

DATA COLLECTION AND PROTECTION POLICY

(2026 updated)

 **JOYALTY LTD**

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1. Introduction

Effective as of July 2026

This Privacy Policy (hereinafter referred to as the "Policy") is incorporated by reference into, and forms an integral and binding part of, the Photography Services Agreement (the "Agreement") entered into between Joyalty Photography, a sole proprietorship / limited liability company duly registered under the laws of the Republic of Kenya with registration number 01xxxxxx and principal place of business at Shanzu, Mombasa (hereinafter collectively referred to as the "Photographer", "we", "us" or "our"), and the Client (as defined below).

This Policy is drafted in full compliance with the Data Protection Act, 2019 (the "Act"), the Data Protection (General) Regulations, 2021, Article 31(c) and (d) of the Constitution of Kenya, 2010, and all other applicable Kenyan laws. It explains how we, as a Data Controller, collect, process, use, store, disclose, and protect Personal Data.

By accessing our website <https://joyaltyphotography.ac.ke>, submitting any inquiry, making a Booking, entering into the Agreement, or otherwise interacting with us, you expressly acknowledge, understand, and agree to the collection, processing, and handling of your Personal Data in accordance with this Policy. If you do not agree, you must immediately cease all use of our services and website.

2. Definitions

For the purposes of this Policy and the Agreement, the following terms shall have the meanings ascribed to them:

- **"Sensitive Personal Data"** — includes data revealing racial or ethnic origin, health status, biometric data, genetic data, or any other category designated as sensitive under the Act.

- **“Personal Data”** — has the meaning ascribed in Section 2 of the Act and includes any information relating to an identified or identifiable natural person, such as name, email address, telephone number, physical address, identification details, financial/payment information, IP address, device information, location data, and any images, photographs, or videos containing identifiable individuals (including images captured during photography Services).
- **“Processing”** — any operation or set of operations performed on Personal Data, whether or not by automated means, including collection, recording, organisation, structuring, storage, adaptation, alteration, retrieval, consultation, use, disclosure, dissemination, alignment, combination, restriction, erasure, or destruction.
- **“Booking”, “Event”, “Services”, “Client”**, and other terms — shall have the same meanings as defined in the Refund and Rescheduling Policy and the Agreement.
- **“Data Subject”** — the individual to whom the Personal Data relates.

3. Data We Collect

We collect the following categories of Personal Data:

3.1 Information You Provide Directly

- Contact and identification details (full name, email address, telephone number, physical address, national ID or passport details).
- Booking and service-related information (Event details, preferred dates, location, number of participants, special requests).
- Payment and financial information (processed securely via third-party gateways; we do not store full card details).
- Correspondence, inquiries, feedback, or complaints submitted via forms, email, or telephone.
- Any other information you voluntarily provide during consultations or contract execution.

3.2 Data Collected During Photography Services

- Photographs, videos, and other visual media captured at the Event, which constitute Personal Data of you and/or other identifiable individuals present.
- Metadata associated with images (date, time, location, camera settings).

3.3 Automatically Collected Data

- Technical data: IP address, browser type and version, device type, operating system, referring website, pages visited, time and date of visit, and cookies or similar tracking technologies (subject to your consent where required).
- Usage data and analytics collected via website tools.

3.4 Data from Third Parties

- Technical data: IP address, browser type and version, device type, operating system, referring website, pages visited, time and date of visit, and cookies or similar tracking technologies (subject to your consent where required).
- Usage data and analytics collected via website tools.

4. Lawful Basis and Purposes of Processing

We process Personal Data lawfully, fairly, and transparently in accordance with Section 25 and Section 30 of the Act. The primary lawful bases include:

- **Consent** — where you have given explicit, informed, and freely given consent (which you may withdraw at any time, subject to contractual obligations).
- **Performance of a Contract** — to fulfil the Agreement, process Bookings, deliver the Services, issue invoices, and process payments.
- **Legitimate Interests** — for website analytics, marketing our similar services (where permissible), portfolio use (subject to separate consent), fraud prevention, and service improvement.

