



Profamilia

**PERSONAL DATA
PROCESSING POLICY
PERSONALES**

CÓDIGO: PT-AU-003 | **VIGENCIA:** 28/JUL/2023 | **VERSIÓN:** 05

1. OBJECTIVE

To establish the guidelines and procedures related to the processing of personal data of **users, suppliers, clients, employees, and contractors by Profamilia.**

2. SCOPE

This policy applies to the personal data of users, suppliers, clients, employees, and contractors of Profamilia, which are registered in any database that makes them subject to processing by Profamilia.

3. RESPONSIBLE:

- Health Management

4. DEFINITIONS

4.1. Authorization: Prior, express, and informed consent granted by the data subject for the processing of their personal data.

A verbal or written communication issued by the data controller, addressed to the data subject, through which they are informed of the existence of the applicable data processing policies, the means to access them, and the purposes for which their personal data will be processed

4.3. Database: An organized set of personal data that is subject to processing.

4.4. Inquiries: Requests for the personal information of the data subject contained in any database used by the entity, for which the entity is obligated to provide the data subject or their legal successors with all the information held or linked to the data subject's identification.

4.5. Personal Data: Any information linked to or that can be associated with one or more identified or identifiable natural persons.

4.6. Public Data: Data that is not classified as semi-private, private, or sensitive. Public data includes, among others, information related to a person's marital status, profession or occupation, and their status as a merchant or public servant. By its nature, public data may be found, among other sources, in public records, official documents, gazettes, official bulletins, and judicial rulings that are final and not subject to confidentiality.

4.7. Sensitive Data: Sensitive data refers to information that affects the privacy of the data subject or whose improper use could lead to discrimination. This includes data revealing racial or ethnic origin, political orientation, religious or philosophical beliefs, membership in unions, social or human rights organizations, or political parties, as well as data related to health, sexual life, and biometric information.

4.8. Data Processor: A natural or legal person, whether public or private, who individually or jointly with others, processes personal data on behalf of the data controller.

Aquí tienes la traducción al inglés del bloque completo que compartiste, manteniendo un estilo profesional y adecuado para documentos institucionales:

4.9. Data Controller:

A natural or legal person, public or private, who, individually or jointly with others, decides on the database and/or the processing of personal data.

4.10. Data Subject:

A natural person whose personal data is subject to processing.

4.11. Processing:

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

4.12. Transmission:

Data processing that involves the communication of data within or outside the territory of the Republic of Colombia, with the purpose of enabling processing by the Data Processor on behalf of the Data Controller (Profamilia)

5. LEGAL FRAMEWORK

The protection of personal data is governed by the following regulations:

- Law 1581 of 2012
- Decree 1377 of 2013
- Decree 886 of 2014

6. POLICES

This personal data processing policy establishes the guidelines and principles to ensure proper compliance with Law 1581 of 2012, Decree 1377 of 2013, and other applicable regulations aimed at developing the constitutional right of all individuals to know, update, and correct their personal data collected in databases or records.

Likewise, this policy is applied by Profamilia, in its capacity as the "data controller," as stated in Article 3, subsection (d) of Law 1581 of 2012. Accordingly, Profamilia will adopt the necessary technical, human, and administrative measures to guarantee the security of personal data, in order to prevent its alteration, loss, consultation, use, or unauthorized or fraudulent access.

