

FENOCO S.A PERSONAL DATA TREATMENT POLICY

INTRODUCTION

Statutory Law 1581 of 2012, which provides general provisions for the protection of personal data, aims to develop the fundamental right of Habeas Data that all people have to know, update and rectify the information that has been collected about them in the different databases or archives, and the other constitutional rights, freedoms and guarantees referred to in article 15 of the Political Constitution; as well as the right to information enshrined in article 20 of the same standard.

The principles and provisions contained in the aforementioned law are applicable to personal data registered in any database that makes them susceptible of treatment by FERROCARRILES DEL NORTE DE COLOMBIA S.A FENOCO S.A. (hereinafter "FENOCO") being of a private nature. Therefore, data processing performed by FENOCO will be governed according to what is contemplated in Law 1581 of 2012 on the protection of personal data and its regulatory decrees and other regulations that complement, modify or repeal it.

For this purpose and in accordance with what is established in art. 18 ff of the aforementioned Law and article 13 et seq. Of Regulatory Decree 1377 of 2013, FENOCO adopts this policy of personal data to ensure proper compliance with Law 1581 of 2012 and Regulatory Decree 1377 of 2013, especially for the attention of inquiries and complaints by the owners of the personal data

DEFINITIONS

For the purposes of implementing this policy and in accordance with current legal regulations, the following definitions will apply to the implementation of this Policy:

- a) **Authorization:** Prior, express and informed consent of the Holder to carry out the processing of personal data.
- b) **Database:** Organized set of personal data that is subject to Treatment.
- c) **Personal data:** Any information linked to or associated with one or more specific or determinable natural persons.
- d) **Public data:** It is the data qualified as such according to the mandates of the law or the Political Constitution and that which is not semi-private, private or sensitive. Data on the marital status of persons, their profession or trade, their status as a trader or public servant, and those that can be obtained without reservation are public, among others. By their nature, public data may be contained, inter alia, in public records, public documents, gazettes, official bulletins and duly executed judicial decisions that are not subject to reservation.
- e) **Private data:** It is the data that by its intimate or reserved nature is only relevant for the holder.
- f) **Sensitive data:** Sensitive data are those that affect the privacy of the Holder or whose abuse may lead to discrimination, such as those that reveal racial or ethnic origin, political orientation, religious or philosophical beliefs, membership of trade unions, social or human rights organizations, or that promotes the interests of any political party or guarantees the rights and

guarantees of opposition political parties, as well as data on health, sexual life and biometric data.

- g) **Responsible for the Treatment:** Natural or legal person, public or private, that by itself or in association with others, perform the processing of personal data on behalf of the Responsible for Treatment.
- h) **Privacy format:** Physical, electronic document or any other format generated by the Responsible that is made available to the Holder for the processing of their personal data. The Privacy Notice communicates to the Holder the information regarding the existence of the policies of treatment of information that will be applicable to him, the way of accessing them and the purpose of the treatment that is intended to give the personal data.
- i) **Responsible for the Treatment:** Natural or juridical person, public or private, that by itself or in association with others, decides on the data base and / or the Treatment of the data.
- j) **Holder:** Person whose personal data is subject to Treatment.
- k) **Treatment:** Any operation or set of operations on personal data, such as the collection, storage, use, circulation or suppression thereof.
- l) **First Paragraph** - Any definition that is not within the above, must comply with the definitions indicated in Law 1581 of 2012; and in the other norms that develop or modify it.

PRINCIPLES APPLICABLE TO THE PROCESSING OF PERSONAL DATA

The processing of personal data will be governed by FENOCO by the following principles:

- a) **Principle of purpose:** The processing of the collected personal data must obey a legitimate purpose, which must be informed to the Holder.
- b) **Principle of freedom:** The Treatment can only be carried out with the consent, previous, express and informed of the Holder. Personal data may not be obtained or disclosed without prior authorization, or in the absence of a legal or judicial mandate releasing consent.
- c) **Principle of truth or quality:** The information subject to treatment must be truthful, complete, accurate, updated, verifiable and understandable. Processing of partial, incomplete, fractional or misleading data will not be processed.
- d) **Principle of transparency:** In the treatment the right of the Holder to obtain from FENOCO at any time and without restrictions, information about the existence of data that concern him must be guarantee.
- e) **Principle of access and restricted**

circulation: The Treatment is subject to the limits that derive from the nature of the personal data, the provisions of this law and the Constitution. Personal data, except public information, and the provisions of the authorization granted by the holder of the data, may not be available on the Internet or other means of mass communication or communication, unless access is technically controllable to provide restricted knowledge only to the Holders or authorized third parties.

