

# Lupiya Privacy Policy

## INTRODUCTION

This policy, together with our Terms of Use, applies to your use of:

- The Lupiya website (Website) once you have accessed it on your device.
- Any of the services accessible through the Website (“Services”) that are available on our website or other sites of ours (“Services Sites”). This policy sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. This Website is not intended for children and we do not knowingly collect data relating to children. Please read the following carefully to understand our practices regarding your personal data and how we will treat it.

## IMPORTANT INFORMATION AND WHO WE ARE

Lupiya Circle Limited is the controller and is responsible for your personal data (collectively referred to as “Company”, “we”, “us” or “our” in this policy).

If you have any questions about this privacy policy, please contact us using the details set out below.

### Contact details

Our full details are:

- Full name of legal entity: Lupiya Circle Limited
- Email address: info@lupiya.com
- Address: Suite G02, Foxdale Court, Zambezi Road, Roma, Lusaka, Zambia
- Telephone number: +260 962284039

## Changes to the privacy policy and your duty to inform us of changes

We keep our privacy policy under regular review.

This version was last updated on February 25, 2019. It may change and if it does, these changes will be posted on this page and, where appropriate, notified to you by SMS or by email or when you next visit the Website or log onto one of the Services Sites. The new policy may be displayed on-screen and you may be required to read and accept the changes to continue your use of the Website or the Services.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during our relationship with you.

## THE DATA WE COLLECT ABOUT YOU

We may collect, use, store and transfer different kinds of personal data about you as follows:

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- **Identity Data:** first name, last name, maiden name, username or similar identifier, marital status, title, date of birth, gender.
- **Contact Data:** billing address, delivery address, email address and telephone numbers.
- **Financial Data:** bank account and/or payment card details.
- **Transaction Data:** includes details about payments to and from you and details of loan transactions.
- **Device Data:** includes the type of mobile device you use, a unique device identifier (for example, your Device’s IMEI number, the MAC address of the Device’s wireless network interface, or the mobile phone number used by the Device), mobile network information, your operating system, the type of mobile browser you use, time zone setting.
- **Content Data:** includes information stored on your Device, including login information, photos, videos or other digital content.
- **Profile Data:** includes your username and password, purchase history, your interests, preferences, feedback and survey responses.
- **Usage Data:** includes details of your use of any of our Website or your visits to any of Our Sites including, but not limited to, traffic data and other communication data, whether this is required for our own billing purposes or otherwise and the resources that you access.
- **Marketing and Communications Data:** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We explain these categories of data in the Glossary section of this Agreement.

We also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific App feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy.

We do not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

## HOW IS YOUR PERSONAL DATA COLLECTED?

We will collect and process the following data about you:

- **Information you give us.** This is information (including Identity, Contact, Financial, and Marketing and Communications Data) you consent to giving us about you by filling in forms on the Website and the Services Sites (together “Our Sites”), or by corresponding with us (for example, by email or chat). It includes information you provide when you register to use the Website, subscribe to any of
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our Services, make a purchase, share data and when you provide feedback on the Website. If you contact us, we will keep a record of that correspondence.

- **Information we collect about you and your device.** Each time you visit one of Our Sites or use our Website we will automatically collect personal data including Device, Content and Usage Data. We collect this data using cookies and other similar technologies.

## COOKIES

We use cookies and/or other tracking technologies to distinguish you from other users of the Website or Services Sites and to remember your preferences. This helps us to provide you with a good experience when you use the Website or browse any of Our Sites and also allows us to improve the Website and Our Sites.

## HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to do so. Most commonly we will use your personal data in the following circumstances:

- Where you have consented before the processing.
- Where we need to perform a contract we are about to enter or have entered with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

## PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

Purpose/activity	Type of data	Lawful basis for processing
To register you as a new Website user	Identity Contact Financial Device	Your consent

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<p>To process transactions and deliver Services including managing payments and collecting money owed to us</p>	<p>Identity Contact Financial Transaction Device Marketing and Communications</p>	<p>Your consent  Performance of a contract with you  Necessary for our legitimate interests (to recover debts due to us)</p>
<p>To manage our relationship with you including notifying you of changes to the Website or any Services</p>	<p>Identity Contact Financial Profile Marketing and Communications</p>	<p>Your consent  Performance of a contract with you  Necessary for our legitimate interests (to keep records updated and to analyse how customers use our products/ Services)  Necessary to comply with legal obligations (to inform you of any changes to our terms and conditions)</p>
<p>To enable you to participate in a prize draw, competition or complete a survey</p>	<p>Identity Contact Device Profile Marketing and Communications</p>	<p>Your consent  Performance of a contract with you  Necessary for our legitimate interests (to analyse how customers use our products/Services and to develop them and grow our business)</p>

To administer and protect our business and this Website including troubleshooting, data analysis and system testing	Identity Contact Device	Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security)
To deliver content and advertisements to you  To make recommendations to you about goods or services which may interest you  To measure and analyse the effectiveness of the advertising we serve you  To monitor trends so we can improve the Website	Identity Contact Device Content Profile Usage Marketing and Communications	Consent  Necessary for our legitimate interests (to develop our products/Services and grow our business)

## DISCLOSURES OF YOUR PERSONAL DATA

When you consent to providing us with your personal data, we will also ask you for your consent to share your personal data with the third parties set out below for the purposes set out in the table:

- External Third Parties as set out in the *Glossary*.
- Specific third parties such as Google, IBM, Microsoft, DirectPay
- Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.
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## INTERNATIONAL TRANSFERS

Many of our external third parties are based outside Zambia so their processing of your personal data will involve a transfer of data outside Zambia.

Whenever we transfer your personal data out of Zambia, we ensure a similar degree of protection is

afforded to it.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of Zambia.

## **DATA SECURITY**

All information you provide to us is stored on our secure servers. Any payment transactions carried out by our chosen third-party provider of payment processing services will be encrypted using Secured Sockets Layer technology (SSL). Where we have given you (or where you have chosen) a password that enables you to access certain parts of Our Sites, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Once we have received your information, we will use strict procedures and security features to try to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way.

We will collect and store personal data on your Device using application data caches, browser web storage and other technology.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator when we are legally required to do so.

## **DATA RETENTION**

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

In some circumstances you can ask us to delete your data: see Your Legal Rights section below for further information.

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## **YOUR LEGAL RIGHTS**

Under certain circumstances you have the following rights under data protection laws in relation to your personal data:

- **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
  - **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
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- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
  - (a) if you want us to establish the data's accuracy;
  - (b) where our use of the data is unlawful but you do not want us to erase it;
  - (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
  - (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

You also have the right to ask us not to continue to process your personal data for marketing purposes.

You can exercise any of these rights at any time by contacting us at [info@lupiya.com](mailto:info@lupiya.com)

## GLOSSARY

### Lawful Basis

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**Consent** means processing your personal data where you have signified your agreement by a statement or clear opt-in to processing for a specific purpose. Consent will only be valid if it is a freely given, specific, informed and unambiguous indication of what you want. You can withdraw your consent at any time by contacting us.

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal obligation** means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

## **Third Parties**

### **External Third Parties**

Service providers acting as processors based in Zambia and USA who provide IT and system administration services.

Professional advisers [acting as processors or joint controllers] including lawyers, bankers, auditors and insurers based in Zambia who provide consultancy, banking, legal, insurance and accounting services.

Revenue and Customs regulators and other authorities based in Zambia who require reporting of processing activities in certain circumstances.

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