



# Personal Data Processing Policies

Martínez Díaz & Asociados SAS

This document outlines the guidelines and procedures for the collection, storage, processing, and protection of personal data within Martínez Díaz & Asociados SAS. It aims to ensure compliance with data protection laws, safeguard the confidentiality and privacy of data subjects' information, and define users' rights regarding their personal data.

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## **MARTÍNEZ DÍAZ & ASOCIADOS SAS**

### **Personal Data Processing Policies**

**MARTÍNEZ DÍAZ & ASOCIADOS SAS**, with NIT 901.601.562-5, located in Calle 103 No. 14A-53 Oficina 508, Bogotá, Colombia, with the Email [contact@martinezdiaz.com](mailto:contact@martinezdiaz.com) and phone number 6014492861, in its capacity as the data controller and processor of personal data, in accordance with Law 1581 of 2012 and its Regulatory Decree 1377 of 2013, the company hereby informs that, in the course of its professional and commercial activities, it has collected, stored, and used personal information. To this end, the company has adopted these Personal Data Processing Policies to ensure the protection of privacy and the security of the personal data it handles, in compliance with applicable legislation.

#### **1. Regulatory Framework**

These policies are governed by the following regulations:

- Article 15 of the Political Constitution of Colombia (Data Protection and Habeas Data).
- Law 1581 of 2012 and its regulatory decrees.
- Decree 1377 of 2013 (Regulations on the processing of personal data).
- Decree 886 of 2014 (National Database Registry).
- Ruling C-748 of 2011 by the Constitutional Court.
- Any subsequent norms that amend, supplement, or replace them.

#### ***1.1. Processing of Personal Data Provided by Clients of Martínez Díaz & Asociados SAS***

- Provide legal advisory services related to surrogacy, company formation, and real estate legal advisory in Colombia.
- Offer personalized consultation services to clients.
- Conduct legal studies and analyses to develop tailored strategies aligned with clients' interests.
- Carry out commercial and promotional activities related to the services offered by Martínez Díaz & Asociados SAS.
- Maintain an efficient communication channel with users, facilitating the exchange of service-related information.



- Evaluate service quality and monitor handled cases.
- Comply with applicable legal and regulatory frameworks in the legal and data protection fields.
- Any other purpose derived from the legal nature of Martínez Díaz & Asociados SAS.

### ***1.2. Processing of Personal Data Provided by Employees of Martínez Díaz & Asociados SAS***

- Execute personnel selection processes based on skills and experience.
- Establish an employment contractual relationship.
- Provide training and professional development opportunities.
- Conduct performance and well-being evaluations for employees.
- Manage compliance with labor obligations, including salary payments and social benefits.
- Ensure adherence to labor and social security regulations.
- Provide information to competent authorities when required and/or comply with judicial orders.

### ***1.3. Processing of Personal Data Provided by Contractors, Clients, or Suppliers (Individuals or Legal Entities)***

- Formalize contractual agreements with contractors.
- Manage payment for services rendered.
- Provide information to competent authorities upon request.
- Monitor and manage contractual relationships.
- Fulfill legal obligations related to contracting and service execution.

## **2. OBJECTIVE OF THE PRIVACY AND PERSONAL DATA PROCESSING POLICIES**

These policies establish the principles, guidelines, and procedures necessary to ensure the proper processing and protection of personal data contained in Martínez Díaz & Asociados SAS's databases. They guarantee that data processing is conducted transparently and lawfully, in accordance with the specific purposes for which the data was collected.



These policies apply to all personal databases managed by Martínez Díaz & Asociados SAS, as well as any individuals or entities with access to such data, in compliance with Law 1581 of 2012, its amendments, and other applicable Colombian data protection regulations.

### 3. DEVELOPMENT

#### 3.1. Responsibilities

Any person accessing or processing data managed by Martínez Díaz & Asociados SAS is responsible for complying with these policies.

