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PERSONAL DATA PROTECTION POLICIES AND PROCEDURES MANUAL

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Drafted	COMPLIANCE COORDINATOR
Reviewed	PERSONAL DATA PROTECTION OFFICER
Approved	PRESIDENT OF THE COMPANIES

TRACKED CHANGES		
Version	Date	Summary Description of the Change
1	November 2013	Creation of the Manual
2	August 2020	Updates to principles and purposes

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DRUMMOND LTD., identified with NIT 800021308-5 and located at Calle 72 No. 10-07 Office 1302, Bogota D.C., in its capacity as the data controller jointly with the following companies for processing personal data:

- DRUMMOND COAL MINING LLC, identified with TIN 830037774-3
- TRANSPORT SERVICES LLC, identified with TIN 830013463 – 4
- AMERICAN PORT COMPANY, identified with TIN 800153687 – 8

referred to hereinafter as **“The Companies,”** recognizes the importance of the security, privacy and confidentiality of the personal data of its employees, clients, suppliers and, in general, all its stakeholders for which it processes personal information. Therefore, in compliance with constitutional and legal mandates, it presents the following document containing its policies for the processing and protection of personal data for all activities that involve processing personal information in the national arena, as well as processing personal data in the international arena in accordance with international legislation, agreements and treaties.

CHAPTER I

LEGISLATIVE FRAMEWORK

Article 1. Legislative Framework. This manual is governed by the parameters established in Articles 15 and 20 of the Constitution (right to privacy and right to information, respectively), Law 1581 of 2012 and Decree 1377 of 2013.

Article 2. Scope of Application. The manual will apply to the personal information recorded in the databases of the Companies and that are processed by them.

Article 3. Objective. The purpose of this manual is to comply with the duties established in paragraph k) of Article 17 of Law 1581 of 2012, as well as to regulate the procedures for the collection, handling and processing of personal information collected by the Companies.


Article 4. Definitions. For proper compliance with the parameters established in this manual and in accordance with Article 3 of Law 1581 of 2013, as well as Article 3 of the Regulatory Decree 1377 of 2013, the following definitions are established:

a) Personal Data: any information that relates to or could be associated with an identified or identifiable individual that is registered in a database that makes it susceptible to processing.

b) Private Personal Data: That information whose knowledge is restricted to the public.

c) Sensitive Data: Sensitive data is information that affects the privacy of the Data Subject or whose inappropriate use could generate discrimination, such as data that reveals racial or ethnic origin, political orientation, religious or philosophical convictions, membership in unions or social or human rights organizations or that promotes the interests of any political party or safeguards rights and guarantees for opposition political parties, as well as information related to health, sexuality and biometric data including static or dynamic image-based fingerprints, photographs and iris, voice, face or palm recognition, etc.

d) Public Data: Data that is not semi-private, private or sensitive, that can be processed by any person,

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without the need for consent to do so. Data is public, among others, that is contained in people's civil registries (e.g. whether the person is single or married, male or female), contained in public documents (e.g. contained in public deeds), in public registrations (e.g. the criminal record on file with the Inspector General) and in official Gazettes or bulletins and in final judicial sentences that are not confidential.

e) Database: Organized set of personal data that is subject to processing.

The Companies have databases, to which the provisions are applicable that are established in Law 1581 of 2012 and in its Regulatory Decree 1377 of 2013 and, in consequence, in this policy.

f) Data Subject: Any individual whose personal information is the object of processing, as well as juridical persons when the data of the individuals making up the juridical person is involved.

g) Successor: A person who has succeeded another due to the death of the first (heir or legatee).

h) Processing: Any operation with personal data, such as collection, storage, use, circulation or deletion.

i) Data Controller: The natural or juridical person, public or private, who makes decisions regarding a database and its processing.

j) Data Processor: The natural or juridical person, public or private, who processes data on behalf of a data controller.

k) Authorization: Prior, express and informed consent by the Data Subject to process their personal data. Consent may be granted in writing, orally or through unmistakable conduct by the Data Subject that permits a conclusion that consent was given.

l) Privacy notice: Verbal or written communication generated by the data controller sent to the Data Subject for the processing of their personal data, by means of which they are informed of the existence of the information processing policies that will be applicable, the means of accessing them and the purpose of the processing that will occur with the personal information.

m) Transfer: Sending data, inside or outside the national territory, whose sender and, in turn, recipient, is a Data Controller.

n) Transmission: Communication of Data, inside or outside of Colombian territory, whose sender is the Data Controller and its recipient is the Data Processor.

