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1. GOAL

The goal is to establish a general policy, guidelines, principles, and rights of people, in accordance to the LPDP (Personal Data Protection Organic Law) and its Regulation applicable to ECOGAL (AEROPUERTOS ECOLOGICOS DE GALAPAGOS) for the processing, protection, and privacy of your personal data.

2. SCOPE

Definitions on privacy and personal data protection must be complied with by all direct, outsourced, and temporary co-workers, interns, service providers, etc.; as well as by any third party that has a direct or indirect access to information of people in ECOGAL's premises, or on behalf of the company in other premises.

Such people may be: clients, suppliers, employees, shareholders, consignees, visits, citizens who, under any circumstance, may have given their data to ECOGAL, or whose personal data was obtained by ECOGAL.

Personal data processed by the company may be contained in any type of support, whether automatized or not, and may have different forms (text, number, image, sound, etc.); besides they may be exposed to different modalities of use.


The policy has exclusions, allowed by the LPDP Law, which are defined in the Exclusions' section.

This policy has a definition of terms (at the end), envisaged in the LPDP Law, the corresponding regulation, and the ISO 27701 standard.

Scope of principle of territoriality

This policy will apply when:

1. Processing of personal data is made in any place of the national territory;
2. The person responsible or in charge of processing personal data has his/her domicile in any place of the national territory;

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3. Personal data of holders that reside in Ecuador is processed by a responsible person or person in charge not domiciled in Ecuador, when activities of processing are related to:
 - a. Offering of goods and services to such holders, regardless a payment is required from them, or,
 - b. control of their behavior, to the extent it takes place in Ecuador; and
4. The national law is applicable to the person responsible or in charge of processing personal data, not domiciled in national territory, in virtue of a contract or standing regulations of public international law.

3. POLICIES

3.1. LEGITIMATE PROCESSING OF PERSONAL DATA

Processing of data shall be legitimate and licit if the following conditions are complied with:

1. By consent of the holder for processing his personal data for one or several specific purposes;
2. That is made by the person responsible of processing such data in compliance with a legal obligation;
3. That is made by the person responsible of the processing, by a judicial order, having to observe the principles of the corresponding law;
4. That the processing of personal data is based on:
 - a. The compliance with a mission carried out for the public interest, or
 - b. While exercising public powers conferred to the person responsible, derived from an authority attributed by a binding rule, subjected to the compliance with human rights' international standards applicable to the subject matter, to the compliance with the principles of this law and the criteria of legality, proportionality, and need;
5. For the application of pre-contractual measures at the request of the holder or for the compliance with contractual obligations sought by the person responsible for processing personal data, person in charge of processing personal data, or by a legally authorized third party.

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6. For protecting essential interests of the interested party or another individual, such as his life, health, or integrity;
7. For processing personal data contained in databases with public access; or,
8. For satisfying and legitimate interest of the person or third party responsible for processing, provided essential interests or rights of holders do not prevail based on the provisions of the law.


3.2. PROCESSING SENSITIVE DATA

It is forbidden to process sensitive personal data unless some of the following circumstances arises:

- a) The holder has given his/her express consent for processing his/her personal data, having clearly specified the purposes.
- b) Processing of such information is necessary for complying with duties and exercising specific rights of the person responsible for processing or the holder within the scope of labor rights and social security and protection.
- c) Processing is necessary for protecting essential interests of the holder or other individual, assuming the holder is not enabled, physically or legally, to give his/her consent.
- d) Processing makes reference to personal data the holder has made publicly available. e) Processing is carried out by an order of a judicial authority.
- f) Processing is necessary for filing purposes of public interest, purposes of scientific or historical research, or statistical purposes, which are proportional to the goal pursued, essentially respect the right to data protection, and establishes proper and specific measures for protecting the interests and fundamental rights of the holder.
- g) When processing of health data is subjected to the provisions contained in the law and regulation.