- f) **Security principle:** Information subject to Treatment by FENOCO must be protected by the use of technical, human and administrative measures that are necessary to grant security to the records, avoiding their adulteration, loss, consultation, use or unauthorized access or fraudulent
- g) **Principle of confidentiality:** All persons involved in the processing of personal data are obliged to guarantee the reservation of the information, even after the end of their relationship with any of the tasks included in the Treatment.

IDENTIFICATION OF THE RESPONSIBLE FOR THE TREATMENT OF INFORMATION

FERROCARRILES DEL NORTE DE COLOMBIA S.A. FENOCO S.A. is a commercial company identified with NIT 830061724-6 and mercantile registration 00965611 of the Chamber of Commerce of Bogota.

Decree 1074 of 2015 establishes in its Article 2.2.2.25.3.1. Information Processing Policies, Those responsible for the treatment must develop their policies for the processing of personal data and ensure that the Treatment Managers

fully comply with them. Therefore in case of requiring information or contact take into account the following information:

The address, telephone and e-mail details of the Information Processing Manager are as follows:

Address: Calle 94A No. 11A - 27 Piso 3, Bogotá, D.C.

Telephone: +57 (1) 6220505

E-mail:

protecciondedatos@fenoco.com.co

PURPOSE AND TREATMENT WHICH THE PERSONAL DATA WILL BE SUBJECT

The personal data that FENOCO collects, stores, uses, circulates, updates, rectifies and / or delete will be used in a general way for databases intended solely for the development of its corporate purpose.

As a result of the above, FENOCO may use personal data to:

- a) Execute the existing contractual relationship with its customers, suppliers and workers, including payment of contractual obligations;
- b) Provide the services and / or products required by its users or workers;
- c) Report on new products or services and / or changes in them;
- d) Evaluate the quality of the service;

- e) Conduct internal studies on your clients;
- f) Send to physical, electronic, cellular or mobile device, via text messages (SMS and / or MMS) or through any other analogous and / or digital communication means created or to be created, commercial, advertising or promotional information about the products and / or services, events and / or promotions of a commercial type or not, with the purpose of promoting, inviting, directing, executing, informing and in general carrying out campaigns, promotions or contests of a commercial or advertising character, advanced by FENOCO and / or by third parties;
- g) Develop the process of selection, evaluation, and employment or commercial link;



- h) Support internal or external audit processes;
- i) Record the information of employees and / or pensioners (active and inactive) in the databases of FENOCO;
- j) Those indicated in the authorization granted by the holder of the data or described in the respective privacy notice, as the case may be.
- k) Provide, share, send or deliver your personal data to affiliated or affiliated companies, with FENOCO located in Colombia or any other country in the event that said companies require the information for the purposes indicated herein.
- l) Collect and process data related to communities whose data have been collected or collected for the purpose of complying with the Environmental Management Plan, FENOCO Environmental Licenses and Permits, carrying out and executing social investment programs, conducting surveys of perception and support, among other activities that is framed in FENOCO's Community Relations Policy and its environmental and social strategy and all those related to the company's purpose.
- m) The list indicated previously is enunciative, reason why, FENOCO will be able to constitute data bases with different purposes to those established in this numeral according to their needs and

in development of its social object. For any database that constitutes FENOCO in the future, it will be applied to this Policy and to the treatment and data protection regulations in force in the Republic of Colombia.

