

### DATA PRIVACY STATEMENT

#### 1. INTRODUCTION

Your privacy is important to us. This statement describes the information privacy practices that Rubis Energy Kenya (REK, "we", "us", or "our", if not explicitly referring to the company) follow when handling personal information that we collect or receive in conducting our business, including through our services, products, websites, employee(s) and user application(s).

This privacy statement demonstrates our commitment to protect the privacy of individuals with respect to personal information and is designed to assist you in understanding our policies and practices in relation to the collection, use, retention, transfer and access of personal information.

This statement should be read together with the Terms and Conditions of Use for other REK products and services. Where there is a conflict, this statement will prevail.

This statement applies to all customers, suppliers, consultants, contractors, dealers and all visitors frequenting any of REK premises

#### 2. DEFINITIONS

2.1. « You » means:

- i) Customer - the person who subscribes to, uses or purchases any of our products and services or accesses our websites and includes any person who accesses any of the products and services you have subscribed to.
- ii) Any, dealer who has signed an agreement with us.
- iii) Employees and potential employees
- iv) Landlords who have leased their properties to REK and tenants occupying REK premises.
- v) Any visitor that is (including contractors/subcontractors or any third parties) who gains access to any REK premises.
- vi) Any supplier who has been contracted by REK and executed a Supplier contract.

2.2. "REK", "we" or "us", "our" and "ours" means Rubis Energy Kenya Limited

2.3. The word "includes" means that what follows is not necessarily exhaustive and therefore the examples given are not the only things/situations included in the meaning or explanation of that text.

2.4. Personal Information

Personal Information means any information relating to an identified or identifiable natural person (known as the data subject).

2.5. An Identifiable person

An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as name, an identification number, location information, an online identifier or by one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity

of the natural person. Personal information does not include information that is truly anonymised, i.e., where the data subject is no longer identifiable.

### 3. STATEMENT DETAILS

#### 3.1. Collection of Information

We collect personal information that you provide to us through our websites, Rubis Application & Rubis Card, and in connection with business dealings we may have with you, and/or where we are legally obliged to. This includes information that you may provide to us in employment contracts, applications for employment, service agreements, Know Your Counterparty (KYC) processes, any loyalty or payment card applications including competition entries, community events and engagements held at our operational sites where permitted.

The personal information you provide includes basic contact information about you, such as your name, company name, address, phone number, and email address. It may also include information on the products or services you have shown interest in and/or purchased from us. If you use a payment card (debit and/or credit card) to purchase a product or service from us, we also may collect information necessary to process the card transaction, such as the card type, number, expiration date and any other information required to process your request.

We may collect information you provide to us through recruitment processes such as name, date of birth, gender, age, contact information, identification / passport / national social security number, KRA PIN number, NHIF Number, professional, educational and employment history. We may also collect and retain background information as permitted under applicable law.

To ensure we do business with reputable, honest and qualified business partners and agents, we conduct due diligence checks on companies and their directors to establish the legal status of all potential new business partners to evaluate whether they may be involved in illegal or corrupt practices.

We use Closed Circuit Television (CCTV) surveillance recordings. CCTV Devices are installed at strategic locations to provide a safe and secure environment in all REK premises as a part of our commitment to community safety, security and crime prevention.

We maintain a register of visitors in which we collect and keep your personal data such as names, company/institution details, telephone number, vehicle registration details and National ID number. This information is collected for health, safety and security purposes.

#### 3.2. Use of Personal Information

##### 3.2.1 For business use

We use your personal information to facilitate our ongoing and proposed business dealings with you. This includes:

- Processing business transactions with us;
- Establishing and maintain counterparty accounts so that we may provide products or services requested by you or your company;
- Registering you as a user of these products or services so that you may access them through our websites (includes any web portals), operational site(s) or otherwise;
- Communicating with you about updates, maintenance, outages, or other technical matters concerning these products or services;

