

**DIGITAL MARKETING STRATEGIES ON RETAIL SECTOR IN CALI**

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**CALI**

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**Acceptance note:**

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**Cali, September 2019**



## **DEDICATION**

I dedicate this work to those persons that have contributed to my personal growth.



## **ACKNOWLEDGMENT**

I thank to my grandmother for always being with me, even now that she is not anymore in this world.

I also thank to my aunt Patricia for always pushing me to my limits and trying to make me a better person.

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## INTRODUCTION

Currently, the society is immersed in knowledge. The global economy has transformed, the main assets now are neither physical nor financial, but are intellectuals. Knowledge and ideas are driving the extent of growth in economy, rather than by traditional resources of the earth, such as, raw materials, labor and capital. As a result, there is a need to take better advantage of knowledge, understanding it as a key factor for social development that allows to strengthen the competitiveness of organizations.

Although, it is essential to highlight that in the present, the approach towards online shopping trends is taking great impact in organizations, where it is necessary to direct the processes of both products and services. Thus, leading to entities regulators select to create standards for those organizations that are in the process of launching a product or service to the market, comply with the quality standards for online sale and thus not avert the consumer.

The most popular marketing variables are product, price, place and promotion, known as 4 Ps. Depending on the purpose of each company, a combination of variables may be resulting in the ideal marketing mix in order to reach consumers and position a product. However, an appropriate strategy to attract a segment of customers and achieve retain a profit long term may be the most important (Kotler, 2007).

Moreover, traditional marketing channels have been replaced or complemented by the Internet. Online platforms are developed where businesses can move into more competitive markets, record more information and measure faster the effectiveness of strategy. New media are emerged supported by Information technologies a using the 4 Ps world in order to reach final consumers (Cruz Herradon, 2009).

New technologies have generated changes on consumers over time. Consumers want to have more control of their decisions. They want to be aware of products and services, and exchange opinions with other consumers.



In this document, key applications that have been generated using Information Communication Technologies (ICT) are identified. Similarly, current metrics on consumer habits established through e-commerce people, in Cali socioeconomic stratification from 4 to 6, and consumers' age between 18 to 40 years old, along with the importance of implementing those strategies by the Ministry of Technology and Communication (MinTIC) throughout the Vive Digital plan, which is considered essential for Cali development (MinTIC, Cali Vive Digital, 2018).

The followed methodology consists of a descriptive study. Descriptive studies seek to specify important properties of individuals, groups, communities or any other phenomenon that is subjected to analysis. In addition, an exploratory study is conducted since such studies are made, normally, when the objective is to examine a topic or research problem little studied or have not been covered before (Dankhe, 1986)

The instruments used are 11 structured telephone interviews with a convenience sample procedure, and no order when asking or along the conversation continued. The interviews are answered by people with different positions in the area of e-commerce, in the retail companies operating in Cali, Cali, in March of 2018.

An online survey of people, between 18 to 40 years old, and with a sample size of 50 surveys, was conducted through survey monkey, during May and June of 2018. The survey is to know if they bought online, what kinds of products they bought, how often they bought and what motivates them to do so.

## 1. PROBLEM STATEMENT

As economic globalization progresses significantly in terms of innovation, technology and the incursion of new trends for the competitiveness, the cities are obligated to define strategies that allow them to position themselves through the promotion and dissemination of their cultural identity and the interpretation of the territory as their products and service associated with patrimony.

Santiago de Cali, located in Valle del Cauca state, has wide variety of retail companies that provide services, such as, Exito supermarket, Jumbo, La 14, Mercamio, D1, Carulla and more. Companies in the retail sector are forced to be at the forefront with technology and innovation, it is no longer enough to only sell the products in the store, but it is necessary to have a digital platform that serves as an intermediary for consumers that do not want to leave their homes or don't have the time to go shopping, and still want to get the products from the store.

