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**UNIVERSITY OF LOS ANDES**  
**PERSONAL DATA PROCESSING POLICY HANDBOOK**

**March 2020.**

**1. General principles:**

The **UNIVERSITY OF LOS ANDES** guarantees the protection of rights such as Habeas Data, privacy, intimacy, good name, image and university autonomy. For this purpose, all actions will be governed by principles of good faith, legality, informational self-determination, freedom and transparency.

**2. Identification of the Data Controller:**

The **UNIVERSITY OF LOS ANDES**, identified with TIN 860.007.386-1, is a legal person under private law, dedicated to education and culture, organized as a non-profit corporation of common utility, with independent legal personality and academic, administrative and financial autonomy. It is supervised by the Ministry of National Education, recognized as a legal person by Resolution No. 28 of February 23, 1949 issued by the Ministry of Justice.

**3. Applicable law:**

- Political Constitution of Colombia, articles 15 and 20.
- Law 1266 of 2008.
- Law 1581 of 2012.
- Decree 1377 of 2013.
- Single Decree 1074 of 2015.
- Decree 090 of 2018.
- Judgments of the Constitutional Court C – 1011 of 2008, and C – 748 of 2011.
- Notice 003 of 2018, issued by the Superintendence of Industry and Commerce.
- Guidelines and handbooks issued by the Superintendence of Industry and Commerce.

**4. Scope:**

This policy applies to anyone who performs any academic, commercial and labor activity, whether permanent or occasional, in which personal data can be provided to the University of Los Andes, as Accountable or Responsible for their Processing, inside or outside the National territory.

## 5. Definitions:

In accordance with current legislation on the subject, the following definitions have been established and will be applied and implemented following the criteria of interpretation that guarantee a systematic and integral application, and in line with technological advances, technological neutrality; and the other principles and postulates that govern the fundamental rights that encompass the right of habeas data and protection of personal data.

- **Authorization:** Prior, express and informed consent of the Holder to carry out the Processing of personal data.
- **Database:** Organized set of personal data that may be subject to Processing.
- **Personal datum:** Any information linked to or that may be associated with one or several, specific or determinable natural persons.
- **Sensitive datum:** Any datum affecting the privacy of the holder or whose improper use may give rise to discrimination, such as those data which reveal racial or ethnic origin, political orientation, religious or philosophical convictions, trade union membership, social and human rights organizations membership or any datum promoting the interests of any political party or any datum which guarantees the rights and guarantees of opposition political parties as well as data relating to health, sex life and biometric data, among others; the capture of still or moving images, fingerprints, photographs, iris, voice, facial or palm recognition, etc.
- **Data processor:** Natural or legal person, public or private, who by themselves or in combination with others, decides on the database and/or data Processing.
- **Data controller:** Natural or legal person, public or private, who by themselves or in combination with others, decide on databases and/or data processing.
- **Data holder:** Natural person whose personal data are subject to Processing.
- **Processing:** Any operation or set of operations on personal, data such as collection, storage, use, circulation or deletion.
- **Transfer:** Transfer takes place when the data Controller or data Processor of personal data, located in Colombia, sends the information or personal data to a recipient, who in turn is Responsible for their Processing and is located inside or outside the country.
- **Transmission:** Processing of personal data involving their communication inside or outside the territory of the Republic of Colombia when its objective is the Processing by the data Processor on behalf of the Controller.
- **Privacy Notice:** The Privacy Notice is the physical, electronic, or any other format known or to be known document, which is made available to the Data Holder for the Processing of their personal data. Through this document, the Data Holder is informed about the existence of the information processing policies that will be applicable; the way to access them and the characteristics of the processing that is intended to be given to personal data.

## 6. Specific principles:

The University of Los Andes will apply the following specific principles established below, which constitute the rules to be followed in the collection, handling, use, processing, storage and exchange of personal data:

- a) **Principle of legality:** In the use, capture, collection and Processing of personal data the current and applicable provisions governing the processing of personal data and other related fundamental rights shall apply.
- b) **Principle of freedom:** The use, capture, collection and processing of personal data can only be carried out with the prior, express and informed consent of the Data Holder. Personal data may not be obtained or disclosed without prior authorization, or in the absence of a legal, statutory, or judicial mandate relieving consent.
- c) **Principle of purpose:** The use, capture, collection and processing of personal data accessed, collected and stored by the University of Los Andes will be subordinate and will serve a legitimate purpose, which must be informed to the respective data holder.
- d) **Principle of truthfulness or quality:** Information subject to use, capture, collection and processing of personal data must be truthful, complete, accurate, up-to-date, verifiable and understandable. The Processing of partial, incomplete, fractional or misleading data is prohibited.
- e) **Principle of transparency:** In the use, capture, collection and processing of personal data, the right of the Data Holder to obtain from the University of LOS ANDES, at any time and without restrictions, information about the existence of any type of information or personal datum that is of their interest or ownership, must be guaranteed.
- f) **Principle of access and restricted circulation:** Personal data, except for the public information, may not be available on the Internet or other means of dissemination or mass communication, unless access is technically controllable to provide restricted knowledge only to the Data Holders or authorized third parties. For these purposes the University of LOS ANDES' obligation will be of means.
- g) **Principle of Safety:** Personal data and information used, captured, collected and subject to processing by the University of Los Andes will be subject to protection to the extent that technical resources and minimum standards allow it, through the adoption of technological protection measures, protocols and all kinds of administrative measures that are necessary to grant security to electronic registries and repositories by avoiding their adulteration, modification, loss, consultation, and in general against any unauthorized use or access. **See:** *Information Security Document*: <https://secretariageneral.uniandes.edu.co/index.php/es/normatividad-institucional>

- h) Principle of confidentiality:** Each and every person who administers, handles, updates or has access to information of any kind found in Databases or Data Banks, is committed to storing and keeping such information strictly confidential and not to disclose to third parties all personal, commercial, accounting, technical, commercial or any other type of information provided in the execution and exercise of their functions.

All persons who currently work or will work in the future for this purpose, in the administration and management of databases, must sign an additional document or an addendum to their employment contract or provision of services for the purpose of ensuring such commitment. This obligation persists and is maintained even after the end of their relationship with any of the tasks comprised in the Processing.

#### **7. Processing and purposes of the provided data:**

The collected personal data will be included in the institutional databases and will be used directly or through the Controllers or Processors in the terms established in the applicable regulations in this matter, for the direct and indirect purposes related to the object and purposes of the University.

#### **8. Processing of sensitive data:**

The use and processing of the data classified as sensitive may be made when:

- a)** The Holder has given their explicit authorization to such processing, except in cases where the granting of such authorization is not required by law.
- b)** The Processing is necessary to safeguard the vital interest of the holder, and they are physically or legally incapacitated. In these events, the legal representatives must grant their authorization.
- c)** The Processing 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 might be political, philosophical, religious or a labor union, provided that they refer exclusively to its members or to people who maintain regular contacts by reason of their purpose. In these events, the data may not be provided to third parties without the authorization of the holder.
- d)** The Processing refers to data that are necessary for the recognition, exercise or defense of a right in a judicial process.
- e)** The Processing has a historical, statistical or scientific purpose. In this event, measures leading to the suppression of the identity of the Holders must be adopted.

### **8.1 Authorization of the holder:**

Notwithstanding the exceptions provided by the law, the Processing requires the prior, express and informed authorization of the holder. Such authorization must be obtained by any means that may be subject to consultation and subsequent verification.

### **8.2 Means and manifestations to grant authorization:**

The authorization may be contained in a physical, electronic document, data message, Internet, Websites, in any other means that allows to guarantee its subsequent consultation, or through an appropriate technical or technological mechanism, which allows to manifest or obtain the consent via click or double click, by means of which it can be concluded unequivocally, that, if there has not been a conduct of the holder, the data would have never been captured and stored in the database. The authorization will be generated by the University of los Andes and will be made available to the holder in advance and prior to the processing of their personal data.

### **8.3 Cases in which authorization is not required:**

The authorization of the Holder will not be necessary in the case of:

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

### **8.4 Proof of authorization:**

The University of los Andes will use the mechanisms it currently has, and it will implement and adopt the necessary actions in order to maintain records or suitable technical or technological mechanisms of when and how it obtained the authorization from the holders of personal data for their processing.

To comply with the above, physical files or electronic repositories made directly or through third parties contracted for this purpose may be established.

## **9. Rights of children and adolescents:**

In the Processing, respect for the prevailing rights of minors will be ensured.

The Processing of personal data of minors is prohibited, except for data of a public nature.

It is the task of the State and educational entities of all kinds to provide information and train legal representatives and guardians on the possible risks faced by minors regarding the improper processing of their personal data, and to provide knowledge about the responsible and safe use by children and adolescents of their personal data, their right to privacy and protection of their personal information and that of others.