3.3. CONSENT

Personal data may be processed and communicated when the holder expresses his/her formal intent of free will to make it.

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The consent shall be valid, when the statement of the intent is:

1. Free, that means, when it is exempted from defects in the consent;
2. Specific, in regards to the particular determination of the means and purposes of processing;
3. Informed, in such a way that complies with the principle of transparency and enforces the right to transparency.
4. Unequivocal, in such a way that there are no doubts on the scope of the authorization granted by the holder.

The consent may be revoked at any time without the need of a justification.

Processing carried out before revoking a consent shall be legal, in virtue that the same does not have retroactive effects.

3.4. PRINCIPLES FOR PROCESSING PERSONAL DATA

For carrying out a legitimate processing of personal data, principles established in the law, and criteria of legality, proportionality, and business needs shall be observed. The principles are the ones described as follow:

Legality

Personal data must be processed by strictly adhering and complying with the principles, rights, and duties established in the Constitution, international treaties, organic law for data protection, its regulation, and other standards and laws applicable.

Loyalty


Processing of personal data shall be faithful, therefore holders must be clear that they are compiling, using, querying, or processing in a different way, personal data of their concern, as well as the ways in which such data is or will be processed.

Transparency

Processing of personal data shall be transparent, and thus, every information or communication related to this processing must be readily accessible and easy to understand and must use a simple and clear language.

Relationships derived from the processing of personal data must be transparent and ruled based on the provisions of the law, its regulations, and other relevant standards.

Purpose

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Purposes of processing must be specific, explicit, legitimate, and communicated to the holder: no personal data may be processed with purposes different to those attempted through its compilation.

Relevance and minimization of personal data

Personal data must be relevant and limited to what is strictly necessary for complying with the purpose of processing.

Proportionality of processing

Processing must be accurate, necessary, timely, relevant, and not excessive in regards to the purposes for which it has been compiled, or the nature itself of special categories of data.

Confidentiality

Processing of data must be made based on the due discretion and secrecy, that means, it must not be processed or communicated for a purpose different to the one related to its compilation, even after ending the relationship with any of the attempted activities of the processing.

Quality and accuracy

Personal data subjected to processing must be accurate, truthful, precise, complete, demonstrable, and clear, and, as the case may be, duly updated, in such a way not to alter its veracity. Processing of partial, incomplete, fractioned, or error-inducing data is forbidden.

Preservation

Personal data shall be preserved during a period of time not greater than the one necessary for complying with the purpose of its processing.


Security of personal data

Information subjected to processing by the person responsible or in charge of processing referred in this law, must be managed with the technical, human, and administrative measures necessary for protecting data of risks; inherent threats to which data is exposed. **Proactive and demonstrated responsibility**

Measures must be deployed for protecting personal data to be processed by the company given the direction of the business, and thus, besides the provisions in the applicable law, standards, best practices, certification systems, or any other measure determined as proper for the purposes, nature of personal data, or risk of processing, shall be used. **Application favorable to the holder**

In case of any doubts on the scope of the provisions of the legal system or contractual provisions, applicable to the protection of personal data, judiciary and administrative officers shall interpret and apply them in the sense most favorable to the holder of such data.

Independence of control

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For the proper practice of the law into protection of personal data, and in the compliance with the obligations of protection of rights that the State has, the data protection authority shall apply an independent, unbiased, and autonomous control, and likewise will carry put the corresponding prevention, research, and sanction actions.

