



## CLOUD COMPLIANCE CERTIFICATE FOR KENYA\* - GENERAL

Source	Compliance obligation	Microsoft commitments	Azure	Dynamics 365	Office 365
The Constitution of Kenya, 2010	Uphold every person's constitutional right to privacy which includes the right not to have information relating to their family or private affairs unnecessarily required or revealed.	Microsoft supports customer compliance by providing both strong contractual undertakings as well as technical and operational measures to address confidentiality, security, availability, and integrity. Microsoft adheres to numerous internationally recognised standards addressing information security and privacy which can help the customer comply with its legal requirements. Microsoft offers many widely-recognized certifications, third party attestations, and legal assurances (e.g. ISO27018, SOC2&3, contractual data processing terms, SLAs) that customers can use to address their own compliance requirements.	✓	✓	✓
Access to Information Act, 2016	Observe the right of every Kenyan: (a) to access information held by another person and which is required for the exercise or protection of any of their rights or fundamental freedoms; and (b) to access and amend their personal information held by any entity. A Kenyan citizen may request any public entity or private body to correct, update or annotate any personal information held by it relating to the requestor, which is out of date, inaccurate or incomplete, within a reasonable time, at the entity's own expense.	Microsoft acknowledges the customer as exclusive owner of their data. A customer accordingly has complete control over their data in the Microsoft cloud and is able to address any requests for access, correction, or destruction. In this way, Microsoft can help the customer comply with its legal requirements.	✓	✓	✓
Data Protection Bill, 2018 <sup>1</sup>	Notify a data subject of the actual collection of personal information, the purpose for which the information is being collected, the intended recipient of the information and the right to access and/or correct the collected personal information.	Microsoft acknowledges the customer as exclusive owner of their data. A customer accordingly has complete control over their data in the Microsoft cloud and is able to address any requests for access, correction, or destruction. In this way, Microsoft can help the customer comply with its legal requirements.	✓	✓	✓
Under the Data Protection Bill, Microsoft will likely be considered a "data processor", and each customer the "data controller"	Put in place appropriate, reasonable, technical and organisational measures to protect a data subject against the risk of loss, damage or destruction of or unauthorised access to personal information.	Microsoft supports customer compliance by providing both strong contractual undertakings as well as technical and operational measures to address confidentiality, security, availability, and integrity. Microsoft adheres to numerous internationally recognised standards addressing information security and privacy which can help the customer comply with its legal requirements. Microsoft offers many widely-recognized certifications, third party attestations, and legal assurances (e.g. ISO27018, SOC2&3, contractual data processing terms, SLAs) that customers can use to address their own compliance requirements.	✓	✓	✓
	Only collect, store or use personal data: (a) using lawful means; and(b) using means that in the circumstances do not intrude to an unreasonable extent on the personal affairs of a data subject except in accordance with any written law.	Microsoft specifically undertakes and agrees with its customers to only process personal information under authority of its customer. Microsoft also contractually commits not to disclose personal information unless legally compelled to do so.	✓	✓	✓
	Where personal data is held, put in place such security safeguards as are reasonable in the circumstances to protect the data against:	Microsoft supports customer compliance by providing both strong contractual undertakings as well as technical and operational measures to address confidentiality,	✓	✓	✓

<sup>1</sup> We have considered the Data Protection Bill, 2018, issued under Kenya Gazette Supplement No. 66 (Senate Bills No. 16) dated 30 May 2018 (available at [http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2018/DataProtectionBill\\_2018.pdf](http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2018/DataProtectionBill_2018.pdf)). This version may be subject to future amendment.

**\*EXPLANATORY NOTE AND DISCLAIMER:** This document is intended to provide a summary of key legal obligations that may affect customers using Microsoft cloud services. It indicates how, in our view, Microsoft and its cloud services facilitate a customer's compliance with such obligations. This document is however intended for informational purposes only. It does not constitute legal advice or any assessment of a customer's specific compliance obligations. You remain responsible for ensuring compliance with your own legal obligations. As far as the law allows, use of this document is at your own risk, and Microsoft expressly disclaims all representations and warranties, implied or otherwise.

Source	Compliance obligation	Microsoft commitments	Azure	Dynamics 365	Office 365
	(a) loss, damage or destruction; or (b) access, modification, negligent disclosure or use by an unauthorised person.	security, availability, and integrity. Microsoft adheres to numerous internationally recognised standards addressing information security and privacy which can help the customer comply with its legal requirements. Microsoft offers many widely-recognized certifications, third party attestations, and legal assurances (e.g. ISO27018, SOC2&3, contractual data processing terms, SLAs) that customers can use to address their own compliance requirements.			
	Where information relating to a data subject is held by a third party, only release it to another person or put it to a different use with the consent of the data subject.	Microsoft supports customer compliance by providing both strong contractual undertakings as well as technical and operational measures to address confidentiality, security, availability, and integrity. Microsoft adheres to numerous internationally recognised standards addressing information security and privacy which can help the customer comply with its legal requirements. Microsoft offers many widely-recognized certifications, third party attestations, and legal assurances (e.g. ISO27018, SOC2&3, contractual data processing terms, SLAs) that customers can use to address their own compliance requirements.  Microsoft holds itself accountable to and is subject to laws of general application applicable to information technology service providers, and has binding agreements which, in its view, provide adequate protection.	✓	✓	✓
	Not to use personal data for commercial purposes without the consent of the person to whom it relates.	Microsoft acknowledges the customer as exclusive owner of their data. Microsoft specifically undertakes and agrees with its customers to only process personal information under authority of its customer. Microsoft also contractually commits not to disclose personal information unless legally compelled to do so.	✓	✓	✓
	Restrictions on the flow of personal data outside Kenya save in specified circumstances, such as where the third party is subject to a law or agreement that requires the putting in place of adequate measures for the protection of personal data; the data subject consents to the transfer; the transfer is necessary for the performance or conclusion of a contract between the agency and the third party; and the transfer is for the benefit of the data subject.	Microsoft holds itself accountable to and is subject to laws of general application applicable to information technology service providers and has binding agreements which, in its view, are likely to constitute adequate measures.	✓	✓	✓
	Ensure that data is processed: (a) without infringing the right to privacy of a data subject or any other person; (b) in a lawful manner; and (c) in a reasonable manner.	Microsoft specifically undertakes and agrees with its customers to only process personal information under authority of its customer. Microsoft also contractually commits not to disclose personal information unless legally compelled to do so.	✓	✓	✓
Computer Misuse and Cybercrimes Act, 2018	This creates new offences relating to the use of computer systems and may impose requirements, including those relating to critical infrastructures.	Microsoft supports customer compliance by providing both strong contractual undertakings as well as technical and operational measures to address confidentiality, security, availability, and integrity. Microsoft adheres to numerous internationally recognised standards addressing information security and privacy which can help the customer comply with its legal requirements. Microsoft offers many widely-recognized certifications, third party attestations, and legal assurances (e.g. ISO27018, SOC2&3, contractual data processing terms, SLAs) that customers can use to address their own compliance requirements	✓	✓	✓