#### 3.2. Definitions

For the purposes of this policy, the definitions set forth in Law 1581 of 2012 and Decree 1377 of 2013 are considered, which include:

- **Authorization:** Prior, express, and informed consent given by the data subject for the processing of their personal data, in accordance with the established purposes.
- **Privacy Notice:** A communication, whether verbal or written, issued by the data controller to inform the data subject about the personal data processing policies, the purposes of the processing, and how to access this information.
- **Database:** An organized set of personal data that is subject to processing, making access, consultation, updating, and, where applicable, deletion easier.
- **Personal Data:** Any information linked to or that can be associated with a specific or identifiable natural person, either directly or indirectly, through any element that allows their identification.
- **Public Data:** Information that, by its nature, is neither private nor sensitive and is accessible to anyone, such as data related to marital status, occupation, or contact information, provided it is not restricted by law.
- **Sensitive Data:** Personal data that affect the privacy of the data subject and that, due to their nature, require special protection. These include, among others, data concerning health, sexual orientation, racial or ethnic origin, religious beliefs, etc.
- **Data Processor:** A natural or legal person, public or private, who processes personal data on behalf of and under the instructions of the data controller.
- **Data Controller:** A natural or legal person, public or private, who, alone or in association with others, decides on the database and/or the processing of personal data, and who is responsible for ensuring compliance with data protection regulations.
- **Data Subject:** The natural person whose personal data is being processed. The data subject has the right to access, update, rectify, and delete their personal data.



- **Transfer:** The sending of personal data to a recipient who is also responsible for its processing, whether domestically or internationally, in compliance with the applicable data protection regulations.
- **Transmission:** The communication of personal data within or outside the national territory, so that it may be processed by a data processor on behalf of the data controller, under their authorization.
- **Processing:** Any operation or set of operations carried out on personal data, such as collection, storage, use, circulation, rectification, updating, deletion, or any other action involving the management of such data.
- **Data Subject's Rights:** The rights of data subjects over their personal data—such as access, rectification, cancellation, and opposition (ARCO rights)—must be explicitly defined by the data subject if they wish for specific handling beyond what is generally described here.
- **Security Policy:** Security policies are a set of guidelines and procedures designed to protect the confidential and critical data of a natural or legal person.
- **Effective Date:** JUNE 6, 2022.

### *3.3. Principles*

In order to ensure the proper protection of personal data, Martínez Díaz & Asociados SAS is committed to complying with the following principles in the processing of such data:

- **Principle of Legality:** The processing of personal data will be carried out in accordance with the law and applicable regulations, ensuring its legality.
- **Principle of Purpose:** Personal data will be processed only for legitimate purposes, which must be informed and previously authorized by the data subjects, as established by the Constitution and the law.
- **Principle of Freedom:** The processing of data will only take place with the prior, free, express, and informed consent of the data subject. Information may not be obtained or disclosed without such consent, except in cases established by law.
- **Principle of Truthfulness or Quality:** Collected data must be truthful, complete, accurate, and up to date, so as not to lead to errors. It is hereby stated that submitting falsified or fraudulent data or documents is subject to legal sanctions, including criminal consequences, in accordance with current legislation. Any attempt to provide false information will be reported to the appropriate criminal authorities.
- **Principle of Transparency:** **Martínez Díaz & Asociados SAS** will guarantee the right of data subjects to be informed, at any time, of the existence of their personal data, as well as the purposes and conditions of its processing.
- **Principle of Restricted Access and Circulation:** The processing of personal data will be limited by its nature and may only be carried out by individuals authorized by the data subject or in cases provided for by law. In addition, personal data may not be published on the Internet or in mass media unless it is public information or appropriate access control measures are implemented.



- **Principle of Security:** Technical, human, and administrative measures will be implemented to ensure the security of personal data and to prevent its alteration, loss, unauthorized access, or fraudulent use.
- **Principle of Confidentiality:** All individuals involved in the processing of personal data are required to maintain the confidentiality of the information, even after the termination of their relationship with the data processing. Disclosure of data will only be permitted when necessary for the fulfillment of the purposes authorized by law.

### ***3.4. Special Purposes***

In addition to the general purposes for the processing of personal data, Martínez Díaz & Asociados SAS has specific purposes depending on the relationship individuals have with the company. These purposes are as follows:

#### ***3.4.1. Specific purposes for the processing of client data:***

- To obtain the necessary data to establish contact as required in each case.
- To maintain effective communication with clients regarding our surrogacy support and legalization services.
- To provide information about special campaigns and programs.
- To conduct satisfaction surveys related to the services provided.
- To respond to and manage client requests for improvements, inquiries, and suggestions.

#### ***3.4.2. Specific purposes for the processing of data from visitors and other users:***

- To ensure the safety of clients, visitors, and employees within the premises of **Martínez Díaz & Asociados SAS**.

