

# Personal Data Processing Policy PINZÓN PINZÓN & ASOCIADOS ABOGADOS S.A.S.

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Pinzón Pinzón & Asociados, a company established in Colombia and domiciled in the city of Bogotá, at 99th Street # 12-39, 4th floor, with Telephone 6219721, identified with NIT No. 830.005.919-7, and email [pinzonpinzon@pinzonpinzon.com](mailto:pinzonpinzon@pinzonpinzon.com); through this document, it is allowed to establish the principles and parameters by which it will use the personal data of third parties that are subject to processing when acting both as Data Controller and Processor:

### **1. Objective.**

Through this data processing policy, Pinzón Pinzón & Asociados aims to establish the rules applicable to the processing of personal data collected, processed, and stored by this company in the development of its social purpose; in the capacities of data controller and/or processor as the case may be. All of the above is based on Statutory Law 1581 of 2012, regulated by National Decree 1377 of 2013, Decree 1074 of 2015, and its constitutional foundations regarding the protection of privacy, protection of people's data, and the right to habeas data.

### **2. Scope of Application.**

This policy will apply to the processing of personal data carried out in Colombian territory, or when the rules on the protection of personal data apply to the data controller and/or processor located outside Colombian territory, by virtue of international treaties, contractual relationships, among others. The provisions contained in this policy will apply to any personal database that is in the custody of Pinzón Pinzón & Asociados, either as a data controller and/or processor.

### 3. Definitions.

In accordance with Law 1581 of 2012, for the purposes of this policy, it is understood by:

**a) Authorizations:** Prior, express, and informed consent of the data subject to process their personal data that does not have the characteristic of being public.

**b) Personal Database:** Organized set of data that is the subject of processing by the company. It can be automated or physical according to its storage form.

**c) Personal Data:** Any information linked or that can be associated with one or more natural persons, identifying them.

**d) Sensitive Personal Data:** Those that affect the privacy of the data subject or whose misuse may lead to discrimination. For this reason, they enjoy special protection, specifically referring to health, sex, political affiliation, race or ethnic origin, biometric data, membership in unions, among others.

**e) Data Controller:** Natural or legal person, public or private, who, either alone or in association with others, decides on the database and its processing.

**f) Data Processor:** Natural or legal person, public or private, who, either alone or in association with another, processes personal data on behalf of the Data Controller.

**g) Purposes of Processing:** Legitimate use of the collected personal data for processing.

**h) Data Subject:** The natural person whose data is subject to processing.

**i) Data Processing:** Any operation or set of operations carried out on personal data, such as collection, storage, use, deletion, etc.

**j) Responsible Area:** Person or group of people who have custody and responsibility for personal databases within the company.

**k) Habeas Data:** Fundamental right of every person to know, update, rectify, and/or cancel the information owned by them, managed by third parties.

#### **4. Guiding Principles Applicable to the Processing of Personal Data.**

The processing, management, and protection of personal data carried out by Pinzón Pinzón & Asociados as the Data Controller and/or Processor will be subject to the following principles, which will be applied and interpreted in a harmonious, systematic, and integral manner in all activities related to data processing:

**a) Legality:** The processing of personal data carried out in accordance with this policy is a regulated activity that must comply with the provisions of the laws that develop the subject.

**b) Purpose:** The processing of personal data must comply with a legitimate purpose in accordance with the constitution and the law. This purpose must be precisely, priorly, and concretely informed to the data subject.

**c) Freedom:** The processing can only be carried out with the prior, express, and informed consent of the data subject. Personal data cannot be obtained or disclosed without prior authorization or the absence of a legal mandate relieving the need for consent.

**d) Principle of Truthfulness:** Information subject to processing must be truthful, complete, accurate, up-to-date, verifiable, and understandable. The processing of partial, incomplete, fragmented, or misleading data is prohibited.

**e) Transparency:** The right of the data subject to obtain, at any time and without restrictions, information about the existence of data concerning them must be guaranteed in the processing by the Data Controller or Data Processor.

**f) Restricted Access and Circulation:** Personal data collected or processed by Pinzón Pinzón & Asociados will only be used within the scope of the purpose and authorization granted by the data subject. Therefore, they cannot be accessed, transferred, assigned, or communicated to third parties. Personal data, except for public information, may not be available on the Internet or other means of mass disclosure or communication unless access is technically controllable to provide restricted knowledge only to the data subjects or authorized third parties.

