



**CYBERPAY LIMITED
DATA PRIVACY & PROTECTION POLICY**

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1. INTRODUCTION

As part of our operations, CyberPay Limited (“CyberPay” or “the Company”) collects and processes certain types of information (such as name, telephone numbers, address, etc.) of individuals that makes them easily identifiable. These individuals include current, past and prospective employees, merchants, suppliers/vendors, customers of merchants and other individuals whom CyberPay communicates or deals with, jointly and/or severally (“**Data Subjects**”).

Maintaining the Data Subject’s trust and confidence requires that Data Subjects do not suffer negative consequences/effects as a result of providing CyberPay with their Personal Data. To this end, CyberPay is firmly committed to complying with applicable data protection laws, regulations, rules and principles to ensure security of Personal Data handled by the Company. This Data Privacy & Protection Policy (“**Policy**”) describes the minimum standards that must be strictly adhered to regarding the collection, use and disclosure of Personal Data and indicates that CyberPay is dedicated to processing the Personal Data it receives or processes with absolute confidentiality and security.

This Policy applies to all forms of systems, operations and processes within the CyberPay environment that involve the collection, storage, use, transmission and disposal of Personal Data.

Failure to comply with the data protection rules and guiding principles set out in the Nigeria Data Protection Regulation, 2019 (NDPR) as well as those set out in this Policy is a material violation of CyberPay’s policies and may result in disciplinary action as required, including suspension or termination of employment or business relationship.

2. SCOPE

This Policy applies to all employees of CyberPay, as well as to any external business partners (such as merchants, suppliers, contractors, vendors and other service providers) who receive, send, collect, access, or process Personal Data in any way on behalf of CyberPay, including processing wholly or partly by automated means. This Policy also applies to third party Data Processors who process Personal Data received from CyberPay.

3. GENERAL PRINCIPLES FOR PROCESSING OF PERSONAL DATA

CyberPay is committed to maintaining the principles in the NDPR regarding the processing of Personal Data.

To demonstrate this commitment as well as our aim of creating a positive privacy culture within CyberPay, CyberPay adheres to the following basic principles relating to the processing of Personal Data:

3.1 Lawfulness, Fairness and Transparency



Personal Data must be processed lawfully, fairly and in a transparent manner at all times. This implies that Personal Data collected and processed by or on behalf of CyberPay must be in accordance with the specific, legitimate and lawful purpose consented to by the Data Subject, save where the processing is otherwise allowed by law or within other legal grounds recognized in the GDPR.

3.2 **Data Accuracy**

Personal Data must be accurate and kept up-to-date. In this regard, CyberPay:

- a) shall ensure that any data it collects and/or processes is accurate and not misleading in a way that could be harmful to the Data Subject;
- b) make efforts to keep Personal Data updated where reasonable and applicable; and
- c) make timely efforts to correct or erase Personal Data when inaccuracies are discovered.

3.3 **Purpose Limitation**

CyberPay collects Personal Data only for the purposes identified in the appropriate CyberPay Privacy Notice provided to the Data Subject and for which Consent has been obtained. Such Personal Data cannot be reused for another purpose that is incompatible with the original purpose, except a new Consent is obtained.

The purposes for which CyberPay will use your personal data includes:

- a) **For the provision of services to you.** For example, when you purchase any of our products or services, we will use your personal data to process your order.
- b) **For customer care and billing.** When you use our products or services, we will use your personal information to bill you and to respond to enquiries and concerns that you may have about our products and services.
- c) **Customer service messages.** We will use your personal data to keep you updated with the latest information or changes about our products and services.
- d) **For marketing purposes.** In order to serve you better, will use your personal data to market our products and services to you.
- e) **Fraud prevention and security.** We will process your personal and traffic data in order to protect you against and detect fraud, to protect and detect misuse or damage to our networks.
- f) **Managing our networks and understanding network usage.** We do this to manage



the volume of calls and to understand how you use our networks, products and services.

3.4 **Data Minimization**

3.4.1 CyberPay limits Personal Data collection and usage to data that is relevant, adequate, and absolutely necessary for carrying out the purpose for which the data is processed.

3.4.2 CyberPay will evaluate whether and to what extent the processing of personal data is necessary and where the purpose allows, anonymized data must be used.

3.5 **Integrity and Confidentiality**

3.5.1 CyberPay shall establish adequate controls in order to protect the integrity and confidentiality of Personal Data, both in digital and physical format and to prevent personal data from being accidentally or deliberately compromised.

3.5.2 Personal data of Data Subjects must be protected from unauthorized viewing or access and from unauthorized changes to ensure that it is reliable and correct.

