

**TREATMENT OF PERSONAL INFORMATION POLICY**

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## Treatment of personal information Policy

### Objective

Rodríguez Azuero Asociados S.A. ("hereinafter "CMS Rodríguez-Azuero"), believing as it does in the need to guarantee the constitutional right of Habeas Data and in compliance of the law 1581 of 2012, as regulated by Decree No 1377 de 2013 as the Person in Charge of Processing Personal Data with its customers, colleagues, and product vendors adopts the present Treatment Policy in order to ensure that that the Treatment of such Personal Data complies with the legal provisions in force, to establish the criteria for the collection, storage, use, circulation and deletion of personal data processed and to attend to the inquiries and claims of the Owners.

### Applicable normativity

CMS Rodríguez-Azuero complies with the Colombian legal framework for the treatment of personal data, particularly:

- Political Constitution of Colombia, article 15.
- Law 1266 of 2008 in which the general provisions of habeas data are dictated and the handling of the information contained in the personal databases is regulated, especially the financial, credit, commercial, service and that from third countries and other provisions are dictated.
- Statutory Law 1581 of 2012 and other regulatory decrees that define the scope of application of privacy rights, the good name, and the informative self-determination.
- Judgment C - 748 of 2011 - Constitutionality of the draft Statutory Law for the Protection of Personal Data.

### Scope

This Policy applies to all personal information registered in the databases of CMS Rodríguez- Azuero, who acts as the Person Responsible for the Treatment of Personal Data. The policies and procedures contained in this document will apply to all the offices of CMS Rodríguez- Azuero and for any personal data record made in person or remotely.

CMS Rodríguez-Azuero is directly responsible for the Processing of Personal Data. However, CMS Rodríguez-Azuero reserves the right to delegate such treatment to a third party, and also requires the person in charge to implement the guidelines and suitable procedures for the protection of Personal Data and the strict confidentiality of these.

### Definitions

For the purposes set forth in this Manual, and in accordance with the provisions of article 3 of Law 1581 of 2012, the following definitions are available:

**Authorization:** Prior, express and informed consent of the Holder to carry out the Processing of Personal Data.

**Database:** Organized set of personal data that is subject to Treatment.

**Personal data:** Any information linked to or associated with one or several determined or determinable natural persons.

**Public data:** It is the data that is not semi-private, private, or sensitive. They are considered public data, among others, the data related to the civil status of the people, to their profession or occupation and to their status as merchants or public servants. By their nature, public data may be contained, among others, in public records, public documents, gazettes and official bulletins, and judicial sentences duly executed that are not subject to reservation.

***Semiprivate data:*** Data that has no private, reserved, or public nature is semi-private, and its knowledge or disclosure may be of interest not only to its owner but to a certain sector or group of people or society in general.

***Sensitive data:*** The data that affects the Owner's privacy or whose improper use can generate discrimination, such as those that reveal racial or ethnic origin, political orientation, religious or philosophical convictions, union, membership, social organizations that promote human rights or the political interests of any political party and the rights and guarantees of opposition political parties as well as the data related to health, to the sexual life and the biometric data, among others, the capture of a fixed or moving image, fingerprints, photographs, iris, voice, facial or palm recognition, etc.

***In charge of the Treatment:*** Natural or legal person, public or private, that by itself or in association with others, performs the Processing of Personal Data on behalf of the Person in Charge of the Treatment.

***Responsible for the Treatment:*** Natural or legal person, public or private, that by itself or in association with others, decides on the database and / or the treatment of the data.

***Holder:*** Natural person whose Personal Data is subject to Treatment.

***Transfer:*** The transfer of data takes place when the person in charge and / or in charge of the processing of personal data, located in Colombia, sends the information or personal data to a receiver, who in turn is responsible for the treatment and is inside or outside from the country.

***Treatment:*** Any operation or set of operations on personal data, such as collection, storing, use, circulation or deletion.

### **Principles for the processing of personal data**

CMS Rodríguez-Azuero will apply the principles established below in the Personal Data Treatment activities:

***Access and Circulation:*** The treatment is subject to the limits that derive from the nature of the personal data, the provisions of this Manual, the Law, and the Constitution. In this sense, the treatment can only be done by people authorized by the Holder and / or by the people provided by law. Personal data, except those of a public nature, may not be available on the Internet or other means of dissemination or mass communication, unless the access is technically controlled to provide restricted knowledge to the Holders or authorized third parties.