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- Providing you with training regarding usage of these products or services;
- Notifying you about changes to any of the policies and procedures for use of these products or services;
- Carrying out credit checks and credit scoring;
- Verifying the accuracy of account and technical contact information we have on file for you and your company in relation to these products or services;
- Responding to questions or inquiries that you or your company may have about our products or services;
- Complying with any legal, governmental, or regulatory requirement or for use by our lawyers in connection with any legal proceedings;
- Any purpose related to the prevention of financial crime, including sanctions screening, monitoring of anti-money laundering and any financing of terrorist activities;

### 3.2.2 Marketing purposes

With your consent or as otherwise permitted by applicable law, we may use your personal information for purposes relating to the marketing of our products and services, or those of our business partners where you may have shown interest in. This means we may from time to time:

- Send you newsletters, press releases, event announcements and other similar communications regarding the products or services that we offer;
- Market or promote our products or services to you or similar products to those which you have already signed up for, including by offering you trial or limited access to certain products or services;
- Keeping you informed generally about new products and services and contacting you with offers or promotions based on how you use our products and services unless you opt out of receiving such marketing messages (you may contact REK at any time to opt out of receiving marketing messages);
- Solicit input from you regarding improvement of our products or services;
- Inform you of third-party offerings that we think you or your company may be interested in which relate to our products or services;
- Use your personal information for other purposes that we disclose to you at the time we obtain your consent;

By using the Rubis App or any of the Services, you consent to us collecting and using technical information about the equipment and related software, hardware and peripherals for Services that are internet-based or wireless to improve our products and to provide any Services to you. If you use these Services, you consent to us and our affiliates' and licensees' transmitting, collecting, retaining, maintaining, processing and using your data to improve our Services and/or your experience while using the App.

You may at any time opt-out to receiving marketing related communication from us, by updating your marketing preferences in any web portals offered, or you may email us at [dataprotection@rubiskenya.com](mailto:dataprotection@rubiskenya.com).

### 3.2.3 Automated decision making/Profiling

We use software to help us better understand how you like us to communicate with you and whether you may be interested in our products and services. Based on our records, if you have recently shown interest in a certain product, our software helps us identify related products and services that may interest you. We may then use this to contact you about these by telephone, Rubis APP notification, text messaging or email.

If you no longer wish to receive this type of communication from us, you can contact our offices directly or email us at [dataprotection@rubiskenya.com](mailto:dataprotection@rubiskenya.com).

### 3.2.4 Use of Cookies

We may store some information (using "cookies") on your computer when you visit our websites. This enables us 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).

We 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.

### 3.2.5 Recruitment

We may use your personal information you provide to us through job applications, using our online website or email solely for the purposes of processing your job application for the position you have shown interest in and in accordance with this privacy notice and applicable law. This may also include data we collect from third parties such as professional recruiting firms, your references, prior employers and educational history in order to identify and evaluate candidates for potential employment. We may conduct vetting for specific job roles, which may include criminal background checks and credit checks, as permitted by local laws. With your consent, we may retain a record of your job application and references for a period of time, in order to ensure compliance with legal requirements.

## 3.3. Lawful Basis of processing your information

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

- The performance of a Product/Service Agreement with you.
- REK's legitimate business interests.
- Compliance with a mandatory legal obligation.
- Consent you provide.
- Public interest.

## 3.4. Information sharing

Any disclosure of your information shall be in accordance with applicable law and regulations. REK shall assess and review each application for information and may decline to grant such information to the requesting party.

### 3.4.1 We may disclose your information to:

- a) 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;
- b) Our subsidiaries, associates, partners, software developers or agents who are involved in

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delivering REK products and services you order or use;

c) Fraud prevention and Anti money laundering agencies, credit reference agencies;

d) publicly available and/or restricted government databases to verify your identity information in order to comply with regulatory requirements;

e) Debt-collection agencies or other debt-recovery organisations;

f) Survey agencies that conduct surveys on behalf of REK;

h) Any other person that we deem legitimately necessary to share the data with.

3.4.2 We may from time to time employ service providers to perform services on our behalf, such as hosting our data (including your personal information), websites, products and other applications; sending emails and other communications relating to our products and/or services; fulfilling and processing orders for our products or services; assisting with promotions and conferences relating to our products or services, or those of our business partners; providing analytic services, such as in relation to the tracking of usage of our operational sites or websites; or performing other administrative services for us.

