

 T.M.A. CARGO S.A.S. TRANSPORTE MARITIMO Y AEREO DE CARGA	PERSONAL DATA PROCESSING POLICY	Date: September 01, 2020		
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1. Introduction

Law 1581 of 2012 and its Regulatory Decree 1377 of 2013 have been developed focused on the constitutional right of all persons to know, update and rectify the information collected about them in databases or files, and other constitutional powers, rights and guarantees referred to in Articles 15 and 20 of the Political Constitution, in order to establish mechanisms that allow the full exercise of the aforementioned constitutional right.

The Personal Data Protection Law (PDPL) sets forth a series of obligations for all individuals and legal entities that contain files with personal data. The purpose of this law is to guarantee and protect the processing of personal data, public freedoms and the fundamental rights of the individual, especially with regard to their personal and family honor and privacy.

This document has been drawn up to comply with the provisions of the aforementioned regulations and includes the necessary and possible technical and organizational measures to ensure the protection, confidentiality, integrity and availability of non-sensitive personal data of customers, users, collaborators, employees, suppliers, strategic allies, third parties and other stakeholders under the responsibility of TMA CARGO SAS.

TMA CARGO S.A.S, identified with TIN 800.252.819-8, has a database made up of information provided by its customers, suppliers, employees and other stakeholders, which has been collected by commercial and labor relations, carried out in the development of its corporate purpose and the rendering of its services.

In accordance with Statutory Law 1581 of 2012, “which lays down the general provisions for the protection of personal data”, and Decree 1377 of 2013, we require your consent to the management and processing of your personal data, which will be incorporated into the database mentioned above, under the responsibility of TMA CARGO S.A.S, identified with TIN 800.252.819-8, with its corporate headquarters in Bogotá on Av. Calle 26 No 85 D 55 Module 2 office 230, phone: 4103026 - ext 116 and e-mail: gerenciaadministrativa@tmacargo.com.co.

2. Definitions

In order to comply with the rules of this Policy, and in accordance with the provisions of Law 1581 of 2012 and Regulatory Decree 1377 of 2013:

Consent: The prior, express and informed consent of the data subject to the processing of personal data relating to him or her.

Database: An organized set of personal information that is set up for processing.

Personal Data: Any information relating to or that may be associated with one or more specific or definable data subjects.

Processor: The natural or legal person, public or private, who alone or jointly with others, processes the personal data on behalf of the Controller.

Controller: The natural or legal person, public or private, who alone or jointly with others,

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determines the purpose and means of the processing of personal.

Personal Data Subject: The natural person whose personal data is subject to processing.

Processing: Any operation or set of operations which is performed on personal data, such as collection, storage, use, dissemination or otherwise making available, or the erasure or destruction of same.

Sensitive Data: The data which affects the privacy of the data subject or whose improper use may lead to discrimination, such as data revealing racial or ethnic origin, political opinion, religion or philosophical beliefs, trade union memberships, social organizations, human rights organizations or which promote the interests of any political party or which secure the rights and guarantees of opposition political parties, as well as data relating to health, sexual life and biometric data.

Public Data: Any data that is not semi-private, private or sensitive. Public data are considered, among others, data related to the marital status of individuals, their profession or trade, and their status as merchants or public servants. By their nature, public data may be contained, among others, in public records, public documents, official gazettes and bulletins, and duly executed court rulings that are not subject to confidentiality.

Privacy Notice: The verbal or written communication generated by TMA CARGO SAS, addressed to the data subject for the processing of his/her personal data, by means of which he/she is informed about the existence of the applicable information processing policies, how to access them and the purposes of the processing intended to be given to the personal data.

Data Transfer: Data is transferred when TMA CARGO SAS, located in Colombia, sends the information or personal data to a recipient who in turn is responsible for the processing and is located inside or outside the country.

Data Transmission: Processing of personal data that implies the communication of such data within or outside the Colombian territory, when the purpose of the processing is carried out by the person in charge on behalf of TMA CARGO SAS.

3. Coverage

This document applies to databases containing personal data under the responsibility of TMA CARGO SAS, including information systems, media and equipment used for the processing of personal data, which must be protected in accordance with the provisions of the current legislation on personal data protection.

4. Database

The policy applies to the databases managed by TMA CARGO SAS that will be registered in

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accordance with the provisions of Law 1581 of 2012 and Decree 1377 of 2013, whose period of validity will be counted from the date of authorization and until the end of a period of 10 years.

5. Objective

This policy complies with the provisions of Article 17(k) of Law 1581 of 2012, which regulates the duties of those responsible for the processing of personal data, including the adoption of policies to ensure proper compliance with the Law and, especially, for the attention of queries and complaints from the data subjects. It also aims to regulate the procedures for the collection, management and processing of personal data carried out by TMA CARGO SAS in order to ensure and protect the fundamental right of habeas data within the framework established by law.