With respect to the treatment of the data of the employees of FENOCO, the following particular rules will apply:

- a. The Company may supply, share, send or deliver the Personal Data of the Owners to subsidiaries, affiliated companies, or subordinated to Fenoco, located in Colombia or any other country in the event that said companies require the information for the purposes indicated herein, for which will comply with the legal provisions regarding the transfer of Personal Data; The company is empowered to:
- b. Manage all the information necessary to comply with Fenoco's tax, parafiscal and commercial, corporate and accounting obligations;
- c. Comply with the internal processes of Fenoco, as well as in relation to the competent authorities, regarding the administration of workers, suppliers and / or contractors;
- d. Use it For the processes of filing and updating internal databases of Fenoco;

- e. To inform the internal modifications of any type that appear in the development of the contractual links with the Holder of the information;
- f. Evaluate and examine the quality of the services offered by the Holder of the information;
- g. Send through secure medium the information that for contingency issues should be sent to "back-ups" or information backup systems in Colombia or other countries;
- h. Transmit the data that the national government and / or the authorities require in compliance with the legal provisions; and / or judicial.
- i. Send the modifications that may be presented in the Policy of Treatment of Personal Data adopted by Fenoco;
- j. Advance other administrative, commercial, labor, advertising and other purposes that relate to the fulfillment of their obligations or the exercise of their rights derived from the relationship they have, had or may have with the Holder.

RIGHTS OF THE HOLDERS

FENOCO will guarantee to the Holders all the rights according to Law 1581 of 2012 and to the Unique Decree 1074 of 2015, Decree 1759 of 2016 and Decree 1115 of 2017 and, specifically the following ones:

- a) Know, update and rectify your personal data in front of FENOCO as Responsible and Responsible for Treatment. This right may be exercised among others with partial, inaccurate, incomplete, fractioned, misleading, or those whom Treatment is expressly prohibited or has not been authorized.
- b) To authorize FENOCO as Responsible and in charge of the Treatment for the handling

of the information contained in the databases according to the law.

- c) To know the present policy of protection of data of FENOCO like Responsible of the Treatment and In charge of the Treatment.
- d) To present complaints regarding the processing of the data in accordance with the provisions of Law 1581 of 2012 and the other rules that modify, add or complement it.
- e) Free access to your personal data that have been subject of Treatment except when there is a legal reservation of the same.

f) Request proof of the authorization granted to the Responsible for Treatment except when expressly excepted as a requirement for the Treatment.

g) Be informed by the Treatment Manager or the Treatment Manager, upon request, regarding the use that he has given to his personal data.

h) To revoke the authorization and / or request

the suppression of the data when in the Treatment the principles, rights and constitutional and legal guarantees are not respected. The revocation and / or suppression shall proceed when the Superintendency of Industry and Commerce has determined that in the Treatment the Person in Charge has engaged in conduct contrary to this law and the Constitution;

DUTIES OF FENOCO



FENOCO, in its capacity as Responsible and Controller for Treatment under the terms of Law 1581 of 2012, is obliged to comply with the duties established in particular in articles 17 and 18 of the aforementioned law. Consequently, the duties of FENOCO are as follows:

a) Duties of FENOCO when acting as Responsible for Treatment:

i. To guarantee to the Holder, at all times, the full and effective exercise of the right of Habeas Data.

ii. Request and preserve, in the conditions provided for in this policy and Law 1581 of 2012, a copy of the respective authorization granted by the Holder.

iii. Inform clearly and sufficient to the Holder about the purpose of the collection and the rights that assist him by virtue of the authorization granted according to the law and this policy.

iv. Keep the information under the necessary security conditions to prevent its adulteration, loss, consultation, use or unauthorized or fraudulent access.

v. Ensure that the information provided to the Treatment Manager is truthful, accurate, up-to-date, verifiable and comprehensible.

vi. Inform the Manager of the Treatment, when this quality is different from FENOCO, when certain information is under discussion by the Holder, once the complaint has been filed and the process has not been completed.

vii. Inform at the request of the owner about the use given to their data.

viii. To process the consultations and claims formulated in the terms indicated in the present policy and in the law.

ix. Seek the principles of truthfulness, quality,

safety and confidentiality in the terms established in this policy.

x. Keep the information under the necessary security conditions to prevent its adulteration, loss, consultation, use or unauthorized or fraudulent access.

xi. Update information when necessary.

xii. Correct personal data when appropriate.

xiii. Comply with the instructions and guidelines issued by the Superintendency of Industry and Commerce.

b) Duties of FENOCO when acting as Treatment Manager:

i. To guarantee to the Holder, at all times, the full and effective exercise of the right of Habeas Data.

ii. Keep the information under safe conditions.

