



Bogotá's Legal Guide to Foreign Direct Investment

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PERSONAL DATA PROTECTION



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• Panorámica nocturna del Centro Internacional

Personal data protection for investing in Bogota

Bogota has become a very attractive city for investment by technology companies focused on software development and digital services. In 2024, the software and digital services sector contributed 3.6% of the national GDP. Bogotá accounts for 69.9% of the activity in this sector¹. In this context, for any company focused on digital services—and increasingly for all types of companies—interested in investing in Bogota, complying with personal data protection regulations is an essential part of its business. Therefore, it is key for this kind of companies to understand the basic elements of the Personal Data Protection Regime in Colombia to ensure compliance, gain and preserve credibility in the market, and avoid sanctions.

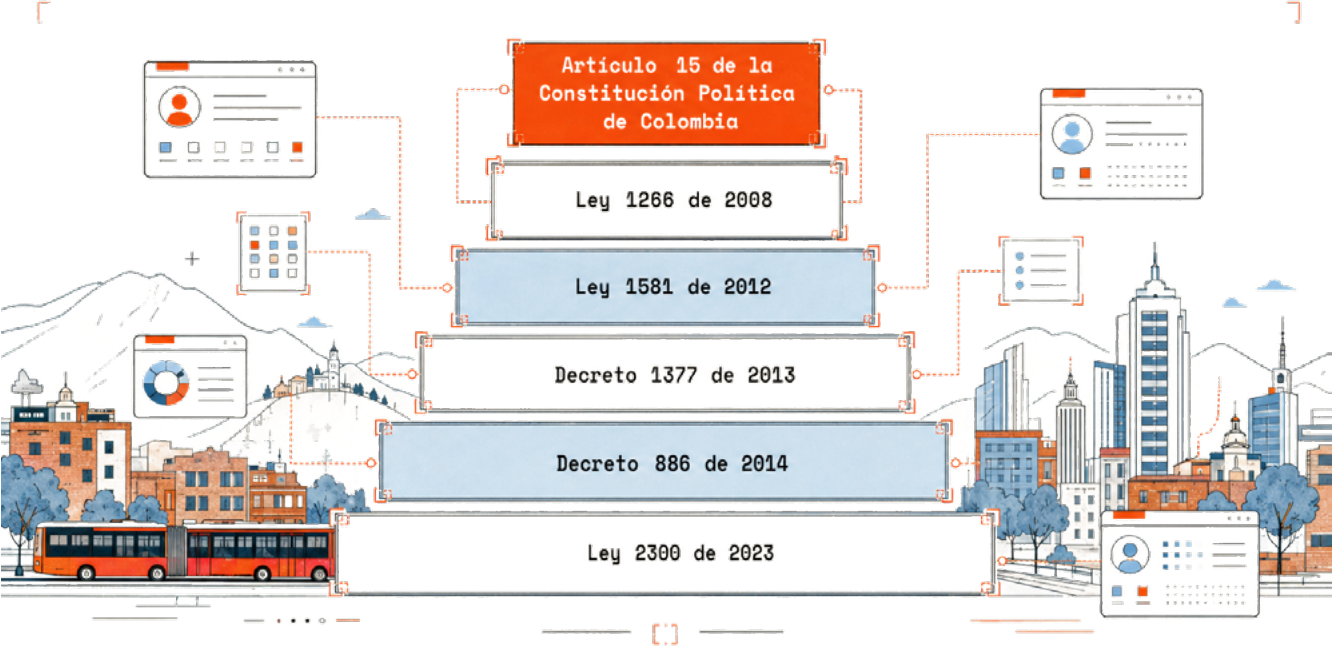
¹ See: <https://www.eltiempo.com/economia/sectores/industria-del-software-en-colombia-tiene-ventas-que-superan-los-44-billones-pero-persisten-riesgos-por-las-tensiones-con-estados-unidos-3496063>

² The following is a brief overview of the aspects regulated by the norms included in the pyramid:

- Law 1266 of 2008: this law regulated personal data protection in Colombia for several years; however, it was not comprehensive enough and applies mainly to commercial and financial information.
- Law 1581 of 2012: it states the general framework for personal data protection in Colombia.
- Decree 1377 of 2013: it implements and further develops Law 1581 of 2012.
- Decree 886 of 2014: it establishes the minimum information required for the National Database Registry.
- Law 2300 of 2023: it establishes restrictions on the sending of commercial and advertising communications to consumers.

1. Main data protection regulations in Colombia

The following pyramid illustrates the main regulations² governing personal data protection in Colombia:



In Colombia, the right to personal data protection is a fundamental right . This characterization reflects the importance of this right in the country and the relevance that any investor must give to this matter when planning to invest or initiating operations in Colombia involving personal data and information.

The main law that comprehensively regulates personal data protection is Law 1581 of 2012, which will be the primary reference for investors processing personal data from Bogotá.

³ The right is formally fundamental because Article 85 of the Political Constitution classifies it as a right of “immediate application.” In Colombia, a right is considered fundamental if it meets the following requirements: “(i) its relationship with the concept of human dignity; (ii) its configuration as a subjective right; (iii) the existence of consensus regarding the need for a specific action or omission in order to ‘live as one chooses,’ ‘live well,’ or ‘live without humiliation’; and (iv) the circumstances of the specific case.”

