


## Annex 12.

 <p>SERVICIO GEOLÓGICO COLOMBIANO</p>	GUIDELINE	VERSION: 1
	ACCESS TO INFORMATION IN THE VIRTUAL DATA ROOM AT THE COLOMBIAN GEOLOGICAL SERVICE (SGC).	CÓDE NO.: GU-SUB-REC- 027
		EFFECTIVE DATE:

### **1. OBJECTIVE**

To establish the conditions for access to documents and information contained in the Data Room, which will be provided through virtual and remote means, for Objective Selection Processes, in Strategic Mining Reserve Areas by the National Mining Agency - ANM.

### **2. SCOPE**

This guide applies for access to information from the Data Room for the following process: “Objective Selection, in Strategic Mining Reserve Areas” – led by the ANM, for the Participants and any other party interested in obtaining access to said Data Room.

### **3. LEGAL FRAMEWORK**

#### **Act 16/1972 - American Convention on Human Rights**

The American Convention on Human Rights - Article 13 - emphasizes the obligation of the States to provide citizens with access to the information in their possession. It also establishes the right all citizens have to seek, request, receive and disseminate that public information held by public agencies, institutions and officials of the state.

#### **Political Constitution of Colombia**

The right of access to information is protected and recognized in the 1991 Political Constitution - article 74; it establishes the general guarantee for all citizens to access public documents, except in cases established by the law.

### **Act 23/1982 amended by Act 1915/2018**

This law regulates aspects related to copyright, defining in its article 2 that they will fall on scientific, literary and artistic works, which include all creations of the spirit in the scientific, literary and artistic field, whichever the mode or form of expression and whatever its intended use, such as: books, brochures and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and pantomimes; musical compositions with or without lyrics; cinematographic works, including works expressed by a procedure analogous to cinematography, including videograms; works of drawing, painting, architecture sculpture, engraving, lithography; photographic works including those expressed by a procedure analogous to photography; applied works of art; illustrations, maps, plans, sketches and plastic works related to geography, topography, architecture or science, and, finally, any production of the scientific, literary or artistic domain that can be reproduced, or defined by any form of printing or reproduction, by phonography, radiotelephony or any other known or unknown means.

### **Decision 351/1993 of the Andean Community of Nations**

This decision establishes the Common Regime on Copyright and Related Rights and its purpose is to recognize adequate and effective protection for authors and other holders of rights, over creative works, in the literary, artistic or scientific field, whichever the genre or form of expression and regardless of literary or artistic merit or destiny.

### **Act 44/1993**

This regulation amends and complements Act 23/1982, and amends Act 29/1944, as amended in turn by Act 1915/2018. Article 1 provides that public employees and officials who are authors of works protected by copyright may provide them contractually to any public law agency.

### **The Mining Code (Act 685/2001)**

Special law applicable to regulate the legal relations between the State and individuals and those between them, on occasion of works of the mining industry in all its phases (Article 2).

#### **Decree Law 4134/2011**

The National Government created the National Mining Agency – ANM (from its original Spanish language initials: *Agencia Nacional de Minería*) as a special state agency in the decentralized sector under the Executive Branch of the National Order, with legal personality, its own assets and administrative, technical and financial autonomy, attached to the Ministry of Mines and Energy. The purpose of the ANM is to “*comprehensively manage mineral resources owned by the State, promote the optimal and sustainable use of the mining resources in accordance with the relevant rules and in coordination with environmental authorities on issues that require it, and monitoring private subsoil property titles when this function is delegated to it by the Ministry of Mines and Energy in accordance with the law*”.

#### **Decree Law 4131/2011**

Whereby the Legal Nature of the Colombian Institute of Geology and Mining (Ingeominas) is changed. Article 3 states that its purpose is “*To conduct basic and applied scientific research on the resource potential of the subsoil; follow-up on, and monitor, threats of geological origin; manage the information of the subsurface; ensure the safe management of nuclear and radioactive materials in the country; coordinate nuclear research projects, with the limitations of article 81 of the Political Constitution, and the management and use of the Nation’s nuclear reactor*”. The mission of the Colombian Institute of Geology and Mining (Ingeominas) is aligned with the provisions in paragraphs 2.3 and 5 of the Article 4 of the same regulation.

