policy, please contact any member of the local Data Protection Team which is constituted in the Bamburi Cement Plc's Legal Function.

### 1.3 OUR COMMITMENT

Bamburi Cement PLC is committed to compliance with the Data Protection Act, 2019 and any other applicable data protection laws. We value your privacy and are committed to understand the need to honour the right to privacy and ensure that personal data is collected, shared and handled the right way. We therefore commit to:

- a) Being transparent in how and when we collect- and use your personal data
- b) Making sure you have control over your personal data at all times
- c) Be transparent about the data we use
- d) Comply with privacy and related data protection regulations
- e) Keep your data safe

## 2. POLICY PRINCIPLES

### 2.1. Fair processing principles

Personal data shall always be

- a) processed in accordance with the right to privacy of the data subject;
- b) processed lawfully, fairly and in a transparent manner in relation to the data subject (lawfulness, fairness and transparency);
- c) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (purpose limitation);
- d) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (data minimisation);
- e) collected only where a valid explanation is provided whenever information relating to family or private affairs is required;
- f) accurate and, where necessary, kept up to date; inaccurate data, having regard to the purposes for which they are processed, should be erased or rectified without delay (accuracy);
- g) stored only as long as necessary for the purposes for which they are processed or otherwise permitted or required by applicable law (storage limitation) and Bamburi Cement PLC's Data Management Retention and Deletion Directive;
- h) protected against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (integrity and confidentiality);
- i) kept in a form which identifies the data subjects for no longer than is necessary for the purposes which it was collected; and
- j) not transferred outside Kenya, unless there is proof of adequate data protection safeguard or consent from the data subject.

### 2.2. Legal grounds

Personal data must be processed on the basis of valid legal grounds. Valid legal grounds are given if and to the extent any of the following conditions applies:

- a) The consent of the data subject has been obtained.

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- b) Processing is necessary for Bamburi Cement PLC to comply with a legal obligation.
- c) Processing is necessary for Bamburi Cement PLC to perform a task carried out in the public interest or in exercise of official authority vested in us.
- d) Processing is necessary for Bamburi Cement PLC to perform or enter into a contract with the data subject.
- e) Processing is necessary for Bamburi Cement PLC to protect the vital interests of a data subject or another person.
- f) Processing is necessary for the purposes of legitimate interests pursued by Bamburi Cement PLC or a third party unless there are overriding interests, rights or freedoms of the data subject.

### 2.3. Accountability

Bamburi Cement PLC has established appropriate rules and procedures to demonstrate compliance of its data processing activities with applicable law and this Policy, in particular with the principles of fair data processing. This includes in particular documenting processing activities in the Records of Processing Activities (Data Maps) and conducting data privacy assessments and data protection impact assessments (DPIA's) where required (please refer to Section 10).

Where no such specific rules apply, Bamburi Cement PLC Staff must create and maintain appropriate documentation demonstrating such compliance of their specific data processing activities. This must include at least any information required to demonstrate

- (a) the legal grounds and the purposes of processing and
- (b) compliance with the fair processing principles set out above in this Section.

Bamburi Cement PLC Staff must notify the local data protection officer any personal data processing activities and confirm adequateness of their documentation.

## 3. USER ROLES AND ACCESS RIGHT CONCEPT

Access to any personal data processed by Bamburi Cement PLC must be strictly limited on a need-to-know basis. Responsible Bamburi Cement PLC Staff must define a user role for each function or group of functions which has a need to access the data. Bamburi Cement PLC Staff who do not belong to a user role may not get access to the personal data. The scope of access must be differentiated and limited for each user role to the minimum scope of data required for the purposes for which the data are processed and the tasks and responsibilities of the relevant user role. The access right concept detailing the access rights for each user role must be transparently documented in written form and must be easily available for review and inspection. Access right concepts should be approved by the local data protection officer.