Article 5. Principles. The processing of personal data by the Companies will be governed by the principles established in Law 1581 of 2012, namely:

a) **Principle of Legality:** In the use, capture, collection and processing of personal data, application will be given to the current applicable provisions that govern the processing of personal data, along with other related basic rights.

b) **Principle of Freedom:** The use, capture, collection and treatment of personal data can be carried out only with prior, express and informed consent from the Data Subject. Personal data cannot be obtained or disclosed without prior consent or in the absence of a legal, statutory or judicial mandate waiving consent.

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c) Principle of Purpose: The use, capture, collection and processing of personal information to which access is gained and that is compiled and gathered in the development of the activities of the Companies will be subordinate to and in response to a legitimate purpose, about which the respective Data Subject must be informed.

d) Principle of Accuracy or Quality: Personal information subject to use, capture, collection and processing must be true, complete, accurate, updated, confirmable and understandable. Processing is prohibited of partial, incomplete, fragmented or misleading data.

e) Principle of Transparency: In the use, capture, collection and processing of personal data, the right of the Data Subject must be safeguarded to obtain information from the Companies, at any time and without restriction, about the existence of any type of personal data or information of interest of which they are the Data Subject.

f) Principle of restricted access and circulation: Personal data, with the exception of public information, may not be made available on the Internet or other means of disclosure or mass communication, unless access can be technically controlled to provide restricted knowledge to the Data Subjects only or their authorized third parties. For these purposes the obligation of the Companies will be as a medium.

g) Principle of Security: Personal data and information used, captured, collected and processed in development of the activities of the Companies will be protected as permitted by technical resources and minimum standards, through the adoption of technological measures for protection, protocols and all types of administrative measures that are necessary to provide security for physical and electronic records and files, to thus avoid their corruption, modification, loss or consultation and, in general, any unauthorized use or access.

h) Principle of Confidentiality: Each person who administers, manages, updates or has access to personal information must conserve and keep the information strictly confidential and not disclose to third parties any personal, business, accounting, technical or any other kind of information provided during the execution and exercise of their functions. This should cover all those third parties who are partners, cooperators or related parties connected by means of any agreement or contract with the Companies.

i) Principle of Necessity and Proportionality: The personal data in the Companies' databases must be strictly necessary to fulfill the processing purposes reported to the Data Subject. In this sense, it must be adequate, pertinent and in accordance with the purposes for which it was collected.


j) Principle of Temporality or Expiration: The period for retaining personal data in the Companies' databases will be the one necessary to achieve the purpose for which it was collected.

CHAPTER II

CONSENT

Article 6. Consent: Processing personal data by the Companies requires the free, prior, express and informed consent of the Data Subject.

Article 7. Form and mechanisms for granting authorization: Consent can consist of any mechanism that permits guaranteeing subsequent consultation. Consent can be provided i) in writing, ii) orally or iii)

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through unmistakable conduct on the part of the Data Subject to reasonably permit the conclusion that consent was given. At any rate, in no case may silence be considered to be unmistakable conduct.

Article 8. Proof of consent: The Companies will maintain the records or mechanisms necessary to demonstrate when and how consent was obtained from the Data Subjects to process their information.

