



## **DATA PROTECTION POLICY**

GRUPO ODINSA S.A. (hereinafter GRUPO ODINSA) a Colombian company identified with NIT 800.169.499-1, in accordance with the provisions stipulated in Act 1581 of 2012 and its regulatory Decree number 1377 of 2013, which regulate the protection of personal data and establish legal guarantees that every person in Colombia must comply with for the proper processing of said information, established the following policies for processing personal data within the organization.

The capitalized terms used in this Policy shall have the meaning established in Annex 1 "Definitions".

### **I. APPLICABLE PRINCIPLES FOR PROCESSING PERSONAL DATA**

The protection of personal data in GRUPO ODINSA be subject to the following rules, based on which we will determine the internal processes related to the processing of personal data, and which will be interpreted in a harmonious, comprehensive and systematic manner in order to resolve any conflicts that may arise in this matter, the principles stipulated in international standards, the Colombian law and the Constitutional Court's jurisprudence on the development of fundamental rights related to personal data.

#### **Informed Consent or Principle of Freedom**

Personal data within GRUPO ODINSA can only be processed with the prior, express and informed consent of the owner. Personal data may not be obtained, processed or disclosed without authorization of the owner, unless required by a legal or judicial mandate that replaces the express consent of the owner.

#### **Legality.**

The processing of personal data in Colombia is a regulated activity and therefore business processes and recipients of this regulation should comply with the provisions stipulated herein.

#### **Purpose of the data.**

The processing of personal data should follow a legitimate purpose consistent with the Constitution and the law, which must be previously notified to the owner in a concrete and precise manner in order for him/her to express his/her informed consent.



### **Quality and authenticity of the data.**

Personal data collected by GRUPO ODINSA must be authentic, complete, accurate, verifiable, understandable and remain updated. The processing of partial, fractional, incomplete or misleading data is prohibited.

### **Transparency.**

The processing of personal data must guarantee the owner the right to contact the person responsible and / or processor, to obtain information about the existence of data that concern him/her.

As part of the process for collecting personal data by GRUPO ODINSA, the purpose of the processing and/ or database should be taken into account; therefore data must be adequate, relevant and not excessive or disproportionate to the purpose. The collection of personal data disproportionate to the purpose for which it is obtained is prohibited.

### **Restricted Access and Circulation.**

The personal data collected or processed by GRUPO ODINSA will be used by that company or its related companies only for the purpose and authorization granted by the owner of the Personal Data, therefore, it may only be transferred to third parties that require this information in order to provide GRUPO ODINSA with a service considered necessary and that has the same purpose as the one given by GRUPO ODINSA to said personal data. The Owner, by means of an Authorization may entitle GRUPO ODINSA in the same manner, to transfer and assign personal data for the purposes that it has authorized the processing manager or its affiliates. Personal data under the custody of GRUPO ODINSA may not be available on the Internet or any other means of mass dissemination, unless access is technically controllable and safe, and said access is aimed at providing a restricted knowledge only the to owners or authorized third parties in accordance with the law and the principles that govern matter. Exceptions to the above include events in which by express legal provision such data must be disclosed in mass media such as the Internet, or the prior existence of authorization by the owner of the information.

### **Impermanence of the data.**

Once the purpose for which the Personal Data was collected is exhausted, GRUPO ODINSA should cease the use of the data and thus take appropriate measures to ensure its elimination. To this end, the obligations of commercial law on keeping trade books and correspondence should be taken into account.



However, if considered necessary, the data may remain in the databases of GRUPO ODINSA when required to comply with a legal duty or court order, and when treatment is limited to its conservation for historical or statistical purposes.

#### **Data Security.**

GRUPO ODINSA, as the Responsible party or Personal data processor, as the case may be, will adopt the security, physical, technological and / or administrative measures necessary to ensure the integrity, authenticity and reliability of the personal data. According to the classification of personal data carried out within the organization, GRUPO ODINSA will implement high, medium, or low level security measures, as appropriate, in order to prevent the adulteration, loss, leakage, query, use or unauthorized or fraudulent access to the data.