3.5.3 Any personal data processing undertaken by an employee who has not been authorized to carry such out as part of their legitimate duties is un-authorized.

3.5.4 Employees may have access to Personal Data only as is appropriate for the type and scope of the task in question and are forbidden to use Personal Data for their own private or commercial purposes or to disclose them to unauthorized persons, or to make them available in any other way.

3.5.5 Human Resources Department must inform employees at the start of the employment relationship about the obligation to maintain personal data privacy. This obligation shall remain in force even after employment has ended.

3.6 **Personal Data Retention**

3.6.1 All personal information shall be retained, stored and destroyed by CyberPay in line with legislative and regulatory guidelines. For all Personal Data and records obtained, used and stored within the Company, CyberPay

shall perform periodical reviews of the data retained to confirm the accuracy,

purpose, validity and requirement to retain.

- 3.6.2 To the extent permitted by applicable laws and without prejudice to CyberPay's Document Retention Policy, the length of storage of Personal Data shall, amongst other things, be determined by:
- (a) the contract terms agreed between CyberPay and the Data Subject or as long as it is needed for the purpose for which it was obtained; or
 - (b) whether the transaction or relationship has statutory implication or a required retention period; or
 - (c) whether there is an express request for deletion of Personal Data by the Data Subject, provided that such request will only be treated where the Data Subject is not under any investigation which may require CyberPay to retain such Personal Data or there is no subsisting contractual arrangement with the Data Subject that would require the processing of the Personal Data; or
 - (d) whether CyberPay has another lawful basis for retaining that information beyond the period for which it is necessary to serve the original purpose.

Notwithstanding the foregoing and pursuant to the NDPR, CyberPay shall be entitled to retain and process Personal Data for archiving, scientific research, historical research or statistical purposes for public interest.

- 3.6.3 CyberPay would forthwith delete Personal Data in CyberPay's possession where such Personal Data is no longer required by CyberPay or in line with CyberPay's Retention Policy, provided no law or regulation being in force requires CyberPay to retain such Personal Data.

3.7 **Accountability**

- 3.7.1 CyberPay demonstrates accountability in line with the NDPR obligations by monitoring and continuously improving data privacy practices within CyberPay.
- 3.7.2 Any individual or employee who breaches this Policy may be subject to internal disciplinary action (up to and including termination of their employment); and may also face civil or criminal liability if their action violates the law.

4. **DATA PRIVACY NOTICE**

- 4.1 CyberPay considers Personal Data as confidential and as such must be adequately protected from unauthorized use and/or disclosure. CyberPay will ensure that the Data Subjects are



provided with adequate information regarding the use of their Personal Data as well as acquire their respective Consent, where necessary.

4.2 CyberPay shall display a simple and conspicuous notice (Privacy Notice) on any medium through which Personal Data is being collected or processed. The following information must be considered for inclusion in the Privacy Notice, as appropriate in distinct circumstances in order to ensure fair and transparent processing:

- a) Description of collectible Personal Data;
- b) Purposes for which Personal Data is collected, used and disclosed;
- c) What constitutes Data Subject's Consent;
- d) Purpose for the collection of Personal Data;
- e) The technical methods used to collect and store the information;
- f) Available remedies in the event of violation of the Policy and the timeframe for remedy; and
- g) Adequate information in order to initiate the process of exercising their privacy rights, such as access to, rectification and deletion of Personal Data.

4.3 CyberPay's Privacy Notice is available on CyberPay's website via this [link](#).

5. LEGAL GROUNDS FOR PROCESSING OF PERSONAL DATA

The personal data we collect from our customers and how we collect it depends on the services that our customers subscribe to, how they use our services and how they interact or interface with us. This also applies to persons who are not customers of CyberPay but have interacted with CyberPay. We may also obtain your personal data from a third party with permission to share it with us.

Please note that we only process your personal data based on the grounds set out in the GDPR. Accordingly, in line with the provisions of the GDPR, processing of Personal Data by CyberPay shall be lawful if at least one of the following applies:

- a) where you give us consent to the processing of your Personal Data for one or more specific purposes. You are at liberty to withdraw the consent and CyberPay will cease to process your personal data where there is no other basis to do so.
- b) Where the processing is necessary for the performance of a contract to which the Data Subject is party or in order to take steps at the request of the Data Subject prior to entering into a contract;
- c) processing is necessary for compliance with a legal obligation to which CyberPay is subject;
- d) processing is necessary in order to protect the vital interests of the Data Subject or of another natural person; and
- e) processing is necessary for the performance of a task carried out in the public interest or in



exercise of official public mandate vested in CyberPay.