6. Consent

The collection, storage, use, circulation or deletion of personal data by TMA CARGO SAS requires the free, prior, informed and express consent of the data subject. TMA CARGO SAS, as the party responsible for processing personal data, has provided the necessary mechanisms to obtain the consent from the data subjects, ensuring in all cases that it is possible to verify the granting of such consent.

7. Way and procedures for granting the consent

The consent may consist of a physical or electronic document, or any other format that ensures subsequent consultation of same, or another suitable technical or technological mechanism by means of which it can be unequivocally concluded that, had no event arisen from a data subject's conduct, the data would never have been captured and stored by the TMA CARGO SAS.

The data subject's consent is a fundamental requirement for TMA CARGO SAS to initiate any kind of commercial activity with the data subject. Therefore, prior to the using the personal data of the Data Subject, TMA CARGO SAS, must have the respective consent of same.

8. Content of the Consent

The data subject's consent is a declaration that the data subject allows TMA CARGO SAS to use his or her personal or sensitive information and shall also contain:

- Purpose of the consent.
- Purpose of personal data processing.
- Users of the information.
- International transfer of personal data to third countries.

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- Data Controller and Data Processor.
- The procedures and formats in the ordinary operations of TMA CARGO SAS will be made known to the Company's employees through the company's Intranet.

9. Evidence of the Consent

TMA CARGO SAS will adopt the necessary measures to maintain adequate records or technical mechanisms as to when and how they obtained the data subject's processing consent.

10. Rights of the Data Subjects

In accordance with the provisions of Article 8 of Law 1581 of 2012, the data subject has the right to:

- Know, update and rectify his/her personal data with TMA CARGO SAS.
- Request evidence of the consent granted to TMA CARGO SAS as Data Controller / Data Processor.
- Be informed by TMA CARGO SAS about the uses or treatment given to the data subject's personal information, prior consultation by same.
- File complaints with the Superintendence of Industry and Commerce for violation of the provisions of Law 1581 of 2012 and Decree 1377 of 2013, after having exhausted the process of consultation or claim with TMA CARGO SA.
- Revoke the consent and/or request the erasure of personal data when the Processing does not respect the principles, rights and constitutional and legal guarantees.
- Obtain free access to his/her personal data, which has been subject to Processing.

11. Duties of TMA CARGO SAS in relation to the Processing of Personal Data

TMA CARGO SAS shall bear in mind at all times that the personal data remain the property of the data subjects and that only they can decide on them. In this sense, TMA CARGO SAS shall make use of same only for those purposes for which they are duly authorized, and respecting, in any case, Law 1581 of 2012 on Personal Data Protection.

TMA CARGO SAS undertakes to comply on a permanent basis with following duties in relation to personal data processing:

- Guarantee data subject, at all times, the full and effective exercise of the right of habeas data;
- Keep the information under the security conditions necessary to prevent its adulteration, loss, consultation, unauthorized or fraudulent use or access;
- Update, rectify or erase data in a timely manner, i.e., within the terms set forth in articles 14 and 15 of Law 1581 of 2012;

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- Process queries and claims of the data subjects under the terms set forth in Article 14 of Law 1581 of 2012;
- Insert in the database the caption “Information in judicial discussion” once notified by the competent authority about judicial processes related to the quality or details of the personal data
- Refrain from sharing information that is in dispute by the Data Subject and whose blocking has been ordered by the Superintendence of Industry and Commerce;
- Allow access to information only to persons who are entitled to have access to it;
- Inform the Superintendence of Industry and Commerce when security code violations occur and the administration of the data subject’s information involves risks;
- Comply with the instructions issued by the Superintendence of Industry and Commerce.

12. Procedures for consultations

The data subject’s power of control or decision over his/her information necessarily entails the right to access and know if his/her personal information is subject to treatment by TMA CARGO SAS, as well as the scope, conditions and generalities of such treatment. Thus, TMA CARGO SAS, shall guarantee data subject the right of access through:

Written request in the form of a right of petition, addressed to the administrative and financial manager of TMA CARGO SAS. For the attention of requests of consultation, same will be answered within a maximum period of 15 working days following the date of receipt. Should it not be possible to attend the consultation within such period, the interested party shall be informed within 15 days, stating the reasons for the delay and indicating the date on which the consultation will be addressed, which in no case may exceed five working days following the expiration of the first period.

13. Claims

In accordance with article 15 of Law 1581 of 2012, data subjects who consider that the information contained in a database should be object of correction, updating or erasure, or when they observe the alleged breach of any of the duties established by Law 1581 of 2012, may file a complaint with TMA CARGO SAS through the channel indicated in the previous paragraph, which will be processed as long as the claim meets following requirements:

- The claim will be filed by the data subject, informing the following:
 - Data subject identification number;
 - Description of the facts giving rise to the claim;
 - Address to respond;
 - Documents required to assert the claim.
- Once TMA CARGO SAS receives the claim, it will require the interested party within five

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days following receipt of same to correct the faults, in the events in which the claim does not comply with the requirements set out in the previous paragraph.