#### **Confidentiality.**

GRUPO ODINSA and all persons involved in the processing of personal data, have a professional obligation to keep and maintain the confidentiality of said data, except for legal exceptions. This obligation will continue even after the relationship that gave rise to the collection and processing of data ends. GRUPO ODINSA will include in its contractual relations, data protection provisions in this regard.

#### **Duty of Information.**

GRUPO ODINSA will inform the owners of the personal data, on the data protection scheme adopted by the organization, as well as on the purpose and other principles governing the processing of this data. It will also inform on the existence of any personal data databases under its custody, the rights and the exercise of habeas data by the owners, proceeding with the registration required by law.

#### **Special Protection of Sensitive Data.**

GRUPO ODINSA will not collect or process personal data related exclusively to political ideology, affiliation to unions, religious beliefs, sexual orientation, ethnicity and / or health data, unless authorized by the owner or by express statutory provision.

No activity carried out by GRUPO ODINSA, is conditional upon the owner providing sensitive data, except when it is imperative as it benefits the owner of the information or due to a specific situation which requires it.

## **II. RIGHTS OF THE OWNERS OF THE DATA**



The owners of the personal data contained in databases included within GRUPOS ODINSA's information systems have the rights described in this section in accordance with the fundamental guarantees enshrined in the Constitution and the Law.

The exercise of these rights may be exercised by the owner of the Personal Data, in accordance with the legal provisions governing the exercise thereof. To exercise these rights the owner of the information may contact the company by writing to the following email address [protecciondedatos@odinsa.com](mailto:protecciondedatos@odinsa.com); or by writing a letter to the following address Carrera 14 No. 93rd - 30 in Bogotá D.C.

The exercise of Habeas Data, expressed in the following rights, it is a very individual right and shall be exclusively exercised by the owner of the data, with the exceptions provided for by law.

**Right of Access.**

This right includes the right of the owner of the data to obtain all the information pertaining to his/her own personal data, whether partial or complete, of the processing applied thereto, the purpose of the processing, the location of the databases containing the data personal, and communications and / or assignments made, whether authorized or not.

Access to personal data that have undergone processing is guaranteed free once a month or whenever there are substantial changes to these policies that encourage further consultations. For inquiries whose frequency is greater than once each calendar month, the organization may charge the owner for shipping costs, reproduction and, where appropriate, certification of the documents.

**Right to update.**

This right includes the right of the owner of the data to update his/her personal data whenever there is a change.

**Right to amend.**

This right includes the right of the owner of the data to request a modification to data that is inaccurate, incomplete or nonexistent.

**Right to Cancel.**

This right includes the right of the owner of the data to cancel his/her personal or delete data when excessive, irrelevant, or when processing is contrary to the regulations,



except in those cases referred to as exceptions by law, or when required because of the existence of a contractual or business relationship.

**Right to revoke consent.**

The owner of personal data has the right to revoke the consent or authorization which authorizes GRUPO ODINSA to process it for a specific purpose, except in those cases referred to as exceptions by law and / or when necessary because of a specific contractual framework.

**Right to object.**

This right includes the owner's right to object to the processing of personal data, except where such right does not apply due to a legal provision or because it violates the general interest above the individual interest. Based on the legitimate rights asserted by the owner of Personal Data, GRUPO ODINSA will make a judgment of proportionality or weighting in order to determine the preeminence of the specific right of the owner in terms of other rights.

**Right to Complain or Exercise Legal Action.**

The owner of the Personal Data is entitled to present inquiries and complaints in accordance with the laws that regulate them to GRUPO ODINSA, and grievances to the Superintendence of Industry and Commerce, or the competent authority. GRUPO ODINSA will respond to the requirements by the competent authorities in relation to the rights of these owners of personal data.

**Right to grant authorization for data processing.**

In implementing the principle of informed consent, the owner of the data is entitled to grant authorization, by any means that may be subject to further consultation, for processing of personal data by GRUPO ODINSA.

Exceptionally, this authorization will not be required in the following cases:

- When the information is required or needs to be delivered to a public or administrative entity in order to fulfill its legal duties, or by court order.
- In the case of public data.
- In cases of medical or health emergencies.
- When processing information authorized by law for historical, statistical or scientific purposes.
- In the case of personal data relating to Civil Registry Records .



