

PERSONAL DATA PROTECTION AND DATA PROCESSING POLICY





## FONDO PARA LA ACCIÓN AMBIENTAL Y LA NIÑEZ-FONDO ACCIÓN

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FONDO ACCION

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Bogota D.C. Colombia



## FONDO PARA LA ACCIÓN AMBIENTAL Y LA NIÑEZ-FONDO ACCIÓN

### I. PERSONAL DATA PROTECTION AND DATA PROCESSING POLICY

**Fondo para la Acción Ambiental y la Niñez - (Fondo Acción)**, is a common good non profit legal entity, incorporated under the laws of Colombia, with private legal regime and full capacity to exercise rights and contract obligations to carry out its corporate purpose.

**Fondo Acción** was created in 2000 as part of a bilateral agreement between the governments of the Republic of Colombia and the United States of America, within the framework of the Inactive for the Americas. Its mission purpose consists in generating significant and sustainable changes in the Colombian society in two thematic areas: (a) The conservation of biological diversity, the promotion of sustainable and equitable development and the protection of ecosystem services and, (b) Childhood protection and development, with emphasis in early childhood.

In compliance with Law 1581 of 2012 and its rules and regulations, this Policy for Data Processing and the protection of personal data of our clients, executors, employees and business partners is established.

#### CONTACT INFORMATION:

**Business name:** Fondo para la Acción Ambiental y la Niñez –**Fondo Acción**

**Address:** Carrera 7 No. 32 - 33 Floor 27, Bogota, Colombia.

**Telephone:** PBX (57-1) 2853862 · Fax (57 -1) 2454145.

**Email:** [habeasdata@fondoaccion.org](mailto:habeasdata@fondoaccion.org)

**Web page:** <http://www.fondoaccion.org/>

#### 1. OBJECTIVE

The purpose of this document is to establish policies for the processing of personal data of our clients, donors, executors and employees and commercial partners or any other person related to Fondo Acción, guaranteeing the right to know, update and rectify the information held by **Fondo Acción** in its Databases or files.

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## 2. SCOPE

This data processing policy applies to all persons and areas of **Fondo Acción**. In addition, it applies to all personal information contained in Databases and files held by **Fondo Acción**, within the framework of Law 1581 of 2012 and its rules and regulations.

## 3. DEFINITIONS

They correspond to the same definitions established in Law 1581 of 2012 and Decree 1377 of 2013.

## 4. PURPOSE OF DATA PROCESSING IN OUR DATABASES

Fondo para la Acción Ambiental y la Niñez-**Fondo Acción**, hereby gives notice to all our clients, donors, executors and employees or commercial partners or any other person related to us, that the personal data information held in our databases, files and any data that in the future would be entered by any information gathering means available to **Fondo Acción** for such purpose, will be treated in accordance with Law 1581 of 2012, its statutory decree and all other corresponding rules and regulations; with the following specific purposes:

1. Processing and management of your transactions as client, donor, executor or employee or commercial partner or other person related with **Fondo Acción**.
2. To comply with the obligations under our contractual relations.
3. To study and store the information that as future "donor" client or executor we should know to establish a contractual relation.
4. To study and store information related with future employment and commercial relations which we should know to establish the aforementioned relations.
5. Additional information that would benefit the operation of our products or services in case of any inconvenience.
6. To comply with the notice of relevant information when requested.
7. To offer through own means or jointly with third party information of new products or services.

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8. To answer requests, claims or complaints that you, as client of **Fondo Acción** have a right to establish.
9. To send communications related with the contractual, labor and commercial activities of **Fondo Acción**, news, products, services, invitations to events, employment offers, advertising, surveys about or products or services.
10. To manipulate the usage of data of our products and services for statistics, marketing or analysis of related information purposes.
11. To manipulate data for investigation, innovation and development of new products or services purposes.
12. Other activities related to the corporate purpose that must use the personal information.
13. To share, including the transfer and transmission of personal data to third countries for purposes related with the operation, in accordance with the compliance with standards established by the SIC (Superintendency of Industry and Commerce) about the subject.

We will be able to carry out these activities through physical mail, electronic mail, cell phone or mobile device, through text messages (1/1 and/or SMS), or through any analogous and/or digital means of communication, known or unknown by You.

## 5. TITLEHOLDER RIGHTS.

You, as client of our products and services, donor, executer or employee or commercial partner or related in any other way with **Fondo Acción**, may exercise the following rights with respect to the information kept in our databases and files:

1. Know, update and rectify your personal data from **Fondo Acción**. This right may be exercised, among others, with respect to partial, incorrect, incomplete, fractionated data that induce to error, or the Processing of which is expressly prohibited or unauthorized.
2. To request the proof of authorization granted to **Fondo Acción**, except when it has been expressly excluded as a requirement for its Processing.