Article 9. Main scenarios and purposes of processing personal information: As a function of the nature and corporate purpose of the Companies, the following describes the main scenarios in which personal information will be processed and their purposes:

Suppliers / Contractors:

- a) To verify business background and reputation and possible risks associated with Money Laundering and Terrorism Financing.
- b) To contractually and commercially link the supplier/contractor to the Companies, allowing them to be registered in the Companies' management systems to carry out the operation's accounting, logistical and financial procedures.
- c) To formalize the contractual relationship with the supplier/contractor, monitoring complete execution of the obligations assumed.
- d) To evaluate the supplier's performance and results with an eye toward strengthening procurement or supply procedures.
- e) To invite the supplier/contractor to events, training sessions or the execution of corporate activities.
- f) To carry out all contact relationships derived from the existing commercial ties with the Companies through the channels established for this purpose.
- g) To allow the Companies' security system to operate at their facilities and outside of them when appropriate given the exercise of their functions.
- h) To allow the Companies to share their information with companies such as the parent company, affiliates, subsidiaries, subordinates or others depending on the Companies' needs.
- i) To allow the Companies to disclose their activities on television or radio programs, websites, streaming, social networks, platforms for sharing videos and/or editorial or advertising material.
- j) To develop and confirm fulfillment of the functions, duties and responsibilities assigned under the contract entered into with the Companies, as well as for the exchange of information that may take place as a result of that link or by law, either internally or with the authorities.

Personnel Management

- a) To assess the job profile of candidates in the selection and formalization of the employment relationship, filling vacancies and personnel requirements in the different areas and functions of the Companies.
- b) To verify academic, job, personal, family and business background and other significant socioeconomic factors for job candidates, according to the requirements of the position to be filled.

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c) To process with administrative authorities the hiring, enrollment and reporting of new developments associated with the General Social Security system, as well as other payroll obligations and benefits connected with the job.

d) To register the worker in the Companies' IT systems, permitting the development of accounting, administrative and financial activities associated with the employment relationship.

e) To manage new employment developments that have an impact on payroll calculations and payments.

f) To promote the development of activities for the well-being and the comprehensive development of the employee and their work and family environments.

h) To guarantee the right to collective bargaining and manage the economic, administrative, social and organizational aspects derived from its exercise.

i) To manage the workplace health and safety systems, working to mitigate risks, as well as to properly respond to incidents or events.

j) To send relevant information on the development of employment contracts via the mailing address or email address previously authorized for use by the Companies.

k) To grant benefits in favor of the employee or occupational health or wellness activities.

l) To disclose the Companies' activities on television or radio programs, websites, streaming, social networks, platforms for sharing videos and/or editorial or advertising material.

m) To share information with companies such as the parent company, affiliates, subsidiaries, subordinates or others depending on the Companies' needs.

n) To manage the Companies' administrative, strategic, financial and fiscal planning, corporate personnel management and compliance with regulatory, normative, governmental, judicial or arbitration requirements.

o) To manage procedures for dismissal or retirement, as well as meeting the corresponding financial obligations.

Administrative Management and Compliance:

a) To record and monitor access to company installations, mitigating physical security risk.

b) To manage compliance with legal requirements and obligations associated with the development of the Companies' operations.

c) Manage the complaints submitted through the different communication channels provided by the Companies with a view to mitigating risks associated with poor corporate practices or that affect business ethics or transparency.

Social management/Sustainability:

a) To invite third parties to participate in associative, cultural, recreational, sports and social activities carried out by the Companies,

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- b) To invite third parties to trainings organized by the Companies.
- c) To keep them informed on social investment projects and the scholarship program that the Companies manage for the benefit of the communities.
- d) To carry out the user service process – Complaint Management,
- e) To conduct campaigns to update stakeholder information
- f) To prepare institutional management reports.
- g) To maintain reports of the activities carried out.
- h) To submit information to security entities.
- i) To disclose the contents of their activities on television or radio programs, websites, streaming, social networks, platforms for sharing videos and/or editorial or advertising material, which may include photos and videos.