In these cases, although authorization by the owner is not required, all other principles and laws on the protection of personal data will apply.

### **III. GENERAL POLICY**

GRUPO ODINSA's overall objective for the protection of personal data and its processing is to ensure the confidentiality, integrity, freedom, authenticity, transparency and availability of the information and databases on its shareholders, suppliers, applicants, employees and former employees, ensuring availability of the technological infrastructure for processing personal data for legal, contractual, commercial purposes.

To this end, GRUPO ODINSA agrees to comply with current regulations, always seeking effective mechanisms for the protection of the rights of the owners of the personal data processed, and manage and develop measures that contain adequate safety conditions to prevent the adulteration, loss, query, use or unauthorized or fraudulent access to the data.

Included in the Authorization for Processing Data requested in each case it will indicate that these may be transferred to entities that fulfill the duty of Responsible party under the terms established by Law 1581 of 2012 or to related companies. The Parties Responsible for managing the databases for GRUPO ODINSA must completely adopt this Data Protection Policy.

### **IV. SPECIFIC POLICIES FOR PROCESSING PERSONAL DATA.**

Operations considered processing of personal data by GRUPO ODINSA, as Responsible Party or Processor, will be governed by the following parameters:

#### **1. Personal data related to Human Resource Management**

Independent databases will exist for processing personal data before, during and after the employment relationship.

##### **1.1. Data processing before the employment relationship**

GRUPO ODINSA will inform, in advance, to those interested in participating in a selection process, the rules applicable to the processing of personal data supplied by the applicant, as well as with respect to the data obtained during the selection process.

When GRUPO ODINSA hires third parties to carry out or support the selection processes, the respective contracts will include a provision stipulating that the personal data collected will be processed in compliance with this Policy Data Protection.



The purpose of sharing the data supplied by those interested in open positions within GRUPO ODINSA and personal information obtained from the selection process is limited to information related to their participation therein; therefore, its use for other purposes is forbidden.

### **1.2. Data processing during the employment relationship**

GRUPO ODINSA will file the personal data obtained during the employee selection process in a folder identified with the name of each individual. This physical or digital folder may only be accessed and processed by the Human Resource and Administration Department and with the sole purpose of managing the contractual relationship between GRUPO ODINSA and the employee.

The use of employee information for purposes other than those set out in the employment contract and authorizations signed to that effect is prohibited in GRUPO ODINSA. A different use of employee data and personal information will only proceed by request of the competent authority, provided that it has such power. GRUPO ODINSA is responsible for assessing the competence and effectiveness of the request by the competent authority, in order to prevent the unauthorized transfer of personal data.

For purposes of processing sensitive personal data collected during the employment relationship the express consent of the owner is required, to which end he/she must be informed of the sensitive data which will be processed and the purpose thereof.

Any external services GRUPO ODINSA, regarding data processing during the contractual relationship, may require the assignment or transfer of such data to a third party, therefore said party becomes responsible for managing the process.

In this case, the express consent of the employee authorizing processing the data, will be included in the consent for data transfer.

### **1.3. Data processing once the employment relationship has ended**

Once the employment relationship has ended, independent of the cause, GRUPO ODINSA will file the personal data obtained from the selection process and the documentation generated throughout the employment relationship, in a central file, and establishing high level security measures, by virtue of the possibility that the information may contain sensitive data.

Personal data pertaining to former employees is kept exclusively for the fulfillment of the following purposes:



- i. Complying with Colombian or foreign law, and requirements by judicial, administrative authorities or private entities exercising public services;
- ii. Issue certificates concerning the relationship of the employee with the Company;
- iii. Statistical or historical purposes.

## **2. Processing personal data of Shareholders.**

Data and personal information of individuals considered as shareholders in GRUPO ODINSA is to be treated as confidential, given that it is registered in the trade books and is of a confidential nature according to law. However, the information will be disclosed in the cases established by the regulations governing the public securities market.

Consequently, access to said personal information will be made pursuant to the provisions stipulated in the Commercial Code and other regulations governing the matter.

