

## PERSONAL DATA PROCESSING POLICY

### INTRODUCTION

It is hereby informed that the proposal and preparation of this manual respond to the need to comply with the provisions of paragraph k) of Article 17 of Law 1581 of 2012, which textually reads: “adopt an internal manual of policies and procedures to ensure proper compliance with this law and, especially, to handle queries and claims.”

All the information received by the Greater Medellín Convention and Visitors Bureau (the Bureau), through its different communication channels, in digital or printed media, which is part of the Bureau’s databases and is obtained from members, suppliers, employees, or contractors, and other data subjects, is ruled by the following processing policies.

When data subjects are associated with any of the Bureau’s databases, it means that they have had or currently have any type of connection with it or have provided their data voluntarily at events and activities carried out by the Bureau or directly at its premises.

### GENERAL PROVISIONS

**Article 1 – Applicable legislation:** This manual was prepared considering the stipulations of the following regulations:

- Article 15 and Article 20 of the Colombian Constitution.
- Law 1581 of 2012 “Enacting general provisions for personal data protection.”
- Decree 1377 of 2013 “Partially regulating Law 1581 of 2012.”

**Article 2 – Scope of application:** This policy applies to the processing of personal data collected and used by the Bureau in the development of its functions.

**Article 3 – Validity:** The Bureau shall apply the policies and procedures contained herein to the databases on which it has decision-making powers, for a term equal to that laid down in the bylaws for the duration of the Bureau. This manual is valid as of the first (1<sup>st</sup>) day of June, 2017.

**Article 4 – Purpose:** This manual aims to comply with the provisions of the regulations concerning the personal data processing policies and to establish the Bureau’s policy in this regard.

**Article 5 – Definitions:** The following definitions are taken from the applicable regulations; their purpose is to favor an accurate and appropriate interpretation of the stipulations contained herein:

**Authorization:** Previous, express, and informed consent from the data subject for the personal data processing.

**Database:** Organized set of personal data that are subject to processing.

**Personal data:** Any information related to or that can be associated with one or more identified or identifiable natural persons.

**Data processor:** Natural or legal person, whether public or private, which, alone or jointly with others, processes personal data on behalf of the data controller.

**Data controller:** Natural or legal person, whether public or private, which, alone or jointly with others, decides on databases and/or data processing.

**Data subject:** Natural person whose personal data are subject to processing.

**Processing:** Any operation or set of operations on personal data, such as collection, storage, use, dissemination, or erasure.

**Privacy notice:** Verbal or written communication generated by the data controller and addressed to the data subjects for the processing of their personal data, through which the data subjects are informed about the existence of data processing policies applicable to them, the way of accessing these policies, and the purpose of the personal data processing.

**Public data:** Any information that is not semi-confidential, confidential, or sensitive. Public data include, without limitation, data related to people's marital status, profession or trade, and quality of merchant or public servant. Depending on their nature, public data can be contained in public records, public documents, official journals and bulletins, and final non-appealable judgements that are not subject to secrecy, among others.

**Sensitive data:** Information about the data subject's private life or whose inappropriate use can cause discrimination. Sensitive data include biometric data; data concerning health and sexual life; and data that reveal racial or ethnic origin, political ideology, religious or philosophical convictions, belonging to unions, participation in social or human rights organizations, or cooperation with organizations promoting the interests of any political party or ensuring the rights and guarantees of opposition political parties.

**Transfer:** Process that takes place when the data controller and/or processor, being located in Colombia, sends information or personal data to a recipient, which, in turn, is a data controller and is in the Colombian territory or abroad.

**Transmission:** Process that entails the disclosure of personal data in the Colombian territory or abroad, and whose purpose is any processing by the data processor on behalf of the data controller.

## **RIGHTS AND RESPONSIBILITIES**

**Article 6 – Rights of the data subjects:** Article 13 of Decree 1377 of 2013 lays down the information that this manual must include. Paragraph 3 of said article

provides the rights which the data subjects are entitled to and which are listed in Article 8 of Law 1581 of 2012:

- a) Know, update, and rectify their personal data processed by the data controller or processor. This right may be exercised, among others, with respect to partial, inaccurate, incomplete, fractioned, or misleading data or data whose processing is expressly prohibited or has not been authorized.
- b) Request proof of the authorization granted to the data controller, except when expressly exempted as a requirement for the processing, in accordance with the provisions of Article 10 of Law 1581 of 2012.
- c) Be informed, upon request, by the data controller or processor regarding the use that has been made of their personal data.
- d) File complaints before the Colombian Superintendence of Industry and Commerce for violations of the provisions of this law and other regulations that modify, supplement, or complement it.
- e) Revoke the authorization and/or request the erasure of data when the processing fails to respect the constitutional and legal principles, rights, and guarantees. The revocation of the authorization and/or the erasure of data shall proceed when the Colombian Superintendence of Industry and Commerce determines that, in the processing, the data controller or processor has engaged in conducts contrary to this law and the Colombian Constitution.
- f) Be granted free-of-charge access to their personal data that have been subject to processing.