iii. Perform in a timely manner the updating, rectification or deletion of the data under the terms of this policy and the law.

iv. Update the information within the legal

term once it has been reported by the Treatment Manager when it is not FENOCO who act in that capacity.

v. To process the consultations and claims in accordance with this policy and the law.

vi. To register in the database the legend "Claim in Progress" when a claim is filed.

vii. Insert, when appropriate, the legend "information under judicial discussion" once FENOCO as Treatment Manager has been notified by the competent authority.

viii. Refrain from circulating information that is being disputed by the Holder.

ix. Allow access to information only to those who may have access to it.

x. Inform the Superintendency of Industry and Commerce when there is a violation of security codes and there are risks in the management of the information of the Holders.

xi. Comply with the instructions and guidelines issued by the Superintendency of Industry and Commerce.

MECHANISM TO EXERCISE CONSULTATION AND CLAIM RIGHTS

The following is a detailed list of procedures for data holders to exercise the rights to know, update, rectify and delete information or revoke authorization. The rights of the holders may be exercised by the following persons legitimated in accordance with Chapter 25, Section Four, of

Article 2.2.2.25.4.1. Legitimation for the exercise of the rights of the holder, Decree Unique regulation 1074 of 2015:

a. For the owner, who must prove his identity in sufficient form by the various means available to him Fenoco S.A.

- b. By the representative and / or proxy of the holder, previous accreditation of the representation or empowerment.

- of the Railway, or
- c. Send an email to protecciondedatos@fenoco.com.co.
- d. On the website www.fenoco.com.co.

All queries and complaints will be channeled through the means enabled by the company, such as:

- a. The customer service line (018000),
- b. A written communication to the street Calle 94 A N ° 11 A -27 Piso 3 in Bogotá or in Santa Marta a la Cra. 20 Calle 2 Entrada Barrio San Fernando Workshops

The data protection officer or is the person in charge of fulfilling the function of data protection and processing the requests of the data holders in Fenoco S.A.

Once the consultation or claim procedure has been exhausted, the owner or successor in title may raise his non-compliance as provided by law.



PROCEDURES AND SAFETY MEASURES:

Applicable to this policy for the collection, management, order and destruction of information procedures are performed in

accordance with the guidelines described in Art. 2.2.2.25.3.6 of Decree 1074 of 2015, which are included and may be consulted in the Data Protection Policy.

TEMPORARY LIMITATIONS OF THE PERSONAL DATA TREATMENT - SUPPRESSION OF INFORMATION.

FENOCO will only be able to collect, store, use or circulate personal data for as long as is reasonable and necessary to develop the purposes that justified the treatment, taking into account the provisions applicable to the subject matter and the administrative, accounting, fiscal aspects, legal and historical information; all of the above within the framework of FENOCO's corporate purpose and FENOCO's

Environmental Management, Licensing or Permits Plan.

Once the purpose (s) of the treatment is fulfilled and without prejudice to legal regulations that provide otherwise, will proceed to the deletion of personal data in their possession. Notwithstanding the foregoing, the data shall be retained whenever the Contractor has a legal or contractual duty to remain in the database.

SENSITIVE DATA

Sensitive data are those that affect the privacy of the Holder or whose abuse may lead to discrimination, such as those that reveal racial or ethnic origin, political orientation, religious or philosophical beliefs, membership in trade unions, social organizations, of human rights or that promotes the interests of any political party or that guarantee the rights and guarantees of opposition political parties as well as the data related to health, sexual life and biometric data.

The Holder has the right to choose not to supply any sensitive information requested by FENOCO.

For the treatment of sensitive data, the Authorization must be expressly authorized by the Card Holder and the procedure established in article 6 and following of Law 1581 of 2012 shall be followed.

FENOCO reserves the right to sign confidentiality agreements or extension of

policies and guarantees with workers who have access to confidential or confidential information, as an additional measure in order to guarantee the proper handling of the information.

When requesting authorization, the owner shall be informed of the data:

- a. The Treatment to which your Personal Data will be subjected and the purpose of the same if it differs from those established in this policy.
- b. The optional character that the Holder has to answer the questions that are asked, when they are about Sensitive Data whose Treatment is permitted by law or Public Information of children and adolescents.
- c. The rights that assist you as Holder.
- d. The identification, physical or electronic address and telephone number of the Treatment Manager

DATA OF MINORS

The processing of data of minors is proscribed, therefore Fenoco will use them solely and exclusively with the authorization of the tutor or parent. The provision of personal data of minors is optional and must be done with the permission of the parents

or legal representatives of the minor.

