

Personal Data Protection Policy

Fundación Unibán

DATABASE RECORDS

In compliance with Law 1581 of 2012 "By which general provisions are issued for the protection of personal data", FUNDACIÓN UNIBAN, in its capacity as Responsible for the Treatment of personal data, informs its treatment policy and the guidelines in accordance with the following:

I. POLITICS

The data provided to FUNDACIÓN UNIBAN will be subject to Treatment (collection, updating, rectification, storage, use, circulation, or deletion) for the specific purposes for which they were provided and in compliance with the constitutional mandates, the requirements set forth in Law 1581 of 2012 and other regulations that modify, add or replace it for the Processing of personal data.

II. IDENTIFICATION OF THE RESPONSIBLE

BUSINESS NAME

Fundación Unibán

TAX ID:

800 014 656-4

SERVICE CHANNELS:

Main office, Km 7 carretera Zungo, Vía Apartadó – Carepa – Antioquia. Phone: 4-8291870. Medellín, Calle 52 N° 47-42, Edificio Coltejer, piso 14, Medellín. Phone: 4-5115540 Ext 4276 Instituto Unibán, Km 7 carretera Zungo, Vía Apartadó – Carepa – Antioquia – Colombia. Unidad de Crédito, Km 1 Vía Apartadó – Turbo, – Antioquia.

E-mail: protecciondedatos@fundauniban.org.co P h

o n e : 4-8291870

III. DEFINITIONS

AUTHORIZATION: Prior, express and informed consent of the Holder or legal representative of children and adolescents to carry out the Processing of personal data.

DATA PROCESSING MANAGER: 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 Data Controller.

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.

TREATMENT: Any operation or set of operations on personal data, such as collection, storage, use, circulation or deletion.

PRIVACY NOTICE: Verbal or written communication generated by the Responsible Party addressed to the Owner for the processing of their personal data, through which they are informed about the existence of the Information Processing Policy that will be applicable to them, the way to access the same and the purposes of Treatment that is intended to give personal data.

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

PERSONAL DATA: Any piece of information linked to one or several specific or determinable persons or that may be associated with a natural or legal person.

PUBLIC DATA: It is the data that is not semi-private, private or sensitive. Public data is considered, among others, data related to the marital status of people, their profession or trade and their status as a merchant. Due to its nature, public data may be contained in public records, public documents, official gazettes and bulletins and duly enforced judicial decisions, which are not subject to reservation.

SENSITIVE DATA: Sensitive data is understood to be that which affects the privacy of the Holder or whose improper use may generate discrimination, such as revealing racial or ethnic origin, political orientation, religious or philosophical convictions, membership in trade unions, organizations social, human rights or that promotes the interests of any political party or that guarantees the rights and guarantees of opposition political parties, as well as data related to health, sexual life, and biometric data.

ESSENTIAL DATA: It is understood as the personal data of the Holders, essential to carry out the activity of education in teaching, education and research and extension. Information of an essential nature must be provided by the Holders of these or those entitled to exercise these rights. Said information will be handled by the Academic Secretary.

DATA PROCESSING MANAGER: 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 Data Controller.

HABEAS DATA: Right of any person to know, update and rectify the information that has been collected about them in the database and in files, in public and private entities.

DATA PROTECTION LAW: It is Law 1581 of 2012 and its Regulatory Decrees or the regulations that modify, add or replace them.

CLAIM: Request from the Owner of the data or from the persons authorized by it or by the Law to correct, update or delete their personal data or to revoke the authorization in the cases established by Law.

RESPONSIBLE FOR TREATMENT: Public or private natural or legal person who, by itself or in association with others, decides on the basis of data and/or data processing.

TERMS AND CONDITIONS: general framework in which the conditions for participants in promotional or related activities are established.

TRANSFER: The transfer of data takes place when the Person in Charge and/or Person 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.

TRANSMISSION: Processing of Personal Data that implies the communication of these within or outside the territory of the Republic of Colombia when its purpose is to carry out a Processing by the Manager on behalf of the Responsible.