3. To be informed by **Fondo Acción**, upon request, with respect to the use given to your personal data.
4. To file before the Superintendency of Industry and Commerce -SIC- complaints for violation of the dispositions of this law, its amendments, additions or supplements.
5. To revoke the authorization and/or request the removal of the data when the Processing does not respect the principles, rights and constitutional and legal guarantees. The withdrawal and/or removal will proceed when the Superintendency of Industry and Commerce has determined that in the Processing of information, **Fondo Acción** has incurred in conducts that are contrary to the law and the Constitution.
6. To access your personal data which is subject of Processing, free of charge.

## 6. OBLIGATIONS

### 6.1. Fondo Acción Obligations

1. To guarantee at all times to the Titleholder of the personal information, the full and effective exercise of the right of habeas data.
2. To request and conserve a copy of the respective authorization granted by the Titleholder, in accordance with the conditions provided in Law 1581 of 2012.
3. To dully inform the Titleholder of the purpose of the gathering of information and the rights to which he/she is entitled to by virtue of the authorization that was granted.
4. To conserve the information under the necessary security conditions to prevent its alteration, loss, consultation, unauthorized use or fraudulent access.
5. To guarantee that the information is true, correct, complete, up to date, verifiable and comprehensible.



6. To update the information, including all developments with respect to the data that was previously provided and to adopt all the necessary measures so that the information is kept up to date.
7. To rectify the information when it is incorrect.
8. To only use the data of which Processing has been previously authorized in accordance with this law.
9. To guarantee at all times the respect of the security and privacy conditions of the Titleholder's information.
10. To transmit the consultations and claims presented in accordance with the terms of this law.
11. To adopt an internal handbook of policies and procedures to guarantee the adequate compliance with this law and particularly, for the response of consultations and claims.
12. To inform, at the request of the Titleholder, about the use given to his/her data.
13. To inform to the data protection authority when violations of the security codes occur and risks in the handling of information of the Titleholders exist.
14. To comply with the instructions and requirements issued by the Superintendency of Industry and Commerce.

## **6.2. Duties of the persons designated by Fondo Acción for the processing of information**

1. To guarantee at all times to the Titleholder of the personal information, the full and effective exercise of the right of habeas data.
2. To conserve the information under the necessary security conditions to prevent its alteration, loss, consultation, unauthorized or fraudulent use or access.
3. To update, rectify or remove the data in a timely manner in accordance with the terms of this law.
4. To update the reported information within five (5) business days counted from its receipt.

5. To transmit the consultations and claims presented by the Titleholders in accordance with the terms of this law.
6. To adopt an internal handbook of policies and procedures to guarantee the adequate compliance with this law and particularly, for the response of consultations and claims made by the Titleholders.
7. To register in the databases the legend "claim in process" in accordance with lay 1581 of 2012 and its rules and regulations.
8. To enter in the database the legend "information under judicial discussion" once notified by the competent authority about judicial proceedings related with the quality of the personal data.
9. To abstain from circulating information which is being controverted by the Titleholder and of which blocking has been ordered by the Superintendency of Industry and Commerce.
10. To allow access to the information only to persons authorized to have access to it.
11. To inform the Superintendency of Industry and Commerce when violations of the security codes occur and risks in the handling of information of the Titleholders exist.
12. To comply with the instructions and requirements issued by the Superintendency of Industry and Commerce.

## 7. PROCESSING OF REQUESTS, CONSULTATIONS AND CLAIMS

### 7.1. Responsible area

**Fondo Acción** through the Legal Area and with the support of the Systems Area, will process all requests, consultations and/or claims made by the titleholder of the information, related with the rights established in the law to know, update, rectify and remove or revoke the authorization he/she had granted to **Fondo Acción** with respect to his/her personal data.





## 7.2. Procedure for the exercise of the rights

The titleholders exerting their rights will be able to make requests, consultations and/or claims through the following mechanisms:

- ✓ Sending an email to [habeasdata@fondoaccion.org](mailto:habeasdata@fondoaccion.org)
- ✓ Telephone Communication in the city of Bogota, Colombia, Tel. No. (57)-1-2853862.
- ✓ Directly at the Offices of **Fondo Acción** in Bogota, Colombia: Cra 7 Not 32-33, Floor 27.

## 8. APPLICABLE LAWS

This Data Processing Policy is governed by Law 1581 of 2012 and its statutory decree 1377 of 2013 and other rules and regulations that amend it.

## 9. EFFECTIVE DATE

This policy will be effective from **July 20, 2013**.