In the case of the children or stepchildren or other members of the FENOCO family of workers, the information will be treated only for the purposes of the human management area and will ensure respect for the

prevailing rights of children and teenagers.

Every official with access to the Human Resources Management system must guarantee the protection of data of minors, children of FENOCO employees, in accordance with what is permitted by the Law, and in consideration of Decree 1074 of 2015, Article 2.2. 2.25.2.9. Special requirements for the processing of personal data of children, which establishes the following:

Treatment of personal data of children and adolescents is prohibited, except in the case of data of a public nature, in accordance with what is established in article 7 of Law 1581 of 2012 and when said Treatment complies with the following parameters and requirements:

1. That responds and respects the superior of children and adolescents.
2. To ensure respect for their fundamental

rights. Once the above requirements have been fulfilled, the legal representative of the child or the adolescent authorizes prior exercise of the child's right to be heard, an opinion that is valued taking into account the maturity, autonomy and ability to understand the matter.

All responsible and responsible persons involved in the treatment of the personal data of children and adolescents, must ensure the proper use of them. For this purpose, the principles and obligations established in Law 1581 of 12 and this chapter must be applied.

The family and society must ensure that those responsible and those responsible for processing the personal data of minors comply with the obligations established in Law 1581 of 2012 and this chapter.

AUTHORIZATION OF THE HOLDER

Notwithstanding the exceptions provided for in the law, the Treatment requires the prior, express and informed consent of the Holder, which must be obtained by any means that may

be the object of subsequent consultation and verification, in compliance with the provisions of the law 1581 of 2012 and its regulatory decrees, as well as the provisions of the Superintendence of Industry and Commerce in the matter.

CASES IN WHICH THE AUTHORIZATION IS NOT REQUIRED

The authorization of the Holder is not necessary when it is:

- 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. Treatment of information authorized by law for historical, statistical or scientific purposes.
- e. Data related to the Civil Registry of Persons.

ATTENTION OF PETITIONS, CONSULTATIONS AND CLAIMS

In order to make requests, queries or claims in order to exercise the rights to know, update, rectify, delete the data or revoke the authorization granted, the Holder or his successors in title may resort to any of the offices of the data protection officer or who makes his / her times for databases, so that these in turn are required in the dependencies that recompiled the information.

In accordance with article 15 of Law 1581 of 2012, the following procedure will be followed when submitting a request, consultation and / or claim:

- The Holder must submit the request, consultation or claim by written request addressed to FENOCO with (i) the Holder's identification, (ii) a description of the facts that give rise to the complaint, consultation or petition, (iii) (iv) accompanied by all the documents that they wish to assert.

- In the event that the request, consultation or claim is incomplete, FENOCO will require the Holder within five (5) days following receipt of the brief to remedy the faults. After two (2) months from the date of the request without the applicant submitting the requested information, it will be understood that he has withdrawn from the claim.

- The Offices of the database protection officer of FENOCO will be competent to receive any request, query or claim regarding the processing of personal data. In the event that the person receiving a request, consultation or claim is not competent to resolve it, it will transfer to one of a maximum term of two (2) business days and inform the applicant of this situation.

- Once the request, consultation or complete complaint has been received, a legend indicating "claim in process" and the reason for it, in a term no longer than two (2) business days will be included in the database.

This legend must be maintained until the claim is settled.

- The maximum term to attend the request, query or claim related to the processing of personal data will be fifteen (15) working days

from the day following the date of receipt. When it is not possible to deal with the claim within that term, the applicant will be informed of the reasons for the delay and the date on which his claim will be dealt with, which in no case may exceed eight (8) business days following the expiration of the first finished.

