



**BABBAN GONA FARMER**

**SERVICES NIGERIA**

**LIMITED**

**Data Privacy & Protection**

**Policy**

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## 1. INTRODUCTION

As part of our operations, Babban Gona Farmers Services Nigeria Limited (“Babban Gona” 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, contract staff, investors, suppliers/vendors, agents, brokers, customers, farmer members and other individuals whom Babban Gona 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 Babban Gona with their Personal Data. To this end, Babban Gona 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 Babban Gona 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 Babban Gona 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 Act (NDPA) as well as those set out in this Policy is a material violation of Babban Gona’s policies and may result in suspension/termination of employment or business relationship.

## 2. SCOPE

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

## 3. GENERAL PRINCIPLES FOR PROCESSING OF PERSONAL DATA

Babban Gona is committed to maintaining the principles in the NDPA regarding the processing of Personal Data.

To demonstrate this commitment as well as our aim of creating a positive privacy culture within Babban Gona, the Company 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 Babban Gona 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 NDPA.

### 3.2 **Data Accuracy**

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

- a) 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**

Babban Gona collects Personal Data only for the purposes identified in the appropriate Babban Gona 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.

### 3.4 **Data Minimization**

3.4.1 Babban Gona 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 Babban Gona 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 Babban Gona 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 Babban Gona in line with legislative and regulatory guidelines. For all Personal Data and records obtained, used and stored within the Company, Babban Gona 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 Babban Gona's Document Retention Policy, the length of storage of Personal Data shall, amongst other things, be determined by:
  - (a) the contract terms agreed between Babban Gona 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 Babban Gona 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 Babban Gona 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 NDPA, Babban Gona shall be entitled to retain and process Personal Data for archiving, scientific research, historical research or statistical purposes for public interest.

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

### 3.7 **Accountability**

- 3.7.1 Babban Gona demonstrates accountability in line with the NDPA obligations by monitoring and continuously improving data privacy practices within Babban Gona.
- 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 Babban Gona considers Personal Data confidential and as such must be adequately protected from unauthorized use and/or disclosure. Babban Gona 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 Babban Gona 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 time-frame 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 Babban Gona's Privacy Notice is available on Babban Gona's website via this **link**.

## **5. PURPOSE AND CATEGORY OF DATA COLLECTED AND PROCESSED**

5.1. We will only collect and use your Personal data if we have obtained your prior consent or have a lawful and legitimate interest in doing so including activities in the normal course of our business operations. You are free to withdraw your consent at any time by contacting the Data Protection Officer at [legal@babbangona.com](mailto:legal@babbangona.com). The following are data collected and processed by Babban Gona Babban Gona

- Communication data (e.g. name, telephone, e-mail, address, IP address);
- Key contract data (contractual relationship, product or contractual interest);
- Customer history;
- Farmer activity data;
- Contract billing and payments data;
- Disclosed information (from third parties);
- Employee and prospective employee data collected for recruitment and onboarding purpose;
- Farmer members and prospective farmer members data (name, telephone number, email, address, business name information, tax identification number, personal financial information, bank verification number, pictures)
- Investor's data (name and contact details of investor and its representative(s), details on its operations),
- Partners and prospective Partners' data

5.2. The following are methods adopted by Babban Gona in the collection and storage of personal data –

- Cookies;
- Google forms
- Google sheet
- E-mails
- Cloud storage
- The company's application software
- ODK surveys

## **6. LEGAL GROUNDS FOR PROCESSING OF PERSONAL DATA**

In line with the provisions of the NDPA, processing of Personal Data by Babban Gona shall be lawful if at least one of the following applies:

- a) the Data Subject has given Consent to the processing of his/her Personal Data for one or more specific purposes;
- b) 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 Babban Gona 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 Babban Gona.

## **7. CONSENT**

Where processing of Personal Data is based on consent, Babban Gona shall obtain the requisite consent of Data Subjects at the time of collection of Personal Data. In this regard, Babban Gona 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.

### **7.1 Valid Consent**

- 7.1.1 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 NDPA.
- 7.1.2 Ticking the checkbox option on our application software shall be sufficient consent for processing the Data Subject's Personal Data.
- 7.1.3 Continuing any business relationship with Babban Gona shall be sufficient to show that the Data Subject consents to processing its Personal Data provided that s(he) has been informed of the purpose(s) for which it shall be used.
- 7.1.4 Consent in respect of 'Sensitive' Personal Data must be explicit. A tick of the box would not suffice.

### **7.2 Consent of Minors**

The Consents of minors (under the age of 18) will always be protected and obtained from minor's representatives in accordance with applicable regulatory requirements.