#### **10. Duties of the University as Controller of the Processing of Personal Data:**

The University of los Andes, when acting as Data Controller of personal data, will comply with the following duties:

- a) To guarantee the Holder, at all times, the full and effective exercise of the right of Habeas Data.
- b) To request and keep a copy of the respective authorization granted by the Holder, guaranteeing the necessary security conditions of such copies.
- c) To duly inform the Holder about the purpose of the collection and the rights they have by virtue of the granted authorization.
- d) To keep the information under the necessary security conditions to prevent its adulteration, loss, consultation, use or unauthorized or fraudulent access.
- e) To ensure that the information provided to the Data Processor is truthful, complete, accurate, up-to-date, verifiable and understandable.
- f) To update the information, by communicating in a timely manner to the data processor, all the news regarding the data that have previously been provided and by adopting any other necessary measures so that the information provided to the data processor is kept up to date.
- g) To rectify the information when it may be incorrect and communicate such errors to the Data Processor.
- h) To provide the Data Processor, as the case may be, only with data that are previously authorized.
- i) To demand from the Data Processor, at all times, respect for the conditions of security and privacy of the information of the Holder.

#### **11. National Database Registry:**

The National Database Registry -RNBD-, is the public directory of databases subject to Processing operating in the country; which will be freely consulted by citizens, in accordance with the regulations issued for this purpose by the National Government.

The University of los Andes will proceed in accordance with current regulations and regulations issued for this purpose by the National Government to register its databases before the RNBD, which will be administered by the Superintendence of Industry and Commerce.

#### **12. Video surveillance and images:**

The University of los Andes may use video surveillance systems for the purposes of security of people, property and facilities. Such information may be used as proof in any kind of internal process or before any type of authority, entity or organization. Likewise, the University may capture images by the means it deems suitable for the purposes described in this Policy. To do so, it will set a privacy notice stating the conditions under which the processing of personal data will be carried out.

#### **13. Validity of the databases:**

The period of validity for the processing of personal and sensitive data will be the reasonable time to comply with the purposes of the Information Processing.

#### **14. Rights of the information holders:**

In accordance with the provisions of current and applicable regulations on the protection of personal data, the personal data holder has the following rights:

- a) To access, know, rectify and update their personal data before the University of los Andes in its capacity as data controller.
- b) To request proof, by any valid means, of the authorization granted to the University of los Andes, in its capacity as Data Controller.
- c) To receive information from the University of los Andes, upon request, regarding the use it has given to their personal data.
- d) To go to the legally constituted authorities, especially before the Superintendence of Industry and Commerce, and file complaints for violations of the provisions of the regulations in force in the applicable regulations, prior consultation or request before the Data Controller.
- e) To modify and revoke the authorization or request the deletion of the data when the Processing does not respect the constitutional and legal principles, rights and guarantees in force.
- f) To have knowledge and access free of charge to their personal data that may have been subject to Processing.

### **15. Duties of the University of los Andes in relation to the Processing of Personal Data:**

The University of los Andes will keep in mind, at all times, that personal data are the property of the people to whom they refer, and that only they can decide on them. In this sense, it will make use of them only for those purposes for which it is duly empowered and will respect in any case the current regulations on the protection of personal data.

### **16. Duties of Data Processors:**

The Data Processors must comply with the following duties without prejudice to the other provisions set forth in this Policy and in the rules regulating its activity:

- a) To guarantee the holder the protection of their personal data at all times; the full and effective exercise of the right of Habeas Data.
- b) To keep the information under the necessary security conditions to prevent its adulteration, loss, consultation, use or unauthorized or fraudulent access.
- c) To timely update, rectify or delete the data in the terms of this handbook or in accordance with the provisions of the applicable regulations in force.
- d) To update the information reported by the data controllers within the following five (5) business days, counted from the receipt of their request.
- e) To process the queries and claims formulated by the holders in the terms set forth in the regulations in force.
- f) To register in the database the legend "*claim pending*" in the way in which it is regulated by the regulations in force.
- g) To insert into the database the legend "*information under judicial discussion*" once notified by the competent authority about judicial processes related to the quality of personal data.
- h) To refrain from circulating information that is being disputed by the holder and whose blocking has been ordered by the Superintendence of Industry and Commerce or any other competent authority.
- i) To allow access to information only to those who can access it.
- j) To inform the Superintendence of Industry and Commerce or the competent authority when there are violations of security codes, and there are risks in the administration of the information of the holders.
- k) To comply with the instructions and requirements issued by the Superintendence of Industry and Commerce or the competent authority in this matter.

