Code of Conduct: 6. Banrep Employees Act Transparently, Denounce, Report Changes in Their Judicial Status When Required by Law, and Comply with The Rules on Prevention and Control of The Risk of Money Laundering and Terrorist Financing

Last modified Monday the 22th of January, 2024 6.1 Transparency Law
Banrep employees must be aware of and comply with Law 1712 of 2014 - Transparency and Access to National Public Information Law (LET) - and the internal regulation of Banrep on transparency.

LET set the right of access to public information and the procedures for the exercise and guarantee of such a right, and established exceptions to the publication of information59. Pursuant to Article 5, subparagraph b) of LET, Banrep is a subject obligated to comply with these provisions60.

According to LET, as a rule, all information generated, obtained, acquired, or controlled by Banrep is considered public information, to which any person may access61. “Classified public information”62 and “reserved public information”63 are the only types or categories of information that are excepted from access by citizens.

The Board of Directors of Banrep regulated the right of access to Banrep’s public information in External Resolution 1 of 2015. Similarly, through the Regulatory Circular of External Operation and Service DG-GI-393, Banrep informed the public its Public Information Management Instruments, i.e. (i) the Document Management Program, (ii) the Registration of Information Assets, (iii) the Publication Scheme, and (iv) the Thematic Index for Reserved and Classified Information.

6.2 Reporting of Irregular Facts, Regulatory Breaches, or Violations of the Code of Conduct
As per numeral 26 of Article 38 of Law 1952 of 201964, Banrep employees must inform the relevant instances or their immediate supervisor of any facts they have known that could impair or interfere with the operation of the Banrep. Also, they must report whenever they have knowledge of possible irregular events, non-compliance, or violations of this Code by other Banrep employees or contractors or third parties developing functions or services in the Banrep65.

Article 38, numeral 25 of Law 1952 of 2019 establishes that it is a public servant’s duty to denounce the offenses, contraventions, and disciplinary offenses of which they have knowledge, subject to exceptions provided by the law.66.

Complaints must be based on serious, conductive, and grounded information about the occurrence of the facts alleged.

These situations can be brought to the attention of Banrep through **(i)** Infobanco; **(ii)** Banrep’s website; **(iii)** written communication filed at Banrep’s mailbox; and **(iv)** all others that Banrep may consider necessary to implement.

To facilitate the implementation of the relevant actions by Banrep and to give an effective response, the following must be considered:

- The above-mentioned mechanisms allow the reception of anonymous complaints and have procedures that seek to treat the complaint confidentially.
- The complainant must indicate the conditions of manner, time, and place in which the events occurred.
- The complaint, the identification of the complainant, and the information known by Banrep within the framework of the complaint are confidential, unless the matter is to be referred to the competent authorities for investigation or to decide on the matter; a requirement issued by the competent authority; or it is necessary to disclose information to thoroughly investigate or verify the facts denounced.
- Banrep has an internal procedure to handle complaints, so it is important the willingness of the complainant to collaborate with the management of the complaint, responding to request of information and handling the evidence.
- Banrep shall adopt mechanisms to prevent reprisals against complainants in good faith 67, as the case may be.