## 4. SENSITIVE DATA AND CHILDREN'S DATA

### 4.1. Processing conditions

Notwithstanding Section 2.2 above, valid legal grounds for processing of personal data of children under the age of 18 years (or other age limit defined under applicable law) or Sensitive Data (as defined below) are given only if and to the extent any of the processing conditions under applicable law applies, in particular if

- a) The data subject has given its explicit consent, unless we are prohibited by the applicable law to rely on such consent and in the case of children, consent for the processing has been obtained from the child's parent or guardian.
- b) The relevant personal data have been manifestly made public by the data subject.

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- c) The Processing is necessary for Bamburi Cement PLC to carry out obligations under employment, social security or social protection law, a collective agreement or any other applicable law.
- d) The Processing is necessary for Bamburi Cement PLC to establish, exercise or defend against legal claims or where courts are acting in their judicial capacity.

Bamburi Cement PLC Staff must contact the local Data Protection Team and obtain approval prior to commencing any processing of Children's' Data or Sensitive Data. Any such processing activities must be documented in the Record of Processing Activities (Data Maps).

### 4.2. Definition

"Sensitive Data" for purposes of this Policy are personal data revealing 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

## 5. AUTOMATED DECISION MAKING / PROFILING

### 5.1. Our legal obligations

Bamburi Cement PLC must protect the rights of individuals in relation to any automated decision making, including profiling.

Automated decisions are only admissible if they are:

- a) necessary to enter into, or to perform, a contract with the individual,
- b) authorised by the applicable law; or
- c) based on the individual's explicit consent.

### 5.2. How we comply

Before any personal data is processed in any of the above situations, Bamburi Cement PLC must take suitable safeguards to protect the rights of individuals concerned. Bamburi Cement PLC Staff must notify the local Data Protection Team of any business activities which may involve automated decision making or profiling.

The local Data Protection Team approves the processing activity only if the following processes are implemented and documented:

- a) Individuals are specifically informed about the automated decision making and the logic behind it.
- b) Individuals have the right to obtain human intervention, express their point of view and request that the decision taken is explained to them.
- c) Individuals have the right to challenge the decision.

## 6. INFORMATION OF DATA SUBJECTS

### 6.1. Our legal obligations

Where personal data relating to an individual data subject are collected from the data subject or a third party, Bamburi Cement PLC must provide the data subject with certain information as defined by applicable law in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

A data subject means an identified or identifiable natural person whose personal data is subject to processing.

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### 6.2. How we comply

Bamburi Cement PLC has established procedures to ensure that all individuals concerned are informed timely, comprehensively and transparently in accordance with applicable law. Information is provided to data subjects through Bamburi Cement PLC's general Data Privacy Notice which is available on the Bamburi Cement PLC Data Privacy website (<https://www.lafarge.co.ke/data-protection-statement> ) and through additional information given in specific circumstances as required and appropriate.

The details and procedures are set out in the relevant Bamburi Cement PLC guidelines which must be observed by all Bamburi Cement PLC Staff. Any information to data subjects must be approved by the local Data Protection Team. Bamburi Cement PLC Staff must promptly notify the local Data Protection Team if they are in doubt whether individuals concerned are properly informed about any of their data processing activities.

## 7. DATA SUBJECT RIGHTS

### 7.1. Our legal obligations

Under certain circumstances and subject to certain exemptions, individuals whose personal data are being processed by Bamburi Cement PLC (e.g. employees, customers or other business partners) may have the following rights in relation to their personal data under applicable law:

- a) Rectification of inaccurate or incomplete personal data.
- b) Restriction (pausing or stopping) processing of their personal data.
- c) Erasure (deletion) of their personal data.
- d) Objection against the processing of their personal data.
- e) Data Portability: Request that their personal data are delivered in a structured, commonly used and machine-readable format either to themselves or directly to a third party if technically feasible.
- f) To obtain information about the use to which their personal data is put to use.
- g) Correction of false or misleading data

### 7.2. How we comply

Bamburi Cement PLC has established procedures to ensure that Bamburi Cement PLC complies with data subject rights and timely, comprehensively and transparently responds to any data subject requests.