Estrada, Julio Alexei. “Estructura de los derechos fundamentales.” In Roa-Roa, Jorge Ernesto, and Sierra-Camargo, Jimena (eds.), Manual de derechos fundamentales. Bogotá: Tirant Lo Blanch, 2022, p. 15.

2. What every investor should know about personal data protection when establishing operations in Bogotá

2.1 Key concepts

a. What is personal data?

It is “any information relating to an individual.”⁴ Examples include name, telephone number, personal photos, and email address⁵.

b. What is meant by the processing of personal data?

This refers to “any operation or set of operations performed on personal data, such as collection, storage, use, circulation, or deletion.”⁶ For example, if at the beginning of its commercial operations an investing company collects information from individuals to whom it plans to offer its services by sending emails, it is understood that the company will process those individuals’ data.



c. **Data subject:** the individual whose data is being processed; the owner of the data⁷.

d. **Database:** “an organized set of personal data that is subject to processing.”⁸

2.2 General rule: no processing without authorization

Although there are some exceptions, the general rule is that companies must obtain prior, express, and informed authorization from the data subject to process personal data. It is very important for the company to retain evidence of such authorization.

⁴ Superintendence of Industry and Commerce. Protección de datos personales: aspectos prácticos sobre el habeas data. Available at: [Cartilla Protección de Datos Personales – Aspectos Prácticos sobre el Derecho de Hábeas Data.](#)

See also Law 1581 of 2012, Article 3(c).

⁵ It should be noted that there is a category of personal data that requires enhanced protection, namely sensitive data. According to Article 5 of Law 1581 of 2012, sensitive data are those that affect the data subject’s privacy or whose misuse may result in discrimination, such as data revealing racial or ethnic origin, political orientation, religious or philosophical beliefs, membership in trade unions, social or human rights organizations, data related to health, sexual life, and biometric data.

⁶ Law 1581 of 2012, Article 3(g).

⁷ Law 1581 of 2012, Article 3(f).

⁸ Law 1581 of 2012, Article 3(b).

2.3 Data processing must be based on a legitimate purpose

The law establishes several principles that are fundamental to its interpretation and application. One of these is the purpose limitation principle, according to which the investor, when collecting personal data, must do so for a legitimate purpose that the data subject is aware of. This principle limits how the investing company may use the personal data it has collected.

2.4 Design and implement a Comprehensive Personal Data Management Program⁹

Companies should be aware of the concept of “accountability principle” to ensure compliance with the Personal Data Protection Regime. Accordingly, to establish operations in Bogotá, companies must, at a minimum, have a Personal Data Processing Policy and implement an internal system with an appropriate structure for compliance. The investing company must design effective and educational mechanisms within its organization and determine, as a baseline, procedures for handling claims and inquiries from data subjects¹⁰.

A robust Comprehensive Personal Data Management Program also requires ongoing monitoring and adaptation as the organization develops. These aspects are important because they may be considered by the National Personal Data Protection Authority¹¹ when evaluating the imposition of sanctions.

2.5 Appointment of a personal data officer

It is advisable for companies to appoint a natural or legal person responsible for ensuring compliance with legal obligations regarding personal data protection. Having a well-drafted data processing policy is insufficient if it is not translated into concrete actions demonstrating compliance.

2.6 Information security measures

Pursuant to the security principle¹², companies must implement measures to ensure the security of personal data, preventing, among other things, loss, alteration, or unauthorized access. Depending on the information security risks faced by the company, it should have an information security policy, a security incident management policy, and system monitoring protocols, among others.

⁹ For further information on the concept of “accountability principle” and the content of a Comprehensive Personal Data Management Program, see the Superintendence of Industry and Commerce, Accountability Guide: [Guía Accountability 26 pág.](#)

¹⁰ Decree 1377 of 2013, Article 27.

¹¹ Superintendence of Industry and Commerce (SIC), National Personal Data Protection Authority.

¹² Law 1581 of 2012, Article 4(g).

2.7 Registries and reports to the National Personal Data Protection Authority

There are several recurring obligations regarding personal data protection that companies interested in investing in Bogotá must consider. One of these obligations involves the registration¹³ of databases under the company's responsibility¹⁴.

If a company establishes operations in Bogotá, possesses assets exceeding 100,000 Tax Value Units (UVT)¹⁵, and creates a database containing personal data, it must register it with the National Database Registry (RNBD) within two months of its creation. This registration must be updated annually between January 2 and March 31 of each year¹⁶. Maintaining personal databases that are inventoried and organized¹⁷ is essential to facilitate compliance with this obligation.

2.8 Sanctions imposed by the National Personal Data Protection Authority

The Superintendence of Industry and Commerce is responsible for monitoring compliance with Law 1581 of 2012. After following the relevant procedure, this authority may impose fines of up to 2,000 current monthly minimum legal wages.

¹³ Decree 886 of 2014, Article 3.

¹⁴ The Personal Data Protection Regime distinguishes between the “data controller” and the “data processor.” For the purposes of this document, reference is primarily made to the data controller as the investing company, given the introductory scope of this guide. Under Law 1581 of 2012, the data controller is the person who decides on the database and/or the processing of personal data, while the data processor processes data on behalf of the controller.

¹⁵ According to Resolution No. 000238 of December 15, 2025, the value of one Tax Value Unit (UVT) was set at COP 52,374.

¹⁶ Superintendence of Industry and Commerce, External Circular No. 003 of 2028.

¹⁷ It is advisable that databases be designed not only with functional considerations in mind, but also in a manner that facilitates compliance with registration obligations.



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