***Confidentiality:*** Drawing from the previous definition, the confidentiality of data of its nature is guaranteed. Therefore, the information Will be stored both during the activities that justify the processing of data and after them.

***Purpose:*** The Treatment must obey a legitimate purpose in accordance with the Constitution and the Law, which will always be previously informed to the Holder.

***Legality:*** The Treatment referred to in this Manual is a regulated activity that must be subject to the provisions of the Law.

***Freedom:*** The Treatment can only be exercised with the prior, express and in-formed consent of the Holder. The Personal Data may not be obtained or disclosed without prior authorization, or in the absence of a legal or judicial mandate that relieves the consent.

***Security:*** The information subject to Treatment is 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.

***Transparency:*** CMS Rodríguez-Azuero guarantees the holders of personal data, the right of access and knowledge of personal information that is being treated in accordance with the provisions of Regulatory Decree 1377 of 2013.

**Veracity or Quality:** The information subject to Treatment must be truthful, complete, accurate, updated, verifiable and understandable. The processing of partial, incomplete, fractioned or misleading data is prohibited.

### **Responsible for the treatment**

CMS Rodríguez-Azuero, commercial company legally constituted under the laws of the Republic of Colombia, identified with the NIT 830.097.493-5, with principal domicile at Calle 75 # 3-53 in Bogotá, Republic of Colombia. Page <https://cms.law/en/COL/>, Phone +57 3218910.

The area or unit responsible for the supervision of the personal data protection system is:

**Carolina Witzke.**

**Email:** carolina.witzke@cms-ra.com.

**Phone number:** +57 1 3218910.

### **Treatment and purpose**

The Personal Data of the clients, workers, suppliers and other interested parties with which CMS Rodríguez-Azuero they will be treated with the purpose of carrying out the pertinent steps for the development of the company's corporate purpose in what has to do with the fulfillment of the object of the contract concluded with the Holder of the information, in this sense they will be used to schedule meetings, judicially or extrajudicially represent people, provide legal advice, issue invoices and portfolio requirements, provide information to government entities in accordance with current regulations.

If the owner of the personal data provides us with his personal data, he authorizes us to use this information for the purposes indicated in accordance with the provisions of this Treatment Policy, we will not transfer or disclose it outside of our databases unless (I) the owner authorizes us to do so, (II) it is necessary to allow our contractors, suppliers or agents to provide the services we have entrusted to them, (III) it is used by us or third parties to provide our products or services, (IV) be delivered to the entities that provide marketing services on our behalf or to other entities with which we have joint marketing agreements, (V) it is related to a merger, consolidation, acquisition, divestment or other restructuring process, (VI) we implement a contract for the transmission of personal data under the terms of Decree 1377 of 2013, or (VI) as required or permitted by law or for the purposes developed in this privacy policy.

Additionally, Personal Data Processing will be carried out to implement relationship strategies with customers, suppliers, shareholders and other third parties with whom the Company has contractual or legal relationships, disseminate information regarding CMS worldwide and economic and legal news, carry out satisfaction surveys, invitations to events, improve products and services, offer new services, and all those activities associated with the commercial relationship or existing link with CMS Rodríguez-Azuero, or any future link.

CMS Rodríguez-Azuero may disclose, transfer and / or transmit personal data inside and outside the country to its parent companies, or subsidiaries, to other firms that are part of CMS Legal Services EEIG (CMS EEIG) or to third parties as a result of a contract, law or legal link that so requires or to implement cloud computing services or for the provision of our services.

Finally, the data that is collected or stored about the employees of CMS Rodríguez-Azuero by filling out forms or delivering documents (resumes, exhibits) will be used for everything related to the development of the employment relationship and labor issues of a legal or contractual nature. Under the above, CMS Rodríguez-Azuero will use the Personal Data for the following purposes: (i) Comply with laws such as, among others, labor law, social security, pensions, professional risks, family compensation funds (Integral Social Security System) and taxes; (ii) Comply with the instructions of the competent judicial and administrative authorities; (iii) Implement labor and organizational policies and strategies.

## **Personal data treated.**

The treatment performed by CMS Rodríguez-Azuero includes the collection, storing, use and circulation of Personal Data of the following types:

***Public Personal Data:*** CMS Rodríguez-Azuero will deal without personal authorization of the Owner with the personal data of a public nature, in accordance with the principles and obligations contemplated in Law 1581 of 2012 and other regulations that regulate this matter.

