

Agreement: 035  
December 16th/ 21

Board of Governors

Agreement whereby a new Policy about personal data processing in The Universidad Ean is set up.

The Board of Directors of the Universidad Ean  
Based on its statutory powers:

**WHEREAS**, and based on the Agreement dated on December 9<sup>th</sup>-2020, the Board of Governors of the Universidad Ean set up a policy for personal data processing in the Universidad Ean.

**WHEREAS**, it is also necessary to amend the policy for personal data processing in order to adjust and specify some procedural aspects in compliance with the current operations of the University and the educational challenges. All this framed in a context focused on digital tools, given the contingency produced by the social, economic and sanitary emergency throughout the country.

**WHEREAS**, the Board of Directors recommended the Board of Governors to approve a personal data processing Policy by the CSU-014, 2021 statement.

**WHEREAS**, the Board of Directors adopted a personal data processing Policy, as an institutional policy and in accordance with the governing law.

**NOW THEREFORE**, in consideration of the foregoing

AGREES:

**ARTICLE 1.** To restate the personal data processing Policy and therefore to inform about its contents as follows:

## **1. LEGAL FRAMEWORK AND SCOPE OF APPLICATION**

This Policy has been developed pursuant to Articles 15 and 20 of the Political Constitution, Articles 17 paragraph k) and Art. 18 paragraph f) of the statutory law 1681, 2012; by which general Provisions are established to protect personal data (hereinafter named LEPD in Spanish) and Article 13, Decree 1377 issued in 2013 (compiled in Decree 1074, 2015) by which the previous Law is partially regulated. In terms of financial and credit data, this Policy shall be regulated by Law 1266,2008.

This policy shall be enforceable to all personal data registered in databases that are processed by the corresponding person assigned for this process.

The Universidad Ean may process personal data of European citizens or European residents in compliance with the corresponding rules.

## 2. DEFINITIONS ESTABLISHED IN ARTICLE 3 OF THE LEPD, ARTICLE 3 OF DECREE 1377, 2013 (DECREE 1074, 2015) AND ARTICLE 3 OF THE STATUTORY LAW 1266, 2008

- 2.1 Authorization:** prior, explicit and informed consent by the Holder to process personal data.
- 2.2. Data Base:** organized personal data to be processed.
- 2.3. Personal Data:** any type of information related or associated to one or different individuals who are identified or identifiable persons.
- 2.4. Public Data:** data which is not semi-private, private or sensitive. This data is considered public data; therefore, it is related to the marital status, profession or job, as business people or public officers. By its own nature, public data may be contained in public records, public documents, gazettes, official newsletters, and legal decisions that are not subject to reserve.
- 2.5. Semi-Private Data:** data whose nature is not private, reserved or public and whose disclosure can be of interest not only to the Holder, but also to certain groups of people or to society in general, such as the financial and credit data in business or service activities.
- 2.6. Private Data:** data whose private or reserved nature is only relevant to the Holder.
- 2.7. Sensitive Data:** data that affects the privacy of the Holder, or whose inappropriate use may cause discrimination of the Holder, such as data disclosing racial or ethnical origin; political, religious or philosophical orientation as well as being part of unions, social, or human rights organizations that promote interests in any political party or that guarantee the rights and guarantees of opposite parties; or data related to health and sexual life, or biometrical data.
- 2.8. Person in Charge of Data Processing:** the individual, legal entity, public or private person that processes personal data by his/ her own or associated with others on behalf of the party responsible of data processing.
- 2.9. Responsible for Data Processing:** individual or legal entity, public or private person that by his/ her own or associated with others makes decisions on the database and/or data processing.
- 2.10. Holder:** the individual whose personal data can be processed.
- 2.11. Processing:** any operation or set of operations in terms of gathering, storage, use, flow, and deletion of data.
- 2.12. Privacy Notice:** any verbal or written communication made by the responsible party and addressed to the Holder for the processing of his/her personal data in which he/she is informed about the existence of information processing policies being applicable, as well as the way he/she can access to them and the use of this personal data.
- 2.13. Transference:** data transference takes place when the responsible and/ or the person in charge of the personal data processing, located in Colombia, sends the information or personal data to a receiver, who is responsible of the data processing as well, and who is inside or outside the country.
- 2.14. Data Transmission:** personal data processing including its communication inside or outside the Republic of Colombia, in case its purpose is data processing by the person in charge on behalf of the responsible party.