IV. PRINCIPLES

In the development, interpretation and application of Law 1581 of 2012, by which general provisions are issued for the protection of personal data and the regulations that complement, modify or add to it, the following guiding principles will be applied in a harmonious and comprehensive manner:

- a. **PRINCIPILE OF LEGALITY:** Data processing is a regulated activity that must be subject to the provisions of the law and the other provisions that develop it.
- b. **PRINCIPLE OF PURPOSE:** The Treatment must obey a legitimate purpose in accordance with the Political Constitution and the Law, which must be informed to the owner. Regarding the collection of personal data, FUNDACIÓN UNIBAN will limit itself to those data that are pertinent and adequate for the purpose for which they were collected or required.
- c. **PRINCIPLE OF FREEDOM:** The Treatment can only be exercised with the prior, express and informed consent of the owner or his legal representative. Personal data may not be obtained or disclosed without prior authorization or in the absence of a legal or judicial mandate that reveals consent.

- d. **PRINCIPLE OF TRUTH OR QUALITY:** the information subject to Treatment must be truthful, complete, accurate, up-to-date, verifiable and understandable. The Processing of partial, incomplete, fragmented or misleading data is prohibited.
- e. **PRINCIPLE OF TRANSPARENCY:** In the Processing, the Holder's right to obtain from the Data Controller or the Data Processor, at any time and without restrictions, information about the existence of data that concerns him or her must be guaranteed.
- f. **PRINCIPLE OF ACCESS AND RESTRICTED CIRCULATION:** The Treatment is subject to the limits derived from the nature of the personal data, the provisions of the law and the Constitution. In this sense, the Treatment can only be done by persons authorized by the Owner and/or by the persons provided for by law. Personal data, except public information, may not be available on the Internet or other means of disclosure or mass communication, unless access is technically controllable to provide restricted knowledge only to the Holders or third parties authorized by law.
- g. **PRINCIPLE OF SECURITY:** The information subject to Treatment by the FUNDACIÓN UNIBAN must be handled with the technical, human and administrative measures that are necessary to provide security to the records, avoiding their adulteration, loss, consultation, use or unauthorized or fraudulent Access.
- h. **PRINCIPLE OF CONFIDENTIALITY:** the FUNDACIÓN UNIBAN is obliged to guarantee the confidentiality of the information, even after the end of its relationship with any of the tasks that includes the Processing, and may only supply or communicate personal data when this corresponds to the development of the activities authorized in the Law.

V. GENERALITIES

FUNDACIÓN UNIBAN, acting as Responsible for the Processing of Personal Data, for the proper development of its Social activities, as well as for the strengthening of its relations with third parties; collects, stores, updates, rectifies, uses, circulates and deletes Personal Data corresponding to natural and/or legal persons with whom it has or has had a relationship as workers and their families, clients, users and/or beneficiaries, suppliers, creditors and debtors, for the following purposes or purposes and taking into account specific security policies for it:

- a) **DATABASES:** the FUNDACIÓN UNIBAN has defined its databases according to the characteristics of the public it serves: students, parents, teachers, employees, each database is registered independently in the information system and Its purpose is clearly established.

- b) COLLECTION OF THE AUTHORIZATION: it will be obtained physically:
 - 1. To the holders existing in our databases, prior to the issuance of Law 1581, it was sent in 2013, as determined by the norm, to the address that appears in the database and was published in the media for the mass notification for data processing.
 - 2. Holders from 2013 to date have been requested to complete the authorization in different formats.

- c) PURPOSES: The use that the FUNDACIÓN UNIBAN will give to the information provided by the owner, will be solely for the purposes described below:
 - 1. PUBLICATIONS: To publicize the topics related to the programs, projects and services of the FUNDACIÓN UNIBAN, as well as to promote new systems or developments that it implements and promote the different events and publications.
 - 2. PRE-SCHOOL AND PRIMARY EDUCATION, BASIC SECONDARY, MIDDLE EDUCATION and NON-FORMAL EDUCATION: To guide said programs, in charge of the FUNDACIÓN UNIBAN in the necessary aspects for the fulfillment of its purposes.
 - 3. ADMINISTRATIVE MANAGEMENT: For the fulfillment of the obligations derived from the existing contractual relations with the interest groups.
 - 4. RESEARCH: To inform the progress of the research processes that are developed in the institution.