**Article 7 – Responsibilities of the data processor:** The following list was taken from Article 18 of Law 1581 of 2012:

- a) Guarantee that the data subjects, at all times, fully and effectively exercise their right to habeas data.
- b) Keep the data under the necessary secure conditions to prevent their tampering, loss, or unauthorized or fraudulent consultation, use, or access.
- c) Update, rectify, or erase data in a timely manner under the terms of this law.
- d) Update the information reported by the data controller within five (5) working days from its receipt.
- e) Process the queries and claims made by the data subjects under the terms set forth in this law.
- f) Adopt an internal manual of policies and procedures to ensure proper compliance with this law and, especially, to handle the data subjects' queries and claims.
- g) Register the key "claim in process" in the database as regulated by this law.

h) Insert the key “data under judicial discussion” in the database once notified by the competent authority about judicial proceedings related to the quality of the personal data.

i) Refrain from circulating information that is being disputed by any data subject and whose blocking has been ordered by the Colombian Superintendence of Industry and Commerce.

j) Allow access to the data only to those authorized to have access to it.

k) Inform the Colombian Superintendence of Industry and Commerce when there are violations to the security codes and when there are risks in the administration of the data subjects’ information.

l) Follow the instructions and comply with the requirements issued by the Colombian Superintendence of Industry and Commerce.

Paragraph: In the event that the capacities of data controller and data processor correspond to the same person, it shall be required to comply with the duties provided for each of them.

**Article 8 – Responsibilities of the data controller:** The following list was taken from Article 17 of Law 1581 of 2012:

a) Guarantee that the data subjects, at all times, fully and effectively exercise their right to habeas data.

b) Request and keep, under the conditions set forth in this law, a copy of the respective authorization granted by the data subjects.

c) Duly inform the data subjects about the purpose of the data collection and the rights which they are entitled to by virtue of the authorization granted.

b) Keep the data under the necessary secure conditions to prevent their tampering, loss, or unauthorized or fraudulent consultation, use, or access.

e) Ensure that the information provided to the data processor is truthful, complete, accurate, updated, verifiable, and understandable.

f) Update the data, communicating in a timely manner to the data processor, all developments with respect to the information previously provided and take other necessary measures to ensure that the data provided to it is kept up to date.

g) Rectify the information when it is incorrect and communicate the corresponding rectifications to the data processor.

h) When appropriate, provide the data processor only with the data whose processing is previously authorized in accordance with the provisions of this law.

- i) Demand from the data processor, at all times, observance of the security and privacy conditions for the data subjects' information.
- j) Process the queries and claims formulated under the terms set forth in this law.
- k) Adopt an internal manual of policies and procedures to ensure proper compliance with this law and, especially, to handle queries and claims.
- l) Inform the data processor when certain information is under discussion by the data subject, once the claim has been filed and before the respective process is completed.
- m) Inform the data subjects, at their request, about the use made of their data.
- n) Inform the data protection authority when there are violations to the security codes and when there are risks in the administration of the data subjects' information.
- o) Follow the instructions and comply with the requirements issued by the Colombian Superintendence of Industry and Commerce.

## **AUTHORIZATION**

**Article 9 – Authorization:** The collection, storage, use, circulation, or erasure of personal data by the Bureau shall require the data subjects' prior, express, voluntary, and informed consent. The Bureau, in its capacity as personal data controller, has provided suitable mechanisms to collect the consents, which guarantee, at any time and free of charge, the verification of such authorization under the conditions specified in Article 21 of Decree 1377 of 2013.

Paragraph: Annex 1 of this manual proposes a model of authorization to collect and process personal data.

**Article 10 – Mechanism for data subjects to grant authorization:** The authorization may be recorded in any type of document, whether hard or electronic, in any format that ensures its subsequent consultation, and shall be available to the data subject at any time as established in the regulations in this regard. The aforementioned is in accordance with Article 7 of Decree 1377 of 2013, which establishes the way to obtain the authorization.