## **8. DATA SUBJECT RIGHTS**

- 8.1 All individuals who are the subject of Personal Data held by Babban Gona 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 Babban Gona keeps;
- f) Right to request for deletion of their data, except as restricted by law or Babban Gona's statutory obligations;
- g) Right to request the movement of data from Babban Gona to a Third Party; this is the right to the portability of data; and
- h) Right to object to, and to request that Babban Gona restricts the processing of their information except as required by law or Babban Gona's statutory obligations.

8.2 Babban Gona's well-defined procedure regarding how to handle and answer Data Subject's requests are contained in Babban Gona's Data Subject Access Request Policy.

8.3 Data Subjects can exercise any of their rights by completing the Babban Gona's Subject Access Request (SAR) Form and submitting to the Company via [legal@babbangona.com](mailto:legal@babbangona.com).

## **9. TRANSFER OF PERSONAL DATA**

### **9.1 Third Party Processor within Nigeria**

Babban Gona may engage the services of third parties in order to process the Personal Data of Data Subjects collected by the Company. The processing by such third parties shall be governed by a written contract with Babban Gona 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 NDPA.

### **9.2 Transfer of Personal Data to Foreign Country**

9.2.1 Where Personal Data is to be transferred to a country outside Nigeria, Babban Gona shall put adequate measures in place to ensure the security of such Personal Data. In particular, Babban Gona shall, among other things, conduct a detailed assessment of whether the said country is on the Nigeria Data Protection Commission (NDPC) Whitelist of Countries with adequate data protection laws.

- 9.2.2 Transfer of Personal Data out of Nigeria would be in accordance with the provisions of the NDPA. Babban Gona 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 Babban Gona 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 Babban Gona 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.

Babban Gona 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.

- 9.2.3 Where the recipient country is not on the Whitelist and none of the conditions stipulated in Section 9.2.2 of this Policy is met, Babban Gona will engage with NDPC and the Office of the Honourable Attorney General of the Federation (HAGF) for approval with respect to such transfer.

## **10. DATA BREACH MANAGEMENT PROCEDURE**

- 10.1 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.
- 10.2 All employees must inform their designated line manager or the DPO of Babban Gona immediately about cases of violations of this Policy or other regulations on the protection of Personal Data, in accordance with Babban Gona'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.

10.3 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 NDPB 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.

10.4 When a potential breach has occurred, Babban Gona 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.

## **11. DATA PROTECTION IMPACT ASSESSMENT**

Babban Gona 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.

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

## **12. DATA SECURITY**

- 12.1 All Personal Data must be kept securely and should not be stored any longer than necessary. Babban Gona 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.
- 12.2 To ensure security of Personal Data, Babban Gona 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 hard copy.

## **13. DATA PROTECTION OFFICER**

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

The main tasks of the DPO include:

- a) administering data protection policies and practices of Babban Gona;

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

#### **14. TRAINING**

Babban Gona 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 NDPA with regard to the protection of Personal Data. On an annual basis, Babban Gona shall develop a capacity building plan for its employees on data privacy and protection in line with the NDPA.

#### **15. DATA PROTECTION AUDIT**

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

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

#### **16. RELATED POLICIES AND PROCEDURES**

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

- Personal Data Breach Management Policy
- IT Security Policy
- Document Retention Policy
- Cookies Policy
- Privacy Notice
- Data Protection Impact Assessment Procedure
- Data Subject Access Request Policy

## 17. CHANGES TO THE POLICY

Babban Gona 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.

## 18. GLOSSARY

<b>“Consent”</b>	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.
<b>“Database”</b>	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.
<b>“Data Processor</b>	means a person or organization that processes Personal Data on behalf and on instructions of Babban Gona.
<b>“DPCO”</b>	means an organization registered by the NDPC to provide data protection audit, compliance and training services to public and private organizations who process Personal Data in Nigeria.
<b>“Data Subject”</b>	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.
<b>“NDPA”</b>	means the Nigeria Data Protection Act, 2023.
<b>“NDPC”</b>	means the Nigeria Data Protection Commission.
<b>“Personal Data”</b>	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**

<b>Title</b>	Data Privacy and Protection Policy
<b>Status</b>	Mandatory
<b>Issuing Department</b>	Legal and Compliance
<b>Distribution/Target Audience</b>	All employees, (including contract staff and interns) farmer members, vendors and suppliers of Babban Gona Farmer Services Nigeria Limited
<b>Approver</b>	Management of Babban Gona Farmer Services Nigeria Limited
<b>Effective Date</b>	January 2021
<b>Version</b>	2.0

**b. Version Control**

Version	Last Updated	Reason for Amendment
2.0	23 October 2023	To update the policy to reflect the new Data Protection Act 2023