

Internal manual of policies and  
procedures for personal data  
processing

---

Garrigues Colombia S.A.S.

January 2014

## CHAPTER 1

### GENERAL PROVISIONS

**Article 1. Applicable legislation.** In compiling this Manual, the following provisions were taken into account: articles 15 and 20 of the Political Constitution<sup>1</sup>, the Law 1581 of 2012<sup>2</sup>, and Decree 1377 of 2013.<sup>3</sup>

**Article 2. Scope of application.** This Manual applies to the Personal Data for which GARRIGUES COLOMBIA S.A.S. (hereinafter “**Garrigues Colombia**”.) or its designated representative, acts as Controller and/or Processor.

**Article 3. Definitions.** For the proper interpretation of this Manual, expressions with initial upper case letters should be considered to have the meanings indicated below. The terms defined are used in the single and plural, as required, according to the context within which they are used.

- 3.1. Authorization.** Prior express and informed consent of the Data Subject for the Personal Data Processing;
- 3.2. Personal Database.** Organized set of Personal Data which are subject to processing by Garrigues Colombia, or its designated representative, as the Data Controller and/or Processor;
- 3.3. Personal Data** Any information linked to, or which may be associated with, one or several specific or specifiable natural persons:

---

<sup>1</sup> Article 15. All persons are entitled to personal and family privacy, and their good name and the State must respect them and ensure that they are respected. Similarly they are entitled to be apprised of, and to update and rectify the information collected and stored in data bases and files of public and private entities.

In the collection, processing and movement of data, the freedom and other guarantees enshrined in the Constitution shall be observed.

Correspondence and other forms of private communication shall be sacrosanct. They may only be intercepted or registered by court order, in those cases, and with the requisite formalities established under law.

For tax or judicial purposes and for cases of inspection, surveillance and state intervention it may be necessary to submit the accounts and other private documents in the terms indicated under law.

Article 20. All persons are guaranteed the freedom to express and disseminate their thoughts and opinions, and to inform and receive true and impartial information and to establish mass communications media.

They are free and they are subject to social responsibility. The right to rectification is guaranteed in fair and just conditions. There shall be no censorship.

<sup>2</sup> Law 1581, 2012 *concerning general provisions for personal data protection.*

<sup>3</sup> Decree 1377, 2013, *partially regulating the Law 1581 of 2012.*

- 3.4. **Public information.** Information is considered to be public in accordance with the mandates of the law or the Political Constitution. Public data is deemed to be, among others, data relating to the civil status of persons, their profession or trade, their role as merchant or public servant and those data that may be obtained without reservation. Given their nature, Public Data may be contained in, among others, public registers, public documents official gazettes and bulletins, court judgments duly enforced that are not subject to reserve;
- 3.5. **Data of children and adolescents.** This is Personal Data pertaining to minors, in which case their processing shall be required to ensure that their fundamental rights prevail.
- 3.6. **Sensitive data.** Data that affects the Data Subject's intimacy, misuse of which could lead to discrimination, such as that disclosing racial or ethnic origin, political orientation, religious or philosophical convictions, membership of unions, social organizations, human rights or information which promotes the interests of any political party, or which ensures the rights and guarantees of opposition political parties, and data relating to health, sex life and biometric data.
- 3.7. **Data processor or Processor.** Legal or natural person, albeit public or private, who alone, or in association with others, processes Personal Data on behalf of the Data Controller;
- 3.8. **Data Controller or Controller** Legal or natural person, albeit public or private, who alone, or in association with others, decides on the Database and or Processing of the Personal Data;
- 3.9. **Manual.** The Internal Manual of Policies and Procedures for Personal Data Processing of Garrigues Colombia.
- 3.10. **Garrigues Colombia.** Garrigues Colombia S.A.S., a Colombian company domiciled in Bogotá, incorporated in a private document on 15 April 2013, with identity document NIT 900609342-4, which, for the purposes of this Manual, acts as Controller and /or Processor of the Personal Data in the Databases.
- 3.11. **Data Subject.** Natural person whose personal data are subject to Processing;
- 3.12. **Transfer.** Transfer of Personal Data is deemed to be the transfer by the Controller and/or Processor of the personal data located in Colombia when the information or Personal Data is sent to a receiver who, in turn, is the Processing Controller and who may be located either within Colombia, or abroad.

