

MANUAL OF POLICIES AND PROCEDURES OF DATA PROTECTION



PRESENTATION

By means of Statutory Law 1581 of 2012, the protection of personal data held by private entities not subject to the rules of the financial system was regulated, and its purposes: "to develop the constitutional right that all people have to know, update and rectify the information that has been collected about them in databases or archives, and the other constitutional rights, freedoms and guarantees referred to in article 15 of the Constitution, as well as the right to information enshrined in article 20 thereof".

In addition to this, Regulation (EU) 2016/679 of the European Parliament and of the Council shall be taken into account in that "it applies to the processing of personal data of data subjects located in the Union by a controller or processor not established in the Union, where the processing activities are related to: (a) the provision of goods or services to such data subjects in the Union, irrespective of whether they are required to pay, or (b) control of their conduct, in so far as it takes place in the Union."

This implies for the company Jaramillo Law Firm to have procedures for the management of the databases that the company collects on its clients natural persons, as well as a policy of treatment of these data, in order to guarantee compliance in the appropriate handling of the data, based on the precepts of the current law of the places of application accordingly, The company Jaramillo Law Firm adopts this manual, in accordance with article 18 literal f of the Law on Protection of Personal Data, and the regulation (EU) of the European Parliament which is essential in particular to manage the queries and claims of the holders of personal data.

PERSONAL DATA PROTECTION POLICIES

The present policies enshrined in this manual will apply to any registration of personal data made in person, not in person or through electronic channels, regarding the products or services provided by the Jaramillo Law Firm

The processing of the data will be carried out directly by the Jaramillo Law Firm

Definitions

- a) **Supervisory authority concerned:** the supervisory authority concerned by the processing of personal data because: (a) the controller or processor is established in the territory of the Member State of that supervisory authority; (b) data subjects residing in the Member State of that supervisory authority are substantially affected or are likely to be substantially affected by the processing, or (c) a complaint has been lodged with that supervisory authority.
- b) **Authorization:** Prior, express, and informed consent of the Owner to carry out the Processing of personal data.
- c) **Privacy Notice:** Verbal or written communication generated by the Responsible, addressed to the Holder for the Processing of their personal data, through which they are informed about the existence of the Information Processing policies that will be applicable to them, the way to access them and the purposes of the Treatment that is intended to give to the personal data.
- d) **Database:** Organized set of personal data that is subject to Treatment.
- e) **Personal data:** Any information linked or that can be associated with one or more specific or determinable natural persons.
- f) **Private data:** All personal information that has restricted knowledge, and in principle private to the public.
- g) **Public data:** It is the data that is not semi-private, private or sensitive. Public data are considered, among others, data relating to the marital status of persons, their profession or trade and their status as a trader or public servant. By their nature, public data may be contained, among others, in public registers, public documents, gazettes and official gazettes and duly enforceable court judgments that are not subject to reservation.
- h) **Semi-private data:** It is semi-private the data that has no intimate, reserved, or public nature and whose knowledge or disclosure may interest not only its owner but a certain sector or group of people or society in general.
- i) **Sensitive data:** Sensitive data is understood to be those that affect the privacy of the Owner or whose improper use may generate discrimination, such as those that reveal racial or ethnic origin, political orientation, religious or philosophical convictions,

membership of trade unions, social organizations, human rights or that promotes the interests of any political party or that guarantee the rights and guarantees of opposition political parties, as well as data relating to health, sex life, and biometric data.