## 3. DATA COLLECTED BY THE UNIVERSIDAD EAN

The Universidad Ean, in the performance of its mission statement and in order to guarantee an effective educational service, shall gather personal information of students, potential students, relatives involved in their academic education, employees, staff, contractors and visitors, based on the effect of the validity of the links made by this institution.

In regard to Students, the University shall ask and keep their contact information and also the

information of their relatives as reference or contact; as well as their digital fingerprint, academic records and information on their performance, especially on their behavior towards the Student Rules and Regulations and information related to their financial position, interests and academic preferences.

It is also possible that, and only when necessary, some information about the health status of the students is requested in order to provide their medical care in emergency situations and to keep health conditions in the university facilities and the well-being of the educational community.

In regard to the educational process, personal data such as voice, image, photographs and videos on platforms, as well as information on the university facilities and in general about the University activities shall also be collected. Some data about the preferences of students in the Eanista community, information about their work and professional history and any other personal information that is considered necessary and reasonable shall also be gathered by the Institution.

The Universidad Ean, when processing data of European citizens or residents, shall validate the existence of prior authorization. It shall not process unauthorized data, shall guarantee all the rights of its holders through the channels already established in this policy and shall adopt the adequate security measures to prevent any breach of confidentiality, integrity, or availability of this policy. Additionally, in the event of an incident that seriously affects or generates a high risk for the rights of the European Data Holders, the University shall inform them as soon as possible.

#### **4. PROCESSING OF SENSITIVE DATA**

In the case of sensitive personal data, The Universidad Ean may use and process it, when:

4.1 The Holder has given his explicit authorization to data processing, except in cases where the granting authorization is not required by law;

4.2. Data processing is necessary to preserve the vital interest of the Holder if he/she is physically or legally disabled. In these events, the legal representatives or tutors must grant their authorization;

4.3. Data Processing refers to data that is necessary for the recognition, exercise or defense of a right in a judicial process.

4.4. Data Processing has a historical, statistical or scientific purpose. In this case, measures leading to the suppression of the identity of the Holders must be adopted.

4.5. When the Holder, despite of being informed with the communications that remind him/her not to provide sensitive data, decides to do so by his own, for example, disclosing his/her political affiliation, sexual preferences or activities of private nature; in this case the University shall keep this data assuming it has been supplied and shall proceed to eliminate it in case it is not required for a legal or contractual duty.

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

In Data Processing, the respect for the prevailing rights of children and adolescents shall be ensured. The Universidad Ean collects personal data from adult minors and their legal representatives, to inform on their portfolio of academic programs and to guarantee access and provision of the educational service. This would be considered by making the fundamental rights and the best interests of the minor effective, in an integral way.

In order to extend the benefits and activities of integration and dissemination of its values, the Universidad Ean collects certain personal information from boys and girls whose parents or legal representatives are part of the Eanista community.

It is the duty of the State and educational entities of all kinds, to provide information and train legal representatives and guardians on the possible risks that children and adolescents would face regarding the improper processing of their personal data. It is also a duty of the State to inform about the responsible and safe use of personal data of children and adolescents and their right to privacy, as well as the protection of their personal information and information of others.

## **6. POSTULATES FOR THE PROCESSING OF PERSONAL DATA**

The Universidad Ean protects personal data in its possession, guaranteeing respect for the constitutional right to Habeas Data under the terms of article 15 of the Political Constitution, Law 1581, 2012, and the regulatory decree 1377, 2013 (currently Decree 1074, 2015), in regard to data of financial and credit nature from Law 1266, 2008 and other added or modified regulations.

