

# PRIVACY AND HANDLING OF DATA

In compliance with the provisions of the **Federal Law on the Protection of Personal Data Held by Private Parties** (hereinafter “The Law or The Personal Data Law”), “**JG ENTERPRISES CABO, S. DE R.L. DE C.V.**”, commercially known as “**CABO REALTY PROS**” hereinafter and for the purposes of this document “**THE RESPONSIBLE**“, with address for the purposes of this Privacy Notice at Pedregal Plaza local 180-A, Colonia Centro, in the city of Cabo San Lucas, Municipality of Los Cabos, Estate of Baja California Sur, zip code 23450, with telephone number 624-122-2500 and email address [contact@caborealtypros.com](mailto:contact@caborealtypros.com); In order to fulfill its purposes, it will need to collect some **PERSONAL DATA** from its clients, for which it will be responsible for its proper use and protection thereof in accordance with the following terms:

Note - For the purposes of this document, the person to whom the personal data corresponds will be referred to as “**THE OWNER**” or “**THE CLIENT**”.

## **1. PERSONAL DATA TO BE COLLECTED AND THAT WILL BE SUBMITTED TO THE TREATMENT OF LAW.**

The RESPONSIBLE, is a company legally constituted in accordance with the laws of the Mexican Republic, dedicated to the administration, operation, construction, development, design and establishment of all kinds of real estate: Ownership acquisition or lease of movable or real estate property; Purchase, sale, administration and marketing of all types of real estate, among other activities and for the performance of said activities. it is necessary to collect personal data from the parties involved for their different processes.

For these purposes, the parties shall fill out various documents and formats, for which it will be necessary to obtain the following personal or corporate data:

### **A) In the case of a person:**

1. Full name;
2. Nationality;
3. Immigration quality;
4. Place and date of birth;
5. Current address (private and work);
6. Sex;
7. Marital status;
8. Profession or Occupation;
9. Telephone numbers;
10. Email address;
11. Social Security number;
12. Unique Population Registry Code (CURP);
13. Federal Taxpayer Registry (RFC);
14. Information from the Tax Identification Certificate;
15. Other personal information requested by the trustee bank, the notary or the bank that grants any type of credit.

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## **B) In the case of a corporation:**

1. Name of the company;
2. Information contained in the Articles of Incorporation and Bylaws;
3. Information contained in the Minutes of Assembly or Amendments to the Articles of Incorporation or bylaws;
4. Information on the Power of Attorney of the legal representative;
5. Current address of the company;
6. Telephone numbers;
7. Email address;
8. Federal Taxpayer Registry (RFC);
9. Information from the Tax Identification Certificate of the company;
10. Other company information requested by the trustee bank, the notary or the bank that grants any type of credit.

## **C) In the case of the legal representative of the person or corporation:**

1. Information on the Power of Attorney;
2. Full name;
3. Nationality;
4. Immigration quality;
5. Place and date of birth;
6. Current address (private and work);
7. Sex;
8. Marital status;
9. Profession or Occupation;
10. Telephone numbers;
11. Email address;
12. Social Security number;
13. Unique Population Registry Code (CURP), and/or;
14. Federal Taxpayer Registry (RFC);
15. Information from the Tax Identification Certificate;
16. Other personal information requested by the trustee bank, the notary or the bank that grants any type of credit.

## **D) In the case of the property or the transaction:**

1. Data of the Offer and/or Counter Offers;
2. Data of the Escrow Agreement;
3. Details of deposits, payments or account statements of operations;
4. Property Title Data;
5. Cadastral Manifestation Data;
6. Data from the Acquisition Notice in accordance with article 27 of the Constitution, section I (one Roman);
7. Data of the different documents related to the property or the transaction.

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Any of these data may be received by any means, either physically or digitally directly by THE OWNER or indirectly through a third party that provides them.

It is the responsibility of THE OWNER of the personal data, to guarantee that the data provided voluntarily to THE RESPONSIBLE are correct, truthful and complete, being obliged to notify THE RESPONSIBLE of any changes in them, in order to comply with the obligation to keep the information provided updated.

In the event of not having the personal data requested from THE OWNER, THE RESPONSIBLE would not be able to carry out the purposes for which they are required, so it would not have any type of responsibility derived from it.