### ***3.5. Data Processing***

#### ***3.5.1. Collection***

Personal data may be collected through the various channels used by Martínez Díaz & Asociados SAS to interact with data subjects, whether by electronic or physical means, ensuring the protection of the data subject's privacy.

#### ***3.5.2. Consultation***

Data subjects shall have the right to consult the personal information stored in the company's databases, as well as the use that has been made of their personal data.

#### ***3.5.3. Processing***



The data will be processed for administrative purposes, to send information related to the services offered by Martínez Díaz & Asociados SAS, to request the completion of surveys, and to obtain relevant consents. Additionally, the data may be used for the management of services related to surrogacy, business incorporation consulting, and real estate legal services in Colombia.

#### ***3.5.4. Circulation***

Martínez Díaz & Asociados SAS may circulate personal data within the legal limits, provided that such circulation is necessary to fulfill its legal or contractual obligations.

Note: In the case of sensitive data, processing will only be permitted under the following conditions:

- a. The data subject has given explicit authorization for such processing, except in cases where the law provides otherwise.
- b. The processing is necessary to protect the vital interests of the data subject, especially when they are physically or legally incapacitated.
- c. The processing is carried out as part of legitimate activities of a non-profit organization (e.g., political, philosophical, religious, or trade union associations), always respecting the rights of the data subject and without authorization to share the data with third parties.
- d. The data are necessary for the exercise of rights in a judicial process.
- e. The processing is for historical, statistical, or scientific purposes, adopting measures for de-identification in order to remove or modify the personal data so that it cannot be associated with a specific individual.

The processing of data belonging to children and adolescents will be carried out in accordance with the law, ensuring the protection of their rights.

#### ***3.6. Rights of Data Subjects***

Data subjects whose personal data is processed by MARTÍNEZ DÍAZ & ASOCIADOS SAS have the right to exercise the following rights:

##### **a. Right of Access, Update, and Rectification**

Data subjects may access, update, and rectify their personal data if it is incorrect, incomplete, or outdated.

##### **b. Request Proof of Authorization**



The data subject may request evidence of the authorization granted for the processing of their data, unless otherwise stipulated by law.

#### **c. Right to Information About Processing**

Data subjects have the right to receive clear information about how their personal data has been used, upon formal request.

#### **d. Filing Complaints**

If legal provisions are violated, the data subject has the right to file a complaint with the Superintendence of Industry and Commerce (SIC).

#### **e. Withdraw Consent**

The data subject may revoke the authorization granted for the processing of their personal data or request its deletion if the processing does not comply with the principles established by law.

### ***3.7. Procedures***

#### ***3.7.1. Data Access Requests***

Data subjects, as well as their legal successors, have the right to access personal information stored in Martínez Díaz & Asociados SAS's databases. The company is committed to providing all records associated with the data subject's identification.

Requests may be submitted through authorized channels, either via physical or electronic means, provided that a record of the request can be maintained.

The inquiry will be processed within the legally established timeframes, counted from the receipt of the request at the designated physical address or email.





If for any reason the stipulated deadline cannot be met, the data subject will be notified of the delay, with indication of a new response date. This extension shall not exceed five (5) business days beyond the original deadline.

### **3.7.2. Claims**

Data subjects, or their successors, who believe that the information contained in a database should be corrected, updated, or deleted, or who identify a breach of the duties established by law, may submit a claim to Martínez Díaz & Asociados SAS. The claims process shall follow the guidelines below:

- The claim must be submitted in writing, either physically or electronically (email: [contact@martinezdiaz.com](mailto:contact@martinezdiaz.com)). The claim must include the data subject's identification, a description of the facts giving rise to the request, a contact address, and any relevant supporting documents.
- If the claim is incomplete, the claimant will be notified within ten (10) business days to correct the deficiencies. If, after two (2) months from the date of notification, the required information is not provided, the claim will be considered withdrawn.
- If the person receiving the claim is not authorized to resolve it, the documents will be forwarded to the appropriate area within a maximum of five (5) business days, and the claimant will be informed of this transfer.
- Once a complete claim is received, a notice stating "Request in process" and the reason for the claim will be included in the database within no more than five (5) business days. This notice will remain in effect until the claim is resolved.
- The maximum time allowed to respond to a claim is fifteen (15) business days from the date of receipt. If it is not possible to respond within this period, the claimant will be informed of the reason for the delay and given a new response date, which shall not exceed eight (8) business days after the expiration of the original deadline.