This policy establishes the framework that guides the activities of Personal Data Processing such as: getting, collecting, using, processing, exchanging, transferring and transmitting personal data, as well as the commitments that the Universidad Ean and its collaborators have in terms of personal data processing.

## **7. PRINCIPLES OF THE POLICY OF PERSONAL DATA PROCESSING**

The Universidad Ean acts in accordance with the Law in all aspects related to personal data and interprets and develops this Law when collecting, handling, using, processing, storing and exchanging personal data, under the following principles:

- 7.1. Principle of legality in terms of data processing, aimed at complying with current legal provisions.
- 7.2. Principle of purpose, informs the Holder about the purpose of data collection and his/her rights defined by law.
- 7.3. Principle of freedom, guarantees the processing of personal data of the Holders when they have prior, express and informed consent and authorize the University, considering the purpose of obtaining such information.
- 7.4. Principle of truthfulness or quality, guarantees that the information which is being processed is: truthful, complete, updated, verifiable and understandable.
- 7.5. Principle of transparency, guarantees the Holder that he/she can exercise his/her right to get at any time and without restrictions, data about the existence of any type of information or personal data that interest or belongs to him/her.
- 7.6. Principle of restricted access and circulation, keeps the information under security conditions necessary to prevent its manipulation, consultation, use or unauthorized or fraudulent access. This principle does not allow private personal data to be available on the Internet or other mass media, unless access is controlled to provide restricted knowledge to the Holders or third parties authorized by law.
- 7.7. Principle of security and confidentiality, the processed information is handled with the necessary technical, human and administrative measures to guarantee the security and confidentiality of the records, avoiding their manipulation, loss, consultation, use or unauthorized and fraudulent access.

## **8. DATA PROCESSING RESPONSIBLE PARTY**

The Universidad Ean gets information due to the nature of its academic, labor, commercial or civil activity, therefore, this policy is applicable to the aforementioned information. This Institution, as a non-profit higher education entity, with legal status granted by Resolution No. 2898 issued on May 16, 1969 by the Ministry of Justice, and recognized as a University through Resolution 2470 issued on May 30, 2006, is the one that acts and is responsible for the processing of personal data provided by its stakeholders.

The domicile of the Universidad Ean is Calle 71 No. 9 – 84 in Bogota D.C, Colombia. Phone Number: (571) 593 64 64.

The Universidad Ean guarantees the rights of access, consultation, rectification, restating and deletion of data, in accordance with the current regulations. For such purposes, the Owner of the data can contact us at Calle 71 No. 9 - 84, Bogota DC or by email to [habeasdata@universidadean.edu.co](mailto:habeasdata@universidadean.edu.co)

Phone Number: 5936464.

## **9. PRIVACY NOTICE**

The privacy notice is the verbal or written communication originated by the Data Processing Responsible party and which is addressed to the Holder of the personal data.

The Holder gets known about the Privacy Notice through physical, electronic or any other means that the Universidad Ean may consider, and this document shall include at least the following:

- a) Who is responsible for the Data Processing
- b) The processing and purpose of getting, collecting, using, exchanging, transferring and transmitting personal data.
- c) The enforceable rights of the Holder.
- d) And the existence of this policy and how to consult it.

## **10. PERSONAL DATA HOLDER**

In accordance with article 8, of the LEPD and Articles 21 and 22 of Decree 1377 ,2013, the Holders of the data may exercise a series of rights in regard to the processing of their personal data. These rights may be exercised by the following persons.

- 10.1.** By the Holder, who must sufficiently prove his/her identity by the different means given by the Universidad Ean.
- 10.2.** By their successors, who must prove their identity.
- 10.3.** By the representative and/or proxy of the Holder, prior written accreditation of the representation or proxy.
- 10.4.** By stipulation in favor of a third party and for a third party.
- 10.5.** The rights of children or adolescents shall be exercised in accordance with the laws that regulate this issue.

## 11. RIGHTS OF THE PERSONAL DATA HOLDER

The rights of the Holder are the following:

**11.1. Right of access or consultation:** this is the right of the Holder to be informed by the data processing responsible, upon request, regarding the origin, use and purpose that have been given to his/her personal data.