3.5. RIGHTS OF THE HOLDER IN REGARDS TO HIS PERSONAL DATA

Right to information

Holders of personal data have the right to be informed by any means in accordance to the principles of truthfulness and transparency on:

- 1) The purposes of the processing;
- 2) The legal basis for the processing;
- 3) Types of processing;
- 4) Time for preservation;
- 5) The existence of a database in which his personal data is contained;
- 6) The source of personal data when it has not been obtained directly from the holder; 7) Other purposes and subsequent processing;
- 8) Identity and contact information of the person responsible for processing personal data, which shall include: address of the legal domicile, telephone number, and email address;
- 9) As the case may be, identity and contact information of the officer delegated for protection of personal data, which shall include: domicile's address, telephone number, and email address;
- 10) National or international transfers and communications of personal data to be made, including consignees and their category, as well as the purposes for making the same and the guarantees of protection established;
- 11) Consequences for the holder of personal data for delivering it or denying to do so; 12) The effects of supplying mistaken or inaccurate personal data;
- 13) The possibility of revoking the consent;
- 14) The existence and the way in which the rights for accessing, deleting, correcting, updating, rebutting, annulling, and limiting processing of data may be exercised, and not be purpose of a decision taken exclusively on automated valuations.
- 15) Ways to be able to exercise his rights to portability, when the holder requests to do so;

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- 16) Where and how to file a complaint before the person responsible for processing personal data and the Personal Data Protection Authority, and;
- 17) The existence of valuations and automated decisions, including elaboration of profiles.

In case that data is obtained directly from the holder, the information must be previously communicated to him, that means, at the same moment of compiling the personal data.

When personal data is not obtained directly from the holder or is obtained from a source accessible to the public, the holder must be informed within the next thirty (30) days or at the moment of the first communication with the holder, whichever occurs first. Specific, unequivocal, transparent, intelligible, accurate, and precise data with no technical barriers, must be provided to him.

Data provided to the holder may be transmitted in any demonstrable way in a clear, simple, and easy to understand language, preferably tending to be accessible in a language of his choice.

For the case of products or services directed, used, or that may be used by children and teenagers, the information referred in this article shall be provided to their legal representative.


Right of access

The holder has the right to know and to obtain, freely, from the person responsible for processing data, an access to all of his personal data and information detailed in the previous article, without the need of a justification. The person responsible for processing personal data must established reasonable methods that allow exercising this right, which must be attended within a term of fifteen (15) days.

The right for access may not be exercised in such a way that constitutes an abuse of right.

Right for correction and update

The holder has the right to obtain, from the person responsible for processing data, a correction and update of his personal data which is inaccurate or incomplete.

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For such purpose, the holder must submit the justifications of the case, accordingly. The person responsible for processing data must attend the requirement within a term of fifteen (15) days and during this term, must inform the consignee of the data, on the correction, accordingly, so data is updated.

Right to delete

The holder has the right to have his personal data deleted by the person responsible, when:


- 1) The processing does not comply with the principles established in the law;
- 2) The processing is not necessary or pertinent for the compliance with the purpose;
- 3) Personal data has complied with the purpose for which it was compiled or processed;
- 4) The term for preserving personal data has expired;
- 5) Processing such data affects essential rights or individual freedom;
- 6) He revokes the consent granted or indicates he has not granted such consent for one or several specific purposes, without the need to submit any justification; or,
- 7) There is a legal obligation.

The person responsible for processing personal data shall deploy methods and techniques oriented to delete, make illegible, or leave personal data unrecognizable in a final and safe way. This obligation must be complied with within a term of fifteen (15) days of receiving the request by the holder and it will be free of cost.

Right to rebut

The holder has the right to rebut or deny the processing of his personal data, in the following cases:

- 1) So that essential rights and freedom of third parties are not affected, the law allows him so, and they are not dealing with public information, of public interest, or which processing is ordered by the law.
- 2) Processing of personal data has the purpose of direct marketing; the interested party shall have the right at any moment to oppose processing personal data that is related, including the elaboration of profiles; in which case processing of personal data for these purposes shall be ceased.

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3) When his consent is not necessary for processing data as the consequence of a legitimate interest, and it is justified in a specific personal situation of the holder, provided no law establishes otherwise.

In these cases, the person responsible for processing data will stop processing personal data, unless he provides evidence of legitimate and imperative reasons for processing data which prevail over interests, rights, and freedom of the holder, or filing, applying, or defending complaints.