Likewise, the personal data provided by THE OWNER incompletely, or that have not been viable, for which they were required, will be deleted immediately and will not be kept in any database managed by THE RESPONSIBLE.

Once said personal data is received, THE RESPONSIBLE creates the CLIENT's physical and digital file where the data will be stored, only the personnel who work for THE RESPONSIBLE have access to these files and such data will be processed in the terms of this document. THE RESPONSIBLE or third parties involved in any phase of the processing of personal data must maintain confidentiality with respect to them, an obligation that will continue even after the end of their relations with THE OWNER.

It is clarified that for the procedures of THE RESPONSIBLE, no data considered Sensitive is collected according to the Federal Law on Protection of Personal Data Held by Private Parties.

## **2. PURPOSES OF THE PROCESSING OF PERSONAL DATA;**

The personal data referred to above are necessary to be able to grant the OWNER the service of commercialization, publication, purchase, sale, lease, acquisition, administration, construction and/or development of real estate or real estate.

These personal data are also required to meet the requirements of the trustee bank, the notary, the closing company or the bank that grants some type of credit, and other entities involved in the transaction, and with this to be able to carry out the process of marketing, publication, purchase, sale, deed, lease, acquisition, administration, construction and/or development of real estate or real estate.

By providing the personal data, THE OWNER authorizes THE RESPONSIBLE to use this data for marketing, advertising or commercial prospecting purposes only for the company of THE RESPONSIBLE, without authorizing the transfer of data for these purposes to a person or corporation other than THE RESPONSIBLE.

THE RESPONSIBLE may not carry out treatments for purposes other than or that are not compatible with those described here unless they obtain the consent of THE OWNER for the new treatment. The OWNER may deny or revoke the consent, as well as oppose the processing of the personal data for the purposes described herein through the procedure described below.

## **3. USE OF THE PERSONAL DATA INFORMATION.**

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The personal data that received by THE RESPONSIBLE, will have a legitimate, controlled and adequate treatment, through administrative procedures, and through our databases in order to guarantee its privacy and avoid losses, incorrect use or unauthorized access.

In the event that THE RESPONSIBLE requires the use of personal data for purposes other than those agreed, THE OWNER will be notified in writing, by telephone, electronically or by any optical, sound, visual or other means that technology allows at that time, explaining the new purposes or uses that are intended to be given to said information, in order to obtain your consent or authorization.

In the event that the protected personal data is required by any authority, whether in a judicial, labor, fiscal or administrative process, to respond to any claim or legal actions, they will be made available, only if there is a court order requesting it, in strict compliance with the Law.

With this Privacy Notice, THE OWNER of the personal data is duly informed of the data that is collected, as well as the purposes and treatment that will be given to them, accepting the terms contained and that have been prepared in compliance with the Law.

For the collection and treatment of personal data, we follow all the PERSONAL DATA PROTECTION PRINCIPLES ordered by "The Law" such as legality, consent, information, quality, purpose, loyalty, proportionality and responsibility in accordance with article 6 of the Personal Data Law; Likewise, we observe the security and confidentiality duties referred to in articles 19 and 21 of the Law.

The periods of conservation of personal data should not exceed those that are necessary for the fulfillment of the purposes that justified the treatment. Once the purpose or purposes of the treatment have been fulfilled, and when there is no legal or regulatory provision that establishes the contrary, the responsible in charge must proceed to the cancellation of the data in his possession, prior to blocking them, for their subsequent deletion.

THE RESPONSIBLE will establish and document procedures for the conservation and, where appropriate, blocking and deletion of personal data, which include the conservation periods thereof, in accordance with the applicable legislation.

## **4. MEANS TO DENY, LIMIT, REVOKE THE USE OR AUTHORIZE DISCLOSURE OF PERSONAL DATA.**

THE OWNER may **DENY** the terms of this Privacy Notice, by not signing its written version or NOT PROVIDING THE REQUESTED DATA, since signing it or delivering the information after being informed of the existence of this document, is understood as a tacit acceptance.