**11.2. Rights of complaints and claims:** it is the right the Holder has to claim about:

**11.2.1. correction:** the right that the Holder has to update, rectify or modify that partial, inaccurate, incomplete, fractional, or misleading data, or data whose processing is expressly prohibited or has not been authorized.

**11.2.2. Deletion:** the right that the Holder has to delete data that is inadequate, excessive or that does not respect the principles, rights and constitutional and legal guarantees.

**11.2.3. Revocation:** the right that the Holder has to cancel the authorization previously given for the processing of his personal data. The viability of it depends on the fact that there is no legal or contractual duty that prevents it.

**11.2.4. Infringement:** the right that the Holder has to request that the breach of the regulations on Data Protection is corrected.

**11.2.5. Right to request the proof of the authorization granted to the Universidad Ean which is responsible for the Data Processing:** except when expressly excepted as a requirement for the Data Processing in accordance with the provisions in LEPD, article 10.

**11.2.6. Right to submit complaints for infractions to Colombian Superintendence of Industry and Commerce (SIC, in Spanish):** the Holder or successor in title may only raise this complaint once he/she has exhausted the process of consultation or claim before the Universidad Ean as Responsible for the Data Processing or to the Person in charge of the Data Processing.

Keep in mind that the Universidad Ean shall always be ready to solve any concerns regarding personal data. All your requests shall be responded in order to provide a clear answer to your concerns, making knowledge of the regulations on personal data easier to understand.

## 12. PROCEDURES TO EXERCISE THE RIGHTS OF THE HOLDER

**12.1.** The Holder of data may exercise any of the rights set forth in this agreement, by writing to the Universidad Ean, by e-mail to [habeasdata@universidadean.edu.co](mailto:habeasdata@universidadean.edu.co) including in the Subject which of his/her rights he/she wants to exercise. He can also send this information by postal mail sent to this address: Calle 71 # 9-84 - Bogotá Colombia. This request must include at least the following information:

**12.1.1.** Name and surname of the Holder.

**12.1.2.** Copy of the ID Holder, or from the person who represents him/her, as well as the document accrediting such representation.

**12.1.3.** Petition specifying the right to be exercised.

**12.1.4.** Address for notifications, dates and signature of the applicant, if the petition is sent by physical mail.

**12.1.5.** Documents accrediting the request made, when necessary.

If you have any questions or concerns, The Universidad Ean has a personal data officer that you may contact at: [habeasdata@universidadean.edu.co](mailto:habeasdata@universidadean.edu.co)

## 12.2. Terms and procedures to exercise rights by THE HOLDER.

**12.2.1. Terms of right of consultation and the right to get a copy of the authorization:** once the request is received, the Universidad Ean shall respond the consultation request within ten (10) working days from the date the request was received. If it is not possible to respond it during this term, the interested party shall be informed, and the University shall explain the reasons for the delay and shall specify the date on which this request shall be answered. This answer may not exceed five (5) working days after the expiration of the first term. These deadlines are set in the LEPD, Article 14.

**12.2.2. Terms on the right to claim:** The Universidad Ean shall respond the application request within fifteen (15) working days from the date of its reception. If it is not possible to answer this claim during this time, the interested party shall be informed about the reasons for the delay and the date on which his claim shall be answered; and this answer may not exceed eight (8) working days after the expiration of the first term.

**12.2.3. Characteristics of the request:** for the response of the request, complaint or claim, you must ask for the following information:

**12.2.3.1.** Personal data, full name and surnames of the Holder.

**12.2.3.2.** Contact details of the Holder of the personal data: or Physical address and/or email. or contact telephone numbers.

**12.2.3.3.** Facts, reasons or circumstances for the claim, request or consultation (brief description of the right you wish to exercise - know, update or rectify; a proof of request of the authorization granted or its revocation; delete or access information, among others).

**12.2.3.4.** Identification number.

## 12.3. Incomplete Application Requests:

If the request is incomplete, the interested party shall be required within five (5) days after the reception of this claim in order to correct failures. After two (2) months from the date of the request, it shall be understood that the interest party has withdrawn the application, and any required information or submission of it does not have to be presented.