#### **Act 1714/2011**

Whereby rules are enacted aiming to strengthen the mechanisms of prevention, investigation and punishment of acts of corruption and the public administration’s effective control.

#### **Act 1712/2014**

Act 1712 creates the Law of Transparency and the Right of Access to National Public Information. Paragraph 3 - Article 9 provides that the obligated subjects must abide by the Online Government Strategy regarding the publication and disclosure of information; similarly, the obligated subjects shall ensure that electronic information systems are an effective tool to promote access to public information, and shall ensure that these are aligned with the Online Government Strategy (Article 7).

**Agreement Number 008 of December the 12<sup>th</sup>, 2014 of the Board of Directors of the Colombian Geological Service.**

“Whereby the geoscientific information management policy of the Colombian Geological Service is defined”

**4. DEFINITIONS**

The terms defined in clause *1.4 Definitions* of the Terms of Reference shall be applicable to this Access Guide.

**5. REQUIREMENTS FOR ACCESS TO THE DATA ROOM**

- a. Obtaining a Notice of Access to the Data Room from the ANM.
- b. Notification submitted by the ANM to the parties interested in gaining access to the Data Room.
- c. Payment of the data room access fee, in accordance with the specifications contained in point 10 hereof.
- d. Definition and registration of the person (s) authorized by the Participants or interested parties who will have access to the Data Room. In any case, there shall not be more than 2 authorized individuals.
- e. Registry of time required for access, and selection of access times for 8 continuous hours – or in 4-hour blocks.
- F. Statement of acceptance of the Terms of Reference for the following process “Objective Selection Process in Strategic Mining Reserve Areas” led by the ANM and conditions of use of the information, data and documents contained in the Data Room.
- g. Establishing and maintaining the relevant internet channel (access and connectivity) for access to the Data Room.

**6. GENERAL AND SECURITY CONDITIONS**

1. Participants or individuals interested in accessing the Data Room may obtain documents and information that may be related to the contract and the Strategic Mining Reserve Areas - SMAs. Access to this Data Room will be granted for a specific time and will be governed by the terms set forth herein.
2. Participants and any other interested party submitting a Statement of Interest to the ANM may access the Data Room.
3. Each of the documents available in the Data Room has an upload or generation date.
4. The documents and information related with the Contract and SMA contained in the Data Room will be used by the Participants and interested parties exclusively to analyze the Objective Selection Processes and submit their Offer, if applicable. Therefore, the Participants and interested parties shall refrain from reproducing or disclose the information known through the Data Room to third parties by any means.
5. In addition to the above, the following shall be stated:
  - a) Acceptance of institutional conditions in relation to means and forms of access to the information.
  - b) Acceptance of institutional conditions in relation to “copyright” of the information provided.
  - c) Acceptance of institutional conditions in relation to use of the information provided.
  - d) Acceptance of institutional conditions in relation to “copyright” in the products and results obtained with the information provided.
  - e) Acceptance of personal data treatment.

## 7. DEVELOPMENT

No.	Activity	Official Responsible	Description
1	Obtaining a Notice of Access to the Data Room from the ANM	ANM Participant / Stakeholder	Receipt of notification of access to the Data Room from the ANM. This must include at least the following: Company: TIN or equivalent: Name of the person authorized: I.D.: Phone: Nationality: Address:

			E- mail:
2	Notifying the Participants and interested parties that They have access to the Data Room	ANM	The ANM notifies the SGC via e - mail dataroomanm@sgc.gov.co the Participants and stakeholders who have access to the Data Room.
3	Paying the fee for access to the Data Room.	Participant / Stakeholder	Payment of the fee for access to the Data Room in the channel enabled by the SGC and notification sent at the following e - mails: dataroomanm@sgc.gov.co and mvillarraga@sgc.gov.co
4	Defining and registering the person (s) authorized by the Participants and interested parties, who will have access to the Data Room.	Participant / Stakeholder	The Participant or interested party informs the person (s) who has/have access to the Data Room. In any case, there shall not be more than 2 authorized persons. Information sent to the email: dataroomanm@sgc.gov.co
5	Registry of time required for access, and selection of access times for 8 continuous hours – or in 4-hour blocks.	Participant / Stakeholder	The interested party records the time required for access to the Data Room and times selected for the access for 8 continuous hours, or 4-hour blocks.
6	Statement of acceptance of the conditions of use of the information, data and documents contained in the Data Room, and the Terms of Reference.	Participant / Stakeholder	Express acceptance of the conditions of use of the information, data and documents contained in the Data Room, and of the Terms of Reference.
7	Establishing and maintaining the internet channel (access and connectivity) for access to the Data Room	Participant / Stakeholder	The interested party establishes and maintains the internet channel (access and connectivity) to access the Data Room
8	Record of end of access.	SGC	The SGC ends (and registers the end of) access to the Data Room.

## **8. CONDITIONS OF SERVICE**

- Access times will be continuous as previously established.
- Access shall be granted for 8 continuous hours or 4-hour blocks, available during office hours from Monday to Friday, from 8:00 am to 5:00 pm Bogota, Colombia Time.

- The Internet channel and other components required to make the connection (access and connectivity) shall be the responsibility of the interested party notified by the ANM.
- SGC Technical support shall be requested at the email [DataRoomanm@sgc.gov.co](mailto:DataRoomanm@sgc.gov.co)
- Functional support regarding the process of “Objective Selection, in Strategic Mining Reserve Areas”, shall be the responsibility of the ANM
- This is an audited service (IP data and Computer name will be read)
- There will be no availability of functionalities related to uploading, downloading, copying, duplicating, taking screenshots, or any other functions that involve transfer of information and data to devices appertaining to the Participants or interested parties using the Data Room or external to the SGC.

## **9. PROCEDURE FOR PAYMENT AND BILLING**

Payment of the service is an essential requirement to request authorization of the User of the Participants and of the interested parties and access codes to the Data Room.

Access to the Data Room has a cost of USD 923.44 dollars of the United States of America per 8-hour session. This value includes VAT. The aforesaid amount is NOT refundable under any circumstances; therefore, once the payment is completed to request access – whether it be individually or collectively – no refunds will be made for the amount paid for access to the Data Room.

The price can be paid in Colombian pesos, at the USD:COP exchange rate published by the Central Bank and in effect on the day the corresponding payment takes place. Said rate can be consulted on the website of the Central Bank, <http://www.banrep.gov.co>.

Payments can also be completed from abroad, in United States Dollars or its equivalent in Euros or Pounds Sterling, on the date the corresponding payment is made. The applicable Exchange Rate can also be consulted on the website of the Central Bank: <http://www.banrep.gov.co>.

The access codes will be delivered to stakeholders via email, within three (3) Business Days following confirmation of the corresponding payment.

To acquire access to the Data Room, interested parties should follow the procedure below:

- Send a communication at the email designated for that purpose by the National Mining Agency - ANM, with a copy at the SGC email: [dataroomanm@sgc.gov.co](mailto:dataroomanm@sgc.gov.co) stating interest in accessing the Data Room of the process OBJECTIVE SELECTION PROCESS IN STRATEGIC MINING RESERVE AREAS.

For purposes of generating the relevant invoice, the email shall include the following information:

- Subject: Access to the Data Room of the process OBJECTIVE SELECTION PROCESS IN STRATEGIC MINING RESERVE AREA
- Full Name of legal person applying.
- Name of the Legal Representative, Representative or person empowered for the purpose.
- Single Tax Registry - RUT for residents in Colombia or the equivalent for foreigners.
- Tax Identification Number – NIT if the applicant is subject to tax in Colombia or its equivalent if the company or person are not domiciled in Colombia.
- Country and city of the applicant’s main domicile
- Address
- Telephone (s) with prefix
- Contact Email
- Email for submittal of invoice.
- Copy of the payment slip for the amount for access to the Data Room (to be sent as a file attached to the email).