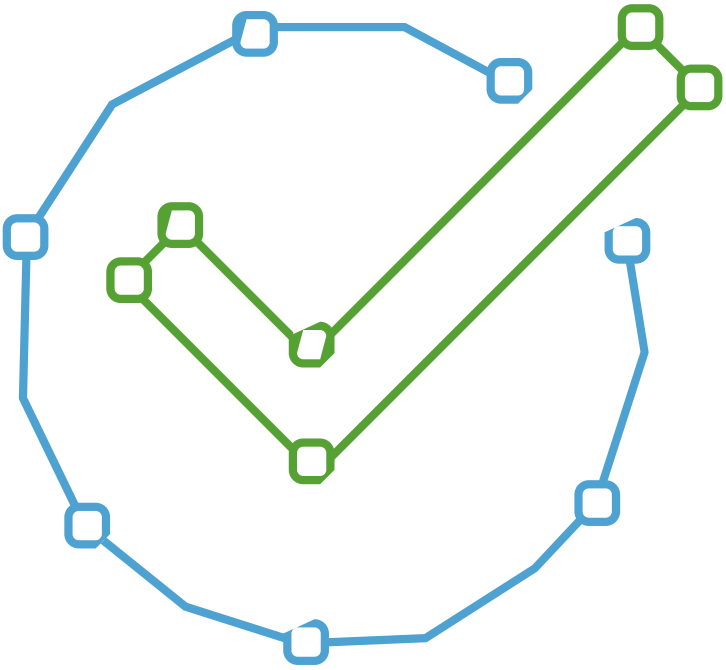
6.3 Criminal, Disciplinary or Tax Investigations and changes in the Judicial Situation
Banrep employees must inform to the Human Resource Management Services Department of any criminal, disciplinary, or tax investigation that is against them, related to their position or functions, or that may affect them, as soon as they become aware of it. An investigation of such nature represents a reputational risk for Banrep that it is only capable of detecting and preventing based on the information that the employer provides about it.

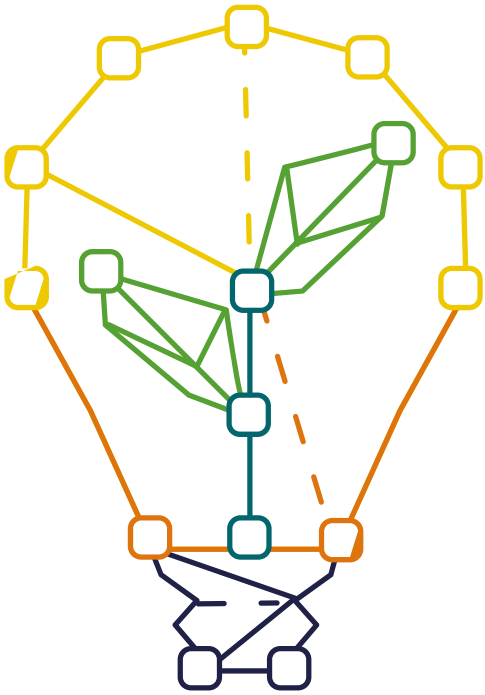
Additionally, Banrep employees must report68 to the Human Management Services Department if a criminal judge condemns them for any crime committed, if the disciplinary authority imposes a disciplinary sanction, or if they are found to be fiscally responsible, as well as the events in which there may have been judicial interdiction, disqualification by disciplinary or criminal sanction, or the suspension or exclusion of their profession when their role is related to it.. The aforementioned situations may constitute an inability69 in the exercise of public service as per Articles 41 and 42 of Law 1952 of 201970.

6.4 Prevention and Risk Control of Money Laundering and Financing of Terrorism
Banrep employees must follow the guidelines defined by Banrep71, regarding the prevention and control of the risk of money laundering and financing of terrorism.

As per numeral 8, Article 2.1.4.2.3 of Decree 1081 of 2015, the members of the Board of Directors and the Governor are considered politically exposed persons (PEP) during the period in which they hold office and two (2) years after they leave, in any ways of termination. PEPs must submit the information referred to in Article 2.1.4.2.472 of Decree 1081 of 2015.

6.5 Awareness and Training on Ethics, Transparency, and the Fight against Corruption
Banrep employees must comply with all trainings organized by Banrep on ethics, transparency, and fight against corruption, money laundering, financing of terrorism, and, in general, any matter associated with the integral behavior of those who serve Banrep.





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59. Law 1712 of 2014 was amended by Decree 103 of 2015, which was subsequently incorporated into the Single Regulatory Decree 1081 of 2015.

60. According to Article 5 subsection b) of Law 1712 of 2014, its provisions shall apply to independent or autonomous State bodies, agencies, and entities.