This request must be fulfilled within a term of fifteen (15) days.

Right to portability


The holder has the right to receive from the person responsible of the treatment, his personal data in a format compatible, updated, structured, common, interoperable, and of mechanical reading, preserving its characteristics, or to transmit it to other people responsible.

The Authority for the Protection of Personal Data must prescribe the regulations for the exercise of right to portability.

The holder may request that the person responsible for the processing carries out the transfer or communication of his personal data to other person responsible of processing insofar as possible, and without the responsible person being able to argue any impediment of any order with the purpose of slowing down the access, transmission, or reuse of data by the holder or other person responsible for processing data. After completing the transfer of data, the person responsible that makes it shall proceed to delete the same, unless the holder requests its preservation. The person responsible that has received data shall assume the responsibilities envisaged by the law.

For the right of portability of data to be applicable it is necessary that at least one the following conditions occurs:

- 1) That the holder has given his consent for processing his personal data for one or more specific purposes. Transfer or communication shall be made between people responsible for personal data processing when the operation is technically feasible; otherwise, data must be transmitted directly to the holder.
- 2) That the processing is made through automated means;

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3) It is a relevant volume of personal data, in accordance to the parameters defined in the law's regulation; or,

4) That the processing is necessary for the compliance with the obligations and exercise of rights of the person responsible or in charge of processing personal data, or the holder within the scope of labor law and social security.

This transfer or communication must be economically and financially efficient, quick, and with no restraints.


This right shall not be applicable for the cases of information inferred, derived, created, generated, or obtained from the analysis or processing made by the person responsible for processing personal data based on personal data provided by the holder, such as in the case of personal data that was submitted to a profile personalization, recommendation, classification, or creation process.

Right to suspend the process

The holder shall have the right to obtain from the person responsible a suspension of data processing, when one of the following conditions is met:

- 1) When the holder objects the accuracy of personal data, whereas the person responsible for the processing verifies its accuracy;
- 2) The process is legal and the interested party opposes the deletion of personal data and instead requests its limitation of use;
- 3) The responsible person no longer needs the personal data for the purposes of processing, but the interested party needs them for filing, exercising, or defending complaints; and,
- 4) When the interested party has opposed to the processing, whereas it is verified if the legitimate reasons of the person responsible prevail over those of the interested party.

If there was a negative response from the person responsible or in charge about processing personal data, and the holder appeals before the Authority of Personal Data Protection, this suspension shall extend until the resolution of the administrative proceeding.

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When the holder objects the accuracy of personal data, whereas the person responsible for processing verifies its accuracy, this must be stated in the database, in which the objected information appears, and that there is a non-conformity by the holder in this regard.

The person responsible for the processing of data may process personal data, which has been the subject of applying this right by the holder, exclusively, under the following assumptions: for filing, applying, or defending complaints; with the purpose of protecting the rights of another individual or legal entity or because of important public interests.


The right not to be the subject of a decision based only or partially in automated valuations

The holder has the right not to be subjected to a decision based only or partially in valuations that are the result of automated processes, including the elaboration of profiles that generate legal effects on him or which is contrary to his essential rights and freedom, and thus he may:

- a. Request the person responsible for processing data an explanation on the decision taken by the person responsible or in charge for the processing of personal data;
- b. Submit observations;
- c. Request valuation criteria on the automated program; or,
- d. Request the responsible person information on the type of data used and the source from which the same was taken;
- e. To object the decision before the person responsible or in charge of processing.

This right may not be applied when:

- 1. The decision is necessary for entering into or applying a contract between the holder and the person responsible or in charge of processing personal data;
- 2. Is authorized by the applicable regulation, a judiciary order, resolution, or commission issued by the corresponding technical authority, for which the proper measures must be established for safeguarding essential rights and freedom of the holder; or,
- 3. Is based on the explicit consent of the holder.
- 4. The decision does not bear an evident serious impact or risk for the holder.