CHAPTER III

RIGHTS AND DUTIES

Article 10. In accordance with the terms of Article 8 of Law 1581 of 2012, a Data Subject has the right to:

- a) Know, update and rectify their personal information with the Data Controllers or Data Processors. This right may be exercised, among others, with regard to partial, inaccurate, incomplete, fragmented or misleading data or data whose processing is expressly prohibited or has not been authorized;
- b) Request proof of the consent given to the Data Controller, except when expressly excepted as a requirement for Processing, in accordance with the terms of Article 10 of Law 1581 of 2012;
- c) Be informed by the Data Controller or Data Processor, upon request, as to the use made of their personal information;
- d) File with the Superintendence of Industry and Commerce complaints regarding violations of this law and any other regulations that may modify, add to or complement it;
- e) Request the deletion of personal data.
- f) Revoke consent through presentation of a request and/or claim. This does not apply when the Data Subject has a legal or contractual duty to remain in the database.
- g) Request that the Superintendency of Industry and Commerce (SIC) order the revocation of the consent and/or deletion of the data.
- h) Access their personal data free of charge at least once a month and whenever there are substantial modifications to the Data Processing policies.


Article 11. The personal information of children and young people is subject to special protection from the Companies. This information can be processed in connection with social activities, internal or external communication strategies, as well as the execution of programs or campaigns associated with managing

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traditional or digital media to encourage the promotion, development or sustainability of the Companies' corporate purposes. The processing of this special type of data will require the development and disclosure by the Companies of the specific terms and conditions for the respective activity, defining, among others, the requirements, conditions and restrictions for processing the information from children and young people, taking into consideration at all times their best interests and respect for the prevailing rights of minors. In the absence of specific terms and conditions for the development of a determined program or activity that involves processing special data from minors, the terms of this policy and the relevant special regulations will apply. Whenever it is necessary to process the personal information of children and young people, the minor's opinion will be taken into account in accordance with a reasonable determination of their level of maturity and understanding of the specific case, which will be understood to have been granted for all legal effects when their legal representative gives consent.

Article 12. Duties of the Companies: In accordance with the provisions of Article 17 of Law 1581 of 2012, the Companies are obliged to comply with the following duties:

- a) Guarantee the Data Subject, at all times, full and effective exercise of the right of habeas data;
- b) Request and maintain, under the conditions established in this law, a copy of the respective consent granted by the Data Subject;
- c) Properly inform the Data Subject regarding the purpose of the collection and their rights by virtue of the consent granted;
- d) Maintain the information under the security conditions necessary to prevent its modification, loss and unauthorized or fraudulent consultation, use or access;
 - e) Guarantee that the information provided to the Data Processor is true, complete, precise, updated, confirmable and understandable;
- f) Update the information, communicating all changes in a timely manner to the Data Processor with respect to data that has previously been provided and adopt all other necessary measures so that the information provided is kept up-to-date;
- g) Rectify the information when it is incorrect and communicate the pertinent information to the Data Processor;
- h) Provide the Data Processor, as the case may be, only data whose processing has been previously authorized in accordance with the terms of this law; require at all times that the Data Processor respect the security and privacy conditions of the Data Subject's information;
- i) Process inquiries and claims made under the terms indicated in this law;
- j) Adopt an internal manual for policies and procedures to guarantee proper compliance with this law and especially for attending to inquiries and claims;
- k) Inform the Data Processor when determined information is under discussion with the Data Subject, once a claim has been filed and before the respective procedure has been finalized;
- l) At the request of the Data Subject, inform them of the use of their information;

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m) Inform the data protection authority of any violation of security codes and risks in the administration of the Data Subjects' information.

n) Comply with the instructions and requirements issued by the Superintendence of Industry and Commerce.

CHAPTER IV

PROCEDURE FOR ACCESS, INQUIRIES and CLAIMS

Article 13. Right to Access: The Data Subject may access personal information that has been processed by the Companies, as well as the conditions and general information on how it is being done. In compliance with the above, the Data Subject may:

- ✓ Learn about the effective existence of the processing to which their personal data is subjected.
- ✓ Access the personal data held by the Data Controller.
- ✓ Learn about the purpose that justifies the processing.

The Data Subject will have access to the personal data subject to processing by the Companies, after providing proof of their identity, free of charge, at least once a month, in accordance with the terms of Article 21 of Decree 1377 of 2013.