The purposes for which the shareholders' personal data will be used are as follows:

- i. The exercise of the duties and rights as shareholders;
- ii. Sending invitations to events organized by the Company;
- iii. Issuing certificates relating to the holder's relationship with the Company;
- iv. Others established in the authorizations granted by the shareholders

## **3. Processing suppliers' personal data.**

GRUPO ODINSA will only collect data from their suppliers, that is necessary, relevant and not excessive for the purpose of selection, evaluation and execution of the corresponding contract. When due to its nature as a corporation, GRUPO ODINSA is required to disclosure the data of an individual supplier as a result of a hiring process, it will be made in following with the provisions stipulated in this document and to prevent informing third parties as to the purpose of the information disclosed.

The purposes for which the suppliers' personal data will be used are as follows:

- i. Send invitations to contract and manage pre-contractual, contractual and post-contractual processes;
- ii. Send invitations to events programed by the Company or its affiliates;



iii. Others specifically included in the authorizations granted by the suppliers themselves, when required in accordance with current regulations or in accordance with Law 1581 of 2012.

GRUPO ODINSA may collect personal data on the employees of its suppliers when due to security reasons the suitability of certain individuals requires analysis and assessment, based on the characteristics of the services contracted with the supplier.

The collection of personal data on the employees of its suppliers by GRUPO ODINSA, will aim to verify the moral suitability and competence of employees; therefore, once this requirement is verified, GRUPO ODINSA will return said information to the supplier, unless expressly authorized otherwise.

When GRUPO ODINSA delivers personal data to its suppliers, they must protect the personal data, pursuant to the provisions stipulated in current regulations. To this end, the corresponding audit provision will be included in the contract or document that legitimizes the delivery of personal data. GRUPO ODINSA will verify that the data requested is necessary, relevant and not excessive in relation to the purpose that substantiates the request for access.

## **V. RECORDINGS, FILMING AND COMMUNICATIONS**

As part of its communication strategy the Company has made its webpage available to its shareholders, customers and users, as well as various ways to make contact, such as written communications, telephone contact, newsletters and press releases.

Images, references, articles or communications of Company employees, its customers or attendees to events organized or sponsored by GRUPO ODINSA may be published in any of the above.

Said information and data will in no manner be used or shared with third parties for commercial purposes or activities other than to publicize the activities and services of GRUPO ODINSA or its affiliates. The company is committed to carefully reviewing the information to be published in any of its forms, in order that in no way does it undermine the dignity, privacy or good name of any individual who may appear in their communications.

Delivery of information by the owners does not transfer the intellectual property or moral rights over it to the Company. Intellectual property remains the right of the owner.

Similarly, the transfer of images, pictures or videos captured and / or filmed in as part of the employment and / or professional relationship with GRUPO ODINSA, and



generally all other personal information shared through any media and communication media does not give the right to receive compensation or recognition of any kind, given that the authorization and transfer of rights are given freely.

#### **VI. DATA ON MINORS**

Except in the case of shareholders, the company does not include in any of its activities the processing of personal data on minors. However, if for any reason is ever needed to process said information, it will take into account the prevailing interest and in no way will it process the information without the prior authorization of their legal representatives.

#### **VII. AMENDMENTS TO THE POLICY**

The Company reserves the right to change the Protection of Personal Data Policy at any time. Any change will be communicated in a timely manner to the owners of the data through the usual means of contact and / or via its website, ten (10) business days prior to its entry into force. If the owner does not agree with the new policies of the management of personal information, and has a valid reason which constitute just cause the owners of the information or their representatives may ask the Company that it remove the information through the channels indicated above, however he/she may not request the removal of the data while a bond of any kind remains in place with the organization.

#### **VIII. LAW, JURISDICTION AND VALIDITY**

Any interpretation, and judicial or administrative action arising from the processing of personal data that makes up the Company's databases and this policy will be subject to the Personal Protection regulations established in the Republic of Colombia and the competent administrative or judicial authorities authorized to resolve any concerns, complaints or lawsuits. Moreover, in general, information from our databases will continue being processed inasmuch as a legal or contractual relationship with the owner of the information remains. In any case, the information will generally not be processed for a period longer than twenty (20) years from its date of collection in accordance with the legal or contractual circumstances which require the handling of information, notwithstanding that, in any case, it remain if needed for statistical, historical purposes or any obligations of a legal nature.