5.1. We collect your personal data when you do any of the following:

- a) Buy or use any of our products and services;
- b) Use our network or other CyberPay products and services;
- c) Register for a specific product or service;
- d) Fill in your information on our KYC registration form, self-service applications, social media platforms, SIM Swap Forms, MNP Forms;
- e) Visit or browse our website;
- f) Have given permission to other companies to share information about you;
- g) Where your information is publically available;
- h) Are the customers of a business we acquire or;
- i) Take part in a competition, prize draw or survey.

Personal data we have about our customers, where applicable includes: name, phone number, address, sex, photograph, ID card number, fingerprint, educational information, job experiences, signature, etc.

6. CONSENT

Where processing of Personal Data is based on consent, CyberPay shall obtain the requisite consent of Data Subjects at the time of collection of Personal Data. In this regard, CyberPay will ensure:

- a) that the specific purpose of collection is made known to the Data Subject and the Consent is requested in a clear and plain language;
- b) that the Consent is freely given by the Data Subject and obtained without fraud, coercion or undue influence;
- c) that the Consent is sufficiently distinct from other matters to which the Data Subject has agreed;
- d) that the Consent is explicitly provided in an affirmative manner;
- e) that Consent is obtained for each purpose of Personal Data collection and processing; and
- f) that it is clearly communicated to and understood by Data Subjects that they can update, manage or withdraw their Consent at any time.



6.1 Valid Consent

- 6.1.1 For Consent to be valid, it must be given voluntarily by an appropriately informed Data Subject. In line with regulatory requirements, Consent cannot be implied. Silence, pre-ticked boxes or inactivity does not constitute Consent under the GDPR.
- 6.1.2 Consent in respect of Sensitive Personal Data must be explicit. A tick of the box would not suffice.

6.2 Consent of Minors

In the unlikely event that we deal with minors, the consent of minors will always be protected and obtained from minor's representatives in accordance with applicable regulatory requirements.

7. DATA SUBJECT RIGHTS

- 7.1 All individuals who are the subject of Personal Data held by CyberPay are entitled to the following rights:
 - a) Right to request for and access their Personal Data collected and stored. Where data is held electronically in a structured form, such as in a Database, the Data Subject has a right to receive that data in a common electronic format;
 - b) Right to information on their personal data collected and stored;
 - c) Right to objection or request for restriction;
 - d) Right to object to automated decision making;
 - e) Right to request rectification and modification of their data which CyberPay keeps;
 - f) Right to request for deletion of their data, except as restricted by law or CyberPay's statutory obligations;
 - g) Right to request the movement of data from CyberPay to a Third Party; this is the right to the portability of data; and
 - h) Right to object to, and to request that CyberPay restricts the processing of their information except as required by law or CyberPay's statutory obligations.

To opt out of marketing and unsolicited messages:

If you no longer want to receive marketing messages from Airtel, you can choose to opt out at any time. If you've previously opted in to receive personalised content based on how and where you use our network, you can also opt out at any time.

These are various ways to opt out:

- Contact our customer services team – [see the contact us page](#);
- Click the unsubscribe icon from our email;
- Disable push notification messages, including marketing messages, at any time in our apps by changing the notification settings on your device or by uninstalling the app;
- Contact our customer service team



- 7.2 CyberPay's well-defined procedure regarding how to handle and answer Data Subject's requests are contained in CyberPay's Data Subject Access Request Policy.
- 7.3 Data Subjects can exercise any of their rights by completing the CyberPay's Subject Access Request (SAR) Form and submitting to the Company via dpo@CyberPay.com.

8. TRANSFER OF PERSONAL DATA

8.1 Third Party Processor within Nigeria

CyberPay may engage the services of third parties in order to process your Personal Data of collected by us. The processing by such third parties shall be governed by a written contract with CyberPay to ensure adequate protection and security measures are put in place by the third party for the protection of Personal Data in accordance with the terms of this Policy and the GDPR. We may also share your personal data with law enforcement agencies where required by law to do so.

Where applicable, CyberPay will share your information with:

- a) Partners, suppliers or agents involved in delivering the products and services you've ordered or used. For example, when you apply for loan, your loan request is handled by our business partner who is bound by contract to protect your personal data.
- b) Law enforcement agencies, government bodies, regulatory organisations, courts or other public authorities if we have to, or are authorized to by law. For example, under the Cybercrimes Act, a law enforcement agency may request a service provider to keep or release any traffic data, subscriber information, content or non-content information. This is however for law enforcement purposes only.
- c) A third party or body where such disclosure is required to satisfy any applicable law, or other legal or regulatory requirement e.g to detect or prevent fraud or the commission of any other crime.
- d) A merging or acquiring entity where we undergo business reorganization e.g merger, acquisition or takeover.