Technology around the globe has taken advantage of the great impact that cell phones have on new generations, even impacting more traditional generations and setting a benchmark for innovation. Internet commerce has begun to be adopted by mobile-based commerce, now known as "m-commerce". According to statistics, the tendencies right now is that 95% of users who buy online prefer to use a smartphone and computer, if it is a quick purchase. (OMC, 2019)

Grupo Éxito warehouses, have started to implement exclusive payment boxes for "rappitenderos" (employees of Rappi), due to the large volume of daily orders that are presented through the mobile application and that sometimes has overshadowed the physical sale. Now it is not enough to be able to purchase products on the web, consumers demand more easily to obtain their products through their mobile. Although Cali is neophyte in this area, Deep Retail has supported the growth of major brands around the world. Today, brands know the customer better than themselves. Thanks to the integration of information and omni-channel experience, the retail sector can not only provide a satisfactory experience, but also can obtain a deep understanding of the customer. (OMC, 2019)

Cali has a total of 607.000 households in 2017, meaning that 70% of Cali households had access to internet, this means that between 2014 and 2017, there was an increase of 22% of users. In September of 2017, there was 449.795 users, this means, 6.1% more than in September of 2016 (Escobar, 2018).

Having 70% of the population of Cali with access to internet, it can demonstrate to the companies that it is important to be at the forefront of technology, if not the





case, and the companies still use traditional marketing strategies, then what it can be expected is for the companies to begin their period of downfall.

## **1.1 PROBLEM FORMULATION**

What are the digital marketing strategies used by companies in the retail sector in Cali?

## 2. JUSTIFICATION

*“Most consumer marketers still approach interactive media through the static, one-way, mass-market broadcast model of traditional media. The results of such an approach are uninspiring applications that fall far short of the new media's potential. Shrewd marketers will instead learn to create entirely new forms of interactions and transactions with consumers. To do so they'll need a new marketing model more appropriate to the new consumer marketplace and new approaches to integrating interactive media into their business system and marketing programs”<sup>1</sup>*

Under this perspective, the study of markets and the marketing plan, are transcendental instruments for decision-making in the initiation, growth and permanence of a company in the market.

This work was carried out in the city of Cali, because it is the capital of Valle del Cauca and a city with a lot of culture and great economic growth potential for companies in the retail sector.

On the other hand, companies must imbue themselves with a change of internal strategy structure and mentality as the way to communicate. It is based on the need to make a difference in all organizational aspects, which raise the design of strategies focus on digital marketing, which cover an experimental planning, that involve the need to satisfy and contribute to all problems that exist in the current societies.

Consequently, is clear that in today business world, aspects such as the willingness on the part of the organization to besiege new markets, subsist on them and reach a high level position, the competition growing and the need to create marketing strategies, allows for quite selective reasons to have enormous challenges and opportunities that are presented in the market, anticipating changes in the environment in such a way to have an efficient an pertinent response capacity in front of them.

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<sup>1</sup> McQuade, Shayne; Waitman, Robert; Zeisser, Michael; Kierzkowski, Alexa. Marketing to the Digital Consumer. The McKinsey Quarterly. Volume 3. Available at: <https://www.questia.com/library/journal/1G1-55294992/marketing-to-the-digital-consumer>

### **3. OBJECTIVES**

#### **3.1 GENERAL OBJECTIVE**

- ✓ Identify the digital marketing strategies used by companies in the retail sector in Cali

#### **3.2 SPECIFIC OBJECTIVE**

- ✓ Identify marketing literature related to the implementation of ICT
- ✓ Describe the e-commerce sector for retail companies such as “La 14, Exito, Carulla and others” in Cali
- ✓ Describe the digital marketing strategies used by companies in the retail sector in Cali



## **4. REFERENCE FRAMEWORK**

### **4.1 HISTORICAL FRAMEWORK**

Santiago de Cali, capital of Valle del Cauca state, has 481 years of history. Warm and cheerful city offer a few places of interest, historical and architectural monuments, parks and museums, churches and more (Cali, 2017).