- 3.13. Transmission** Personal Data processing that involves communication of the information within Colombian territory or abroad, for the purpose of its Processing by the Data Processor on behalf of the Controller.
- 3.14. Processing:** Any operation or set of operations regarding Personal Data such as collection, storage, use, movement or deletion.

**Article 4. Purpose.** This Manual has been devised and published in response to the requirement of compliance with the terms of article 17. k), and article 18. f) of the Law 1581, 2012, and it is designed to regulate the collection, handling and processing procedures for Personal Data by Garrigues Colombia, or its designated representative, in order to guarantee and protect the Data Subjects' rights.

**Article 5. Databases.** The policies and procedures contained in this Manual apply to the Databases for which Garrigues Colombia acts as Controller and/or Processor, which shall be registered in the National Database Register, administered by the Superintendency of Industry and Trade, pursuant to the terms of article 25 of the Law 1581 of 2012 and its regulatory norms.

**Article 6. Principles.** The principles indicated below provide the general framework for compliance with the provisions contained in this Manual

- 6.1. Principle of purpose.** The Processing should obey a legitimate purpose in accordance with the Constitution and the Law, and of which the Data Subject should be informed;
- 6.2. Principle of freedom.** The Processing may only be carried out with the prior, express and informed consent of the Data Subject. Personal data may not be obtained or disclosed without prior authorization, or in the absence of a legal or court order dispensing with that consent.
- 6.3. Principle of truth or quality.** The information subject to processing shall be true, complete, accurate, up to date, verifiable and comprehensible. Partial, incomplete, fragmented or misleading Processing is prohibited.
- 6.4. Principle of transparency.** The Processing shall ensure the Data Subject's right to obtain from the Data Controller or Processor, at any time and without restriction, information on the existence of the data that concerns them;
- 6.5. Principle of access and restricted movement.** The Processing shall be subject to the restrictions deriving from the nature of the personal data, the provisions of the current law and the Constitution. In this regard, the

Processing may only be carried out by persons authorized by the Data Subject and/or by the persons established under the present law. The Personal Data, except for public information, may not be made available on internet or through any other means of disclosure or mass communication unless that access can be technically controlled to ensure that knowledge of the data is restricted solely to the Data Subjects or authorized third parties, pursuant to the Law 1581, 2012;

- 6.6. Principle of security.** The information subject to processing by the Data Controller or Processor referred to in the current law shall be handled with the requisite technical, human and administrative measures to ensure security of the registers. thus avoiding their adulteration, loss, consultation, use, or unauthorized or fraudulent access;
- 6.7. Principle of Confidentiality.** All persons involved in processing personal data which are not public information are required to ensure the privacy of the data, including when their relation with any of the tasks involved in the processing has ended, and they may only supply or communicate that personal data when they pertain to the activities authorized under the terms of the current law;
- 6.8. Sensitive Data protection.** Neither Garrigues Colombia, or its designated representative, as Controller or Processor of the Personal Data, shall collect or process Sensitive Data unless expressly authorized to do so by the Data Subject.
- 6.9. Personal Data of children and adolescents.** Garrigues Colombia shall ensure that when processing the personal data of children and adolescents, the rights of minors shall be paramount, and it shall follow the guidelines established under law for this type of personal data.

## **CHAPTER II**

### **DATA SUBJECTS' RIGHTS**

**Article 7. Data subjects' rights.** The subjects of the Personal Data contained in the Garrigues Colombia Databases have the rights described in this chapter, in compliance with the fundamental guarantees enshrined in the Political Constitution and the law:

- 7.1. Right to access** This includes the Data Subject's right to obtain all the information regarding their Personal Data, albeit partial or complete, of the Processing applied to that data, the purpose of the Processing, the location of the Databases containing their personal Data, and communications and/or assignments carried out in this regard.