Payments shall be made thus: In Colombia - Colombian pesos (COP)

- Bank Deposit or electronic transfer to Checking Account No. 000-29669-9 at Banco de Bogota, in the name of Banco de Información Petrolera – SGC, Accountholder: Servicio Geológico Colombiano, Tax Identification Number NIT 899999294-8

From abroad:

- In Dollars of the United States of America (USD) in the name of Banco de Información Petrolera – SGC



Beneficiary Bank

<b>Beneficiary Bank</b>	<b>City</b>	<b>Country</b>	<b>Swift Code</b>	<b>CHIP</b>
Banco de Bogota	Bogota	Colombia	BBOGCOBB	001959

Correspondent Bank or Intermediary Bank  
(Choose one of the following intermediaries):

<b>Corresponde nt Bank</b>	<b>City</b>	<b>Country</b>	<b>Swift Code</b>	<b>BB Account</b>	<b>ABA</b>
Citibank	New York	United States	CITIUS3 3	10922754	021000089

<b>Corresponde nt Bank</b>	<b>City</b>	<b>Country</b>	<b>Swift Code</b>	<b>BB Account</b>	<b>ABA</b>
Jp Morgan ChaseN.Y.	New York	United States	CHASUS 33	001-1- 171329	021000021

- In Euros (EUR) in the name of Banco de Información Petrolera – SGC

Beneficiary Bank

<b>Beneficiary Bank</b>	<b>City</b>	<b>Country</b>	<b>Swift Code</b>	<b>CHIP</b>
Banco de Bogota	Bogota	Colombia	BBOGCOBB	001959

Correspondent Bank or Intermediary Bank  
(Choose one of the following intermediaries):

<b>Corresponde nt Bank</b>	<b>City</b>	<b>Country</b>	<b>Swift Code</b>	<b>BB Account</b>	<b>ABA</b>
Deutsche bank	Frankfu	German	DEUTDEFF	10095129	Deutsche

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- In British Pounds (GBP) in the name of Banco de Información Petrolera – SGC

Beneficiary Bank

<b>Beneficiary Bank</b>	<b>City</b>	<b>Country</b>	<b>Swift Code</b>	<b>CHIP</b>
Banco de Bogota	Bogota	Colombia	BBOGCOBB	001959

Correspondent Bank or Intermediary Bank  
(Choose one of the following intermediaries):

<b>Correspondent Bank</b>	<b>City</b>	<b>Country</b>	<b>Swift Code</b>	<b>BB Account</b>	<b>ABA</b>
HSBC Bank PLC	London	UK	MIDLGB 22	00162958	HSBC Bank PLC

The stakeholders should take into consideration the following warnings:

- The payments deposited in accounts other than the accounts above shall be deemed not made.
- The Colombian Geological Service (SGC) shall verify that the resources have been paid in any bank accounts as above – of which the SGC is the Accountholder – and that the amount paid in currencies other than Dollars of the United States be equals or effectively corresponds to the price established in these Terms of Reference to acquire the Information Package.
- Any cost or expense incurred by the interest parties to pay for access to the Data Room shall be at their exclusive expense.
- The interested parties shall submit the deposit slip or proof of wire transfer scanned and attached to an email in order for the SGC to deliver the access codes.

The abovementioned email shall be sent at email address designated by the National Mining Agency, cc'ing dataroomanm@sgc.gov.co.

- The Colombian Geological Service (SGC) shall issue the corresponding invoice according to the data submitted.
- The access codes and the Invoice shall be submitted to the interested parties that have completed and submitted proof of payment, at the corporate contact email registered with the ANM.

#### **10. PROCEDURE FOR DELIVERY OF THE ACCESS CODES**

The access codes shall be delivered via email sent to the electronic address registered by the interested party. Said access codes shall be activated upon acknowledgement of receipt of same.

#### **11. SUPPLEMENTARY DOCUMENTATION**

Communication and/or request submitted by the National Mining Agency.