12.4. Once the consultation procedure has been exhausted, the Holder, successor, or attorney-in-fact may submit a complaint with the Superintendence of Industry and Commerce (SIC).

## 13. DUTIES OF THE UNIVERSIDAD EAN

When the Universidad Ean acts as responsible of personal data, it shall have the following duties:

- a) Guarantee the Holder, at all times, the full and effective exercise of the right of habeas data.
- b) Request and keep a copy of the corresponding authorization granted by the Holder.
- c) Inform the Holder about the purpose of the data collection and his/her rights, by virtue of the authorization granted.
- d) Keep the information under the necessary security conditions to prevent its manipulation, loss, consultation, use or unauthorized or fraudulent access.

- e) Guarantee that the information provided to the data processor is truthful, complete, accurate, updated, verifiable and understandable.
- f) Update the information, by communicating to the person in charge of the data processing in a timely and adequate manner, all information regarding the data that was previously provided by him/her, and adopt the necessary measures, so that this information provided is kept updated.
- g) Verify the information when it is incorrect and communicate it to the person in charge of the data processing.
- h) Provide the person in charge of the data processing with data previously authorized.
- i) Request the person responsible for the data processing respect for the security and privacy conditions of the information of the Holder.
- j) Process requests and claims needed.
- k) Inform the person in charge of the data processing when some information is under discussion by the Holder, once the claim has been submitted and the process has not been completed.
- L) Inform at the request of the Holder, about the use given to his/her data.
- m) Inform the data protection authority when there are violations of the security codes and there are risks in the management of the information of the Holder.
- n) Comply with the instructions and requirements issued by the Superintendence of Industry and Commerce.

#### **14. SERVICE TO PERSONAL DATA HOLDERS**

Any department or area of the Universidad Ean can receive, process and channel the requests received on personal data and must process it in the terms, deadlines and conditions established by current regulations for the exercise of the right of access, consultation, rectification, updating, deletion and revocation of data.

Any concern related to the processing of personal data should be directed to Calle 71 # 9-84, Bogotá D.C. or to the email: [habeasdata@universidadean.edu.co](mailto:habeasdata@universidadean.edu.co) Telephone number: 5936464.

#### **15. AUTHORIZATION OF THE DATA PROCESSING POLICY**

15.1 According to article 9 of the LEPD, prior and informed authorization from the Holder is required for the processing of personal data. The University shall always do its best to inform you in a timely and appropriate manner about the need to receive or process your personal data as a Holder and shall make this Policy available to you, by facilitating its access and allowing you to accept it with the necessary knowledge to strengthen the relationship that You as Holder of the Data have established with the University. Our purpose is to make good processing of your data, and that you know and trust on our own procedure.

So, every time we request information or when we must collect it according to the established relationship, you, by accepting this policy, shall allow us to process your data on behalf of the Universidad Ean, in the terms and conditions contained therein. The authorization to THE UNIVERSITY for the processing of personal data shall be granted by:

**15.1.1** The Holder, who must prove his identity by the different means given by THE

## UNIVERSITY.

We recommend that you only access the official sites of the University and if you have any questions, ask or contact the Data Protection Officer at the email address listed above.

**15.1.2.** The successors in title of the Holder, who must prove their identity, for which we ask them to provide a copy of their birth and death certificate in order to facilitate the validation of kinship.

**15.1.3.** The representative and/or proxy of the Holder, prior accreditation of the representation or Power of attorney.

**15.1.4.** Stipulation in favor of a third party, usually occurs when a person can, in order to generate a benefit and NOT a burden to a Holder, stipulate in his/her favor to allow his/her personal data Processing.

**15.2. MEANS TO GRANT THE AUTHORIZATION.** THE UNIVERSITY shall obtain authorization for data processing through different means, including a physical document, electronic document, data message, Internet, websites, or any other format that allows obtaining consent through expressed or unequivocal behavior from which it may be concluded that if it had not been supplied by the Holder or the person entitled to do so, the data would not have been stored or kept in the database.