8.2 Transfer of Personal Data to Foreign Country

- 8.2.1 Where Personal Data is to be transferred to a country outside Nigeria, CyberPay shall put adequate measures in place to ensure the security of such Personal Data. In particular, CyberPay shall, among other things, conduct a detailed assessment of whether the said country is on the National Information Technology Development Agency (NITDA) White List of Countries with adequate data protection laws.



- 8.2.2 Transfer of Personal Data out of Nigeria would be in accordance with the provisions of the NDPR. CyberPay will therefore only transfer Personal Data out of Nigeria on one of the following conditions:
- a. The consent of the Data Subject has been obtained;
 - b. The transfer is necessary for the performance of a contract between CyberPay and the Data Subject or implementation of pre-contractual measures taken at the Data Subject's request;
 - c. The transfer is necessary to conclude a contract between CyberPay and a third party in the interest of the Data Subject;
 - d. The transfer is necessary for reason of public interest;
 - e. The transfer is for the establishment, exercise or defense of legal claims;
 - f. The transfer is necessary in order to protect the vital interests of the Data Subjects or other persons, where the Data Subject is physically or legally incapable of giving consent.

Provided, in all circumstances, that the Data Subject has been manifestly made to understand through clear warnings of the specific principle(s) of data protection that are likely to be violated in the event of transfer to a third country, this proviso shall not apply to any instance where the Data Subject is answerable in duly established legal action for any civil or criminal claim in a third country.

CyberPay will take all necessary steps to ensure that the Personal Data is transmitted in a safe and secure manner. Details of the protection given to your information when it is transferred outside Nigeria shall be provided to you upon request.

- 8.2.3 Where the recipient country is not on the White List and none of the conditions stipulated in Section 8.2.2 of this Policy is met, CyberPay will engage with NITDA and the Office of the Honorable Attorney General of the Federation (HAGF) for approval with respect to such transfer.

9. DATA BREACH MANAGEMENT PROCEDURE

- 9.1 A data breach procedure is established and maintained in order to deal with incidents concerning Personal Data or privacy practices leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, Personal Data transmitted, stored or otherwise processed.
- 9.2 All employees must inform their designated line manager or the DPO of CyberPay immediately about cases of violations of this Policy or other regulations on the protection of Personal Data,



in accordance with CyberPay's **Personal Data Breach Management Procedure** in respect of any:

- a) improper transmission of Personal Data across borders;
- b) loss or theft of data or equipment on which data is stored;
- c) accidental sharing of data with someone who does not have a right to know this information;
- d) inappropriate access controls allowing unauthorized use;
- e) equipment failure;
- f) human error resulting in data being shared with someone who does not have a right to know; and
- g) hacking attack.

9.3 A data protection breach notification must be made immediately after any data breach to ensure that:

- a) immediate remedial steps can be taken in respect of the breach;
- b) any reporting duties to NITDA or any other regulatory authority can be complied with,
- c) any affected Data Subject can be informed and
- d) any stakeholder communication can be managed.

9.4 When a potential breach has occurred, CyberPay will investigate to determine if an actual breach has occurred and the actions required to manage and investigate the breach as follows:

- a) Validate the Personal Data breach.
- b) Ensure proper and impartial investigation (including digital forensics if necessary) is initiated, conducted, documented, and concluded.
- c) Identify remediation requirements and track resolution.
- d) Report findings to the top management.
- e) Coordinate with appropriate authorities as needed.
- f) Coordinate internal and external communications.
- g) Ensure that impacted Data Subjects are properly notified, if necessary.

9.5 You can read more about CyberPay's Personal Data Breach Management Procedure via the [link here](#).

9.6

10. DATA PROTECTION IMPACT ASSESSMENT

CyberPay shall carry out a Data Protection Impact Assessment (DPIA) in respect of any new project or IT system involving the processing of Personal Data to determine whenever a type of processing is likely to result in any risk to the rights and freedoms of the Data Subject.

CyberPay shall carry out the DPIA in line with the procedures laid down in the CyberPay **Data Protection Impact Assessment Policy**.