**g) Security:** Pinzón Pinzón & Asociados, as the Data Controller or Processor, will adopt physical, technical, and administrative security measures deemed necessary to provide security to the records, preventing their alteration, loss, leakage, consultation, use, or unauthorized or fraudulent access.

**h) Confidentiality:** All individuals involved in the processing of personal data that are not public in nature have the obligation to guarantee the confidentiality of the information, which extends until the end of the contractual relationship.

**i) Temporality:** Once the purpose for which the information was collected is exhausted, Pinzón Pinzón & Asociados must cease its use, except for information that must be retained in compliance with legal provisions.

**j) Special Protection of Sensitive Data:** Pinzón Pinzón & Asociados will collect and process sensitive personal data only with the express authorization of the data subject and in cases where the law does not require consent. The sensitive information that may be collected will have a special level of protection.

## **5. Processing and Purposes.**

The processing carried out by Pinzón Pinzón & Asociados, acting as the Data Controller and/or Processor, will involve the collection, storage, processing, use, management, circulation, and transmission of personal data, strictly adhering to the guidelines established by the law, for the following purposes, as applicable:

### **1. Customer Data:**

- a) Provide contracted services according to the requests and needs of the firm's clients.
- b) Develop promotional and marketing activities for new services of the firm.
- c) Generate and send correspondence of interest regarding client-related topics, as well as novel and current issues that may benefit the client.
- d) Fulfillment of contractual obligations.
- e) Conduct follow-ups or studies aimed at improving the professional service provided by the firm directly or through third parties.
- f) Compliance with accounting and/or tax obligations.
- g) Sending invoices and collection efforts in case of overdue invoices or outstanding capital.
- h) Generation of purchase orders.

## 2. Supplier Data:

- a) Contact for quotations and request for new services on behalf of the firm.
- b) Contact suppliers for follow-up on the provision of contracted services.
- c) Generation of purchase orders.
- d) Internal accounting regarding payments to the supplier.
- e) Compliance with Tax and/or Accounting Obligations:
- f) Verification of references.
- g) Provision of relevant information for the development of contractual relationships.
- h) Generation and sending of correspondence.

## 3. Employees:

- a) Fulfillment of the employment contract and obligations contracted by Pinzón Pinzón & Asociados as an employer.
- b) Affiliations in compliance with legal provisions for health, pensions, and compensation fund for the employee and the beneficiaries designated by the employee.
- c) Generation and sending of correspondence.
- d) Consultation and custody of the employee's academic and employment history.
- e) Payment of payroll and parafiscal contributions due to the employee.



- f) Establishment of contact channels between the company, the employee, and their family members if required.
- g) Management of accounting and labor information to comply with contractual and legal requirements.
- h) Regarding former employees, information will be retained if required by any authority, for providing references if necessary.
- i) Regarding job applicants for positions in the company for contact purposes if required.
- j) Registration and control of entry to the facilities, as well as recordings through closed-circuit television, ensuring the safety of people and property entering the premises.

#### **4. Children and Adolescents Under Age:**

In compliance with Law 1581 of 2012 and Decree 1074 of 2015, this data will always be requested with the consent of the minor's representative, who will be informed in advance about the treatment, purposes, and with full knowledge that they are not obliged to provide it. Although Pinzón Pinzón & Asociados generally avoids processing data of minors, it is requested for:

- a) Affiliations as beneficiaries to health services, family compensation fund, and related services.
- b) Delivery of gifts as part of the company's social outreach plan on special occasions such as birthdays, Children's Day, Christmas, etc.

#### **5. Biometric Data:**

Pinzón Pinzón & Asociados has implemented a fingerprint identification system to allow entry to its facilities for all its employees. This information is collected and managed by software designed for this purpose. In turn, a closed-circuit surveillance system has been implemented in the firm's facilities, which serves only to safeguard the security and integrity of people and property accessing them. Lastly, other purposes considered pertinent by Pinzón Pinzón & Asociados for the proper and normal development of its corporate purpose, as long as they are previously informed to the data subject.

## 6. Rights of Information Subjects:

The data subjects in the databases processed by Pinzón Pinzón & Asociados, whether as the Controller or Processor, have the following rights in accordance with the provisions of the Colombian Political Constitution and applicable laws. The exercise of these rights may only be carried out exclusively by the data subject or by persons authorized by the data subject in accordance with the law.