- **Legal Obligation** — to comply with Kenyan tax, accounting, or regulatory requirements.
- **Vital Interests or Public Interest** — in rare cases, where necessary to protect life or as otherwise permitted.

Specific Purposes include:

- Responding to inquiries and providing quotations.
- Administering and performing the photography Services, including capturing, editing, and delivering images.
- Processing payments and refunds in line with the Refund and Rescheduling Policy.
- Communicating about your Booking, rescheduling, or service updates.
- Maintaining business records, accounting, and compliance with legal obligations.
- Improving our website and Services through analytics.
- Marketing and promotional purposes (e.g., featuring selected images in our portfolio, social media, or website), but only with your prior explicit consent or where anonymised/pseudonymised.
- Defending or enforcing our legal rights.

For images captured during Services, separate image release or usage consent will be obtained where we intend to use them for promotional purposes beyond delivery to you.

5. Sharing and Disclosure of Personal Data

We do not sell Personal Data. We may disclose Personal Data to:

- Trusted third-party service providers (e.g., payment processors, cloud storage providers, accountants, legal advisors, website hosts) who act as Data Processors and are bound by written agreements ensuring equivalent protection.
- Professional advisors or regulators where required by law.
- Other participants or vendors involved in your Event, only as necessary for service delivery.
- Successors in the event of a business transfer (with notice where feasible).

Any international transfer of Personal Data (if applicable) shall comply with Section 48 of the Act, including appropriate safeguards such as adequacy decisions, binding corporate rules, or standard contractual clauses. We prioritise processing through Kenyan data centres where possible.

6. Data Retention

We retain Personal Data only for as long as necessary to fulfil the purposes for which it was collected, or as required by law (e.g., tax records for seven years). Images delivered to you may be retained in our archives for a reasonable period for backup and quality purposes, unless you request deletion. Upon expiry of the retention period, we shall securely erase or anonymise the data.

7. Data Security

We implement appropriate technical and organisational measures to ensure the integrity, confidentiality, and availability of Personal Data, including encryption, access controls, secure servers, regular security audits, and staff training. In the event of a Personal Data Breach, we shall notify the Office of the Data Protection Commissioner and affected Data Subjects without undue delay (and in any event within 72 hours where required).

8. Your Rights as a Data Subject

Under the Act, you have the following rights (subject to applicable exceptions and verification of identity):

- Right to be informed about the processing of your Personal Data.
- Right of access — to obtain confirmation and a copy of your Personal Data.
- Right to rectification — to correct inaccurate or incomplete data.

- Right to erasure (“right to be forgotten”) — subject to contractual and legal limitations.
- Right to restriction of processing.
- Right to object to processing (including for direct marketing).
- Right to data portability.
- Right not to be subject to automated decision-making or profiling producing legal or significant effects.
- Right to withdraw consent at any time (without affecting the lawfulness of processing based on consent before withdrawal).

To exercise any right, contact us using the details below. We shall respond without undue delay and in any event within one month (extendable where permitted). We may charge a reasonable fee for manifestly unfounded or excessive requests.

You also have the right to lodge a complaint with the Office of the Data Protection Commissioner (ODPC) if you believe your rights have been infringed.

9. Cookies and Tracking Technologies

Our website uses cookies and similar technologies for essential functionality, analytics, and (where consented) personalised marketing. You may manage cookie preferences through your browser settings.

10. Children’s Personal Data

We do not knowingly collect Personal Data from children under 18 without verifiable parental or guardian consent, in compliance with Section 33 of the Act. Where Services involve minors, parental consent will be obtained as part of the Agreement.

11. Third-Party Links

Our website may contain links to external sites. We are not responsible for the privacy practices of such third parties. You are encouraged to review their privacy policies.

12. Changes to This Policy

We reserve the right to update or amend this Policy at any time to reflect changes in our practices or legal requirements. The revised Policy will be posted on our website with the updated Effective Date. Your continued use of our Services or website after such changes constitutes acceptance of the revised Policy. We encourage you to review this Policy periodically.

13. Governing Law and Contact Information

This Policy shall be governed by and construed in accordance with the laws of the Republic of Kenya. Any dispute shall be subject to the exclusive jurisdiction of the courts of Mombasa, Kenya.

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