- After two months from the date of the requirement without the applicant submitting the required information, it shall be understood that the claim has been withdrawn. If, for any reason, a claim is received that should not really be directed against TMA CARGO SAS, same will be transferred, to the extent possible, to the appropriate person within a maximum period of two business days and the interested party of the situation will be informed thereof.
- Once the complete claim has been received by TMA CARGO SAS, a caption will be included in the databases maintained by TMA CARGO SAS stating that the claim is “in process” and the reason for it, within a period no longer than three working days. Said caption shall be maintained until the claim has been addressed to the satisfaction of the Data Subject.
- The maximum period to address the claim will be fifteen business days following the date of receipt. Should it not be possible to attend the claim within said period, the interested party will be informed before the expiration of said period the reasons for the delay and the date on which the claim will be addressed, which in no case may exceed eight business days following the expiration of the first period.
- Request for Update, Rectification and Erasure of Data. TMA CARGO SAS will rectify and update, at the request of data subject, the information of the latter that turns out to be incomplete or inaccurate, in accordance with the policy and the terms mentioned above, for which data subject may file his/her request in writing or by electronic means to following e-mail address: gerenciaadministrativa@macargo.com.co stating the update, rectification of the data and attaching the documentation supporting the request.
- Data subject has the right, at all times, to demand from TMA CARGO SAS the erasure (elimination) of his/her personal data when:
 - Data subject considers that he/she is not being treated in accordance with the principles, duties and obligations provided for in Law 1581 of 2012.
 - Same is no longer necessary or relevant for the purpose for which they were collected.
 - The period necessary for the fulfillment of the purposes for which they were collected has been exceeded.
 - This erasure involves the total or partial deletion of personal information as requested by the data subject in the records, files, databases or processing carried out by TMA CARGO SAS.
 - TMA CARGO SAS may reject the request for erasure when the data is necessary, in consideration of the legal or contractual duty that assists data subject to remain in the database of TMA CARGO SAS. In like manner, TMA CARGO SAS may reject the erasure of data,

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when its deletion hinders judicial or administrative proceedings or when the data is necessary to protect the data subject's legally protected interests.

- Revocation of the Consent and/or Erasure of Data. The data subjects may revoke their consent to the processing of their personal data at any time, provided it is not restricted by a legal or contractual provision. For this purpose, data subject may make the revocation in writing or by electronic mail to: gerenciaadministrativa@tmacargo.com.co.
- If upon expiration of the respective legal term, the Company, as the case may be, has not deleted the personal data, data subject shall have the right to request the Superintendence of Industry and Commerce to order the revocation of the authorization and/or erasure of the personal data.
- Should an interested party outside the data subject request rectification of the information and not prove in what capacity he/she is submitting such request, TMA CARGO SAS will consider the same as not submitted.
- The Company will collect the data that are strictly necessary to carry out the objectives pursued and will keep same to achieve the need with which same was registered, and will also respect the data subject's freedom to authorize or not the use of his/her personal data. Consequently, the mechanisms used to obtain the consent will allow data subject to unequivocally state that such consent has been granted.
- TMA CARGO SAS has the obligation to rectify and update, at the data subject's request, any incomplete or inaccurate information, in accordance with the procedure and terms set forth in this policy.
- Data Erasure Process. TMA CARGO SAS must operationally perform the erasure of the data in such a way that such erasure does not allow the information to be retrieved.

14. Information Security / Security Measures

In pursuance of the principle of security established in Law 1581 of 2012, TMA CARGO SAS, shall adopt the technical, human and administrative measures necessary to provide security to the records, avoiding their adulteration, loss, consultation, unauthorized or fraudulent use or access.

15. Implementation of Security Measures

TMA CARGO SAS shall maintain security protocols of mandatory compliance for personnel with access to the personal data and information systems. At least the following aspects shall be considered:

Scope of application of the procedure with detailed specification of the protected data.

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Tasks and obligations of the personnel.

Data backup and recovery procedures.

Regular monitoring to be carried out to verify compliance with the provisions of the data security procedure.

16. Area in charge of Data Protection

TMA CARGO SAS appoints the Technology area to fulfill the function of Personal Data Protection.

17. Area responsible for requests, consultations, rectification, updating and erasure of data

TMA CARGO SAS appoints the Administrative department to process the Data Subject's requests, queries, rectifications, updates and deletion of data.

18. Adoption and implementation of the obligations of the law 1581 of 2012

TMA CARGO SAS designates the Administrative department as responsible for the adoption and implementation of the obligations set forth in Law 1581 of 2012.

19. Validity

Our work team has been informed on this Personal Data Protection Policy as well as on the mandatory compliance with each and every one of the aspects comprising same. In line with the above, this policy will come into force within the framework established by law, on September 1, 2020.