61. See Article 6 subsection b) of Law 1712 of 2014.

62. According to Article 6, subsection c) of Law 1712 of 2014, "*classified public information*" is information that, is held or in custody of an individual obliged in its capacity as such, belongs in its own, private and semiprivate domain to a natural or legal person, for which its access may be denied or exempted, provided that the circumstances and the individual or private rights enshrined in Article 18 of the same Law are legitimate and necessary. This information is considered as classified for an unlimited period.

63. According to Article 6, item d) of Law 1712 of 2014, "*reserved public information*" is information that, is held or in custody of an individual obliged in its capacity as such, is exempted from access by the citizens due to damage to public interests under the full compliance of the rules of Article 19. As per Law 1712 of 2014, reserve on this information must not be extended for over 15 years, and proceeds when its access puts at risk or affects, among other matters referred to in Article 19 thereof, the country's macroeconomic and financial stability and prevention and investigation of disciplinary faults.

64. Article 38, numeral 26 of Law 1952 of 2019 states: "*Duties. The duties of every public servant are: (…) 26. To make known to their superior the facts that may impair the functioning of the administration and to propose the initiatives that they deem useful for the improvement of the service.*"

65. The external Regulatory Circular DCEF-355 establishes the procedure for filing a complaint and the aspects related to its management and response by Banrep.

66. Article 38, numeral 25 of Law 1952 of 2019 states: "*Duties. The duties of every public servant are: (…) 25. Denounce the offenses, contraventions, and disciplinary offenses known by them, except for the exceptions established by the law.*"

67. Article 83 of the Political Constitution states that "[…] *the actions of individuals and public authorities shall be in accordance with the principles of good faith, which shall be presumed in all actions by the former before the latter." In accordance with this, the Constitutional Court has stated: "*(…) constitutional jurisprudence has defined the principle of good faith as that which requires individuals and public authorities to adjust their conduct to an honest, and fair behavior consistent with the actions that might be expected from "*a correct person (vir bonus)."* In this regard, see, inter alia, Sentence C-1194 of 2008 (Judge: Rodrigo Escobar Gil).

68. Failure to report these situations may result in disciplinary sanctions. In this regard, see article 56, subsection 1 of Law 1952 of 2019, which states: "*Faults related to the regime of incompatibilities, inabilities, impediments, and conflicts of interest. 1. Act or omit, despite the existence of causes of incompatibility, disability, and conflict of interest, in accordance with constitutional and legal provisions.*"
Additionally, in this case, it should be noted that Article 454 of Law 599 of 2000 (Penal Code) states: "*Fraud to Judicial or Administrative Police Order. Anyone who by any means does not comply with the obligations imposed by judicial or administrative police resolution will incur in prison from one (1) to four (4) years and a fine of five (5) to fifty (50) minimum legal monthly wages in force.*"

69. *On-going inability, the Consultation and Civil Service Chamber of the Council of State, in concept of 28 February 2008, reporting judge Luis Fernando Alvarez Jaramillo (File No. 1,879), states: "(…) "A cause of inability becomes supervenient when during the performance of a position situations regulated in the law occur as factual assumptions of an inability, thus, because those situations occur after their election or appointment, it does not generate the nullity of the act of election or appointment, but it has legal consequences with respect to the exercise of the office being held.*"