- 7.2. **Right to update** The Data Subject's right to update their Personal Data when these have varied in any way.
- 7.3. **Right of rectification.** The Data Subject's right to modify their Personal Data should it be inaccurate, incomplete or non-existent;
- 7.4. **Right of cancellation.** The Data Subject's right to cancel their Personal Data or delete them when they are excessive, not pertinent, or when the processing is carried out contrary to regulations, except in those cases considered to be exceptions under law;
- 7.5. **Right to revoke consent.** The Data Subject is entitled to revoke their consent or authorization entitling Garrigues Colombia and/or whoever it appoints, to processing with a specific purpose, unless there is a legal or contractual stipulation imposing the requirement to remain in the Database
- 7.6. **Right to submit complaints and claims or to take legal action.** The Data Subject is entitled to file complaints or claims to the Superintendency of Industry and Trade, in addition to any actions deemed pertinent for the protection of their Personal Data;
- 7.7. **Right to grant Authorization for Personal Data Processing.** The Data Subject is entitled to grant Authorization to Garrigues Colombia, or to its designated representative, to process their Personal Data.

**Paragraph.** The Data Subject shall be entitled to exercise their rights in a free and unlimited manner, without prejudice to the legal provisions regulating the exercise of said rights.

The exercise of these rights constitutes an extremely personal authority and it shall be exercised exclusively by the Data Subject, except in the case of legal exceptions.

**Article 8. Mechanisms for granting Authorization.** Authorization may be granted in a physical document, or in electronic format or any other format or medium that facilitates subsequent consultation. Authorization shall be granted by the Data Subject to Garrigues Colombia, or its designated representative, and it shall be made available to the Data Subject prior to Processing their Personal Data , in conformance with the terms of the Law 1581, 2012. The Authorization shall ensure that the Data Subject has been informed of both the fact of processing of their Personal Data, and their rights in respect of said Processing.

**Article 9. Proof of Authorization.** Garrigues Colombia, or its designated representative, shall take the appropriate measures to keep records of when and how it obtained Authorization from the Data Subjects for Processing of the Data.

**Article 10. Privacy Notice.** The Data Subject shall be informed through the Privacy Notice of the existence of the policies and procedures for Personal Data Processing contained in this Manual, and the nature of the Processing to be applied to the Personal Data, and shall contain at the least the following information: (i) identity, domicile and contact details of the Data Controller; (ii) type of Processing to which the Personal Data will be subject, and its purpose; and (iii) the general mechanisms put in place by the Controller to ensure that the Data Subject is aware of the Processing Policy and the means available for consulting their Personal Data.

Garrigues Colombia shall keep copies of the privacy notice sent to Data Subjects while the Personal Data Processing is taking place, and while its obligations in this regard remain in force. Garrigues Colombia, or its designated representative, may use computerized, electronic or any other technological means to store these notices.

### **CHAPTER III**

#### **OBLIGATIONS**

**Article 11. Duties of the Data Processing Controller.** Garrigues Colombia as Controller of the Processing of the Personal Data contained in the Personal Databases shall fulfil the following requirements:

- 11.1.** Guarantee Data Subjects, at all times, full and effective exercise of their right of habeas data;
- 11.2.** Request and maintain in all the conditions established under applicable regulations, a copy of the respective Authorization granted by the Data Subjects;
- 11.3.** Duly inform Data Subjects of the purpose of the data collection, and their rights in accordance with the Authorization granted;
- 11.4.** Keep the information in the requisite secure conditions in order to prevent adulteration, loss, consultation use or unauthorized or fraudulent access;
- 11.5.** Ensure that the information provided to the Data Processor is true, complete, accurate, up to date verifiable and comprehensible;
- 11.6.** Update the information, informing the Data Processor in a timely manner of any new developments in respect of the data previously provided, and take any other necessary measures to ensure that the information supplied is up to date;
- 11.7.** Rectify the information when it is correct, and inform the Data Processor of any pertinent details.