### **17. Guarantees of the Right of Access:**

The University of los Andes will guarantee the right of access when, after accreditation of the identity of the holder, legitimacy, or personality of its representative, making available to

them, without any cost or expenditure, in a full and detailed manner, the respective personal data through all types of means, including electronic means that allow direct access of the Holder to their data. Such access must be offered without any limit and must allow the holder the possibility of knowing and updating them online.

### **18. Procedures:**

The Holder may at any time request the University of los Andes access to the personal data it has registered, as well as request the correction, update or deletion of their personal data. The Holder may also revoke the authorization granted for processing and in general exercise their rights by submitting queries and claims by the following means:

- **Correspondence Office:** reasoned communication addressed to the Officer of Protection of Personal Data; Address: Cra 1 N° 18A- 12 Bogotá.
- **Email:** [habeasdata@uniandes.edu.co](mailto:habeasdata@uniandes.edu.co).
- **Telephone:** 3394949 - 3394999 ext. 4818.

In order to solve the request, complaint or claim, the following information must be requested:

- Full name and last names of the Holder of personal data.
- Contact details of the Holder of personal data:
  - Physical address and/or e-mail.
  - Contact telephone numbers.
- Reasons or facts that gave rise to the claim, request or consultation with a brief description of the right you wish to exercise (to know, to update, to rectify, to request proof of the granted authorization, to revoke it, to delete, to access the information, among others).
- Signature (if possible).
- Identification number.

Once this information has been received, the Data Controller will have a maximum term of fifteen (15) business days counted from the day following the date of the request, consultation or claim, to respond to it. When it is not possible to respond to the request, consultation or claim within the aforementioned term, the Data Controller will inform the Holder or interested party of the reasons for the delay and the date on which their claim will be addressed, which in no case may exceed eight (8) business days following the expiration of the first term.

Once the terms set forth in Law 1581 of 2012 and the other regulations that regulate or complement it have been complied with, the Holder who is totally or partially denied the exercise of the rights of access, updating, rectification, deletion and revocation, may be able to inform

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the Superintendence of Industry and Commerce – Delegation for the Protection of Personal Data about their case

### **18.1 Inquiries:**

The holders or their successors in title may consult the personal information of the Holder that is stored in any database. Consequently, the University of los Andes will guarantee the right of consultation, providing the holders with all the information contained in the individual registry or that is linked to the identification of the Holder.

With regard to the response of requests for consultation of personal data, the University of los Andes guarantees:

- To enable means of electronic communication or other means that it deems pertinent.
- To establish forms, systems and other simplified methods which must be informed in the privacy notice.
- To use the customer service or claims services in operation.
- In any case, regardless of the mechanism implemented for the response of consultation requests, they will be responded within a maximum period of ten (10) business days counted from the date of receipt. When it is not possible to respond the consultation within that term, the interested party will be informed before the expiration of the ten (10) days by expressing the reasons for the delay and indicating the date on which their query will be responded, which in no case may exceed five (5) business days following the expiration of the first term.

### **18.2 Claims:**

The Holder or his successors in title who consider that the information contained in a database should be corrected, updated or deleted, or when they notice the alleged breach of any of the duties contained in the Law, may file a claim with the Data Controller by channeling it and sending it through the designated agency.

The claim may be submitted by the Holder, taking into account the information stated in article 15 of Law 1581 of 2012 and other regulations that modify, add, regulate or repeal them.

### **18.3 Rectification and updating of data:**

The University of los Andes has the obligation to rectify and update, at the request of the holder, the information that turns out to be incomplete or inaccurate, in accordance with the procedure and the terms indicated above. In this regard, the following shall be taken into account:

- In requests for rectification and updating of personal data, the holder must indicate the corrections to be made and provide the documentation that supports their request.
- The University of los Andes has full freedom to enable mechanisms that facilitate the exercise of this right, as long as they benefit the holder. Consequently, electronic or other means that it deems pertinent may be enabled.
- The University of los Andes may establish forms, systems and other simplified methods, which must be informed in the privacy notice and which will be made available to interested parties on the website.

#### **18.4 Deletion of data:**

The holder has the right, at all times, to request the University of los Andes the deletion (elimination) of their personal data when:

- a) They consider that they are not being processed in accordance with the principles, duties and obligations set forth in the regulations in force.
- b) They are no longer necessary or relevant to the purpose for which they were collected.
- c) The period necessary for the fulfillment of the purposes for which they were collected has been exceeded.