The details and procedures are set out in the relevant Bamburi Cement PLC guidelines which must be observed by all Bamburi Cement PLC Staff. The local Data Protection Team is responsible for dealing with and responding to any data subject requests. Bamburi Cement PLC Staff must promptly notify the local Data Protection Team of any data subject requests and cooperate with the local Data Protection Team in accordance with the relevant guidelines. Data protection requests are properly documented and recorded by the Data Protection Team.

### 7.3. Dealing with data subjects and other data protection matters

The local Data Protection Team is exclusively responsible for any data subject requests, complaints, claims, -questions, requests and any other communication or dealings with data subjects or other third parties (e.g. the media) in relation to data protection matters.

Any such matters must be immediately reported to the local Data Protection Team.

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### 8. DIRECT MARKETING

- 8.1** Express written consent must be obtained from the individuals concerned prior to sending any marketing communication to an individual (including contact persons working for a customer organization) and the individual is clearly and distinctly given the opportunity to object to any marketing communication, free of charge and in an easy manner.
- 8.2** Bamburi Cement PLC Staff must therefore comply with the following rules prior to sending any advertising or marketing material to specified individuals:
- You should not send marketing material by email unless the recipient has expressly consented in advance. Individual's consent (marketing permission) must be obtained for any relevant communication channel you intend to use (e.g. email, telephone calls and SMS) and must be clearly and properly documented to demonstrate compliance and handle objections. Consent forms and mechanisms to store and document consent must be approved by the Legal and local Data Protection Team.
  - You must ensure that individuals who have notified us that they do not want to receive marketing material or who have withdrawn their consent are not contacted. Appropriate registers must be maintained for reference to ensure that Bamburi Cement PLC complies with this obligation.
  - Any direct marketing message must clearly and distinctly give the individual the opportunity to object to any marketing communication, free of charge and in an easy manner. Relevant wording must be approved by the Legal and the local Data Protection Team.

### 9. TRANSFER OF PERSONAL DATA

Personal data may be transferred to recipients within Holcim Group or to third parties only to the extent such transfer is permitted under applicable law, required and appropriate.

Holcim has established a Data Transfer Guideline which describes legal requirements for data transfers and procedures to be observed by Bamburi Cement PLC Staff in detail.

In particular, the following rules apply to personal data transfers:

#### 9.1. Third Party Transfers

Bamburi Cement PLC has established procedures to ensure that any transfer of personal data to a third party recipient, whether acting as processor on behalf of Bamburi Cement PLC or as controller, complies with applicable law. In particular, any such data transfer must be based on an appropriate data processing agreement which complies with the requirements under applicable law. These requirements apply in particular when we engage third party vendors and service providers (such as IT service providers, payroll providers, IT freelancers or data destruction companies) who process personal data on our behalf.

Bamburi Cement PLC has established guidelines on engaging vendors and entering into data processing contracts with recipients of personal data which explain how to identify data transfers and the legal requirements for the required processing agreements. They also set out the applicable Bamburi Cement PLC procedures which must be observed by all Bamburi Cement PLC Staff.

The local Data Protection Team is responsible for supporting Bamburi Cement PLC Staff in identifying data transfer situations, assessing if a data transfer is permitted and concluding the appropriate contractual agreements. Such agreements should oblige third party vendors who process personal data on our behalf to comply with this Policy accordingly.

Bamburi Cement PLC Staff must promptly notify the local Data Protection Team of any data transfer situations and of any data transfer agreements concluded. Data transfer agreements must be properly documented and recorded.

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### 9.2. Cross-border Transfers

A transfer of personal data to a recipient located in a country outside of the Kenya that does not provide adequate data protection safeguards, is only admissible if additional safeguards accepted under applicable law are taken. Such safeguards include in particular agreeing with the recipient the standard contractual clauses adopted by the Office of the Data Protection Commissioner or similar legal instruments approved by a supervisory authority.