The city is in a valley, with the Farallon's Mountain range in the west, the Cauca River in the plains of the east that it extends through the north and south. Cali is very close to the port of Buenaventura, Colombia's main port on the Pacific Ocean. The average annual precipitation varies between 900 mm to 1800 mm, and the temperature is between 19°C (66°F) and 30°C (86°F) (Cali, 2017).

### **4.2 CONCEPTUAL FRAMEWORK**

In this section, definition of marketing, marketing variable, digital marketing, electronic marketing and electronic commerce are presented.

#### **4.2.1 MARKETING**

Marketing definition is presented according to Philip Kotler:

*“The process by which companies create value for customers and build strong customer relationships in order to capture value from customers in return.”<sup>2</sup>*

#### 4.2.2 MARKETING VARIABLES

Marketing variables are the tools that organizations must develop strategies, depending on specific purpose (Cruz Herradon, 2009):

- ✓ Product: oversees answering the questions such as:  
What to sell?  
It focusses on the characteristics of itself.
  
- ✓ Price: oversees answering the question of:  
How much will it cost?  
It specifies on the cost of the product or service and how this cost can fall into the client.
  
- ✓ Promotion: oversees answering the question of:  
How will they know and buy the potential clients?  
It refers on the how it will be managing the media.
  
- ✓ Place: oversees answering the question of:  
How will a costumer get a product in the market?  
  
It refers to the intermediaries though which the product or service will pass for to reach the customers.

When thinking about marketing, it tends to seek new customers, but more important, to retain. For this reason, it is very important not to only consider the concept of 4 Ps, but also the concept of the 7 Ps (Mohammad, 2015).

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<sup>2</sup> (Kotler & Armstrong, 2017)

The 7 Ps are:

1. **Product:** is anything tangible offered to a market for attention, use and consumption with aim of satisfying needs and wants of customers.
2. **Price:** is a way marketer communicate with customers.
3. **Place:** which is also called distribution, is consider covering distributional activities of organizations.
4. **Promotion:** is sending a persuasive message about a product to customers.
5. **People:** refers to those involved in service delivery. Their level of training, interpersonal behavior, discretion in rendering the service and appearance matters a lot in customer satisfaction in banking industry.
6. **Process:** shows procedure of rendering services, explored the factors affecting customer satisfaction.
7. **Physical Evidence:** deals with environment where business operates, for example, parking area, furnishings.

Companies should pay attention to the process, monitoring the social media, conducting interviews to customers, and investing in marketing automation, in order to retain customers. This process provided data that was obtain from the client's ant it can be convert into shares to contribute to customer loyalty.

The people responsible for marketing, in a company, should select the most convenient and cost-effective strategy for the company to achieve mixture differential products or services from the rest of the competition.

#### 4.2.3 DIGITAL MARKETING

Digital marketing is a direct marketing which links consumers with sellers electronically using interactive technologies like online forums, social media, emails, websites and newsgroups, interactive television, mobile communications, and more (Kotler & Armstrong, 2017). It facilitates many-to-many communications due to its high level of connectivity and is usually executed to promote products or services in a timely, relevant, personal and cost-effective manner. (Baines, 2013).

#### **4.2.4 ELECTRONIC MARKETING**

Electronic marketing can be seen as a new generation of marketing taking advantages of the available information technologies.

##### **4.2.4.1 ELECTRONIC MARKETING DEFINITION**

It is a very broad concept that includes tools that use digital and telecommunication technologies to achieve marketing goals that have been proposed on an organization (Cruz Herradon, 2009). These technologies include various services such as mobile phones, tables or iPads, video games, digital television, and the internet. The most significant tool for powering to connect and provide information to people around the world.

*“It emerges as a new form of marketing, it is complementary to traditional marketing, using online tools”<sup>3</sup>.*

The success of this form of marketing lies on usability, and it is the reason for becoming the most effective and economical mean of reaching a target market.

New information technologies and communications have revolutionized the ways of understanding marketing companies, taking advantage of advances in technology and the easy access for people.

Digital marketing is based on the use of technology and digital media to generate business online actions with the aim of finding, attracting, winning and retaining customers (Cruz Herradon, 2009).