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No waiver of this right may be required in advance through massive adhesion contracts. No later than at the moment of the first communication with the holder in regards to personal data, for informing of a decision based exclusively on automated valuations, this right shall be explicitly informed by any proper means.

Rights of children and teenagers not to be subjected to a decision based exclusively or partially on automated valuations.

Besides the assumptions established in the right not to be the subject of a decision based exclusively or partially on automated valuations, sensitive data on children and teenagers may not be processed, unless they have an express authorization of the holder or his legal representative; or, when such processing is designated to safeguarding an essential public interest, which is evaluated taking into account human rights' international standards, and satisfies, as minimum, the legality, proportionality, and necessity criteria, and also includes specific safeguards for protecting essential rights of interested parties.

Teenagers, in the progressive exercise of their rights, may grant, in their capacities as holders, from 15 years of age, their explicit consent for processing their personal data, provided the purpose of such processing is clearly specified to them.


Right to make a consultation

In accordance to the law, people have the right to a public and free consultation before the National Registry for Protection of Personal Data.

3.6. EXCEPTIONS TO THE RIGHTS FOR CORRECTION, UPDATING, DELETING, OBJECTING, CANCELLATION, AND PORTABILITY.

Rights for correction, updating, deleting, objecting, cancelling, and portability shall not be applicable, in the following cases:

1. If the petitioner is not the holder of the personal data or his legal representative is not duly certified;
2. When data is necessary for the compliance with a legal or contractual obligation;

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3. When data is necessary for the compliance with a judiciary order, resolution, or commission issued by a corresponding public authority;
4. When data is necessary for filing, exercising, or defending complaints or remedies;
5. When a perjury could be caused to rights or affect legitimate interests of third parties, and this is certified by the person responsible of the database at the moment of giving an answer to the holder of his request to apply such right;
6. When judiciary or administrative proceedings in process and duly served could be blocked;
7. When data is necessary for exercising the right of freedom of expression and opinion;
8. When data is necessary for protecting essential interests of the interested party or other Individual;
9. In cases in which public interest prevails, subjected to the compliance with the human rights' international standards applicable to the subject matter, to the compliance with the principles of law and legality, proportionality, and necessity criteria;
10. In the processing of personal data that is necessary for filing information that constitutes the State's heritage, scientific, historical, or statistical research.

3.7. PRIVACY AND PROTECTION OF DATA FROM THE DESIGN AND BY DEFAULT

Protection of data from the design is understood as the duty of the person responsible for processing of taking into consideration, during the first stages of generation and design of the project, which specific types of processing of personal data encompass a series of risks for the rights of holders in regards to the state of technique, nature, and purposes of the processing, and for which, such person shall deploy the technical, organizational, and any other measures, with the purpose of guaranteeing the compliance with the obligations in regards to data protection, under the terms of the regulation.

Protection of data by default makes reference to the obligation of the responsible person to apply the technical and organizational measures with the purpose that, by default, only personal data that is necessary for each one of the purposes of the treatment is processed, under the terms of the regulation.


3.8. EXCLUSIONS TO THIS GENERAL POLICY

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This policy shall not be applicable to:

- a) Individuals that use this data in the performance of their family or domestic activities;
- b) People deceased, except for credit data;
- c) Anonymized data, provided its holder cannot be identified. As soon as data stops being dissociated or anonymous, its processing shall be subjected to the compliance with the policy, especially the policy of having a legitimacy basis for continuing processing data in a non-anonymous or dissociated way;
- d) Journalism activities and other editorial contents;
- e) Personal data which processing is regulated under a specialized regulation with the same or greater hierarchy in regards to risk management from natural disasters; and, State security and defense; in any of these cases international standards in regards to human rights, the principles of this law, and the legality, proportionality, and necessity criteria, as minimum, must be complied with.
- f) Data or databases established for the prevention, research, detection, or processing of criminal penalties or the execution of criminal sanctions, carried out by the corresponding state entities in compliance with their legal duties. In any of these cases international standards must be complied with in regards to human rights and the principles of the law, and the legality, proportionality, and necessity criteria, as minimum; and
- g) Data that identifies or make legal entities identifiable. Personal data related to contact of professionals and data from traders, representatives, members and shareholders of legal entities and public officers shall be accessible to public and susceptible of processing, provided they refer to the exercise of their profession, activity, direction of business, responsibility, authority, attributions, or commissions, and is related to names and surnames, job position or duties, mail or electronic address and, business telephone number. Historic and current information on net worth statement and remuneration shall also be of public access and susceptible to processing.