***Personal Data Private and Semi-Private:*** CMS Rodríguez-Azuero collects, stores, and uses personal data for the realization of its corporate purpose and the provision of legal advice and judicial representation services. In the Treatment, always request prior and express consent of the Holders informing about the purpose of the Treatment, except in cases that, by law, does not require the granting of such authorization, particularly when the Treatment refers to data that are necessary for the recognition, exercise, or defense of a right in a judicial process. Likewise, CMS Rodríguez-Azuero, within the privacy notices, will inform the Owner in a clear manner, expresses the data collected and the purpose of the collection and the treatment it will give them.

***Sensitive Personal Data:*** CMS Rodríguez-Azuero. It will restrict the Treatment of Sensitive Personal Data to the strictly necessary in compliance with its and will request prior and express consent to the holders (legal representatives, attorneys-in-fact, assignees) informing about the exclusive purpose of their treatment. However, CMS Rodríguez-Azuero will treat sensitive personal data without authorization of the Holder in cases where, by Law, the granting of such authorization is not required, particularly when the Processing refers to data that are necessary for the re-knowledge, exercise, or defense of a right in a judicial process.

In addition to the above, CMS Rodríguez-Azuero complies with the following obligations:

- I.** Inform the owner that because it is sensitive data it is not obliged to authorize its processing.
- II.** Inform the owner explicitly and in advance, in addition to the general requirements of the authorization for the collection of any type of personal data, which data subject of Treatment are of a sensitive nature and the purpose of the treatment and obtain the consent express.
- III.** Do not condition any activity to the owner providing sensitive personal data unless there is a legal cause to do so.

## ***Data processing of minors***

The processing of personal data of children and adolescents is prohibited except in the case of data of a public nature, in accordance with the provisions of article 7 of law 1581 of 2012, and when such treatment meets the following parameters and requirements:

- I.** That responds and respects the best interests of children and adolescents.
- II.** That the respect of their fundamental rights be ensured.

Once the above requirements have been fulfilled, the legal representative or guardian of the child or adolescent will grant the child's previous authorization to exercise their right to be heard, an opinion that will be assessed considering the maturity, autonomy, and ability to understand the matter.

## **Term of conservation of personal data**

CMS Rodríguez-Azuero will keep the files or databases containing Personal Data for the period that the current regulations so require or allow it and the validity of the databases will be tied to the exercise of the corporate purpose of CMS Rodríguez-Azuero and it will also remain stored for all the necessary time to allow us to comply with the purposes set forth herein and for compliance with legal and / or contractual obligations to our position, especially in labor, accounting, fiscal and tributary matters or for all the time

necessary to comply with the provisions applicable to the matter in question and the administrative, labor, accounting, tax, legal and historical aspects of the information, or in any event provided by law.

Notwithstanding the foregoing, the minimum period of preservation of personal data of the Holder will correspond to the end of the duration of his legal or contractual relationship with this or that which is required for CMS Rodríguez-Azuero comply with its obligations or that necessary so that the rights can be exercised by the Data Owner in the context of the nature of the relationship that binds them.

### **Rights of the holders**

CMS Rodríguez-Azuero recognizes and guarantees to the Holders of the Personal Data the following rights:

- I. Access, know, update, and rectify your Personal Data against CMS Rodríguez-Azuero in its capacity as Responsible for Treatment.
- II. Request proof of the existence of the authorization granted to CMS Rodríguez-Azuero, except in those cases in which the Law excepts the authorization.
- III. Receive information from CMS Rodríguez-Azuero, upon request, regarding the use that has been given to your personal data.
- IV. Submit complaints for infractions to the provisions of current regulations before the Superintendence of Industry and Commerce (SIC).
- V. Modify and revoke the authorization and / or request the deletion of personal data, when the treatment does not respect the principles, rights, and constitutional and legal guarantees in force.
- VI. Have knowledge and access for free to your personal data that have been subject to treatment.

### **Duties of CMS Rodríguez-Azuero**

CMS Rodríguez-Azuero acknowledges that the Personal Data are the property of the people to whom they refer and only the Holders can decide on them. Also, CMS Rodríguez-Azuero will use that data only for the purposes for which it is duly authorized and respecting, in any case, the current regulations on the Protection of Personal Data.