Article 14. Inquiries: The Data Subject or their successors may consult the personal information filed in the Companies' database, based on a request and a response will be given in a maximum term of ten (10) business days following the date of receipt. In the event it is not possible to respond to the request in said time period, the interested party will be informed of this within the same time period, expressing the reasons making it impossible, as well as the date on which an answer will be given, which may not be longer than five (5) business days following the expiration of the first term.

Article 15. Claims: The Data Subject or their successors that believe that the information contained in a database should be corrected, updated or deleted, or when they note an alleged failure to comply with any of the duties contained in this law, may file a claim with the Companies, which will be processed under the following rules:

The claim will be made through a request addressed to the Companies, with the identification of the Data Subject, the description of the facts giving rise to the claim, the address and accompanying documents to be used to assert the claim. If the claim is incomplete, a request will be sent to the interested party within five (5) days following receipt of the claim to remedy the errors. After two (2) months from the date of the request, if the petitioner has not submitted the information requested, it will be understood that the claim has been withdrawn.

If the person receiving the claim is not competent to resolve it, they will transfer it to the appropriate party within a maximum of two (2) business days and will inform the interested party of the situation.

Once the complete claim has been received, a note will be included in the database that states "Claim in process" and the reason for the claim, within a period not to exceed two (2) business days. That note must remain in place until the claim has been decided.

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The maximum term for responding to the claim will be fifteen (15) business days from the day following the date of receipt.

When it is not possible to respond to the claim within that period, the interested party will be informed of the reasons for the delay and the date on which the claim will be answered, which in no case may be longer than eight (8) business days following the expiration of the first term.

Article 16. Procedure for filing claims: The Data Subject or their representative may request that the Companies rectify, update or delete their personal data, after providing proof of their identity.

When the request is made by a person other than the Data Subject and it has not been proven that they are acting on behalf of the Data Subject, the claim will be considered to have not been filed.

A request to rectify, update or delete must be filed using the means set up by DRUMMOND LTD. and, at a minimum, contain the following:

Name and address of the Data Subject or any other means to receive a response.

Documents that prove the identity or legal status of their representative.

Clear and precise description of the Personal Data that gives rise to the claim.

Paragraph 1. Rectification and updating: When the claims are intended to rectify or update, the Data Subject must indicate the corrections to be made and attach the documentation supporting their request.

Paragraph 2. Deletion: Personal Data is deleted through the total or partial deletion of the personal information as requested by the Data Subject; however, the Companies may refuse to do so when the Data Subject has a legal or contractual duty to remain in the database.

Article 17. Revocation of consent. The Data Subjects of the Personal Data may revoke the consent granted at any time, except for those events in which a legal or contractual provision prevents it.

In any case, the Data Subject must indicate in their request whether it is a total or partial revocation; the latter when the request is to eliminate only some of the purposes for which the processing was authorized, in which case the Data Subject must indicate the purpose they wish to eliminate.

Article 18. To exercise the right to make inquiries, claims, corrections, updates or deletion of personal data, the Data Subject may contact The Companies using the following means of contact:

- Email: denuncias@drummondLtd.com
- Physical address: Calle 72 #10 – 07 Office 1302 Bogotá DC

CHAPTER V

SECURITY OF THE INFORMATION

Article 19. Security measures: The Companies will take the technical, human and administrative measures necessary to guarantee the security of the personal data being processed, thus avoiding its modification or loss and unauthorized or fraudulent consultation, use or access.

CHAPTER VI

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FINAL PROVISIONS

Article 20. Drummond Ltd.'s Legal Department is responsible for providing the corresponding guidelines for the protection of personal data at the Companies. In turn, it will process with the responsible areas the requests from Data Subjects and guarantee the exercise of their rights according to each case.

Article 21. Term: This manual is effective as of November 1, 2013.

CHAPTER VII

APPROVAL

Approved by:

José Miguel Linares Martínez

President of the Companies

Date: 08/24/2020