VI. RIGHTS THAT ASSIST THE HOLDER OF THE INFORMATION

- a) Know, update, and rectify or delete your personal data against FUNDACIÓN UNIBAN in its capacity as data controller. This right may be exercised, among others, against partial, inaccurate, incomplete, fragmented, misleading data, or those whose treatment is expressly prohibited or has not been authorized.
- b) Request proof of authorization from the FUNDACIÓN UNIBAN, except when expressly excepted as a requirement for processing (cases in which authorization is not necessary).
- c) Be informed by FUNDACIÓN UNIBAN, upon request, regarding the use that has been given to their personal data.
- d) Submit to the Superintendence of Industry and Commerce complaints for violations of the provisions of Law 1581 of 2012 and other regulations that modify, add or replace it.
- e) Revoke the authorization and/or request the deletion of the data when the Constitutional and legal principles, rights and guarantees are not respected in the treatment.
- f) Free access to your personal data that has been processed.

VII. RIGHTS OF CHILDREN AND ADOLESCENTS

According to the provisions of Article 7 of Law 1581 of 2012 and article 12 of Decree 1377 of 2013, the FUNDACIÓN will only carry out the Treatment, corresponding to children and adolescents, as long as this Treatment responds to and respects the best interests of children and adolescents and ensure respect for their fundamental rights.

Once the above requirements have been fulfilled, the FUNDACIÓN must obtain the Authorization of the legal representative of the child or adolescent, prior to the minor exercising their right to be heard, an opinion that will be assessed considering the maturity, autonomy and ability to understand the matter.

In the treatment, respect for the prevailing rights of children and adolescents will be ensured. The treatment of personal data of children and adolescents will be treated in accordance with the authorization issued by their legal representatives and in accordance with their Constitutional and Legal protection.

VIII. DUTIES OF FUNDACIÓN UNIBAN

FUNDACIÓN UNIBAN bears in mind that the Personal Data are the property of the people to whom they refer and only they can decide on them. In this sense, FUNDACIÓN UNIBAN will use the Personal Data collected only for the purposes for which it is duly empowered and respecting, in any case, the current regulations on the Protection of Personal Data.

The FUNDACIÓN UNIBAN will attend to the duties provided for the Treatment Managers, contained in article 17 of Law 1581 of 2012 and the other regulations that regulate, add or replace it.

By virtue of this personal data treatment and protection policy, the following are the duties of the FUNDACIÓN UNIBAN, without prejudice to the provisions of the law.

- a) Guarantee the holder, the full and effective exercise of the right of habeas data.
- b) Request and keep a copy of the respective authorization granted by the owner.
- c) Duly inform the owner about the purpose of the collection and the rights that assist him by virtue of the authorization granted.
- d) Keep the information under the necessary security conditions to prevent its adulteration, loss, consultation, use or unauthorized or fraudulent access.
- e) Guarantee that the information is truthful, complete, exact, up-to-date, verifiable and understandable.
- f) Update the information, thus attending to all the news regarding the owner's data. Additionally, all necessary measures must be implemented so that the information is kept up to date.
- g) Rectify the information when it is incorrect and communicate it appropriately.
- h) Respect the security and privacy conditions of the holder's information.
- i) Process queries and claims formulated in the terms indicated by law.
- j) Identify when certain information is under discussion by the holder.

- k) Inform at the request of the owner about the use given to their data.
- l) 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.
- m) Comply with the requirements and instructions issued by the Superintendency of Industry and Commerce on the particular subject.
- n) Use only data whose treatment is previously authorized in accordance with the provisions of Law 1581 of 2012 and its regulations.
- o) FUNDACIÓN UNIBAN will use the personal data of the holder only for those purposes for which it is duly empowered and respecting in all cases the current regulations on personal data.

IX. AUTHORIZATIONS AND CONSENT OF THE HOLDER

Without prejudice to the exceptions provided for in the Law, in the treatment of personal data of the owner, the prior and informed authorization of the latter, or of his legal representative, is required, which must be obtained by any means that may be subject to subsequent consultation.

X. MEANS AND MANIFESTATION TO GRANT THE HOLDER'S AUTHORIZATION

FUNDACIÓN UNIBAN, in the terms provided by law, will generate a privacy notice, in which the owners are informed that they can exercise their right to the processing of personal data through the owner service channels mentioned in this policy.

XI. EVENTS IN WHICH THE AUTHORIZATION OF THE HOLDER IS NOT NECESSARY

The authorization of the owner of the information will not be necessary in the following cases:

- a) Cases of medical or health emergency.
- b) Treatment of information authorized by law for historical, statistical or scientific purposes.
- c) Data related to the Civil Registry of people.
- d) Information required by a public or administrative entity in the exercise of its legal functions or by court order.
- e) Data of a public nature.
- f) Alternate Mechanisms Art. 10 Decree 1377 of 2013 incorporated into Chapter 25 of Single Decree 1074 of 2015.
- g) Other.
- h) By legal or judicial mandate.