6.1. PRINCIPLES FOR THE PROCESSING OF PERSONAL DATA

- **Principle of Legality in Data Processing:** The processing referred to in Law 1581 of 2012 is a regulated activity that must comply with the provisions of this law and other regulations that develop it.
- **Principle of Purpose:** The processing must serve a legitimate purpose in accordance with the Constitution and the law, and this purpose must be communicated to the data subject.
- **Principle of Freedom:** Processing may only be carried out with the prior, express, and informed consent of the data subject. Personal data may not be obtained or disclosed without prior authorization, or in the absence of a legal or judicial mandate that replaces such consent.
- **Principle of Truthfulness or Quality:** The information subject to processing must be truthful, complete, accurate, updated, verifiable, and understandable. The processing of partial, incomplete, fragmented, or misleading data is prohibited.
- **Principle of Transparency:** During the processing, the data subject's right to obtain information from the data controller or processor at any time and without restrictions regarding the existence of data concerning them must be guaranteed.
- **Principle of Restricted Access and Circulation:** Processing may only be carried out by persons authorized by the data subject and/or those provided for by this law. Personal data, except for public information, may not be available on the internet or other mass communication or disclosure media unless access is technically controllable to provide restricted knowledge only to the data subject or authorized third parties in accordance with this law.
- **Principle of Security:** Information subject to processing by the data controller or data processor must be handled with the necessary technical, human, and administrative measures to ensure the security of the records, preventing their alteration, loss, consultation, use, or unauthorized or fraudulent access.

- **Principle of Confidentiality:** All persons involved in the processing of personal data that is not public in nature are obligated to maintain the confidentiality of the information, even after their relationship with any of the processing-related activities has ended. Personal data may only be disclosed or shared when such action is in accordance with the activities authorized by this law or under its terms.

6.2. PROCESSING OF PERSONAL DATA OF CHILDREN AND ADOLESCENTS

The processing of personal data of children and adolescents is prohibited, except when the data is of a public nature and when such processing complies with the following parameters and requirements:

- It must serve and respect the best interests of children and adolescents.
- It must ensure the respect for their fundamental rights.

Once these requirements are met, the legal representative of the child or adolescent shall grant authorization, after the minor has exercised their right to be heard. The minor's opinion shall be taken into account based on their maturity, autonomy, and ability to understand the matter.

6.3. PROCESSING OF SENSITIVE DATA

The processing of sensitive data is prohibited, except when:

- The data subject has given their explicit authorization for such processing, unless, according to the law, such authorization is not required.
- The processing is necessary to safeguard the vital interests of the data subject and the individual is physically or legally incapacitated. In these cases, legal representatives must provide authorization.
- The processing is carried out during legitimate activities and with appropriate safeguards by a foundation, NGO, association, or any other non-profit organization whose purpose is political, philosophical, religious, or union-related, provided that it exclusively refers to its members or persons who have regular contact in relation to its purpose. In such cases, data cannot be disclosed to third parties without the authorization of the data subject.
- The processing is necessary for the recognition, exercise, or defense of a right in a judicial process.
- The processing is for historical, statistical, or scientific purposes. In this case, measures must be taken to anonymize the data subjects.

6.4 INTERNATIONAL TRANSFER OF PERSONAL DATA

Profamilia may transfer personal data to servers located in third countries in order to provide better services and to carry out the purposes described in this policy, under secure conditions that ensure compliance with Law 1581 of 2012, Regulatory Decree 1377 of 2013, and other applicable or complementary regulations.

6.5. RIGHTS OF DATA SUBJECTS

All data subjects have the right to access, update, and correct the personal information collected about them by Profamilia. In accordance with the above, and under Article 8 of Law 1581 of 2012, the data subject has the following rights:

- To access, update, and rectify their personal data. This right may be exercised, among other cases, in relation to partial, inaccurate, incomplete, misleading, or unauthorized data, or data whose processing is expressly prohibited.
- To request proof of the authorization granted to the data controller, except when authorization is not required according to Article 10 of the same law.
- To be informed, upon request, about the use given to their personal data.
- To file complaints before the Superintendence of Industry and Commerce for violations of Law 1581 of 2012 and any regulations that modify, add to, or supplement it.
- To revoke the authorization and/or request the deletion of their data when the processing does not respect constitutional and legal principles, rights, and guarantees. Revocation and/or deletion shall proceed when ordered by the Superintendence of Industry and Commerce.
- To access their personal data, free of charge, that has been subject to processing.

6.6. CONDITIONS FOR THE PROCESSING OF PERSONAL DATA

In line with the principles of purpose and freedom, the collection of personal data by Profamilia must be limited to data that is relevant and necessary for the purposes for which it is collected or required, in accordance with applicable regulations, except in cases expressly provided by law.

