

# **Privacy Notice and Personal Data Protection Policy Manual**



**APRIL, 2015**

# I. PURPOSE

This document (the “Manual”) has been developed to establish the general policies and procedures that will be observed to protect the personal data of all individuals who, for any reason, have a legal relationship with **MARGISON & GOMEZ DESIGN AND CONSTRUCTION, S. DE RL DE C.V.**, and to disclose the Privacy Notice.

This will ensure the proper use of the personal data of the data subjects, the transfer of such data, and its lawful processing in accordance with the applicable regulations.

The primary purpose of the Privacy Notice is to inform the data subject, first, that their personal information will be collected and used for business purposes and, second, the characteristics of the processing to which their personal data will be subject, in accordance with the **Federal Law for the Protection of Personal Data Held by Private Parties**.

The foregoing is intended to allow the data subject to make informed decisions regarding their personal data and to maintain control over the use of their personal information.

Additionally, the Privacy Notice allows the data controller to:

- Strengthen the level of trust between the controller and the data subject regarding the processing of personal information;
- Provide transparency to the data subject regarding the purposes and transfers to which their personal data may be subject;
- Inform the data subject how to exercise the rights granted to them by law.

## **II. LEGAL FRAMEWORK**

The legal framework supporting this Manual is the **Federal Law for the Protection of Personal Data Held by Private Parties (the Law)**, the Regulations of said Law, and the **Privacy Notice Guidelines published in the Federal Official Gazette on January 17, 2013**.

The Law highlights the following provisions:

### **Article 1 – Purpose of the Law**

“The purpose of this Law is to regulate the legitimate, controlled, and informed processing of personal data held by private parties, in order to guarantee the privacy and the right to informational self-determination of individuals.”

### **Article 2 – Regulated Subjects**

“The subjects regulated by this Law are private individuals or legal entities that process personal data.”

### **Article 8 – Consent of the Data Subject**

“All processing of personal data shall be subject to the consent of the data subject, except for the exceptions provided in this Law.

Consent shall be considered express when the will is manifested verbally, in writing, electronically, optically, or through any other technology, or through unequivocal signs.

It shall be understood that the data subject gives tacit consent when, after being informed of the Privacy Notice, they do not express opposition.

Financial or patrimonial data will require express consent from the data subject, except in the cases established in Articles 10 and 37 of this Law.”

## **Article 15 – Obligation of the Data Controller**

“The controller shall have the obligation to inform the data subjects of the information collected and the purposes for which it will be used through the Privacy Notice.”

The Law also establishes penalties for failure to comply with the Privacy Notice, including:

- Omission of elements referred to in Article 16 of the Law
- Transfer of personal data to third parties without informing them of the Privacy Notice limitations established by the data subject

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## **III. DEFINITIONS**

For the purposes of this Manual, the following terms shall have the meanings indicated below:

**Database:** Documentary or electronic means through which the controller stores and manages the personal data of individuals with whom it maintains a legal relationship.

**Tacit Consent:** When the data subject consents to the processing of their data after being informed of the Privacy Notice and not expressing opposition.

**Express Consent:** When the data subject explicitly manifests their consent verbally, in writing, electronically, or by other unequivocal means.

**Sensitive Personal Data:** Personal data that affects the most intimate sphere of the data subject, or whose misuse may result in discrimination or serious risk.

This includes data revealing racial or ethnic origin, health information, genetic information, religious or philosophical beliefs, union affiliation, political opinions, or sexual preferences.

**ARCO Rights:** Rights of Access, Rectification, Cancellation, and Opposition.

**Processor:** The person or entity who processes personal data on behalf of the controller.

**Institute:** Federal Institute for Access to Information and Data Protection.

**Controller:** The private entity responsible for deciding on the processing of personal data.

**Data Subject:** The individual to whom the personal data corresponds.

**Transfer:** Any communication of data to a person other than the controller or processor.

**Processing:** The collection, use, disclosure, or storage of personal data by any means.

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## **IV. GENERAL CONTROL MEASURES**

In all cases, **MARGISON & GOMEZ DESIGN AND CONSTRUCTION, S. DE RL DE C.V.** shall be considered the data controller responsible for the processing of personal data.

The person designated to manage the database shall also be considered responsible for such processing.

The company does **not collect or process sensitive personal data**, such as genetic information, religious beliefs, political opinions, or sexual preferences, as such information is not required for the company's business activities.

For inquiries related to personal data processing, data subjects may contact:

**Alejandro Gomez**

Email: alex@mgcabo.com

or by written communication addressed to:

MARGISON & GOMEZ DESIGN AND CONSTRUCTION, S. DE RL DE C.V.

Ignacio Zaragoza 1310, Plaza Madrid, Local 8

Colonia Centro

San José del Cabo, Baja California Sur, México

Telephone: +52 624 142 0327

The designated data processor is **Alejandro Gomez**, who may manage one or more databases stored in digital files and may share information with related companies, provided such data remains within systems owned by the company.

Personal data may also be shared with subsidiaries or related companies when necessary for operational purposes.

The publication of the Privacy Notice on the company's website constitutes a compensatory measure in favor of the data subject.

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## **V. ACTIVITIES RELATED TO ARCO RIGHTS**

At any time, data subjects may exercise their rights of **Access, Rectification, Cancellation, or Opposition (ARCO Rights)**.

Requests must be submitted either:

- At the address of the data controller
- Via email to the address specified in the Privacy Notice

Requests must include:

- The name of the data subject and contact information
- Documents proving identity or legal representation
- A clear description of the personal data concerned
- Any additional information facilitating the identification of the data

Requests for rectification must also specify the corrections requested and supporting documentation.

The controller will respond within **ten days** from receipt of the request, and if applicable, the request will be executed within **fifteen days** following the response.

Access to personal data will only be granted after verification of the identity of the requester.

The controller may deny access when:

- The requester is not the data subject
- The data does not exist in the database
- Third-party rights may be affected
- There is a legal impediment or authority resolution
- The request has already been fulfilled previously

In all cases, the controller will communicate the reasons for the decision to the data subject.

The controller and processor may request legal advice when responding to ARCO rights requests.

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## **VI. PRIVACY NOTICES**

In compliance with the Law, **MARGISON & GOMEZ DESIGN AND CONSTRUCTION, S. DE RL DE C.V.** makes the Privacy Notice available through the following means:

- A) At the company's offices
- B) On the company website: **[www.mgcabo.com](http://www.mgcabo.com)**

- C) In printed materials such as brochures and promotional documents
  - D) At the end of all emails sent from the @mgcabo.com domain
  - E) In employment contracts
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## **MODIFICATIONS TO THE PRIVACY NOTICE**

The Privacy Notice may be modified from time to time. The date of issuance will always be indicated in the document.

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## **PERSONAL DATA RETENTION PERIOD**

Personal data shall be retained only for the period necessary to fulfill the purposes for which it was collected and in accordance with applicable legal, administrative, accounting, tax, and regulatory obligations.

Once the purposes for processing have been fulfilled, the data will be deleted or securely archived as required by law.

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