Prior to allowing these service providers to access your personal information, we will enter into a formal agreement with them to ensure that they handle and process the information in accordance with this Privacy Statement and applicable law and ensuring they have adequate technical and organisational controls in place to safeguard your personal data.

3.4.3 We may offer various promotions / competitions through our operational sites, websites or elsewhere that may require registration with your personal information. If you choose to enter or otherwise participate in a promotion / competition, your personal information may be disclosed to third parties in connection with administration of the promotion / competition, such as in connection with winner selection, prize fulfilment and as otherwise required by applicable laws.

By entering into a promotion / competition, you are agreeing to the official rules that govern that promotion, which may contain specific requirements of you, including, except where prohibited by law, allowing the sponsor and/or other parties to use your name, voice and/or likeness in advertising or marketing materials. These rules will be displayed and communicated to you during the registration process, and you will be asked for your consent to the respective data processing at that time.

### 3.5. Data Protection

#### 3.5.1 Data Security

We will take all reasonable security measures to protect your personal information in our possession from loss, misuse, and unauthorised access, disclosure, alteration or destruction. As necessary, we will take additional precautions regarding the security of particularly sensitive information, such as payment card information and categories of data deemed as sensitive under applicable data protection laws.

While we strive to secure your personal information, we cannot warrant or guarantee that this information will be protected under all circumstances, including those beyond our reasonable control.

#### 3.5.2 Data Retention

We will not retain personal information for longer than is necessary for the purposes for which

it was collected, except where retention is necessary for purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements.

We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider 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 we can achieve those purposes through other means, the need to comply with our internal policy and the applicable legal, regulatory, tax, accounting or other requirements.

### 3.5.3 Enforcement

We will conduct periodic internal compliance audits and assessments of our relevant privacy practices to verify adherence to this Privacy Statement. We encourage you to raise any questions or concerns that you may have about the way we process your personal information by contacting us at [dataprotection@rubiskenya.com](mailto:dataprotection@rubiskenya.com)

### 3.6. Your Rights

Subject to legal and contractual exceptions, you have rights under data protection laws in relation to your personal data. These are listed below: -

- a) Right to be informed that we are collecting personal data about you.
- b) Right to access personal data that we hold about you and request for information about how we process it.
- c) Right to request that we correct your personal data where it is inaccurate or incomplete.
- d) Right to request that we erase your personal data noting that we may continue to retain your information if obligated by the law or entitled to do so.
- e) Right to object and withdraw your consent to processing of your personal data. We may continue to process if we have a legitimate or legal reason to do so.
- f) Right to request restricted processing of your personal data noting that we may be entitled or legally obligated to continue processing your data and refuse your request.
- g) Right to request transfer of your personal data in [an electronic format].

You can make a request to us in relation to these rights at any time by contacting us via email at [dataprotection@rubiskenya.com](mailto:dataprotection@rubiskenya.com). All requests will be dealt with promptly and any information to which you are entitled will be provided within a reasonable timeframe, subject to the exemptions stipulated in applicable data privacy laws.

### 3.7. Contact Information

We are committed to responding to and resolving questions, requests and/or complaints about your personal information and our collection or processing of your personal information.

If you would like to contact us on any topics in this privacy statement, you can email us on [dataprotection@rubiskenya.com](mailto:dataprotection@rubiskenya.com)

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As a Data Controller, below are the contact details of our Data Protection Officer:

Data Protection Officer  
Rubis Energy Kenya Limited  
Avenue 5 Building  
Rose Avenue, Kilimani  
P.O Box 44202/30322 - 00100 Nairobi  
Tel : +254 703 022 000

### 3.8. Right to Lodge Complaint

You have the right to lodge a complaint with the relevant supervisory authority that is tasked with personal data protection within the Republic of Kenya

### 3.9. Amendments to this Statement.

REK reserves the right to update this statement at any time, without prior notice to you, to the extent permitted by applicable law. We will notify the changes that we make to this Privacy Statement by posting the revised Privacy Statement on our websites, and such changes will be effective immediately unless otherwise stated.

**Statement Effective Date**  
**1st February 2023**