DATA WITHDRAWAL OR REVISION OF AUTHORIZATION

When the Holder requests the deletion of data and / or the revocation of the Authorization, it cannot be done when:

- a. It is an obligation or a legal or contractual right of the Companies to treat and / or keep such data.
- b. Keeping the data is essential to safeguard the interests of the Holder or the Public Interest.
- c. Retain the data is essential to execute the contractual relationship or work with the Holder, provided that it is data necessary for such execution and not Sensitive Data.
- d. The suppression hinders or impedes the exercise of the functions of the administrative or judicial authorities. In case the request for revocation of the authorization is appropriate, the interested party must state precisely whether the revocation is total or partial.
- e. The revocation of the authorization is partial when the interested party indicates that it wishes to revoke the Treatment of their Personal Data for certain specific purposes such as advertising, competitions, and consumer studies, etc. The revocation of the authorization will be total when it is requested that the Processing of Personal Data stops for all authorized purposes.

AUTHORITIES REQUIREMENTS

FENOCO will cooperate with the competent authorities to ensure compliance with laws on the protection of industrial property, copyright, fraud prevention and other matters.

With the granting of the Authorization, it will be understood that the Holders expressly authorize

FENOCO to provide any personal information about them to the competent authorities, in order to comply with any request thereof, and in order to cooperate with them in the extent to which we deem it necessary and appropriate in relation to any investigation of an infringement, violation of the Consumer Statute rules, infringement of intellectual or industrial property

rights, or other activity that is illegal or that may expose FENOCO or its authorized, assignee, licensee, to any legal responsibility.

In addition, it will be understood that the Owners authorize to communicate their Personal Data to the competent authorities in relation to these or other investigations that they advance.

SECURITY OF THE INFORMATION

Developing the principle of security established by Law 1581 of 2012, Fenoco will adopt the technical, human and administrative measures necessary to provide security to the records avoiding adulteration, loss, use or unauthorized

or fraudulent access. The personnel who perform the processing of the Personal Data will execute the established protocols in order to guarantee the security of the information.

NOTICE OF PRIVACY

In the cases in which it is not possible to make available to the Owner of the Personal Data the present policy of Treatment of information, FENOCO will inform the Holder of the existence of this policy and how to access it by means of a Privacy Notice, through the mechanisms allowed by law to do so, in a timely manner and in any case at the latest at the time of collection of

Personal Data.

The text of the Notice of Privacy must include the content required by article 15 of Decree 1377 of 2013 and a copy of said notice will be kept for subsequent consultation by the Data Owner and / or the Superintendence of Industry and Commerce, if applicable.

UPDATE OF THE POLICY

FENOCO may modify the terms and conditions of this policy and procedure document as part of the effort to comply with the obligations established by Law 1581 of 2012, the regulatory decrees and other rules that complement, modify or derogate what is contained in this document.

When a substantial change occurs in this

policy, FENOCO will inform the Holder prior to the implementation of the respective modifications.

When a modification or change is made to the purposes of the Data Processing, the Holders must request a new authorization specifying the new purposes of the Treatment.



EXPRESS AUTHORIZATION DOCUMENT - PRIVACY FORMAT

I _____
_____, identified with citizenship card No. _____
_____ in my capacity as the holder
(worker, provider representative, mission
worker, etc.) of FENOCO by signing this
document pre-authorize explicitly and
unequivocally to FENOCO to carry out the
collection and processing of my personal
data provided by me for the legal,
conventional, contractual, commercial
purposes in the terms of law and this policy.

Declare that I am the owner of the
information reported and that it is complete,
reliable, truthful, accurate, and true and that
I have provided voluntarily to the processing
of my personal data and my household when
such information is requested by FENOCO for
the _____ following _____ purposes

I accept the terms of FENOCO's data
protection policy and the training provided to
me on the subject.



START DATE OF THE POLICY OF TREATMENT OF THE INFORMATION AND PERIOD OF EFFECTIVENESS OF FENOCO DATABASES

This policy is effective from November 28, 2017
and repeals all previous provisions and will run
until a new policy amend or repeal this.

The Holder may revoke the authorization and
request the deletion of the data, when there is
no legal or contractual duty that imposes the
duty to remain in the database or file of the
Responsible or Charge.

The request for deletion of the information and
the revocation of the authorization will not
proceed when the holder has a legal or
contractual duty to remain in the database of the
person in charge.

That is to say, they are in force as long as there is
a legal or contractual duty between the parties,
in which they assist to remain in relation with the
company.

ANDRES SOTO VELASCO
PRESIDENT