

ANNEX IV

CODE OF ETHICS FOR PERSONS CERTIFIED AS DATA PROTECTION DELEGATES ACCORDING TO THE SCHEME OF THE SPANISH AGENCY DATA PROTECTION

PREAMBLE

This Code constitutes an express declaration of the values, principles and standards that should guide the conduct of persons certified as Data Protection Delegates (DPD), in accordance with the Certification Scheme of the Spanish Data Protection Agency (AEPD), in the exercise of their functions or tasks, and in their relationships with other employees, such as with clients, suppliers, public and private institutions, external collaborators and society in general.

The Code of Ethics includes, therefore, a set of commitments of integrity, impartiality, legality, confidentiality and transparency that must be signed, as well as known and disseminated, by those who intend to carry out their professional activity as Certified Data Protection Delegates in accordance with Scheme of the AEPD.

In this way, through this Code, the aim is to prevent the commission of behaviors contrary to the criteria it contains, while designing monitoring and control mechanisms that guarantee their full compliance by all those who carry out their professional work. as DPD certified by the AEPD Scheme.

The conduct criteria included in this Code are not intended to contemplate all situations or circumstances that the aforementioned professionals may encounter, but rather to establish general guidelines of conduct that guide them in their way of acting during the performance of their professional activity.

ARTICLE I. SCOPE OF APPLICATION

The principles, values and criteria contained in this Code of Ethics are mandatory for Data Protection Delegates certified by certification bodies accredited by the National Accreditation Company (ENAC) in accordance with the AEPD Scheme.

ARTICLE II. GENERAL PRINCIPLES

The DPDs certified in their professional activity in accordance with the AEPD scheme will carry out all their actions subject to the following principles:

Legality and integrity, Strictly complying with current legislation, in particular that referring to the provision of the service, in order to prevent any illegal activity from being carried out.

Professionalism, performing their duties with due diligence and professional rigor, and keeping their professional capacity and personal training permanently updated; They must behave before people, companies, entities and clients in a scrupulously loyal manner and independent of the limitations of any nature that may influence their own work and that of the staff for whom, eventually, they are responsible.

Responsibility in the development of their professional and personal activity, assuming only those activities that they reasonably expect to complete with the necessary skills, knowledge and competencies.

Impartiality, acting objectively without accepting the influence of conflicts of interest or other circumstances that could question the professional integrity and that of the organization to which it belongs.

Transparency, informing all interested parties in a clear, precise and sufficient manner of all the aspects that come together in the professional practice, as long as they are not subject to the confidentiality regime, in which case they will be reserved and cannot be disclosed.

Confidentiality, respecting and keeping the necessary protection and reservation of the information to which it may have access due to professional activity, safeguarding the rights of all interested parties to their privacy. Such information should not be used for personal gain or disclosed to inappropriate parties.

ARTICLE III. RELATIONSHIPS WITH THE ORGANIZATION'S STAFF

In its relations with the rest of the employees, managers and collaborators of the organization, the Data Protection Delegate:

You must treat the other employees or managers of your organization fairly and respectfully.

They will assume responsibility for their actions and that of their collaborators, promoting their professional development through motivation, training and communication. In any case, the relationship with collaborators must be governed by mutual respect and quality in management.

You must reject any manifestation of physical, psychological, moral harassment or abuse of authority, as well as any other conduct contrary to creating a pleasant, healthy and safe work environment.

He will ensure that the personnel under his charge do not carry out illegal activities or conduct contrary to this Code of Ethics.

It will always provide all the information necessary for the proper monitoring of the activity, without hiding errors or non-compliances, and trying to correct any deficiencies that are detected.

ARTICLE IV. RELATIONSHIPS WITH EXTERNAL COLLABORATORS AND SUPPLIERS

In its relations with external collaborators and suppliers, the Data Protection Delegate:

Establish relationships based on trust, respect, transparency and mutual benefit.

It will act with impartiality and objectivity in the selection processes of this personnel, applying criteria of competence, quality and cost, avoiding at all times the collision of interests. The contracting of services or the purchase of goods must be carried out with total independence of decision and regardless of any personal, family or economic relationship, which may cast doubt on the criteria followed in the selection.

ARTICLE V. RELATIONS WITH CLIENTS

In its relations with clients, the Data Protection Officer:

It will make known the content of this code of ethics.

It will act in an upright and professional manner, aiming to achieve a high level of quality in the provision of its services, seeking the long-term development of relationships based on trust and mutual respect.

They will always safeguard independence, avoiding that their professional performance is influenced by economic, family and friendship ties with clients, or their professional relationships outside the scope of activity as DPD, not accepting fees, gifts or favors of any nature from part of these or their representatives.

You will not make or accept, directly or indirectly, any payment or service of more value other than that freely agreed with your employer.

He will inform the client of any conflict of interest that may exist in his professional service related to the certification, before assuming a professional assignment.

It will not carry out any promotional activity (advertising, informative material, or other) that may induce clients to misinterpret the meaning of the certifications under the AEPD Scheme, or to expectations that do not respond to the real situation.

It will provide clients with a form to formalize any complaint related to the services provided, which will be sent both to the certified person or organization affected by the complaint, as well as to the Certification Entity.

ARTICLE VI. COLLABORATION WITH CERTIFICATION BODIES

The DPDs will cooperate fully with any formal investigation into violations of this code initiated by the Certification Entities or to resolve specific cases of claims and / or complaints.

For this purpose, they must keep a record of all claims filed against them, for the activity carried out within the scope of validity of the certification and allow the Certification Entity access to these records. Within ten days of receiving the claim, they must send a written communication and a copy of the claim to the Certification Entity.

ARTICLE VII. RELATIONSHIP WITH PUBLIC AUTHORITIES AND ADMINISTRATIONS

Relations with institutions, agencies and public, state, regional and local administrations, especially with the Control Authority, will be developed under criteria of maximum collaboration and scrupulous compliance with their resolutions. Communications, requirements and requests for information must be dealt with diligently, within the established deadlines for this.

ARTICLE VIII. PERFORMANCE OF OTHER PROFESSIONAL ACTIVITIES

The DPDs will not carry out direct or indirect competitive activities against the AEPD and / or the Certification Entity.

For this purpose, they will inform their organization of the exercise of any other work, professional or business activity, paid or not, that takes place within or outside working hours, or their significant participation as a partner in companies or private businesses, for the purposes of evaluate if they are compatible with the development of their activity or with the aims or objectives of the organization.

ARTICLE IX. ACCEPTANCE AND INTERPRETATION OF THE CODE OF ETHICS

The subjects included in the scope of this Code have a duty to know and comply with it, so they must know its content and have initialed it. The AEPD Scheme requires DPDs to have a high level of commitment to comply with this Code of Ethics.

Any questions that may arise about the interpretation or application of this document should be consulted with the Certification Entity, who has the obligation to promote knowledge and compliance with the Code and interpret it in case of doubt.

ARTICLE X. BREACH OF THE CODE OF ETHICS

Failure to comply with any of the principles, values and criteria contained in this Code may lead to an investigation of the conduct of the certification holder and, ultimately, disciplinary measures by the corresponding certification body that they may lead to the suspension or withdrawal of certification.