3.9. RESPONSIBILITIES

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The CPSI (Information Privacy and Security Committee) has the responsibility of guaranteeing the annual establishment and revision of goals and plans for privacy and protection of people’s data, that duties and responsibilities are defined for the processing of personal data and safety of information, an awareness program on safety is deployed, an audit is performed at least once a year, and the necessary resources are provided for maintaining and improvement their compliance.

Every Manager/Chief/Supervisor has the responsibility of assuring that people that work under their control protect the company’s data and personal data in accordance to the internal laws and policies for information safety, privacy, and protection of personal data.


People working within and with the company (management, employees, interns, contractors, and third-party users) must be aware of the risks for the safety of information and processing of personal data, their responsibilities and the need to respect internal laws and policies, and assure the proper protection of information.

People may request, at any time, an access, correction, and deletion of their personal data. For any query or requirement on Privacy and Protection of your Personal Data, you may contact directly:

ECOGAL
Data Privacy Officer E-mail: dpo@ECOGAL.com

3.10. REFERENCES

- Personal Data Protection Organic Law in Ecuador, and its corresponding regulation.
- ISO 27701:2019 Security techniques — Extension to ISO/IEC 27001 and ISO/IEC 27002 for privacy information management — Requirements and guidelines.
- Current internal regulation on security of information and informatics.

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4. DEFINITIONS

ANONYMITY The application of measures addressed to avoid the identification or reidentification of an individual, without disproportionate efforts.

PERSONAL DATA PROTECTION AUTHORITY: Independent public authority in charge of supervising the application of the law, regulations, and resolutions, dictated, with the purpose of protecting essential rights and freedom of individuals, in regards to the processing of their personal data.

SPECIAL CATEGORIES FOR PERSONAL DATA: The following are considered categories of personal data:

- a) Sensitive data;
- b) Data from children and teenagers; c) Health data; and,
- d) Data from people with disabilities and their substitutes, related to the disability.

CONSENT: Expression of free, specific, informed, and unequivocal will, by which the holder of personal data authorizes the person responsible for processing personal data to process the same.

BIOMETRIC DATA: Personal unique data, related to the physical and physiological characteristics of an individual which allows or confirms the unique identification of such person, such as facial images or fingerprint data, among others.

GENERIC DATA: Unique personal data related to genetic characteristics inherited or acquired of an individual, which provides unique information on the physiology or health of an individual.

PERSONAL DATA: Data which identifies or makes an individual directly or indirectly identifiable.

CREDIT PERSONAL DATA: Data which is part of the economic profile of individuals, in order to analyze their financial capacity.



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DATA RELATED TO HEALTH: Personal data related to the physical or mental health of an individual, including the provision of sanitary assistance services, which reveal information on a person's health condition.

SENSITIVE DATA: Data related to: ethnicity, gender identity, cultural identity, religion, ideology, political affiliation, legal history, migration condition, sexual orientation, health, biometric data, genetic data, data related to stateless people and refugees who require an international protection, and such persons which undue processing of data could lead to discrimination, or a threat to the essential rights and freedom.

5. CHANGE MONITORING

CHANGE MONITORING		
DATE	REVISION	DESCRIPTION OF CHANGE
02/16/2024	0	Approval of the document by the Information Privacy and Security Committee.