- 11.8. Supply the Data Processor, as appropriate, only with data for which Processing has been previously authorized, in accordance with applicable regulations;
- 11.9. Ensure at all times that the Data Processor complies with the security and privacy conditions pertaining to Data Subjects' information;
- 11.10. Process consultations and claims submitted in the terms indicated in this Manual and in accordance with the law;
- 11.11. Inform the Data Processor at all times regarding compliance with the security and privacy conditions of Data Subjects' information;
- 11.12. Convey consultations and claims in the terms indicated in articles 14 and 15 of the Law 1581, 2012, and in accordance with this Manual;
- 11.13. Inform the Data Processor when any specific information is questioned by Data Subjects following submission of a complaint and when the respective procedure has not been completed;
- 11.14. Provide information, at the Data Subject's request, on the use made of their Personal Data.
- 11.15. Inform the data protection authority in the event of breaches of the security codes or when there is any risk to the administration of data subjects' information.
- 11.16. Comply with the instructions and requirements of the Superintendency of Industry and Trade in questions of habeas data;

**Article 12. Duties of the Data Processor.** Garrigues Colombia, or its designated representative, as Processor of the Personal Data contained in the Personal Data databases shall fulfil the following tasks:

- 12.1. Guarantee at all times full and effective exercise of the Data Subject's right of habeas data;
- 12.2. Maintain the information in the requisite secure conditions in order to prevent adulteration, loss, consultation, use or unauthorized or fraudulent access;
- 12.3. Update, rectify or delete data in a timely manner, in accordance with the law.
- 12.4. Update the information reported by the Data Controller within five (5) working days from the date of its receipt;

- 12.5. Process consultations and claims submitted by Data Subjects in the terms indicated in this Manual, and in accordance with the law;
- 12.6. Record in the Personal Data database the annotation "claim in progress" in the manner regulated under law, in respect of unresolved complaints or claims submitted by Data Subjects with respect to their personal data;
- 12.7. Enter in the Personal Data database the annotation "information in legal dispute" having been notified by the competent authority of any court procedures relating to the quality of the Personal Data;
- 12.8. Refrain from disseminating information which has been questioned by the Data Subject, and which is subject to a blocking order by the Superintendency of Industry and Commerce;
- 12.9. Permit access to the information only to those persons who are entitled to access the data;
- 12.10. Inform the Superintendency of Industry and Trade in the event of breaches of the security codes or risks to the administration of data subjects' information.
- 12.11. Comply with the instructions and requirements of the Superintendency of Industry and Trade;

**Article 13. Transfer of Personal Data.** In the event that Garrigues Colombia delegates Personal Data Processing to a third party, who becomes the Data Processor, it shall take all the measures available to ensure compliance with this Manual and to ensure that Data Subjects are able to exercise their rights.

**Article 14. Transfer of Personal Data.** In the event that Garrigues Colombia transfers, albeit temporarily or definitively, the Personal Data to a third party, within the country or abroad, and said third party thus becomes the Personal Data Controller and/or Processor, it shall take the requisite measures to preserve the Data Subjects' rights during this Transfer.

## **CHAPTER IV**

### **PROCEDURES ESTABLISHED TO ENSURE EXERCISE OF DATA SUBJECTS' RIGHTS**

**Article 15. Consultations and claims.** Data Subjects may exercise their rights described in Article 7 of this Manual through the email address indicated on the Garrigues Colombia website <http://www.garrigues.com/es/RedDeOficinas/Paginas/bogota.aspx> or using the postal address indicated therein.

**Article 16. Consulting procedure.** Data Subjects, or their successors in title, may consult their Personal Data contained in the Database, either in writing or in person through the means described in Article 15 of this Manual. As a result, Garrigues Colombia, or its designated representative, shall ensure the right to consultation, providing the Data Subjects or their successors in title with all the information pertaining to identification of the Data Subject.