- a) Know, update, and rectify their personal data against the Data Controllers or Data Processors. This right can be exercised, among others, against partial, inaccurate, incomplete, fragmented data that leads to error, or those whose processing is expressly prohibited or has not been authorized.
- b) Request proof of the authorization granted to the Data Controller unless expressly exempted as a requirement for processing.

- c) Be informed by the Data Controller or the Data Processor, upon request, regarding the use given to their personal data.
- d) File complaints with the Superintendence of Industry and Commerce for breaches of the provisions of this policy and the laws regulating the matter.
- e) Revoke the authorization and/or request the deletion of the data when the processing does not respect constitutional and legal principles, rights, and guarantees. Revocation and/or deletion will proceed when the Superintendence of Industry and Commerce has determined that the Controller or Processor has engaged in conduct contrary to this law and the Constitution.
- f) Access their personal data that has been processed, free of charge.

## **7. Duties of Pinzón Pinzón & Asociados Regarding Databases with Personal Information of Third Parties When Acting as a Controller and Processor:**

### **7.1 Duties as Data Controller:**

When Pinzón Pinzón & Asociados assumes the role of Data Controller for personal data, it will carry out such management in compliance with the following duties, without prejudice to other provisions established by law.

- a) Ensure that the data subject can fully and effectively exercise their rights to know, update, modify, and rectify their data at any time and free of charge.
- b) Request and keep a copy of the respective authorization granted by the data subject when necessary.

- c) Keep the information under the necessary security conditions to prevent its use, access, tampering, unauthorized or fraudulent consultation, alteration, or loss.
- d) Update the information, and in case of making substantial changes in the processing of databases, inform both the data subjects and the processor if applicable.
- e) Rectify the information when it is incorrect, and if there is a processor in charge of it, inform them.
- f) In the case of having a data processing manager, provide them only with data whose processing has been previously authorized by the data subject.
- g) Process the inquiries and complaints made by data subjects within the terms established by law and outlined in this data processing policy.
- h) Collaborate with the responsible areas within the company to socialize procedures and policies to ensure the proper compliance with the law governing the matter.
- i) Inform the data subject, upon request, about the use given to their data.
- j) Notify the data protection authority when there are violations of information security standards, thereby posing risks in the management of data subjects' information.
- k) Comply with the instructions and requirements issued by the Superintendence of Industry and Commerce.

## 7.2 Duties as Data Processor:

When Pinzón Pinzón & Asociados assumes the role of data processor for personal data under its custody, it must fulfill the following duties, without prejudice to other provisions established by law.

- a) Ensure the data subject's full and effective exercise of the right to habeas data at all times.
- b) Maintain information under the necessary security conditions to prevent its tampering, loss, consultation, use, or unauthorized or fraudulent access.
- c) Timely carry out the update, rectification, or deletion of data in accordance with the law.
- d) Update the information reported by the data controllers according to the terms agreed upon in the contracts with them.
- e) Process inquiries and complaints made by data subjects within the terms outlined in this policy and the law governing the matter.
- f) Collaborate with the responsible areas within the company to socialize procedures and policies to ensure the proper compliance with the law governing the matter.
- g) Refrain from circulating information that is being disputed by the data subject and whose blocking has been ordered by the Superintendence of Industry and Commerce.
- h) Allow access to information only to persons who are authorized to access it.
- i) Notify the data protection authority when there are violations of information security standards, thereby posing risks in the management of data subjects' information.

j) Comply with the instructions and requirements issued by the Superintendence of Industry and Commerce.

## **8. Procedure for Handling Requests and Complaints by Data Subjects:**

In the exercise of the fundamental right of data subjects to Habeas Data regarding the rights of access, consultation, update, rectification, or cancellation, the following procedure will be followed:

- a) Rights over personal data can only be exercised directly by the data subject or by a third party legally authorized in accordance with the provisions of Law 1581 of 2012. This condition will be verified by a copy of the identity document, and if authorized, the duly granted power of attorney.
- b) The request to exercise any of these rights must be made through the channel delimited by Pinzón Pinzón & Asociados within this Personal Data Processing Policy.
- c) The request to exercise the rights must contain:
  - Name of the data subject and, if applicable, their representative.
  - Clear and specific request for the right they intend to exercise. In each case, the request must be reasonably justified for Pinzón Pinzón & Asociados, as the database controller, to respond.
  - Address for notifications.
  - Documents supporting the request.
  - Signature of the request.