This deletion implies the total or partial elimination of personal information in accordance with what is requested by the holder in the records, files, databases or processing carried out by the University of Los Andes. It is important to note that the right of cancellation is not absolute, and the controller may deny the exercise of this right when:

- a) The holder has a legal or contractual duty to remain in the database.
- b) The deletion of data hinders judicial or administrative proceedings linked to tax obligations, the investigation and prosecution of crimes or the update of administrative sanctions.
- c) The data are necessary to protect the legally protected interests of the holder; to carry out an action in the public interest, or to comply with a legally acquired obligation by the holder.

#### **18.5 Revocation of authorization:**

The holders of personal data may revoke consent to the processing of their personal data at any time, provided that this is not prevented by a legal or contractual provision. To do this, the University of los Andes must establish simple and free mechanisms that allow the holder to revoke their consent, at least by the same means by which they granted it.

It should be borne in mind that there are two (2) modalities in which the revocation of consent can occur:

- **Total revocation:** it can be on the totality of the consented purposes, that is, that the University of los Andes must completely stop processing the data of the holder.
- **Partial revocation:** it may occur over certain types of processing, such as advertising or market research purposes.

With the partial revocation of consent, other purposes of the processing remain unaffected; the controller, in accordance with the authorization granted, can carry out such processing, which the holder agrees to.

#### **19. Information security and security measures:**

In development of the principle of security established in the current regulations, the University of los Andes will adopt the technical, human and administrative measures necessary to grant security to the records in order to avoid their adulteration, loss, consultation, use or unauthorized or fraudulent access. **See:** *Information Security Document:*

<https://secretariageneral.uniandes.edu.co/index.php/es/normatividad-institucional>

#### **20. Use and international transfer of personal data and personal information by the University of los Andes:**

Depending on the nature of the permanent or occasional relationships that any person holding personal data may have with the University of los Andes, all of their information may be transferred abroad, subject to the applicable legal requirements, with the acceptance of this policy; they expressly authorize the transfer of Personal Information. The information will be transferred for all the relationships that may be established with the University of los Andes.

Without prejudice to the obligation to observe and maintain the confidentiality of the information, the University of los Andes will take the necessary measures so that those third parties know and undertake to observe this Policy under the understanding that the personal information they receive may only be used for matters directly related to the relationship with the University of los Andes, and only for as long as it lasts, and may not be used or intended for a different purpose or objective.

The University of los Andes may also exchange Personal Information with governmental or public authorities of another type (including, among others, judicial or administrative authorities, tax authorities and criminal, civil, administrative, disciplinary and fiscal investigation agencies), and third parties participating in civil legal proceedings and their

accountants, auditors, lawyers and other advisors and representatives because it is necessary or appropriate to:

- Comply with applicable laws, including laws other than those of their country of residence. Comply with legal processes.
- Respond to requests from public and government authorities, and to respond to requests from public and government authorities other than those of their country of residence.
- Enforce our terms and conditions.
- Protect our operations.
- Protect our rights, privacy, security or property, theirs or those of third parties.
- Obtain the applicable compensation or limit the damages that may affect us.

#### **21. Function of protection of personal data within the University of los Andes:**

The University of los Andes as a higher education institution, and in the terms established in the current regulations, will act as **DATA CONTROLLER** of Personal Data; and the different dependencies, both academic and administrative will act as **DATA PROCESSORS** of personal data.

The University of los Andes designates the Personal Data Protection Officer, attached to the Internal Audit Directorate, or the agency that takes its place, as the person who will receive, process and channel the different requests received and will send them to the respective dependencies in charge of the processing. Once those dependencies receive these communications, they will begin to fulfill the function of protection of personal data and must process the requests of the holders, in the terms, and deadlines and conditions established by law for the exercise of the rights of access, consultation, rectification, updating, deletion, and revocation referred to in the current regulations on the protection of personal data.

In the event that you consider that the University has given a use contrary to the authorized and to the applicable laws, you may contact us through a motivated communication addressed to the Data Protection Officer of the University:

- **Correspondence Office:** reasoned communication addressed to the Officer of Protection of Personal Data; Address: Cra 1 N° 18A- 12 Bogotá.
- **E-mail:** [habeasdata@uniandes.edu.co](mailto:habeasdata@uniandes.edu.co).
- **Telephone:** 3394949 - 3394999 ext. 4818.

#### **VALIDITY.**

This handbook is effective as of March 5, 2020 and supersedes the regulations or special handbooks that may have been adopted by academic and/or administrative bodies at the University of los Andes.