THE RESPONSIBLE commits to designate a person IN CHARGE for the management of personal data, who can be contacted at the telephone number or email mentioned at the beginning of this document. THE OWNER may at any time exercise his right to **LIMIT, REVOKE** or authorize the **RIGHT TO DISCLOSE** personal data, expressing his consent to THE RESPONSIBLE or the person in charge of it. For any of these procedures, it will suffice to fill out and sign the format provided by THE RESPONSIBLE or to present a free signed document in which he expresses his will.

## **5. RIGHTS OF ACCESS, RECTIFICATION, CANCELLATION OR OPPOSITION.**

Any OWNER, or where appropriate their legal representative, may exercise the rights of **Access, Rectification, Cancellation and Opposition**, also known as "**ARCO RIGHTS**" provided for in the Law. The exercise of any of them is not a prerequisite nor does it impede the exercise of other.

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Personal data must be protected in such a way that they allow the exercise of these rights without delay.

THE OWNER has the right to **ACCESS** to their personal data held by THE RESPONSIBLE.

THE OWNER also has the right to **RECTIFY** the data when they are inaccurate or incomplete.

The OWNER has at any time the right to **CANCEL** their personal data, which will give rise to a blocking period after which the data will be deleted. THE RESPONSIBLE may keep them exclusively for the purposes of the responsibilities arising from the treatment. The blocking

period will be equivalent to the expiration period of the actions derived from the legal relationship that originates the treatment in the terms of the applicable Law in the matter. Once the data is canceled, the owner will be notified.

THE OWNER also has the right at all times to **OPPOSE** to the use of their personal data held by THE RESPONSIBLE. If appropriate, THE RESPONSIBLE will no longer be able to process the data related to THE OWNER.

When the personal data has been transmitted prior to the date of rectification, cancellation or opposition and continues to be processed by third parties, THE RESPONSIBLE shall notify of said request for Rectification, Cancellation or Opposition, so that the third party can proceed to carry it out as well.

## **6. PROCEDURE TO EXERCISE THE RIGHTS OF ACCESS, RECTIFICATION, CANCELLATION OR OPPOSITION**

When the owner of these data decides to exercise the "ARCO" rights (Access, Rectification, Cancellation or Opposition) he may do so personally or through his legal representative, for which he must prove his identity through the original identification document for the Due comparison, it can also be accredited electronically using the email registered in the file or through another email using the advanced electronic signature. The legal representative must present a Power of Attorney or a simple Power of Attorney signed before two witnesses or by means of a statement in the personal appearance of THE OWNER. In the case of minors or disabled people, they will be accredited in accordance with the provisions of the Federal Civil Code.

Once accredited, he must submit in writing, physically or digitally as described in the previous paragraph, a request for Access, Rectification, Cancellation or Opposition which must contain and accompany the following:

- I. The name of the owner and address or other means to communicate the response to the request;
- II. The documents that prove the identity or, where appropriate, the legal representation of the owner;
- III. The clear and precise description of the personal data with respect to which one seeks to exercise any of the aforementioned rights, and
- IV. Any other element or document that facilitates the location of personal data.

In the case of requests for **RECTIFICATION** of personal data, THE OWNER shall indicate what personal data it refers to, as well as the correction or modifications that must be made and provide the documentation that supports the origin of its request.

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**THE RESPONSIBLE** or the person **IN CHARGE** will process the request of THE OWNER, for the exercise of the rights referred to in this section, notifying THE OWNER, within a maximum period of twenty days, counted from the date on which the request for Access, Rectification, Cancellation or Opposition was received, the response to the request or the decision adopted, so that, if appropriate, it becomes effective within the following fifteen days from the date on which the response is communicated. In the case of requests for access to personal data, the delivery will proceed prior accreditation of the identity of the applicant or legal representative, as appropriate.

The aforementioned deadlines may be extended only once for an equal period, as long as the circumstances of the case justify it.

In the event that the information provided in the request is insufficient or erroneous to attend to it, or the documents referred to are not attached, THE RESPONSIBLE may require THE OWNER, once and within five days after the receipt of the application, to provide the elements or documents necessary to process it. The OWNER will have ten days to meet the requirement, counted from the day after he received it. If the owner does not provided within said period, the corresponding application will be considered as not submitted. In the event that THE OWNER complies with the information requirement, the term for THE RESPONSIBLE to respond to the request will begin to run the day after the owner has complied with the request.