The consultation shall be addressed within a maximum term of ten (10) working days from the date of receipt of the query. If it is not possible to deal with the request within said term, the Data Subject shall be informed, giving reasons for the delay and indicating a date on which the consultation will be addressed, which, under no circumstances, shall be less than five (5) working days from the initial term of expiry.

**Article 17. Claims procedure.** Data Subjects, or their successors in title, who consider that the information contained in the Database should be corrected, updated or deleted, or should they note any presumed non-compliance with any of the requirements of Personal Data protection regulations, may submit a claim to the Data Controller which should include: (i) identification of the Data Subject; (ii) description of the facts giving rise to the claim; (iii) mailing or email address for notifications; and (iv) documents in support of the claim.

The claim shall be submitted in writing to Garrigues Colombia, or its designated representative, and should be sent to any of the addresses indicated in Article 15.

If the claim submitted is incomplete, the Data Subject, or their successors in title, shall be required to complete the claim within five (5) days following its initial receipt.

When two (2) months have elapsed since the date of the claim and the applicant has failed to submit the requisite information, it shall be deemed that the claim has been withdrawn.

When the full complaint has been received, an annotation will be entered in the database indicating "claim in progress" along with the grounds for the same, within a term not exceeding two (2) working days. Said annotation shall be maintained until the claim has been resolved.

The maximum term for addressing the claim shall be fifteen (15) working days from the day following the date of receipt. If it is not possible to deal with the request within said term, the interested party shall be informed, giving reasons for the delay and indicating a date on which the consultation will be addressed, which under no circumstances shall exceed eight (8) working days from the initial term of expiry.

**Article 18. Complaints to the Superintendency of Industry and Trade.** Data Subjects, their successors in title or authorized agents, shall exhaust all possible consultation procedures with Garrigues Colombia or its designated representative, prior to submitting any complaint to the Superintendency of Industry and Trade.

**Article 19. Reporting of negative information.** Garrigues Colombia may report negative information regarding Data Subjects' failure to comply with their obligations having given their Authorization to this effect, however in any case, Data Subjects should be given prior notification of this fact through inclusion in extracts or other

regular information sent to respective clients, provided that such information is included in a clear and legible manner.

In any case, Data Subjects shall authorize whether said information may be communicated through data messaging.

In the event that successive and continuous delays occur, the obligation to provide Data Subjects with prior notice shall be deemed to have been fulfilled with the communication pertaining to the initial delay.

**Article 20. Complaints to the Superintendency of Industry and Trade.** Data Subjects, their successors in title or authorized agents, shall be required exhaust the consultation channels with Garrigues Colombia or its designated representative, prior to submitting any complaint before the Superintendency of Industry and Trade.

## CHAPTER V

### PURPOSE AND DURATION

**Article 21. Purpose of the Personal Data Protection.** The Personal Data Processing of the Garrigues Colombia Databases is carried out for administrative, labor, commercial, contractual and financial purposes:

Administrative: Compliance with the requirements of official authorities; databases shall be maintained by the company or a third party

Labor: processing salaries and wages, selection and hiring procedures for Garrigues Colombia personnel or third parties; affiliation to the social security system; and any other use deemed necessary in order to abide by the law and comply with labor regulations.

Commercial, contractual and financial: admission, selection and affiliation procedures for contractors, suppliers and clients of Garrigues Colombia; ensuring efficient communication with the parties who are signatories to the contractual agreements entered into in respect of Garrigues Colombia projects; validation of affiliation to the social security system; processing and mailing of notifications for information or trading purposes; information on alliances created, and for statistical purposes.

Any persons who have failed to meet all their payment obligations to Garrigues Colombia, shall remain in the database administered by Garrigues Colombia or in the database to which the debtors may have been reported as a result of the failure to comply with their obligations.

**Article 22. Duration.** This Manual shall take effect from its date of issue. The duration of the databases shall be governed by the provisions in this matter, pursuant to the principles of purpose and time consideration of the information involved.

Issued in Bogotá on the eighth of January 2014.