To exercise the rights expressed in this document You can direct your request to [habeasdata@fondoaccion.org](mailto:habeasdata@fondoaccion.org) or approach our offices at **Fondo Acción**: Carrera 7 No. 32 - 33 Floor 27, Bogota, Colombia, communicate to the following telephones: PBX (57-1) 2853862 · Fax (57 -1) 2454145. To learn more about our terms and conditions, Privacy Policies and Data Processing Policies you can go to [www.fondoaccion.org](http://www.fondoaccion.org) where they are published.

# FONDO PARA LA ACCIÓN AMBIENTAL Y LA NIÑEZ-FONDO ACCIÓN

## II. PRIVACY POLICY

### CONTACT INFORMATION:

**Business name:** Fondo para la Acción Ambiental y la Niñez –Fondo Acción

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Bogota D.C. Colombia



It is in the interest of **Fondo Acción**, the protection of the privacy of personal information of our clients, donors, executors and employees and commercial partners or persons in any other way related to the organization, and thus is committed in adopting a confidentiality and security policy as follows:

Our Privacy Policy describes how **Fondo Acción** will handle and manage the personal information of its clients, donors, executors, employees and commercial partners and any other person in any other way related to the organization, in its databases.

The titleholders of the personal data recognize that they provide their personal information voluntarily, knowing and accepting that such information will be part of a database that will contain your information sheet, which will be used by **Fondo Acción** in the development of its own functions that it performs to comply with its corporate purpose. Notwithstanding, the titleholders of such information may request that the same be modified or updated when they so consider.

## **1. PROCEDURE TO COLLECT PERSONAL DATA OF CLIENTS, DONORS, EXECUTORS, AND EMPLOYEES AND COMMERCIAL PARTNERS OR PERSONS IN ANY OTHER WAY RELATED TO FONDO ACCIÓN**

### **1.1. How is the information collected?**

The personal information of our clients, donors, executors, and employees and commercial partners or persons in any other way related to Fondo Acción is provided by their titleholders during the development of its own functions carried out by this organization, as a non-profit organization to comply with its corporate purpose.

### **1.2. What personal information is stored?**

The data stored by **Fondo Acción** depends on the type of relation established with the clients, donors, executors, and employees and commercial partners or persons in any other way related to the organization and the products and services offered. The titleholder recognizes that for the good development of the contractual, employment or commercial relations derived from our mission objective, it is necessary to collect data like: name or business name of the natural or legal person, identification number or NIT or RUT, bank account, address, telephone, email and personal contact information.



The titleholder of the information declares that all information provided to **Fondo Acción**, is true and correct, and the titleholder authorizes the good use of the same in accordance with the terms of this Policy, safeguarding as own the private data provided and the other rights derived from them in accordance with Law 1581 of 2012 and related legislation.

### 1.3. Justification:

Unless otherwise indicated by the titleholder, **Fondo Acción** may use the titleholder's personal information for the purposes derived from our mission objective and in the terms established in the Data Processing and Privacy Policy. The titleholder of said information may, at any time, request that such information be removed from our database.

### 1.4. How is the personal information used?

The collection and systematized processing of personal data by **Fondo Acción** will be for the purpose of complying with contractual obligations, provision of requested products and services, processing of its transactions as clients, donors, executors, employees, commercial partners and persons in any other way related to **Fondo Acción**, offer by its own means or jointly with third parties information about new products or services, sending communications related to news, invitations to events, employment offers, advertising, process requests, claims or complaints that as client of **Fondo Acción** they have a right to establish, as well as the management, administration, provision, broadening and improvement of the services, respecting at all times, the applicable laws about personal data protection.

In accordance with the applicable law regarding data protection, Law 1581 of 2012, the user expressly accepts that personal data supplied to **Fondo Acción** in different ways and through different tools, will be entered in this organization's database. In case of commercial or contractual communications through email or other equivalent means, the user expressly consents to sending information of interest through such means.

The **Fondo Acción** is committed to the fulfillment of its obligation of secrecy of personal data and its duty to treat it as confidential. For such purpose it is committed in adopting the technical, organizational and security measures necessary to prevent its alteration, loss, unauthorized treatment or access, in accordance with the applicable Colombian laws.

The titleholder of the information may at any time, exercise, through written request, its right to access, rectify and cancel his/her personal data provided, annexing a legible copy of his/her identification card. This communication should be directed to [habeasdata@fondoaccion.org](mailto:habeasdata@fondoaccion.org) or to Cra 7ª No. 32-33 Floor 27, Bogota, Colombia.