**Article 11 – Use of personal data:** The collection and processing of personal data is carried out with the purposes of keeping data subjects informed of all the attracted events in the city of Medellín, informing data subjects about the variety of suppliers belonging to the Bureau as active members in order to generate business opportunities, keeping the Bureau's staff updated, communicating promotional campaigns, requesting participation in surveys, announcing news, and inviting data subjects to attend events.

**Article 12 – Mechanism for data subjects to know, update, rectify, or erase their personal data:** In order to ensure that the data provided are correct, accurate, and

sufficient, the data subjects may request the Bureau, at any time, to update, correct, or erase their personal data, as well as revoke their authorization for their personal data processing in general, by sending a suitable and storable communication to the Bureau's General Secretariat, in accordance with Article 14 and Article 15 of Law 1581 of 2012.

**Article 13 – Area responsible for handling requests, queries, and complaints:**

When the data subjects want the Bureau to remove their personal data from its databases, they must state so directly, expressly, clearly, and in writing, by sending an email to [comunicaciones@bureaumedellin.com](mailto:comunicaciones@bureaumedellin.com). They can also request a telephone call by sending their contact number to the abovementioned email address. If data subjects do not express their interest to withdraw their personal data from the databases, the Bureau will be authorized to continue processing them, in accordance with the provisions of Article 10 of Decree 1377 of 2013.

Requests, queries, and complaints made by the data subjects concerning the exercise of their rights to know, update, rectify, and erase their personal data or to revoke their authorization should be directed to the previously indicated email address.

All queries or complaints must be submitted in an electronic or physical document; this means that the possibility of formulating a query or complaint verbally in person or by telephone is excluded.

Once received by the Bureau, the query or complaint will be filed on the date and time of its receipt and the terms of response and procedures set forth in Article 14 and Article 15 of Law 1581 of 2012 will be applied.

**Article 14 – Special requirements for the processing of personal data of children and adolescents:** 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 processing complies with the following parameters and requirements:

1. Responding to and respecting the best interests of children and adolescents.
2. Ensuring respect for their fundamental rights.

When the above requirements are met, the legal representative of the child or adolescent shall grant the authorization once the minor has exercised the right to express his or her opinion, which will be assessed taking into account his or her maturity, autonomy, and capacity to understand the matter.

According to the Colombian Constitutional Court, the personal data of minors under eighteen (18) years of age may be processed provided that the prevalence of their fundamental rights is not jeopardized and the processing unequivocally responds to the realization of the principle of their best interest. Without prejudice to compliance

with the above, collecting or using minors' data requested or existing in the Bureau's databases require the express authorization of the legal representative of the child or adolescent. The Bureau will grant to these representatives the possibility to exercise the rights to access, erase, and rectify the data of their wards.

People taking care or in charge of minors should not enter any personal data through the Bureau's website without the express consent and involvement of a parent or guardian.

Any data controller or processor in charge of processing personal data of children and adolescents shall ensure the proper use of such data. To this end, the principles and requirements set forth in Law 1581 of 2012 and this decree shall be applied.

Family and society shall ensure that data controllers and processors in charge of processing minors' personal data comply with the requirements set forth in Law 1581 of 2012.

**Article 15 – Privacy notice:** The Bureau hereby complies with Article 14 of Decree 1377 of 2013 by informing about the existence of this personal data processing policy, which can be consulted at any time on the website [www.medellinconventionbureau.com](http://www.medellinconventionbureau.com) or received via email, upon request, by calling to (574) 261 6060. A hard copy can also be requested at the Bureau's offices. The privacy notice referred to in this article can be found in the Annex 2 to this manual.

#### **DATA FOR REPORTING AND MANAGEMENT OF GRIEVANCES**

Fundación Medellín Convention & Visitors Bureau - Oficina de Convenciones y Visitantes de Medellín (data controller).

Tax identification number: 811,008,634-8.

Medellín, Antioquia, Colombia.

Contact: Natalia Ángel.

Address: Calle 41 No. 55 - 80. Office 306. Ala Norte Plaza Mayor.

Email: [comunicaciones@bureaumedellin.com](mailto:comunicaciones@bureaumedellin.com).

Telephone: (574) 261 6060.

The manual of policies and procedures for the protection and processing of personal data adopted by the Bureau can be consulted at any time on the website [www.medellinconventionbureau.com](http://www.medellinconventionbureau.com) or received via email, upon request, by calling to (574) 261 6060. A hard copy can also be requested at the Bureau's offices. Likewise, this manual contains the policies and procedures regarding the processing of personal data established in the regulations in force.

#### **VALIDITY**

This manual is valid as of the first (1<sup>st</sup>) day of June, 2017.