

✓

KIRINYAGA UNIVERSITY

RESEARCHER DATA PROCESSING AGREEMENT (DPA)

This Agreement is made on the ____ day of _____, 20, between:

KIRINYAGA UNIVERSITY, of P.O. Box _____, Kerugoya (hereinafter referred to as “**the Data Controller**”), and

RESEARCHER, of _____ (hereinafter referred to as “**the Data Processor**”)

(each a “Party” and together “the Parties”).

1. Purpose of Agreement

This Agreement governs the processing of personal data by the Researcher in connection with an approved academic or scientific research project conducted under the ethical framework of Kirinyaga University and in compliance with the **Kenya Data Protection Act, 2019**, and the **ODPC Guidelines on Processing for Research Purposes**.

The processing of personal data shall be limited strictly to the purposes described in the approved research proposal.

2. Description of Data Processing

Item	Details
Type of Personal Data (demographic data, academic records, health data (if applicable))	
Category of Data Subjects (students, staff, or community participants)	
Purpose of Processing (academic research, analysis, or publication)	
Data Collection Method (surveys, interviews, or observation)	
Storage Location (Specify device/ server and location (must comply with data localization under Section 50 DPA)	

3. Legal and Ethical Basis

The processing of personal data shall be conducted under one or more lawful bases provided in Section 30 of the DPA, including:

Consent of the data subject (explicit consent required for sensitive data).
Public interest or research purpose, provided privacy safeguards are in place.

The Researcher shall also comply with the **NRF Research Ethics Code** and obtain approval from the relevant **Ethics Review Committee (ERC)** prior to data collection.

4. Researcher (Data Processor) Obligations

The Researcher shall:

- i. Process data only for the specific and approved research purpose stated herein.
- ii. Maintain strict confidentiality and sign a non-disclosure undertaking.
- iii. Implement **appropriate organizational and technical measures**, including encryption, password protection, and secure storage.
- iv. Refrain from transferring, disclosing, or sharing personal data with unauthorized persons.
- v. Ensure that all research assistants or collaborators are bound by similar confidentiality obligations.
- vi. **Report any personal data breach** to the University's Data Protection Officer (DPO) **immediately, and no later than 48 hours** of becoming aware of it, in line with Regulation 25 of the Data Protection (General) Regulations, 2021.
- vii. Assist the Data Controller in responding to requests from data subjects regarding access, correction, or deletion.
- viii. Submit a **Data Protection Impact Assessment (DPIA)** where processing may result in high risk to data subjects' rights or freedoms.

5. Cross-Border Data Transfers

Personal data may not be transferred outside Kenya unless:

- i. The receiving country or organization provides **adequate data protection safeguards** as approved by the Data Commissioner; and
- ii. For sensitive data, **explicit written consent** of the data subject has been obtained.

Written approval from Kirinyaga University and the DPO is mandatory before any international transfer.

6. Retention and Deletion

Personal data shall be retained only for the duration of the research project or as required by applicable ethical or legal obligations, and thereafter securely deleted, anonymized, or returned to the Data Controller. Retention methods must comply with the Data Protection (General) Regulations, 2021.

7. Breach Notification and Management

The Researcher shall notify the **University DPO** of any actual or suspected breach **within 48 hours**.

The report must include:

- i. Nature and extent of the breach
- ii. Categories and number of affected data subjects
- iii. Likely consequences
- iv. Measures taken or proposed to mitigate adverse effects

The University shall notify the **ODPC** within 72 hours as required under Section 43 of the DPA.

8. Accountability and Monitoring

Kirinyaga University reserves the right to audit or review data processing activities to ensure compliance with this Agreement, the DPA, and university ethics policies.

Non-compliance may result in disciplinary action, withdrawal of research approval, or legal proceedings in accordance with Section 63–73 of the DPA.

9. Data Protection Officer (DPO)

Contact

Email: dpo@kyu.ac.ke

Phone: 0709742000

10. Declaration and Signatures

I, the undersigned, confirm that I have read, understood, and agree to comply fully with this Data Processing Agreement, the Data Protection Act (No. 24 of 2019), all ODPC guidelines, and Kirinyaga University's data governance and ethical standards.

PARTY	NAME	DESIGNATION	SIGNATURE	DATE
Data Controller				
Researcher (Processor)				