## 2. PERSONAL DATA INCLUDED IN FONDO ACCION DATABASES

### 2.1. Security of the Personal Information

**Fondo Acción** protects the personal information collected in a secure database. In the storage of the information we have taken a series of measures to protect your personal information from misuse, loss, unauthorized access, modification or disclosure. **Fondo Acción** uses firewalls, intruder detection systems and tools to detect viruses to protect data against unauthorized persons. Also, the employees and contractors of **Fondo Acción** are required to manage with confidentiality all information held by Fondo Acción, which will be available only for strict use in carrying out its assigned functions and activities. Also, they are required to use their user names and passwords assigned to them by **Fondo Acción** to access the systems and databases.

### 2.2. Access and corrections of the Information

Under the habeas data Law, you have the right to request access to the information that **Fondo Acción** has about you. You also have the right to request us to correct the information about you that is incorrect, incomplete or outdated. You may have access to the information that **Fondo Acción** has collected through a written request and send it to the contact information indicated above. Please include your telephone number and annex a copy of your identification card. Our Policy considers all request for access of information or correction under the terms established for responses in the habeas data law.

When you enter the websites, **Fondo Acción** takes its privacy obligations seriously. **Fondo Acción** will be in charge of managing the personal information collected by these means, in the same way as personal information collected in person.

If **Fondo Acción** provides its personal information to third parties, we require that they commit to comply with all the dispositions which are part of the Data Processing and Privacy Policy, under the strict terms of use that regulate the amount of personal information to be handled.

In some cases our website has links to own websites or third party websites, for your convenience and information. When accessing a third party website, please understand that **Fondo Acción** is not responsible for the privacy practices of such site. We suggest that you review the privacy policies of each site you visit.



**Fondo Acción** declares that it has implemented suitable mechanisms which provide security to the information collected and uses its best efforts to procure in a prudent and diligent manner the maintenance of such security; notwithstanding, the titleholder of the personal information recognizes that technology means may involve a level of risk that it assumes and accepts. Therefore, **Fondo Acción** does not have the capacity to grant full and absolute guarantee, and it cannot assume any responsibility for any consequence derived from the unauthorized access of third parties to the database and/or any technical failure in the functioning and/or conservation of data in the system.

Offices of **Fondo Acción** in Colombia: Cra 7ª No. 32-33 Floor 27, Bogota, Colombia or tel. (57)-1-2853862.

### III. PRIVACY WARNING

**Fondo para la Acción Ambiental y la Niñez -Fondo Acción**, with legal address in Bogota D.C., Colombia, is responsible and in charge of the processing of personal data.

In accordance with our personal data processing policies, the mechanisms through which we make use of these are secure and confidential, we declare that we have suitable technology means to assure that they will be stored in such a way to prevent the unauthorized access by third parties and, likewise, we assure its confidentiality.

How to contact to us:

**Address:** Carrera 7 No. 32 - 33 Floor 27, Bogota, Colombia.

**Telephone:** PBX (57-1) 2853862 · Fax (57 -1) 2454145.

**Email:** [habeasdata@fondoaccion.org](mailto:habeasdata@fondoaccion.org)

**Web page:** <http://www.fondoaccion.org/>

Your personal data will be entered in a database and may be used for the following purposes:

14. Processing and management of your transactions as client, donor, executor or employee or commercial partner or other person related in any other way to **Fondo Acción**.
15. To comply with obligations under our contractual relations.
16. To study and store the information that as future "donor" client or executor we should know to establish a contractual relation.
17. To study and store information related with future employment and commercial relations which we should know to establish the aforementioned relations.

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18. Additional information that would benefit the operation of our products or services in case of any inconvenience.
19. To comply with the notice of relevant information when requested.
20. To offer through own means or jointly with third party information of new products or services.
21. To answer requests, claims or complaints that you, as client of **Fondo Acción** have a right to establish.
22. To send communications related with the contractual, labor and commercial activities of **Fondo Acción**, news, products, services, invitations to events, employment offers, advertising, surveys about or products or services.
23. To manipulate the usage of data of our products and services for statistics, marketing or analysis of related information purposes.
24. To manipulate the data for investigation, innovation and development of new products or services purposes.
25. Other activities related to the corporate purpose that must use the personal information.
26. To share, including the transfer and transmission of personal data to third countries for purposes related with the operation, in accordance with the compliance with standards established by the SIC (Superintendency of Industry and Commerce) about the subject.

We give notice to the titleholders of the information that they may find the Information and Protection of Personal Data Policy and Privacy Policy of **Fondo para la Acción Ambiental y la Niñez -Fondo Acción** at our website [www.fondoaccion.org](http://www.fondoaccion.org), which has our policies for processing the collected information, as well as procedures for consultation and claims which will allow you to exercise your rights to access, consultation, rectification, update and removal of data.