If any of the indicated requirements are missing, Pinzón Pinzón & Asociados will communicate this to the requester within 5 days following the receipt of the request procedure for Handling Requests and Complaints.

To ensure the completion of the requested information, a two-month period is allowed. If the required information is not provided within this timeframe, it is understood that the request has been withdrawn. Pinzón Pinzón & Asociados will internally create a database for Requests and Complaints.

If Pinzón Pinzón & Asociados acts as the information controller, it will address the complaint within a maximum of 15 business days from the day following its receipt. If it is not possible to address the complaint within this period, the reasons for the delay will be communicated to the interested party, along with the date by which the complaint will be addressed, which cannot exceed 8 business days following the expiration of the initial term.

In the event that Pinzón Pinzón & Asociados acts as the data processor, it will inform the data subject or interested party of the request or complaint and communicate the request to the data controller. The data subject will be informed of the identity of the information controller and, consequently, the primary entity responsible for ensuring the exercise of their rights.

In accordance with the law, if intending to file a complaint with the Superintendencia de Industria y Comercio as part of the legal actions available to data subjects or interested parties, the process described here must be exhausted beforehand.

## **9. Designated Channel for Receiving Requests and Complaints for the Exercise of Data Subject Rights:**

In any case, whether acting as the data processor or data controller, Pinzón Pinzón & Asociados will receive requests and complaints for the exercise of data subject rights via the email:

**[Pinzonpinzon@pinzonpinzon.com](mailto:Pinzonpinzon@pinzonpinzon.com)**.

Any changes to this channel will be duly communicated to the data subjects.

## **10. Procedure for Complaints to the Superintendencia de Industria y Comercio:**

The data subject or legal representative may only file a complaint with the Superintendencia de Industria y Comercio once they have completed the complaint or inquiry process with Pinzón Pinzón & Asociados, following the procedure outlined in section 8 of this policy.

## **11. Prohibitions:**

As part of the Data Protection Policy, Pinzón Pinzón & Asociados establishes the following prohibitions for the proper application:

- a) Pinzón Pinzón & Asociados prohibits the access, use, management, transfer, communication, storage, and any other processing of sensitive personal data without prior authorization from the data subject and Pinzón Pinzón & Asociados itself.
- b) Pinzón Pinzón & Asociados prohibits the transfer, communication, or circulation of personal data without the prior, written, and express consent of the data subject or without authorization from the company.
- c) Pinzón Pinzón & Asociados avoids the processing of personal data of children and adolescents under the age of majority, except with the explicit authorization of their legal representatives. Any processing of



such data must ensure the prevailing rights recognized by the constitution and be specifically informed before their delivery.

d) The international transfer of personal data to third countries that do not provide adequate levels of data protection, in accordance with the law 1581 of 2012 and the standards set by the Superintendencia de Industria y Comercio, is prohibited, applying the established exceptions.

## **12. Data Temporality:**

The duration of data processed by Pinzón Pinzón & Asociados, whether acting as the data controller or data processor, will be determined by the purpose for which the data was collected or delivered to Pinzón Pinzón & Asociados, as the case may be. Therefore, once the purpose is fulfilled, Pinzón Pinzón & Asociados will proceed with its destruction or return, as appropriate. However, Pinzón Pinzón & Asociados is aware of legal obligations requiring the conservation of certain data for a specified period. It commits to retaining them solely for this purpose, adopting technical and security measures to prevent unauthorized processing.

## **13. Security Measures:**

Pinzón Pinzón & Asociados, in the execution of data processing, will adopt all physical, technological, and administrative security measures deemed appropriate according to the data being handled. These measures will apply to all relevant areas. In compliance with Law 1581 of 2012 and the requirements established by the Superintendencia de Industria y Comercio, Pinzón Pinzón & Asociados will report any cases of information security breaches that may have

caused loss, theft, unauthorized access, or fraudulent modification, along with the measures taken to address them.

#### **14. Delivery of Personal Data to Administrative and Judicial Authorities:**

If authorities with jurisdictional or administrative functions request Pinzón Pinzón & Asociados to consult and/or provide personal data stored in their databases, the request will be internally evaluated. If it complies with all legal requirements, the case will be documented internally and added to the company's internal records, in compliance with relevant regulations.

#### **15. Validity:**

This personal data processing policy, undertaken by Pinzón Pinzón & Asociados acting as the data controller and data processor, has been approved and will be effective from January 1, 2016, with an indefinite term until a substantial reform is carried out. Any such changes will be duly communicated through established channels.