Bamburi Cement PLC Staff must comply with the specific procedures for cross-border data transfers as set out in the Holcim Data Transfer Guidelines.

### 9.3. Intra-Group Transfers

The above principles apply to personal data transfers between Holcim Group affiliates ("Intra-Group Transfers") accordingly, as there is no legal privilege for such transfers.

In order to avoid a multitude of bilateral agreements, Holcim has established an Intra Group Data Transfer Agreement which covers the key intra-group data streams and serves to meet the accountability and documentation requirements under applicable data protection law.

Prior to starting any business activity that may result in an Intra-Group Transfer, Bamburi Cement PLC Staff should notify the local Data Protection Team. The local Data Protection Team will confirm whether the data transfer is permitted by applicable law, covered by the Intra Group Data Transfer Agreement and make any amendments to the Intra Group Data Transfer Agreement which may be required.

## 10. RECORDS OF PROCESSING ACTIVITIES

### 10.1. Maintaining the Bamburi Cement PLC Records

Bamburi Cement PLC maintains records of personal data processing activities to the extent required by the applicable law and in accordance with applicable law for each legal entity within Bamburi Cement PLC Group.

### 10.2. Notification of processing activities

Bamburi Cement PLC Staff members and organizational functions (e.g. HR, Sales, IT, IT Security, Accounting) who use, sponsor, monitor, manage or are otherwise involved in a processing activity must notify the local Data Protection Team of the processing activity as early as possible (e.g. already in the planning phase of a project). In case of doubt, Bamburi Cement PLC Staff must contact the local Data Protection Team to obtain guidance whether a processing activity must be included in the Records.

A processing activity is any business activity, technology, product, service, IT system or application and any other activity which involves processing of personal data.

Examples: New products which process personal data (e.g. a smart meter), a camera surveillance system, an access control system, a new customer data base, a new employee performance review system, GPS location of company vehicles, a cashless pay system for the cafeteria, outsourcing of activities or functions to a third party.

## 11. PREVENTION OF "SHADOW IT"

Bamburi Cement PLC Staff are not permitted to engage in any processing of personal data which has not been reviewed for compliance with data protection law and approved by the local Data Protection Team (also known as "Shadow IT").

Shadow IT may expose Bamburi Cement PLC to significant legal, reputational and financial risks for the following reasons:

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- a) Shadow IT is not included in record of processing activities and, thus, cannot be included in responses to data subject requests.
- b) Compliance with data protection law requirements is not monitored and ensured.
- c) Data breaches in Shadow IT are not monitored and, thus, cannot be reported timely to the authorities or data subjects.
- d) Data security standards may fall short of Bamburi Cement PLC standards.

### 12. DATA PROTECTION IMPACT ASSESSMENTS

#### 12.1. Our legal obligations

If required by the applicable law Bamburi Cement PLC entities shall conduct and document a data protection impact assessment ("DPIA") for certain types of "high risk" data processing activities.

The DPIA is an "assessment of the impact of a planned data processing activity on the protection of personal data". It is only required, if an activity is "likely to result in a high risk for the rights and freedoms of natural persons".

#### 12.2. How we comply

Bamburi Cement PLC Staff members who own or are involved in a processing activity which may require a DPIA must notify the Data Protection Team as early as possible (e.g. already in the planning phase of a project). The DPIA must be carried out prior to starting the processing activity. It should be started as early as is practicable in the design of the processing operation even if some of the processing operations are still unknown.

No processing activities which may require a DPIA may commence prior to approval by the local Data Protection Team and completion of the DPIA (where required).

The local Data Protection Team is responsible for appropriately documenting the DPIA and its result, including any information gathered, identified risks, decisions and their reasons as well as remedial measures taken.

Bamburi Cement PLC Staff remains primarily responsible to monitor the activity and notify the local Data Protection Team of any changes which may require a DPIA. The local Data Protection Team is responsible for determining adequate audit and updating cycles to confirm continuing compliance of the processing activity.