70. Articles 41 and 42 of Law 1952 of 2019 provide: ARTICLE 41. On-going inabilities. The on-going inabilities are presented when the sanction of dismissal and general inability or the sanction of suspension and special inability is ruled or when the individual subject of the sanction is exercising in a different public office or a function to the one that held before when the fact that arose the sanction occur. In such a case, the current nominator will be informed so they can proceed immediately to give effect to the consequences. ARTICLE 42. Other inabilities. As of the execution of the judgment, the following are also disabilities to hold public office: 1. In addition to that described in the final subparagraph of Article 122 of the Constitution, being subject of imprisonment for more than four years for a willful crime within the previous ten years, except in the case of a political offense. This inability shall have a duration equal to the term of imprisonment. 2. Have been sanctioned in a disciplinary procedure three or more times in the past five (5) years for serious or minor misconduct or both. This inability will have a period of three years counted from the execution of the last sanction. 3. To be in a state of judicial interdiction or disqualified by a disciplined or criminal sanction or suspended from or excluded from the exercise of his profession, when the office to be performed relates to the same. 4. Have been declared fiscally liable.
PARAGRAPH 1. Whoever has been declared fiscally liable shall be disqualified for the exercise of public office and to contract with the State for the five (5) years following the execution of the corresponding judgment. This

disqualification shall cease when the competent Comptroller's Office declares that it has received the payment or, if this is not appropriate, when the Comptroller General of the Republic excludes the person responsible from the bulletin of fiscal debtors. If, five years after the execution of the Order, the person who has been declared fiscally liable has not paid the sum established in the Judgment nor has been excluded from the bulletin of fiscal debtors., they shall remain disqualified for five years if the amount, at the time of the declaration of fiscal responsibility exceed 100 statutory monthly minimum wages in force; for two years if the amount is greater than 50 without exceeding 100 statutory monthly minimum wages in force; for one year if the amount is greater than 10 statutory monthly minimum wages in force without exceeding 50, and for three months the amount is equal to less than 10 statutory monthly minimum wages in force.PARAGRAPH 2. For the purposes provided for in the final subparagraph of Article 122 of the Political Constitution referred to in paragraph 1 of this Article, offenses affecting the State's property shall be understood as those which directly cause damages to the public property, represented by impairment, reduction, detriment, loss, misuse or deterioration of public goods or resources, resulting from willful conduct, committed by a public servant. For these purposes, the judgement shall specify whether the conduct to which the conviction constitutes an offense affecting the property of the State."

71. In this regard, see also Articles 102 to 107 of the Organic Statute of the Financial System and Chapter IV of Part I, Title IV, of the Basic Legal Circular (External Circular 007 of 1996, re-issued by the External Circular 029 of 2014 of the Financial Superintendence of Colombia).

72. Article 2.1.4.2.4. Of Decree 1081 of 2015 states: "Obligation of politically exposed persons and entities. Persons considered as politically exposed persons (PEP) shall inform their position, starting date, and date of retirement during the due diligence carried out in the processes of linking, monitoring, and updating the data to the to the people set forth in Article 2.1.4.2.2. Politically exposed persons shall, in addition, declare: (i) the names and identification of persons with whom they have a marital community, in fact, or in law; (ii) the names and identification of their relatives up to the second degree of consanguinity, first affinity and first civil; (iii) the existence of financial accounts in a foreign country in the event that they have the right or power to sign or any other; And (iv) the names and identification of legal or natural persons, trust or trust funds in accordance with the provisions of Article 2.1.4.2.3. of this Decree. The declaration in respect of (i) and (ii) shall be made to financial institutions where they have a contractual or legal relation for the supply of a product or the provision of a financial service in Colombia for the purpose of a detailed revision by the financial institution. Failure to release any information for no knowing about it will also be included in the statement. The declaration referred to in paragraph (iii) shall be made before: (A) the exchange market intermediary; (b) the financial entities in which it owns financial products or services in Colombia, and (c) the subjects obliged to comply with the current regulation on risk of money laundering and terrorist financing. In the case of the related public servants of Article 2.1.4.2.3, paragraphs 1 to 14, The information required must also be entered in the public employment information and management system (SIGEP) declaration of assets and income form or in the application available at the Administrative Department of the Public Service and updated it maximum sixty (60) calendar days following the change of any of the stated conditions or information required."

Fuente: https://d1b4gd4m8561gs.cloudfront.net/en/bank/corporate-governance/employees-transparently-denounce-report-changes-judicial-status