This authorization shall be requested by THE UNIVERSITY prior to the personal data processing.

**15.3. PROOF OF AUTHORIZATION.** THE UNIVERSITY shall keep the proof of the authorization granted by the Owners of the personal data for its processing, for which it shall use the mechanisms available to do so, as well as it shall adopt the necessary actions to keep the records of the form and date in which this authorization was received. Therefore, THE UNIVERSITY may set and manage physical files or electronic repositories directly or through third parties hired for that purpose.

**15.4. RECALL OF AUTHORIZATION.** The Holders of the personal data may at any time revoke the authorization granted to THE UNIVERSITY for the processing of their personal data or they can also request the deletion of them, as long as it is not prevented by a legal or contractual provision. THE UNIVERSITY shall establish simple and free mechanisms that allow the Holder to revoke his/her authorization or request the deletion of his/her data, at least by using the same means by which he/she granted it. Therefore, it must be considered that the revocation of consent can be expressed, in a total way regarding to the authorized purposes, and therefore THE UNIVERSITY must cease any data processing activity, as long as there is not any legal or contractual duty that prevents it. On the other hand, in a partial way regarding to certain types of data processing on which the data processing activities shall cease. For example, it could happen when the Holder does not want to receive commercial or advertising information, among others. In the latter case, THE UNIVERSITY may continue to process the personal data for those purposes in which the Holder has not revoked his/her consent or there is a legal or contractual duty that requires to be kept.

## **16. EVENTS IN WHICH THE AUTHORIZATION OF PERSONAL DATA IS NOT NECESSARY.**

The authorization of the information of the Holder is not necessary in the following cases:

**16.1.** Information required by a public or administrative entity in the exercise of its legal functions or by legal order.

**16.2.** Data of a public nature.

**16.3.** Medical or health emergency cases.

**16.4.** Information processing authorized by law for historical, statistical or scientific purposes.

**16.5.** Data related to the Civil Registry of people.

## **17. USE AND FLOW OF INFORMATION**

The Universidad Ean shall reflect the values and principles that have always represented it by adopting the measures that allow the effective protection of privacy and the correct administration of the data collected.

The Universidad Ean has adopted the necessary technical, human and administrative measures to provide information security, in order to prevent its modification, use or unauthorized consultation.

The staff of the Universidad Ean must comply with the provisions of this policy within the Institution, and must strengthen their good practice. They also commit to know and respect Law 1581, 2012 and the other added, modified or complemented regulations.

You shall always have the Personal Data Protection Officer at your disposal to solve concerns and promote actions that show understanding and respect for this regulation.

## **18. VIDEO SURVEILLANCE AND VOICE RECORDING**

The Universidad Ean has several means for video surveillance in different areas of the Institution and voice recordings in the incoming calls of the telephone lines. These calls may be recorded to guarantee the safety of the Eanista community, as well as the ones interested to get to know the institution. In view of the forgoing, every person shall be informed in advance of these procedures and shall always have the option of expressing his/her acceptance by authorizing them.

The information collected by these means shall be used for the purposes reported to the Holder, and in general to preserve the safety of people, goods and facilities and keep an adequate follow up of institutional academic and/or administrative processes.

Information collected by these mechanisms shall be subject to the requests of any competent judicial authority who shall determine its validity, conduct and/or effectiveness for any process.

Finally, to guarantee the provision of the educational services, the Universidad Ean contracts the use of different technological platforms that may require voice and video recordings of the participants. It is important to keep in mind that these data shall become sensitive data, if the Universidad Ean uses a biometric technique to achieve full identification of the Holder in different contexts.

By using these platforms, and through the tools that they have, each Holder has the possibility of accessing image and audio recording. Each person is free to accept, but he/she must always be reasonable in terms of understanding the context in which it is requested and get committed to make appropriate use of the Platform and to respect the right to privacy of his/her peers and colleagues.

The regulations on Personal Data determine rights and assign correlative duties. All Holders must respect the right to privacy of others.