CMS Rodríguez-Azuero will attend to the duties envisioned for those Responsible for and Charged with the Treatment, contained in articles 17 and 18 of Law 1581 of 2012, and other regulations that regulate or modify it, namely:

- I. Guarantee the Holder, at all times, the full and effective exercise of the right of habeas data.
- II. Request and keep, under the conditions provided for in this law, a copy of the respective authorization granted by the Holder.
- III. Properly inform the Holder about the purpose of the collection and the rights it assists him by virtue of the authorization granted.
- IV. Keep the information under the necessary security conditions to prevent its alteration, loss, consultation, use or unauthorized or fraudulent access.
- V. Ensure that the information provided to the Treatment Manager is true, complete, accurate, updated, verifiable and understandable.
- VI. Update the information, communicating in a timely manner to the Treatment Manager, all the news regarding the data previously provided and adopt the other necessary measures so that the information provided to it is kept up to date.
- VII. Rectify the information when it is incorrect and communicate the pertinent to the person in charge of the treatment.
- VIII. Provide the Data Processor, as the case may be, only data whose Treatment is previously authorized in accordance with the provisions of this law.

- IX.** To require from the Person in Charge of the Treatment always, the respect to the conditions of security and privacy of the Holder's information.
- X.** Process the consultations and claims formulated in the terms indicated in this law.
- XI.** Adopt this internal manual of policies and procedures to ensure adequate compliance with this law and, in particular, to attend to inquiries and complaints.
- XII.** Inform the Person in Charge of the Treatment when certain information is in dispute by the Holder once the claim has been filed and the respective procedure has not been completed.
- XIII.** Inform the Owner's request about the use given to their data.
- XIV.** 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.
- XV.** Comply with the instructions and requirements issued by the Superintendence of Industry and Commerce.

It is also the responsibility of all the collaborators of CMS Rodríguez-Azuero ensure the confidentiality and security of such information and ensure that third parties who access it (suppliers or contractors) are also responsible for it. The duty of confidentiality regarding personal data extends after the activity carried out by the latter in relation to the Treatment.

### **The authorization**

#### ***Content of the Authorization***

In the case of Private, Semi-Private or Sensitive Personal Data, CMS Rodríguez-Azuero. It will previously request the Authorization for Treatment by any means that allows it to be used as evidence and will inform the owner of the data as follows:

- I.** The treatment to which your personal data and the specific purpose of the same will be submitted.
- II.** The rights that assist as a holder.
- III.** The website, email, physical address, and other communication channels in which you can make inquiries and / or complaints to the person responsible for processing.

#### ***Medium and demonstrations to grant the Authorization.***

The Authorization can consist of a physical document, electronic, data message, or any other format that allows to guarantee its subsequent consultation, which allows to manifest or obtain the consent through which it can be concluded unequivocally, that if the owner's behavior has not been fulfilled, the data will never have been captured and stored in the database. Depending on the case, such authorization may be part of a broader document, such as a contract, a proposal or a form, or received through a recorded telephone call.

In contracts for the provision of services, which can be framed in the service proposals accepted by clients, CMS Rodríguez-Azuero has included clauses to authorize prior and general the processing of personal data related to the execution of the contract, which includes the authorization to collect, modify or correct, in future moments, personal data of the Holder corresponding to natural people. It has also included the authorization for some of the personal data, if any, may be transferred and / or transmitted to third parties with whom CMS Rodríguez-Azuero have service provision contracts and to parent companies or subsidiaries.

#### ***Instances that the authorization will not be necessary.***

The Holder's Authorization will not be necessary in the case of:

- Information required by public entity or administrator in their legal duties or legal obligation
- Data of a public nature.

- Cases of medical or sanitary emergency.  
Data related to the Civil Registry of the Holders.

In the events in which CMS Rodríguez-Azuero requires the use of personal data for a purpose other than that initially informed to its owner and authorized by them, or different from that indicated in the Law or, outside the nature of the relationship that links it with CMS Rodríguez-Azuero, a new authorization must be obtained from the owner of the data. CMS Rodríguez-Azuero will not have to request a new authorization from the owner when, according to the legal order, the new use is reasonably foreseeable by the data owner when consenting to its use, within the framework of his relationship with CMS Rodríguez-Azuero.

## **Procedures for the exercise of the rights of the holders**

### ***Legitimation***

The right to access, update, rectification, suppression, and revocation of the authorization to the personal data is individual and can be executed only by the Holder.

However, the Holder may act through a legal representative or agent when the person is in a situation of disability or a minor, facts that prevent the personal exercise of the same, in which case it will be necessary that the legal representative or attorney proves such condition.