XII. LEGITIMATION FOR THE EXERCISE OF THE RIGHT OF THE HOLDER

The rights of the holders established in the law may be exercised by the following persons:

- a) By the owner, who must sufficiently prove their identification by the different means made available by FUNDACIÓN UNIBAN.
- b) By successors in title of the owner, who must prove such quality.
- c) By the legal representative and/or proxy of the holder, prior accreditation of the representation or power of attorney.
- d) By stipulation in favor of another or for another. The rights of children and adolescents will be exercised by the people who are empowered to represent them.

XIII. TREATMENT TO WHICH THE DATA AND PURPOSES WILL BE SUBJECT

The treatment of the essential personal data of students, data of parents, teachers, workers, graduates, employees, clients, beneficiaries, suppliers and/or contractors will be framed in the legal order and by virtue of the condition of FUNDACIÓN UNIBAN as a foundation corporate social and its INSTITUTO UNIBAN as an institution of preschool, basic and secondary non-formal education and will be all those necessary for the fulfillment of the institutional mission.

In the case of sensitive personal data, they may be used and processed when:

- a) The owner has given its explicit authorization to this treatment, except in cases that the granting of said authorization is not required by law.
- b) The treatment is necessary to safeguard the vital interest of the owner and it is physically or legally disabled. In these events, the legal representatives must grant their authorization;
- c) The treatment is carried out in the course of legitimate activities and with due guarantees by a Foundation, NGO, Association or any other non-profit organization, whose purpose is political, philosophical, religious or trade union, provided that it is refer exclusively to its members or to people who maintain regular contact by reason of its purpose. In these events, the data cannot be supplied to third parties without authorization from the owner;
- d) The treatment refers to data that is necessary for the recognition, exercise or defense of a right in a judicial process;
- e) The Treatment has a purpose, scientific statistics. In this event, the measures leading to the suppression of the identity of the Holders must be adopted.
- f) The treatment of personal data of children and adolescents is prohibited, except when it comes to data of a public nature, and when said treatment complies with the following parameters and/or requirements:
 1. That they respond to and respect the best interests of children and

adolescents.

2. To ensure respect for their fundamental rights.

Once the above requirements have been fulfilled, the legal representative of the children or adolescents will grant the authorization, after the minor has exercised his or her right to be heard, an opinion that will be valued considering the maturity, autonomy and ability to understand the matter. The FUNDACIÓN UNIBAN will ensure the proper use of the treatment of personal data of children and adolescents.

XIV. PROCEDURE FOR THE ATTENTION OF INQUIRIES, CLAIMS AND REQUESTS

FUNDACIÓN UNIBAN has designated the Administrative Department as the area responsible for ensuring compliance with this policy within the Foundation, which is in charge of developing, implementing, training and enforcing it. For this purpose, all officials who carry out the Processing of Personal Data in the different areas or dependencies of the FUNDACIÓN UNIBAN, are obliged to report these Databases to the Administrative Directorate and to immediately transfer all requests, complaints or claims received from the Holders of Personal Data or their successors in title.

The Holders of Personal Data processed by the FUNDACIÓN have the right to access their Personal Data and the details of said Processing, as well as to rectify and update them if they are inaccurate or to request their deletion when they consider that they are excessive or unnecessary for the purposes that justified their obtaining or oppose the Treatment of these for specific purposes.

The holder has the right to make inquiries or requests, additionally in accordance with the provisions of Article 14 of Law 1581 of 2012, when the Holder or his successors in title consider that the information processed by the FUNDACIÓN UNIBAN should be subject to correction, updating or deletion, or when the authorization must be revoked due to the alleged breach of any of the duties contained in the Law, they may submit a request to the FUNDACIÓN UNIBAN, which will be processed under the following rules:

- a) The query will be formulated through the channels indicated here.
- b) The PQRS can be raised indicating the information you want to know, through the service channels indicated here. When the request is made by a person other than the Holder and it is not proven that the same acts on behalf of the former, it will be considered as not submitted.
- c) The PQRS must contain at least the name and contact address of the Holder or any other means to receive the response, as well as a clear and precise description of the personal data with respect to which the Holder seeks to exercise the right of consultation and/or or request.
- d) If the PQRS carried out by the Owner of the data is incomplete, the FUNDACIÓN will require the interested party within five (5) days following receipt of the query, request, complaint or claim to correct the faults. After

two (2) months from the date of the request, without the applicant submitting the required information, it will be understood that he has withdrawn his request.