## 19. DATA PROCESSING AND ITS PURPOSE

The Universidad Ean, based on its corporate purpose as a higher education institution, carries out the processing of personal data related to individuals. This data is contained and processed in databases for legitimate purposes, complying with the Constitution and the law.

The processing of essential personal data of students, professors, workers and/or contractors and graduates shall be framed in the prevailing legal order and by virtue of the condition of the University as a Higher Education Institution. This data shall be the necessary to reach the institutional mission statement of teaching, researching and offering extension courses.

The financial data of the Universidad Ean shall be subject to Law 1266, 2008 and its corresponding regulations for data processing. Thus, prior compliance with the legal requirements and authorization of the Holders of the financial data, the Universidad Ean may directly or through a third party, have the responsibility (as the person in charge established by law) to verify, consult and report its financial performance to public data bases or credit reporting bureaus.

Due to the relationship that the Holder has with the Universidad Ean, the Institution shall take the personal data that he/she provided in a free and voluntary manner and shall include it directly in a database, or through a third party legally authorized.

In general, the processing of this data is related to the following purposes:

- to keep effective communication through available means such as email, physical email, telephone, cell phone, social networks, or other similar means related to:

a. The services provided by the Universidad Ean.

b. Information on agreements, alliances, and content that the University develops as a Higher Education Institution.

c. New services that are provided by the Universidad Ean or that are related to them.

- Comply with the commitments that the Universidad Ean acquired with its students, professors, contractors, suppliers, staff and all stakeholders.
- Notify any change or modification that occurs in the services provided by the Universidad Ean.
- Ask about the quality of the service provided by the Universidad Ean.
- Analyze the internal consumption habits of the goods and services offered the Universidad Ean.
- Transmit data to third parties linked with the Universidad Ean by means of agreements or contracts in order to fulfill its main institutional purpose.
  - Transmit data to educational entities in Colombia or abroad in which the user is studying or wants to study; or to those entities that by virtue of their corporate purpose and by the Holders authorization, must process his/her information as the responsible party.
  - Develop the necessary administrative duties to record payments, do the corresponding collection actions, update the Holders information as well as the ones who have served as

guarantors or co-signers, also to issue the certifications on the compliance with these obligations.

- Keep information on the sessions given through private platforms.
- Inform legal guardians about relevant situations related to the development of the academic relationship, and propose and manage support plans as well as supply information on financing and payments.

All the purposes being accomplished by the Universidad Ean are described in the following link:  
<https://universidadean.edu.co/la-universidad/quienessomos/orientacion%20-estrategica/%20reglamentos-%20universidad%20-ean/aviso-de-%20privacidad>

## **20. NATIONAL REGISTRY OF DATABASES**

National Registry of Databases (RNBD, in Spanish), is the public directory of databases subject to the Data Processing in the country. It is managed by the Superintendence of Industry and Commerce and shall be freely consulted by citizens. the Universidad Ean registered with Superintendence of Industry and Commerce the databases that are subject to Processing in the right time and has followed the procedures that allow it to make modifications, when necessary, according to the changes registered in the databases managed by the Universidad Ean or as determined by the Superintendence of Industry and Commerce.

The Personal Data Officer of the Universidad Ean shall be in charge of classifying and registering the University databases and may modify them at any time, depending on the real conditions and institutional needs and depending on the requirements made by the Superintendence of Industry and Commerce.

## **21. SECURITY MEASURES**

The Universidad Ean, in order to comply with the security principle enshrined in Article 4 paragraph g) of the LFPD, and with the duties that correspond to it as the Responsible party in Article, 17 of the LEPD and the application of the Principle of Proactive responsibility in Decree 1377,2013, has implemented technical, administrative measures necessary to guarantee the security of its records avoiding their manipulation, loss, consultation and unauthorized or fraudulent use or access.

On the other hand, the Universidad Ean, through the signing of the corresponding data transmission or transfer contracts, has required the third parties (the ones in charge or data responsible, as appropriate) with the parties the University is working with, to implement the necessary security measures to guarantee the security and confidentiality of information in the processing of personal data. In such manner, its use is subject to the informed purposes authorized by the Holders.