**Note:** The subject line of the request must indicate that it concerns **personal data** and specify the category of the data subject (client, employee, student, contractor, supplier, or general user).

### **3.7.3. Legal Standing to Exercise the Data Subject's Rights**

The rights of data subjects, as established by law, may be exercised by:

- The data subject, who must verify their identity using the means provided by the company.
- The data subject's successors, who must prove their status as such.



- The data subject's representative or attorney-in-fact, who must prove their authority to act on behalf of the data subject.
- Any person acting in the interest of the data subject, provided that the data subject has authorized the disclosure of their information.

**Note:** The rights of children and adolescents must be exercised by their legal representatives, who must always ensure the child's best interest.

### ***3.8. RIGHTS OF CHILDREN AND ADOLESCENTS***

At **Martínez Díaz & Asociados SAS**, we are committed to ensuring respect for the prevailing rights of children and adolescents in the processing of their personal data.

The processing of minors' personal data is only permitted in the following cases:

- When the data is of a public nature.
- When the processing serves the best interest of the child or adolescent and ensures respect for their fundamental rights.

In such cases, the legal representative of the minor must authorize the data processing, after allowing the minor to express their opinion, considering their maturity, autonomy, and ability to understand the matter.

### ***3.9. Data Controller & Processor Duties***

To guarantee the right of access for data subjects, **Martínez Díaz & Asociados SAS** has established both physical and electronic mechanisms to handle inquiries, claims, and requests for the rectification, updating, or deletion of personal data. Data subjects may contact the company through the following channels:

- **Email:** [contact@martinezdiaz.com](mailto:contact@martinezdiaz.com)
- **Phone:** +57 601 449 2861
- **Physical Address:** Calle 103 # 14A-53, Office 508, Bogotá D.C., Colombia

Requests will be addressed within the timeframes established by law.

#### **3.9.1. Data Subject Authorization**

Martínez Díaz & Asociados SAS requires the prior, express, and informed authorization of the data subject in order to process their personal data, except in the following cases as permitted by Law 1581 of 2012:



- a. Information required by public or administrative entities in the exercise of their legal duties or by court order.
- b. Data of a public nature.
- c. Cases of medical or health emergencies.
- d. Processing authorized for historical, statistical, or scientific purposes.
- e. Data related to the Civil Registry of Persons.

### **3.9.2. Authorization for Sensitive Data**

In the case of sensitive personal data, Martínez Díaz & Asociados SAS must comply with the following requirements to obtain authorization:

- a. Inform the data subject that they are not required to authorize the processing of sensitive data.
- b. Clearly inform the data subject which sensitive data will be processed, the purpose of the processing, and obtain their explicit consent.
- c. No activity may be conditioned on the data subject providing sensitive data.

### **3.9.3. Means for Obtaining and Storing Authorization**

Martínez Díaz & Asociados SAS may obtain authorization through various means, including physical or digital forms, email, website, data messages, intranet, among others. The company will also implement the necessary physical or electronic mechanisms to store evidence of such authorization. Under no circumstances shall silence be construed as consent.

### **3.9.4. Revocation of Authorization and/or Deletion of Data**

The data subject has the right to request at any time the revocation of their authorization and the deletion of their personal data. It is important to note that such a request may not be feasible if there is a legal or contractual obligation that prevents the deletion of the information. Martínez Díaz & Asociados SAS will provide free and accessible mechanisms for data subjects to submit these requests.

## **3.10. SECURITY MEASURES**

In order to guarantee the security of personal data, Martínez Díaz & Asociados S.A.S. will implement information security policies and train its staff to comply with Law 1581 of 2012 and other applicable regulations. Additionally, contractual measures will be established with suppliers and contractors to ensure they also comply with data protection and security principles.



### ***3.10.1. Authorized Persons to Access Information***

Personal information may only be provided to the following individuals:

- The data subject, their successors or legal representatives.
- Public or administrative entities that request it in the exercise of their legal functions or by court order.
- Third parties authorized by the data subject or by law.