Publication date and effective date: \_\_\_\_\_



## **Annex 1 “Defintions”**

### **Human Resource and Administration Department:**

Area responsible for managing the Company’s human resource and administrative processes

### **Authorization:**

Prior, express and informed consent by the owner of the information to process personal data.

### **Privacy Notice:**

Document generated by the Responsible party, which is made available to the owner for the processing of his/her personal data in case the Privacy Policy is not available.

Generally, GRUPO ODINSA makes its Personal Data Policy available to all employees, customers, shareholders, users and owners of personal data and easily accessible through its website [www.grupoodinsa.com](http://www.grupoodinsa.com). However, if the implementation of this notice is required for a specific communications channel, it must at least contain the information on the existence of the policies for processing information that will be applicable and the characteristics of the intended processing.

### **Database:**

Organized set of personal data that is processed, regardless of whether they are structured or not.

### **Company:**

Grupo Odinsa S.A.

### **Personal data:**

Any information related or that may be related to one or more specific or identifiable individuals. Personal data may be public, semi-private or private.

### **Private data:**

The data that given its intimate or confidential nature is only relevant to the owner, such as biometric data and medical history, among others. This type of data is not processed by GRUPO ODINSA unless considered necessary for the development of a



project within the scope of its corporate purpose or the internal management of the information of their officers, with their prior authorization, if necessary.

**Public data:**

Information qualified as such by legal mandates or the Constitution and that which is not semiprivate or private. Public data includes, among others, the data contained in public documents, duly executed judgments which are not subject to confidentiality and those relating to the civil status of individuals. According to the opinions established by the Superintendence of Industry and Trade, directory data or that found in the Internet cannot be considered public and their processing must be based on the principles for managing personal information.

**Semiprivate data:**

Information that does not have an intimate or confidential nature, nor is it public and whose knowledge or disclosure may be of interest, not only the owner, but to a certain sector or group of people, or society in general, such as that which is the relative to the fulfillment of the obligations stated in the central credit bureaus.

**Sensitive Data:**

Information that affects the privacy of the owner or whose misuse can lead to discrimination, such as those revealing racial or ethnic origin, political orientation, religious or philosophical beliefs, trade union membership, social or human rights organizations, that promotes the interests of any political party or safeguards the rights and guarantees of opposition political parties, as well as data concerning health and sexual life.

GRUPO ODINSA may process this type of data with the prior authorization of its employees, customers or shareholders.

**Data Processor:**

Public or private individual or corporation which, by itself or in association with others, processes the personal data on behalf of the Responsible Party.

**External fraud:**

Actions carried out by a person outside the company, seeking to defraud, misappropriate assets or information for personal or third party gain, or violate rules or laws.

**Internal Fraud:**

Actions that intentionally seek to defraud or misappropriate corporate assets, confidential information, or proprietary information from GRUPO ODINSA or violate rules or laws, for personal or third party gain in which at least one Company employee is involved.

**National Register of Databases:**

Public directory of databases subject to processing in the Colombian territory. Databases that are outside the Colombian territory, if any, shall be recorded when Colombia legislation applies to GRUPO ODINSA or the Data Processor, by virtue of domestic regulations or international treaties.

Responsable del tratamiento: Persona natural o jurídica, pública o privada, que por sí misma o en asocio con otros decide sobre la base de datos y/o el Tratamiento de los datos.

**Responsible Party:**

Public or private individual or corporation which, by itself or in association with others, processes the personal data

**Superintendence of Industry and Commerce:**

National Authority responsible for the protection of personal data through its Protection of Personal Data Division.

**Owner of the information:**

Individual whose personal data is processed.

**Transfer:**

When the Responsible Party and / or the Data Processor of personal data, located in Colombia, sends the information or personal data to a receiver, which in turn is Responsible Party, located inside or outside the country.

**Transmission:**

Processing of personal data that involves communication within or outside the territory of the Republic of Colombia, when the Data Processor intends to process the data on behalf of the Responsible Party.



**Processing:**

Any operation or set of operations regarding personal data, such as collection, filing, use, circulation or elimination.