- j) **Biometric data:** personal data obtained from specific technical processing, relating to the physical, physiological or behavioural characteristics of a natural person which enable or confirm the unique identification of that person, such as facial images or dactyloscopy data.
- k) **Person in charge of the Treatment:** Natural or legal person, public or private, that by itself or in partnership with others, carries out the Processing of personal data on behalf of the Responsible for the Treatment.
- l) **Limitation of processing:** the marking of personal data retained to limit their processing in the future.
- m) **Responsible for the Treatment:** Natural or legal person, public or private, that by itself or in partnership with others, decides on the database and / or the Treatment of the data.
- n) **Owner:** Natural person whose personal data are subject to Treatment.
- o) **Transfer:** The transfer of data takes place when the person in charge and / or Processor of personal data, located in Colombia, sends the information or personal data to a recipient, who in turn is Responsible for the Treatment and is located inside or outside the country.
- p) **Transmission:** Processing of personal data that implies the communication of these inside or outside the territory of the Republic of Colombia when it has as its object the realization of a Treatment by the Person in Charge on behalf of the person in charge.
- q) **Processing:** Any operation or set of operations on personal data, such as collection, storage, use, circulation, or deletion.

2. Principles

Principles for the Processing of Personal Data. In the development, interpretation and application of this manual, the following principles shall be applied in a harmonious and comprehensive manner:

- a) **Principle of legality in matters of Data Processing:** The Treatment is a regulated activity that must be subject to the provisions of the Law and the other provisions that develop it.
- b) **Principle of purpose:** The Treatment must obey a legitimate purpose in accordance with the Constitution and the Law, which must be informed to the Owner.
- c) **Principle of freedom:** The Treatment can only be exercised with the prior, express, and informed consent of the Owner. Personal data may not be obtained or disclosed without prior authorization, or in the absence of a legal or judicial mandate that relieves consent.

- d) **Principle of veracity or quality:** The information subject to Treatment must be truthful, complete, accurate, updated, verifiable and understandable. The processing of partial, incomplete, fractional, or misleading data is prohibited.
- e) **Principle of transparency:** In the Treatment, the right of the Holder to obtain from the Responsible for the Treatment or the Person in Charge of the Treatment, at any time and without restrictions, information about the existence of data that concerns him must be guaranteed.
- f) **Principle of access and restricted circulation:** The Treatment is subject to the limits that derive from the nature of the personal data, from the provisions of the law and the Constitution. In this sense, the Treatment may only be done by persons authorized by the Owner and / or by the persons provided for in the law. Personal data, except for public information, may not be available on the Internet or other means of dissemination or mass communication, unless access is technically controllable to provide restricted knowledge only to Holders or third parties authorized under the law.
- g) **Principle of security:** The information subject to Treatment by the Responsible for the Treatment or In Charge of the Treatment to which the law refers, must be handled with the technical, human and administrative measures that are necessary to grant security to the records avoiding their adulteration, loss, consultation, use or unauthorized or fraudulent access.
- h) **Principle of confidentiality:** All persons involved in the Processing of personal data that do not have the nature of public are obliged to guarantee the reservation of the information, even after the end of their relationship with any of the tasks that comprise the Treatment, being able only to make supply or communication of personal data when this corresponds to the development of the activities authorized by law and in the terms thereof.

3. Processing of personal data.

- a) **Public Data:** Its treatment will be carried out without prior authorization of its owner, but security measures will be taken to keep this data reserved.
- b) **Sensitive data:** In principle, the Jaramillo Law Firm will not process sensitive data, and will avoid enshrining information considered sensitive in its databases. In any case the company Jaramillo Law Firm. reserves the option of using sensitive data to the extent that it is indispensable for the operation of the business or to offer goods or services inherent to its activity, in which case it will request the authorization and prior and express consent of the owners, informing its specific purpose for its treatment and in accordance with the legal exceptions, which are:

Processing of sensitive data. The Processing of sensitive data is prohibited, except when:

- i. The Owner has given his explicit authorization to such Treatment, except in cases whereby law the granting of such authorization is not required.
 - ii. The Treatment is necessary to safeguard the vital interest of the Owner, and this is physically or legally incapacitated. In these events, the legal representatives must grant their authorization.
 - iii. The Treatment is carried out in the course of legitimate activities and with due guarantees by a foundation, NGO, association or any other non-profit organization, whose purpose is political, philosophical, religious or trade union, provided that they refer exclusively to its members or to people who maintain regular contacts by reason of their purpose. In these events, the data may not be provided to third parties without the authorization of the Owner.
 - iv. The Treatment refers to data that are necessary for the recognition, exercise, or defense of a right in a judicial process.
 - v. The Treatment has a historical, statistical, or scientific purpose. In this event, the measures leading to the suppression of the identity of the Holders must be adopted.
 - vi. the processing relates to personal data that the data subject has manifestly made public
- c) **Data on children and adolescents:** In principle, the Jaramillo Law Firm will not process data on children and adolescents and will avoid enshrining information related to them in its databases. In any case, the Jaramillo Law Firm reserves the option of using public data of children and adolescents to the extent that it is essential for the operation of the business or to offer goods or services inherent to its activity, in which case it will request the authorization and prior and express consent of the legal representative of the child, girl or adolescent and will be heard, taking into account maturity, autonomy and ability to understand the matter.

In the processing of their data, the best interests of children and adolescents will be respected and respect for their fundamental rights will be ensured.

4. Prerogatives and rights of the holders of personal data.

The Owner of the personal data will have the following rights:

- a) Know, update, and rectify your personal data in front of the Data Controllers or Treatment Managers. This right may be exercised, among others, against partial, inaccurate, incomplete, fractional, misleading data, or those whose Treatment is expressly prohibited or has not been authorized.
- b) Request proof of the authorization granted to the Responsible for the Treatment except when it is expressly excepted as a requirement for the Treatment, in accordance with the provisions of article 10 of the law.
- c) Be informed by the Data Controller or the Data Processor, upon request, regarding the use you have given to your personal data.
- d) Submit to the Superintendence of Industry and Commerce complaints for violations of the provisions of the law and other regulations that modify, add or complement it.
- e) Revoke the authorization and / or request the deletion of the data when the Treatment does not respect the principles, rights and constitutional and legal guarantees. The revocation and / or suppression will proceed when the Superintendence of Industry and Commerce has determined that in the Treatment the Responsible or Responsible have incurred in conduct contrary to this law and the Constitution.
- f) Access free of charge to your personal data that have been subject to Treatment.

Note: Data of a public nature do not require authorization.

5. Duties of Jaramillo Law Firm in relation to the processing of personal data.

The Jaramillo Law Firm recognizes that Personal Data is the property of the persons to whom it refers and only they can decide about it. These data will be used only for the purposes of the company Jaramillo Law Firm and its business and in accordance with current regulations on personal data.

Jaramillo Law Firm as responsible and in charge of the treatment will act in accordance with the following duties:

- a) Refrain from circulating information that is being disputed by the Holder and whose blocking has been ordered by the Superintendence of Industry and Commerce.
- b) Keep the information under the necessary security conditions to prevent its adulteration, loss, consultation, use or unauthorized or fraudulent access.

- c) Comply with the instructions and requirements issued by the Superintendence of Industry and Commerce.
- d) Guarantee the Holder, at all times, the full and effective exercise of the right of habeas data.
- e) Inform the data protection authority when there are violations of the security codes and there are risks in the administration of the information of the Holders.
- f) Duly inform the Owner about the purpose of the collection and the rights that assist him by virtue of the authorization granted.
- g) Insert in the database the legend "information under judicial discussion" once notified by the competent authority about judicial processes related to the quality of personal data.
- h) Act in accordance with the internal manual of policies and procedures to ensure adequate compliance with the law and especially for the attention of queries and claims.
- i) Allow access to information only to those who can access it.
- j) Timely update, rectify or delete the data in the terms of the law.
- k) Register in the database the legends "claim in process" in the way it is regulated in the law.
- l) Request and keep, under the conditions provided for by law, a copy of the respective authorization granted by the Owner.
- m) Process inquiries and claims made by the Holders.

6. Secret and confidentiality

Jaramillo Law Firm requires that any person who intervenes in any phase of the processing of private, sensitive data, children and adolescents, must keep the respective secrecy and confidentiality, even when the contractual relationship with the company ceases.