In order for Profamilia to carry out any processing of personal data, prior and informed authorization from the data subject is required. This authorization must be obtained through any means that allows for future consultation.

Profamilia adopts necessary procedures to request authorization from the data subject at the latest at the time of data collection, informing them of the personal data to be collected as well as the specific purposes for which consent is being obtained.

6.7 METHOD FOR OBTAINING AUTHORIZATION

To comply with Article 9 of Law 1581 of 2012, Profamilia establishes mechanisms to obtain authorization from the data subjects or those legally entitled to provide it, ensuring its consultability. For this purpose, Profamilia obtains authorization for data processing through:

- Telephone channel
- Website

The form "FO-AU-006 Authorization Form for the Processing of Personal Data," or any other appropriate means that complies with the requirements established in Law 1581 of 2012.

6.8. PURPOSE OF DATA FOR USERS

Through the authorization for the processing of personal data provided via the means established for such purpose, users give their prior, express, and informed consent to Profamilia to carry out the

following purposes:

- Generation and administration of the billing process.
- Promote, evaluate, and improve the services and/or products offered, conduct satisfaction surveys, studies and/or marketing campaigns, and send notifications related to the products or services provided by Profamilia through email, phone calls, text messages, or any other similar communication method.
- Understand the user's profile, interests, behavior, and business needs.

Process requests, complaints, claims, suggestions, and compliments submitted by the user.

- Conduct research for purposes of innovation and data generation with demographic utility and advancement in sexual and reproductive health, implementing measures to fully anonymize users' personal data.
- Communicate changes in the privacy notice and data processing policy to users.
- Share personal data with allied organizations, within the framework of social projects related to the promotion and care of sexual and reproductive health.

6.9. PURPOSE OF DATA FOR SUPPLIERS AND CLIENTS

Through the authorization for the processing of personal data provided via the established means, the Supplier or Client gives their prior, express, and informed consent to Profamilia to carry out the following purposes:

- Generation and administration of the billing process.
- Request and send product and/or service quotations, conduct negotiations, issue, validate and/or confirm commercial certifications or references, and make payments related to the organization's obligations and, in general, everything related to the procurement process, as well as handle accounts receivable procedures.
- Conduct satisfaction surveys, studies and/or marketing campaigns, as well as send notifications related to the products or services provided by the organization.
- Process requests, complaints, claims, suggestions, and compliments submitted by suppliers and clients.
- Comply with obligations arising from the commercial relationship with Suppliers and Clients.
- Communicate changes in the privacy notice and data processing policy to Suppliers and Clients.

6.10. PURPOSE OF DATA FOR EMPLOYEES AND CONTRACTORS

Through the authorization for the processing of personal data provided via the established means, the employee or contractor gives their prior, express, and informed consent to Profamilia to carry out the following purposes:

- Generation and administration of payroll, welfare, training, and other human resources processes and/or procedures.

- Generate contractual documents corresponding to the labor or civil relationship established with employees and contractors.
- Handle affiliations and/or procedures required by the Comprehensive Social Security System and compliance with the applicable legal regulations.
- Issue, validate and/or confirm employment certificates, as well as request or validate academic degrees, licenses, background checks, permits, and other legal requirements necessary to provide the contracted service.
- Make payments related to payroll and professional fees.
- Process requests, complaints, claims, suggestions, and compliments (PQRS).
- Conduct research to improve internal labor and human talent processes, ensuring the confidentiality of personal data.
- Communicate changes in the privacy notice and data processing policy to employees and contractors.

6.11. CASES IN WHICH AUTHORIZATION IS NOT REQUIRED

The data subject's authorization shall not be necessary in the following cases:

- Information required by a public or administrative entity in the exercise of its legal functions or by court order.
- Data of a public nature.
- Cases of medical or health emergencies.
- Processing of information authorized by law for historical, statistical, or scientific purposes.
- Data related to the Civil Registry of Persons.