### 13. DATA RETENTION AND DELETION POLICY

Personal data may not be retained and stored for longer than required. This means that Bamburi Cement PLC needs to delete personal data when

- a) they are no longer needed for the legitimate purposes for which they had been processed,
- b) we are no longer required under applicable law or by order of an authority to retain them and
- c) no exemption applies which requires or permits that we continue to retain the data.

An exemption will typically apply if we need the data for the establishment, exercise or defence of legal claims.

Bamburi Cement PLC's Data Management Retention and Deletion Directive implements these legal requirements which must be complied with by all Bamburi Cement PLC Staff.

### 14. PRIVACY BY DESIGN & DEFAULT

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Privacy by Design & Default applies as a principle for the lawfulness of processing of personal data under applicable law.

Applying Privacy by Design & Default at Bamburi Cement PLC means the following:

- a) Privacy by Design: From the beginning of any new service or business process that makes use of personal data we must take action (such as pseudonymisation) to minimise personal data processing and comply with the data protection laws principles (such as data minimisation).
- b) Privacy by Default: We must take action to ensure that, by default, in each business activity we only process the personal data that are necessary, to an extent that is necessary, and only store data as long as necessary for the purpose.

Holcim has established a Privacy by Design & Default Guidelines which gives Bamburi Cement PLC Staff practical guidance on how to apply Privacy by Design & Default in practice and explains Holcim's relevant procedures which must be observed by all Bamburi Cement PLC Staff.

## 15. DATA SECURITY

### 15.2. Bamburi Cement PLC Data Security Standards

Bamburi Cement PLC must implement appropriate state of the art technical and organisational measures to protect the integrity and security of personal data and prevent accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.

Data security standards applied shall include inter alia the following:

- (a) the pseudonymisation and encryption of personal data;
- (b) the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
- (c) the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;
- (d) a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

The Bamburi Cement PLC data security standards shall be constantly monitored and regularly audited for continuing adequateness and compliance with applicable law.

The Bamburi Cement PLC IT Team is responsible for providing appropriate training to Bamburi Cement PLC Staff in relation to compliance with the data security policies.

Supervisors, Human Resources and other functions in charge are responsible for enforcing the data security policies and ensuring that any breach results in appropriate disciplinary action and additional training or support, where appropriate.

## 16. DATA BREACH RESPONSE PROCEDURE

Holcim has established a Data Breach Response Procedure which defines the processes and measures to:

- a) respond to a Data Breach, including the immediate steps and measures that must be taken when a Data Breach is identified to mitigate any damage and risk to Bamburi Cement PLC or affected individuals, as well the roles and responsibilities for managing a response to a Data Breach; and
- b) comply with the Company's relevant obligations under applicable privacy and data protection legislation, including any obligations to timely notify Data Breaches to supervisory authorities

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or affected individuals.

A "Data Breach" is any actual or suspected breach of security leading to the accidental or unlawful destruction, loss or loss of access to, alteration, unauthorised disclosure of or access to, or other misuse involving Bamburi Cement PLC Data, in particular personal data.

All Bamburi Cement PLC Staff and any contractors who process personal data on behalf of Bamburi Cement PLC must make themselves familiar and comply with the Data Breach Response Procedure.

### 17. BREACH OF THIS POLICY


All Bamburi Cement PLC Staff are required to make themselves familiar and comply with this Policy. Breaches of this Policy may give rise to disciplinary procedures and may result in disciplinary sanctions.

#### Review Information:

<b>Related Policy:</b>	Holcim Group Directive on General Data Protection-13 <sup>th</sup> September 2018
<b>Sponsor/Owner:</b>	Head of Legal & Compliance
<b>Review date:</b>	February 2024, effective immediately.
<b>Next review date:</b>	February 2026

#### **ANNEXURE:**

Holcim Group Directive on General Data Protection - 13th September 2018

 JOYCE MUREWE  
HEAD OF LEGAL & COMPLIANCE

27/3/2024

 M. Mutiga  
27/3/2024

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