7. Authorization overview

Except for data of a public nature, the collection of all personal data made by the company Jaramillo Law Firm. it shall have prior authorisation, which shall be obtained by any means permitted to be used as evidence: as a clause in a contract, in a separated document, whether physical or electronic, including, but not exclusively, e-mail or acceptance electronically through a website.

Authorization is not required:

- a) By request of a public or administrative entity in the exercise of its legal duty or by court order.
- b) Data of a public nature.
- c) Cases of measured or sanitary urgency.
- d) Data related to the Civil Registry of persons
- e) For historical, statistical, or scientific purposes.

8. Transfer of data to third countries.

The company Jaramillo Law Firm will not transfer data to third countries, unless, due to supervening circumstances, such transfer is essential for the business, in which case the transfer will only be made to countries that provide adequate levels of data protection.

Right to restriction of processing.

1.The data subject shall have the right to obtain from the controller the limitation of the processing of the data where one of the following conditions is met: (a) the data subject contests the accuracy of the personal data, for a period allowing the controller to verify the accuracy of the personal data; b) the processing is unlawful and the data subject objects to the deletion of the personal data and requests instead the limitation of its use; c) the controller no longer needs the personal data for the purposes of the processing, but the data subject needs them for the formulation, exercise or defence of claims; (d) the data subject has objected to the processing pursuant to Article 21(1) while it is verified whether the legitimate grounds of the controller prevail over those of the data subject. 2.Where the processing of personal data has been restricted pursuant to paragraph 1, such data may only be processed, with the exception of their retention, with the consent of the data subject or for the making, exercise or defence of complaints, or with a view to the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a particular Member State. 3.Any data subject who has obtained the restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction is lifted.

9. Procedures of requests, consultation, claims of the holders to exercise their rights to know, update, rectify and delete the data and revoke the authorization.

The holders of the personal data or their duly accredited representatives may submit to make or present:

- a) **Consultations:** The owner of the information or his representatives may consult their data, making the request by email to the email info@jaramillolawfirm.com.co free of charge, this can be done maximum once every calendar month.
- b) **Claims:** The Owner of the information or its representatives, who consider that the data held by the company Jaramillo Law Firm that require updating or deletion, or when they notice the alleged breach of any of the duties contained in Law 1581 of 2012, may file a claim with the company Jaramillo Law Firm
- c) In order for the claim to be attended by the Jaramillo Law Firm, it must be sent electronically to the mail info@jaramillolawfirm.com.co, said claim must contain the following information:
 - a. Name of the person making the request.
 - b. Number and type of identification.
 - c. Reason for the request: Brief description of the facts on which the request is based.
 - d. Address to which the response will be notified, whether physical or electronic.
 - e. Annexed documents that can be provided as evidence to enforce the right of the claim.

If the claim is incomplete, the interested party will be required within FIVE (5) BUSINESS DAYS following receipt of the claim to correct the failures in its presentation. After TWO (2) MONTHS from the date of request to the interested party, without the applicant presenting the required information, it will be understood that he has withdrawn the claim. Once a claim has been received in full, a legend indicating "Claim in process" and the reason for it must be included in the database in a term not exceeding TWO (2) BUSINESS DAYS. This legend must be maintained until the claim is decided. The maximum term to attend a claim is FIFTEEN (15) BUSINESS DAYS counted from the day following the date of its receipt. When it is not possible to attend to the claim within said term, the interested party will be informed of the reasons for the delay and the date on

which their claim will be addressed, which in no case may exceed EIGHT (8) BUSINESS DAYS following the expiration of the first term.

The owner or his representatives may only file a complaint with the Superintendence of Industry and Commerce once he has exhausted the consultation or claim procedure before the Responsible for the Treatment or Treatment Manager.

10. Modifications.

Any substantial change in the treatment policies will be communicated in a timely manner to the owners of the data through the usual means of contact and / or through www.jaramillolawfirm.com.co

11. Validity.

This Data Processing Policy will enter into force on January 1, 2021