- e) The PQRS will be addressed by the FUNDACIÓN within a maximum term of ten (10) business days counted from the date of receipt. When it is not possible to attend to the request or query within said term, this fact will be reported to the applicant, stating the reasons for the delay and indicating the date on which the request and/or query will be addressed, which in no case may exceed the five (5) business days following the expiration of the first term.
- f) Regarding the request for updating, rectification and deletion of data, FUNDACIÓN UNIBAN will rectify, update or delete, at the request of the owner, the information of the latter that turns out to be incomplete or inaccurate, in accordance with the procedure and the terms indicated above, for which the Holder will submit the request through the Holder service channels, indicating the updating, rectification and deletion of the data and will provide the documentation that supports his request.
- g) In relation to the revocation of the authorization and/or deletion of the data, the owners of the personal data may revoke their consent to the processing of their personal data at any time, as long as it is not prevented by a legal or contractual provision, for this, the FUNDACIÓN UNIBAN will make the channels indicated here available to the Holder. If the respective legal term has expired, FUNDACIÓN UNIBAN, as the case may be, has not deleted the personal data, the Holder shall have the right to request the Superintendence of Industry and Commerce to order the revocation of the authorization and/or the deletion of the data. personal. For these purposes, the procedure described in article 22 of Law 1581 of 2012 will be applied.

xv. TRANSFER, TRANSMISSION AND DISCLOSURE OF PERSONAL DATA

FUNDACIÓN UNIBAN may disclose to its Allies or Cooperators at a National and International level, the Personal Data on which it performs the Treatment, for its use and Treatment in accordance with this Personal Data Protection Policy. Likewise, FUNDACIÓN UNIBAN may deliver Personal Data to unrelated third parties when:

- a) In the case of contractors executing contracts for the development of activities and compliance with the Corporate Purpose of the FUNDACIÓN;
- b) By explicit request of the Allies or Cooperators of projects in which it is necessary to present activity reports.

In any case, when the FUNDACIÓN UNIBAN wishes to send or transmit data to one or several Allies or Cooperators, located inside or outside the territory of the Republic of Colombia, it will establish contractual clauses or enter into a contract for the transmission of personal data in which, among others, the following is agreed:

- a) The scope and purposes of the treatment.
- b) The activities that the person in charge will carry out on behalf of FUNDACIÓN UNIBAN.
- c) The obligations that must be fulfilled by the Person in Charge with respect to the Owner of the data and FUNDACIÓN UNIBAN.
- d) The duty of the Person in Charge to treat the data in accordance with the authorized purpose for the same and observing the principles established in Colombian Law and this policy.
- e) The obligation of the Person in Charge to adequately protect personal data and databases, as well as to maintain confidentiality regarding the treatment of transmitted data.
- f) A description of the specific security measures that are going to be adopted both by FUNDACIÓN UNIBAN and by the person in charge of the data at their place of destination.

XVI. SECURITY OF PERSONAL DATA

The FUNDACIÓN, in strict application of the Principle of Security in the Processing of Personal Data, will provide the technical, human and administrative measures that are necessary to provide security to the records, avoiding their adulteration, loss, consultation, use or unauthorized or fraudulent access. The obligation and responsibility of the FUNDACIÓN UNIBAN is limited to having the appropriate means for this purpose. FUNDACIÓN UNIBAN strives in a continuous commitment to deploy the necessary measures, resources and tools to guarantee the security of information. FUNDACIÓN UNIBAN will require the service providers it contracts to adopt and comply with the appropriate technical, human and administrative measures for the protection of Personal Data in relation to which said providers act as Processors.

XVII. APPLICABLE LEGISLATION

This Personal Data Protection Policy, the Privacy Notice, and the Authorization Format Annex that is part of this Policy, are governed by the provisions of current legislation on the protection of Personal Data referred to in Article 15 of the Political Constitution of Colombia, Law 1581 of 2012, Decree 1377 of 2013, and other regulations that modify, add or replace them.

XVIII. VALIDITY AND UPDATE

This policy comes into force as of its approval, on May 30, 2017 and was updated in October 2021.