#### **4.2.5 ELECTRONIC COMMERCE**

Electronic commerce or e-commerce is the activity of buying and selling goods or services over the internet.

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<sup>3</sup> (Cruz Herradon, 2009)

#### **4.2.5.1 ELECTRONIC COMMERCE DEFINITION**

Technological application of information and communications value chain, from point of origin to final point on processes conducted electronically and designed to fulfill business objectives. These processes can be partial or complete and may include transactions, such as, business to business (B2B), business to consumer (B2C) or consumer to business (C2B) (Wigand, 1997)

#### **4.2.5.2 FORMS OF ELECTRONIC COMMERCE**

There are different forms of electronic commerce such as the following ones:

##### **4.1.5.2.1 BUSINESS TO BUSINESS (B2B)**

B2B is a way in which transactions are between companies, and final consumers do not come to participate. Usually it occurs between producers and distributors and by trading this way, the companies can automate the supply chain electronically expediting negotiation processes, reducing costs and expanding markets (Lozoya, 2013)

##### **4.2.5.2.2 BUSINESS TO CONSUMER (B2C)**

B2C is a way in which business activities between businesses and final consumers, via internet, are made. This form of trading has led to more informed clients about the product or service that want to acquire, with more criteria to find the best alternative price and supply form anywhere, saving time and with the convenience of necessary delay to make purchase decision (Lozoya, 2013). Businesses should take advantage of B2C, because it generates lower costs and may attract greater number of people, having more control over the impact of marketing strategies. That is why it must provide an excellent service in order to people feel confident and trade





can continue, and, companies can increase incomes by non-traditional means (Lozoya, 2013).

#### **4.2.5.2.3 BUSINESS TO EMPLOYEE (B2E)**

B2E is an electronic business relation between companies and employees in order to communicate and manage business processes or offering incentives.

According to the magazine *Perspectives of Microsoft* "Companies need workers to be more agile, productive and motivates, so that B2E solutions will be a good tool to get"<sup>4</sup>

#### **4.2.5.2.4 BUSINESS TO GOVERNMENT (B2G)**

B2G is conceived to improve the negotiation process between business and government. This system can put a company in contact with government suppliers in order to achieve favorable trading conditions between those involved (Lozoya, 2013).

#### **4.2.5.2.5 PEER TO PEER (P2P)**

P2P is a decentralized network that does not have fixed clients or servers, but it has several nodes that behave simultaneously as clients and servers on other network nodes. Each node can start, stop or complete a transaction supported, in contrast to the client-server model (Alegsa, 2012).

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<sup>4</sup> (Cruz Herradon, 2009)

#### 4.2.5.2.6 COUPONS

*“The world online discount coupons are part of the new internet sales format that emerged around 2005, and managed to position and find a niche in 2010-2011”<sup>5</sup>*

The best way to build customer loyalty is through online discounts, contests and promotions. These portal such as Cuponamia, Cuponatic, Groupon, Picodi, and more, offer unique offers each day with at least 50% off and most of the time a user must complete a registration form with personal data such as telephone, email, address and credit card number, after that, the customer can select the offer desired and pay for it (Erlandsen, 2011).

Usually coupons portals newsletters are daily sent with offers available, with the purpose of users could possibly want something but they do not need it and buy it because it has a lower price.

### 4.3 THEORETICAL BACKGROUND

#### 4.3.1 THEORIES OF DIGITAL MARKETING

There are several theories that support behavior of the consumer or user of digital marketing, some that appear to be pillars or bases and others that are developed in the context of evolution and optimization of the activity of the digital marketing. Directly related to the trends, are expose the following:

➤ Collective intelligence Theory

It is an intelligence distributed everywhere, constantly valorized, coordinated in real time, which leads to an effective mobilization of skills. The basis and objective of collective intelligence is the recognition and mutual enrichment of people, and mutual enrichment of people, and not the cult of communities fetishized or hypostatized. (Pierre, 2004).