### ***3.10.2. International Transfers and Transmissions of Personal Data***

The international transfer of personal data shall be governed by the following rules:

a. Transfers to countries that do not offer adequate levels of data protection are prohibited, in accordance with the standards established by the Superintendence of Industry and Commerce and/or relevant international treaties or agreements.

b. Exceptionally, data may be transferred if the data subject has given express consent or in specific cases such as:

- Bank or stock market transfers in accordance with applicable legislation.
- Transfers agreed upon in international treaties involving the Republic of Colombia.
- Transfers necessary for the execution of a contract between the data subject and the company, always with the subject's authorization.
- Transfers legally required for the defense of a right in a judicial proceeding.

## ***3.11. DUTIES OF DATA CONTROLLERS AND PROCESSORS***

### ***3.11.1. Duties of the Data Controllers***

The Data Controller is the natural or legal person, whether public or private, who determines the purpose and means of processing personal data, either individually or jointly with others. When requesting authorization from the Data Subject for the processing of their personal data, the Controller must provide the following information clearly and comprehensibly:

- **Purpose and scope of processing:** Specify how and for what purpose the personal data will be used.
- **Nature of the request:** Indicate whether it is optional or not to answer questions about sensitive data or data concerning minors.
- **Rights of the Data Subject:** Inform the Data Subject about their rights regarding their personal data.
- **Information about the Controller:** Provide the identification and contact details of the Data Controller.



Additionally, the Controller must comply with the following duties:

- Guarantee the Data Subject's right to habeas data at all times.
- Keep proof of the authorization granted by the Data Subject.
- Maintain the data securely, preventing tampering, loss, or unauthorized access.
- Ensure the accuracy, truthfulness, and timeliness of the data provided to the Processor.
- Correct and update the data when it is incorrect or incomplete.
- Provide the Processor only with data that has been authorized by the Data Subject.
- Require the Processor to comply with established security and privacy conditions.
- Handle the Data Subject's queries and complaints within the timeframes established by law.
- Establish an internal policy manual with procedures to comply with the law and handle queries and complaints properly.
- Inform the Data Subject about the use of their data and respond to decisions regarding the processing of their information.
- Notify the data protection authority in the event of a data security breach.
- Comply with the requirements and guidelines issued by the Superintendence of Industry and Commerce.

### *3.11.2. Duties of the Data Processors*

The Data Processor is the natural or legal person who processes personal data on behalf of the Controller. Their responsibilities include:

- **Guarantee the exercise of rights:** Ensure that the Data Subject can exercise their right to habeas data at all times.
- **Data security:** Store data under strict security conditions to prevent tampering, loss, or unauthorized access.
- **Data updating:** Responsible for updating, rectifying, or deleting personal data when appropriate, in accordance with the law.
- **Compliance with deadlines:** Update the information received from the Controller within five (5) business days.
- **Handling queries and complaints:** Address Clients' requests within the time stipulated by law.
- **Internal policy manual:** Establish internal procedures to ensure legal compliance and proper attention to Clients' rights.
- **Registering legal situations:** If applicable, include notes in the database such as "claim in progress" or "information under judicial discussion," according to regulations.
- **Restricted access:** Limit access to data only to individuals who are authorized.
- **Notification to the authority:** Inform the Superintendence of Industry and Commerce of any security breaches that may put personal data at risk.



### *3.11.3. Joint Duties of Data Controllers and Processors*

Both Controllers and Processors must assume joint responsibilities to ensure the proper handling of personal data. These duties include:

- **Facilitating access to data:** Provide simple and accessible mechanisms so that Data Subjects can exercise their rights over the data under their control.
- **Data accuracy and sufficiency:** Ensure that the personal data they possess is accurate and sufficient for the purposes of processing. If the Data Subject requests it or an error is identified, they must update, correct, or delete the information as needed.
- **Appointment of a data protection officer:** A person or team must be designated to protect personal data and handle requests related to Data Subjects' rights, in accordance with Laws 1581 of 2012 and 1377 of 2013.

### *3.12. DURATION OF PERSONAL DATA PROCESSING*

The duration of the processing of personal data collected by Martínez Díaz & Asociados SAS will be determined by the purpose for which the data was collected. Once that purpose has been fulfilled, the data will be deleted, unless it is necessary to retain it to comply with a legal or contractual obligation.

This Personal Data Protection Policy comes into effect on June 6, 2022, and replaces any previous document that attempted to regulate the handling of personal data within Martínez Díaz & Asociados SAS.