### ***Contact channel***

The administrative area is the unit that oversees processing the requests of the holders to make their rights effective. All inquiries and complaints to CMS Rodríguez-Azuero can be done through the following mechanisms:

- Communication to the emails [general@cms-ra.com](mailto:general@cms-ra.com) y [carolina.witzke@cms-ra.com](mailto:carolina.witzke@cms-ra.com).
- Communication addressed to the headquarters of CMS Rodríguez-Azuero at Calle 75 # 3-53 in the city of Bogotá.
- The Policy of Treatment of Personal Information of the Firm can be found in our website <https://cms.law/en/COL>, in the footer of the page click on “Privacy Policy”. This button will take you to the Privacy page of CMS International were scrolling down in the content you will find “Colombia” and you can download the policy in both English and Spanish.

### ***Consultation***

The holders of the personal data are related to the personal information that always rests in the data bases of CMS Rodríguez-Azuero.

Requirements for the attention of queries: The title must be a communication, the physical or electronic, the minimum number of requests, photocopy of the identification document, contact address (Physics or Electronics) and telephone number. In the event that the consultation is presented by the attorney-in-fact or representative of the Holder, you must attach an authenticated document proving it.

Terms for the attention of Queries: Consultation requests will be answered within a maximum term of ten (10) business days from the date of receipt. In the event that a request for consultation cannot be answered within the aforementioned term, the interested party will be informed before the expiration of the deadline of the reasons for which the query has not been answered, which in no case may exceed the five (5) business days following the expiration of the first term.

### ***Claims***

The Personal Data Holder may request the correction, update, or deletion of their data at any time.

CMS Rodríguez-Azuero is obliged to rectify and update, at the request of the Owner, the personal information that corresponds to natural persons that is incomplete or inaccurate, in accordance with the

procedure and the terms. It is also obliged to eliminate the information at the request of the Owner who I) consider that your Personal Data is not being treated in accordance with the principles, duties and obligations established in the current regulations. II) Have ceased to be necessary or relevant for the purpose for which they were collected. III) The period necessary to fulfill the purposes for which they were collected has been exceeded.

**Requirements for the attention of claims:** The Holder must send a communication, either physical or electronic, which must contain at least the date of application, photocopy of the identification document, contact address (Physics or Electronics) and telephone number. In the event that the query is presented by the agent or representative of the Holder, it must attach an authenticated document that accredits it. The Claims must be accompanied by the documentation that supports your request.

**Terms for the attention of claims:**

If the claim is incomplete, the interested party will be required within five (5) days after receipt of the claim to correct the faults. After two (2) months from the date of the request, without the applicant submitting the required information, it shall be understood that the claim has been abandoned.

In case the person who receives the claim is not competent to resolve it, it will transfer to the person corresponding in a maximum term of two (2) business days and will inform the interested party of the situation.

Once the complete claim has been received, a legend that says, "claim in process" and the reason thereof will be included in the database, in a term not exceeding two (2) business days.

The maximum term to attend it will be of fifteen (15) business days counted from the day following the date of its receipt. When it is not possible to attend the claim within said term, the interested party will be informed of the reasons for the delay and the date on which his claim will be handled, which in no case may exceed eight (8) business days after the expiration of the first term.

**Revocation of Authorization:** Any Personal Data Holder may revoke at any time, the consent to the treatment of those, provided that it is not prevented by a legal or contractual provision. The revocation of the authorization can be total, that is, on all consented purposes, or partial, on certain consented purposes, such as for promotional purposes.

**Requirements for the attention of revocation:** The Holder must send a communication, either physical or electronic, which must contain at least the date of application, photocopy of the identification document, contact address (Physics or Electronics) and telephone number. In the event that the consultation is presented by the attorney or representative of the Holder, you must attach an authenticated document that proves it.

**Terms for the attention of revocation:** The maximum term to attend a revocation will be of fifteen (15) business days counted from the day following the date of its receipt. When it isn't possible to attend the revocation during the established term, the concerned party will be informed of the reason and date in which the revocation will be resolved. The new term cannot exceed eight (8) business days after the expiration of the first date.

**Validity**

This Policy for the Processing of Personal Data applies from January 01<sup>th</sup> of 2019. The databases in which personal data will be recorded will have a validity equal to the time in which the information is maintained and used for the purposes described in this policy. Once the purposes are fulfilled and whenever there is no legal or contractual duty to preserve your information, your data will be deleted from our databases.

CMS Rodríguez-Azuero may modify the terms and conditions of this policy and procedure document as part of the effort to comply with the obligations established by Law 1581 of 2012, the regulatory decrees and other regulations that complement, modify, or repeal the contents of this document.