When access to personal data occurs without prior authorization, Profamilia must still comply with the provisions of Law 1581 of 2012 and related regulations.

6.12. DUTY TO INFORM THE DATA SUBJECT

As the data controller, Profamilia must clearly and expressly inform the data subject of the following at the time of requesting authorization:

- The processing to which their personal data will be subjected and its purpose.
- The voluntary nature of their response to questions asked, particularly when related to sensitive data or data about children and adolescents.
- The rights of the data subject.
- The identification, physical or electronic address, and phone number of the data controller.

6.13. HANDLING OF REQUESTS AND CLAIMS

Requests:

Article 14 of Law 1581 of 2012 states that data subjects or their legal successors may consult the personal information held in any database. Accordingly, Profamilia must respond to such requests within a maximum of ten (10) business days from the date of receipt. If it is not possible to respond within that timeframe, the requester must be informed of the reasons for the delay and the date by which the request will be addressed, which shall not exceed five (5) additional business days.

Claims:

Article 15 of Law 1581 of 2012 provides that the data subject or their legal successors who believe that the information in a database should be corrected, updated, or deleted, or who detect a possible violation of the law, may submit a claim to the data controller or data processor. Profamilia will process the claim as follows:

- The claim must be submitted in writing to Profamilia and must include identification of the data subject, a description of the facts giving rise to the claim, a physical or electronic address for notifications, and any supporting documents.
- If the claim is incomplete, the applicant will be notified within five (5) days to correct the deficiencies. If two (2) months pass without a response, the claim will be considered withdrawn.
- If the person receiving the claim is not competent to resolve it, it will be forwarded to the appropriate party within two (2) business days, and the claimant will be notified.
- Once the complete claim is received, a label reading "claim in process" and the reason for the claim will be added to the database within two (2) business days and will remain until the claim is resolved.
- The maximum time to respond to the claim is fifteen (15) business days from the day following receipt. If it is not possible to respond within this period, the data subject will be informed of the reasons for the delay and the new date, which shall not exceed eight (8) additional business days.

As per Article 20 of Decree 1377 of 2013, the rights of the data subject may be exercised by:

- The data subject, who must verify their identity.
- Legal successors, who must prove such capacity.
- The representative and/or attorney of the data subject, with valid documentation.
- By stipulation in favor of another or for another.
- The rights of children or adolescents shall be exercised by those legally authorized to represent them.
- According to Article 21 of Decree 1377 of 2013, the data subject may consult their personal data free of charge:
 - At least once every calendar month.
 - Whenever there are substantial changes to the data processing policies that motivate new consultations.

For inquiries submitted more than once per calendar month, Profamilia may charge the data subject for shipping, reproduction, and, where applicable, document certification costs. In any case, reproduction costs must not exceed the actual costs of recovering the corresponding materials.

6.14. REVOCATION OF AUTHORIZATION AND/OR DATA DELETION

Article 9 of Decree 1377 of 2013 establishes that data subjects may, at any time, request the data controller or processor to delete their personal data and/or revoke the authorization granted for their processing, by submitting a formal claim in accordance with Article 15 of Law 1581 of 2012.

The request for deletion of information and the revocation of authorization will not proceed when the data subject has a legal or contractual obligation to remain in the database.

Profamilia shall provide free and easily accessible mechanisms to allow data subjects to request the deletion of their data or the revocation of previously granted authorization.

6.14. REVOCATION OF AUTHORIZATION AND/OR DATA DELETION

To exercise their rights to consult, update, rectify, and delete data, or to revoke previously granted authorization, data subjects must submit a written request to the User Service Coordination Office or send an email to:

 protecciondatos@profamilia.org.co

Profamilia reserves the right to modify and update this Personal Data Processing Policy at any time, in order to adapt it to legislative or jurisprudential developments, as well as to industry practices.

Profamilia will announce any substantial changes to this policy through its official website:

 www.profamilia.org.co with reasonable notice prior to implementation.



Profamilia