## **22. TRANSFER OR TRANSMISSION OF DATA TO OTHER COUNTRIES**

In accordance with Title VIII of the LEPD, it is forbidden to transfer personal data to countries that do not provide adequate levels of data protection. It is understood that a country offers an adequate level of data protection, when it complies with the standards set by the Superintendence of Industry and Commerce, which in no case may be lower than those required by this law for its recipients. This prohibition shall not apply in the case of:

- 22.1.** Information in which the Holder has granted his/ her express and unequivocal authorization for the transfer.
- 22.2.** Exchange of medical data, when required by the Holder of data processing due to health reasons or public hygiene.
- 22.3.** Bank or stock transfers, in accordance with the governing law.
- 22.4.** Transfers agreed within the framework of international agreements in which the Republic of Colombia takes part, based on the principle of reciprocity.
- 22.5.** Necessary transfers for the implementation of a contract between the Holder and the party responsible for data processing, or for implementation of pre-contractual measures when having the authorization of the Holder.
- 22.6.** Transfers legally required to safeguard the public interest, or for the recognition, exercise or defense of a right in a judicial process.

In non-exceptional cases, and in the case of countries not included in the list given by the SIC about the countries that have these standards, it shall be necessary to request a declaration of conformity regarding the international transfer of personal information from the Superintendence of Industry and Commerce. The Superintendent is empowered to request information and carry out the procedures aimed at establishing compliance with the budgets required for the feasibility of the operation.

On the other hand, the international transmissions of personal data between a Responsible party and a Person in Charge of the Data Processing to allow the person in charge of carrying out this processing on behalf of the Responsible party, shall not need to be informed to the Holder or have his/her consent, provided that there is a contract for the transmission of personal data, or the appropriate clauses are incorporated in the contract that regulates the service or activity contracted.

The Universidad Ean, due to the link and nature of the relationships it has with any person, considered Holder of personal data, may transfer this personal information abroad, in compliance with the corresponding regulations that regulate this. The Universidad Ean shall observe and do what is necessary to keep the confidentiality of the information and shall take the necessary measures, so that these third parties know and agree to embrace this Policy.

The Universidad Ean may also provide and/or receive Personal Information from any governmental authorities and third parties participating in civil legal proceedings as well as their accountants, auditors, lawyers and other advisors and representatives, whenever it is suitable or necessary to comply any legal obligation in Colombia or in another country; to comply with judicial or administrative orders or decisions, to respond to requirements or requests from Colombian or foreign public authorities, and to comply with the terms and conditions in which the educational service is provided. When referring to defense of rights at the head of the Institution, or to the privacy, when it affects or seeks to affect the good name of its members or the community as a whole, and the security of its applications or intellectual property, the compliance of duties established by the University in its different regulations may use data, always making sure that the exercise of its right is not excessive and respects the rights of Holders. It is the duty of every administrator to perform his/her duty with all necessary diligence to prevent damages to the University due to the breach of its legal duties or the lack of actions to do all necessary actions to defend its rights and obtain the applicable compensation or limit the damages that may affect the institution.

### **23. TERM OF DURATION OF DATA BASES**

The Universidad Ean shall be responsible of databases. They shall be processed for all reasonable and necessary time for the purpose to which data was obtained. Once the purpose or purposes of the data processing have been fulfilled, and without prejudice to legal regulations provided, unless otherwise agreed, the Universidad Ean shall proceed to delete the personal data in its possession unless there is a legal or contractual obligation that requires its preservation.

The previous processing policy was written and published and has been modified on the dates shown at the end of this document.

**ARTICLE 2: VALIDITY.** This Agreement shall come into force on January 1, 2022 and derogates Agreement 015, issued on December 9, 2020.

### **BE IT HEREBY PUBLISHED, COMMUNICATED AND EXECUTED**

This document was issued in Bogotá D.C. on December 16, 2021

<Original signed by>

**Herbert Perico Crissien**  
**President**

**Ana Lucía Gutiérrez López**  
**Secretary**