The obligation of **ACCESS** to the information will be fulfilled when the requested personal data is made available to the owner by any means.

The delivery of personal data will be free, and THE OWNER must cover only the justified shipping costs or the cost of reproduction in copies or other formats.

In terms of article 25 of the Law, **THE CANCELLATION** implies the cessation of the treatment by the responsible, from a blocking of the same and its subsequent deletion.

THE OWNER may request at any time from THE RESPONSIBLE the CANCELLATION of personal data when he considers that they are not being treated in accordance with the principles and duties established by the Law and its Regulations.

THE CANCELLATION will proceed with respect to all of the owner's personal data contained in a database, or only part of them, as requested by him.

If CANCELLATION is appropriate, THE RESPONSIBLE shall:

- A) Establish a BLOCK period for the sole purpose of determining possible responsibilities in relation to the treatment until the legal or contractual prescription period thereof, and notify the owner or his representative in response to the cancellation request:
- B) Take care of the appropriate security measures for blocking;
- C) Carry out the blocking within the period of fifteen days established in article 32 of the Law, and
- D) Once the blocking period has elapsed, carry out the corresponding deletion, under the security measures previously established by the responsible.

**Purpose of blocking.** In terms of article 3, section III of the Law, the purpose of blocking is to prevent treatment, with the exception of storage, or possible access by any person, unless a legal provision provides otherwise. The blocking period will be up to the corresponding legal or contractual prescription period.

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When the personal data has been transmitted prior to the CANCELLATION date and continues to be processed by third parties, THE RESPONSIBLE shall notify of said CANCELLATION, so that the third party can proceed to carry it out as well.

In the event that THE OWNER requests access to the data to a person who he presumes is THE RESPONSIBLE and this person turns out not to be, it will suffice to inform it to THE OWNER by any of the means, to have the request fulfilled.

THE RESPONSIBLE who denies the exercise of any of the ARCO rights shall justify their response, as well as inform THE OWNER of the right to request the start of the rights protection procedure before the Institute.

## **7. TRANSFER OF PERSONAL DATA.**

By this mean, we hereby inform you that the personal data provided may be transferred and processed within and outside the United States of Mexico, by persons other than this company in the following manner:

A) Share inside or outside the country with the Escrow company for the integration and operation of the Escrow account.

B) Share the data with the fiduciary bank, the notary, the closing company or the bank that grants (ed) any type of credit, to meet their requirements and thus be able to carry out the deed process and be able to complete the transaction of the real estate purchase or sale.

If you do not express your opposition for your Personal Data to be transferred in the manner described, it will be understood that you have given your consent for it in the understanding that THE OWNER may deny or revoke the consent through the procedure described in this document.

## **8. CHANGES TO THE PRIVACY NOTICE.**

THE RESPONSIBLE reserves the right to modify or update this Privacy Notice at any time, either by internal updating or by virtue of a legal order, for which it is the responsibility of THE RESPONSIBLE, to publish the updated version in its office and in the website. THE OWNER of the Personal Data shall periodically review the content of the Privacy Notice on the site <https://www.caborealtypros.com>

THE RESPONSIBLE assumes that not expressing any disagreement means that the owner has read, understood and agrees with the terms published in this Privacy Notice, which constitutes his consent to the changes established in said updates regarding the treatment of the Personal Data for the purposes of the Federal Law on Protection of Personal Data Held by Private Parties, its Regulations and other applicable legislation.

## **9. CONSENT OF THE OWNER OF PERSONAL DATA.**

In accordance with what is ordered by "The Law", this Privacy Notice is of an informative nature, and in the event that THE OWNER does not express any disagreement, THE FACT OF PROVIDING PERSONAL DATA after having been informed about this PRIVACY NOTICE serves as the acceptance and tacit granting of the consent for the processing of the Personal Data in terms of this document.

Notwithstanding the foregoing, THE RESPONSIBLE makes available a printed format for the express granting of their consent if necessary or if required by THE OWNER.

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This Privacy Notice is established in accordance with current and applicable legislation in the United Mexican States, any controversy that arises due to its application, THE RESPONSIBLE AND THE OWNER agree to submit to the jurisdiction of the Courts of Los Cabos, Baja California Sur, waiving any jurisdiction that may correspond to them with respect to their present or future domiciles.