11. DATA SECURITY

- 11.1 All Personal Data must be kept securely and should not be stored any longer than necessary. CyberPay will ensure that appropriate measures are employed against unauthorized access, accidental loss, damage and destruction to data. This includes the use of password encrypted databases for digital storage and locked cabinets for those using paper form.
- 11.2 To ensure security of Personal Data, CyberPay will, among other things, implement the following appropriate technical controls:
- a) Industry-accepted hardening standards, for workstations, servers, and databases.
 - b) Full disk software encryption on all corporate workstation/laptops operating systems drives storing Personal and Personal/Sensitive Data.
 - c) Encryption at rest including key management of key databases.
 - d) Enable Security Audit Logging across all systems managing Personal Data.
 - e) Restrict the use of removable media such as USB flash disk drives.
 - f) Anonymization techniques on testing environments.
 - g) Physical access control where Personal Data are stored in hardcopy.

12. DATA PROTECTION OFFICER

CyberPay shall appoint a Data Protection Officer(s) (DPO) responsible for overseeing the Company's data protection strategy and its implementation to ensure compliance with the GDPR requirements. The DPO shall be a knowledgeable person on data privacy and protection principles and shall be familiar with the provisions of the GDPR.

The main tasks of the DPO include:

- a) administering data protection policies and practices of CyberPay;
- b) monitoring compliance with the GDPR and other data protection laws, data protection policies, awareness-raising, training, and audits;
- c) advise the business, management, employees and third parties who carry on processing activities of their obligations under the GDPR;
- d) acts as a contact point for CyberPay;
- e) monitor and update the implementation of the data protection policies and practices of CyberPay and ensure compliance amongst all employees of CyberPay;
- f) ensure that CyberPay undertakes a Data Impact Assessment and curb potential risk in CyberPay data processing operations; and
- g) maintain a Data Base of all CyberPay data collection and processing operations of CyberPay.

13. TRAINING

CyberPay shall ensure that employees who collect, access and process Personal Data receive adequate data privacy and protection training in order to develop the necessary knowledge, skills



and competence required to effectively manage the compliance framework under this Policy and the GDPR with regard to the protection of Personal Data. On an annual basis, CyberPay shall develop a capacity building plan for its employees on data privacy and protection in line with the GDPR.

14. DATA PROTECTION AUDIT

CyberPay shall conduct an annual data protection audit through a licensed Data Protection Compliance Organization (DPCOs) to verify CyberPay’s compliance with the provisions of the GDPR and other applicable data protection laws.

The audit report will be certified and filed by the DPCO to NITDA as required under the GDPR.

15. RELATED POLICIES AND PROCEDURES

This Policy shall be read in conjunction with the following policies and procedures of CyberPay:

- Personal Data Breach Management Policy (<https://www.....>)
- IT Security Policy (<https://www...../>)
- Document Retention Policy (<https://www.....>)
- Cookies Policy (<http://www.....>)
- Privacy Notice (<http://www.....>)
- Data Protection Impact Assessment Procedure (<http://www.....>)

16. CHANGES TO THE POLICY

CyberPay reserves the right to change, amend or alter this Policy at any point in time. If we amend this Policy, we will provide you with the updated version.

17. GLOSSARY

- “Consent”** means any freely given, specific, informed and unambiguous indication of the Data Subject's wishes by which he or she, through a statement or a clear affirmative action, signifies agreement to the processing of Personal Data relating to him or her.
- “Database”** means a collection of data organized in a manner that allows access, retrieval, deletion and processing of that data; it includes but not limited to structured, unstructured, cached and file system type Databases.
- “Data Processor** means a person or organization that processes Personal Data on behalf and on instructions of CyberPay Limited .



“DPCO” means an organization registered by NITDA to provide data protection audit, compliance and training services to public and private organizations who process Personal Data in Nigeria.

“Data Subject” means any person, who can be identified, directly or indirectly, by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

“NDPR” means the Nigeria Data Protection Regulation, 2019.

“Personal Data” means any information relating to an identified or identifiable natural person (‘Data Subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person; It can be anything from a name, address, a photo, an email address, bank details, posts on social networking websites, medical information, and other unique identifier such as but not limited to MAC address, IP address, IMEI number, IMSI number, SIM, Personal Identifiable Information (PII) and others.

“Sensitive Personal Data” means data relating to religious or other beliefs, sexual orientation, health, race, ethnicity, political views, trades union membership, criminal records or any other sensitive personal information.

a. General Information

Title	Data Privacy and Protection Policy
Status	Mandatory
Issuing Department	Risk and Compliance
Distribution/Target Audience	All employees, including contracted staff, vendors/ suppliers and customers of CyberPay Limited
Approver	Management of CyberPay Limited
Effective Date	April 2021
Version	1.0