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<sup>5</sup> (Erlandsen, 2011)

The need for communication technologies offer interaction to perform intelligence exchange in real time. Translating the Levy's definitions in a practical way, it's noticed a clear relationship between social networks and collective intelligence, where the intelligence of many is scattered everywhere and from everywhere, in real time, mobilizing effectively. Obviously, the idea of collective knowledge increase, however this theory applied to marketing is related to the one described above, implying the importance and influence of the collective intelligence for the development of digital marketing.

### ➤ Generational Marketing Theory

This theory focuses on the activity carried out by each generation according to their tastes, experiences and age (Houston, 2011).

Marketing documents identify the following generations:

- ✓ (1901-1924) Generation G.I or Generation of 2<sup>nd</sup> world ward.
- ✓ (1925-1942) Silent generation or "Baby Boomers"
- ✓ (1943-1960) The Boomers
- ✓ (1961-1981) Generation X
- ✓ (1982-2000) Generation Y or Millennials

This theory is related to understanding of needs, the way to interact, interest and how to access information through the Internet. For example, Millennials between 18-33 years old, they stay happier to access to Wi-Fi with a laptop or cell phone, the use of instant messages, social networks, online games and music are common activities in the millennials. While Generation X (34-45 years old) tends more than millennials to engage in numerous online activities, including site visits to governmental website and get financial information online. (Zickuhr, 2010)

### ➤ Games Theory

Created by mathematician and Nobel Prize Laureate John Nash, has many applications. However, this theory especially applies to economy. In summary, it consists of creating scenarios strategies in which people interact and produce results about the decisions they make. From this arises that there are different interactions that produce different results, and this are used to analyze the individual and

collective responses towards new products, produce changes or any market variable that you intend to study seeking to know the behavior of people and the basis of their decisions. (Fernandez Ruiz, 2010).

#### ➤ Social Network Theory

Marketing has always tried to expand, reach consumers, make known ideas, products or services, and in digital terms today translates into getting more followers, fans or relationships in networks. However, it is important to understand the social influence in the way people make decisions and in the effectiveness of marketing processes.

Harvard Business Review states that it is of vital importance for companies to create strategies for marketing to consider social influence. Explains that the success of a product cannot be measured by its intrinsic characteristics as the way people are influenced by other causes, their thinking and their decisions individually again become unpredictable and complicated. So, this practically means that denser or narrower and/or relationships people with higher connection groups, more capital will be the most influential and determinants. Digital marketing, which constantly plays in the field of social network points in that direction, understanding that not necessarily by logins a great influence will be defined only by direct connections that have or influential. (Watts, 2006)

#### ➤ 6 degrees of separation Theory

This theory is developed based on the hypothesis of the idea that the number of acquaintances grows in an exponential with the number of links in the chain, such that only a minimum number of links are necessary for acquaintances to approach the entire human population (Londoño, 2017).

It can describe also as the connection of anyone on earth with another through the networks with no more than five intermediaries, while growing exponential the network from one to hundreds.

Nowadays, with social networks, the Internet and the activity of digital marketing is no a crazy idea. Advertising campaigns worldwide considering interest of collectives with different cultural actors, distance relationships, expansion and negotiation global, are examples that in many cases not even reach the 6 degrees of separation.

➤ 4F of Digital Marketing Theory

This theory explains the 4 pillars that support digital marketing. (Fleming, 2000)

1. **FLOW:** is the interactivity of the internet. is the flow of information and what characterizes it to be understood and shared.
2. **FUNCTIONALITY:** Is the utility, accessibility, fluency and easy that is offered to the user.
3. **FEEDBACK:** is the possibility of communication bidirectional, not just taking information but also receiving it from the user.
4. **LOYALTY:** to be able to create a sense of belonging and the client always come back or knows that among so many options has one that fits him and responds to their needs.

#### 4.3.2 INTERNET AND DIGITAL MARKETING

Origins of the internet are from 25 years ago, as a research project in packet switched networks in a military environment (Nations, 2001).

In 1969, during the cold war, the US Department of Defense (DoD) conclude that its communications system was vulnerable. the system was based on telephone communication (Switched Telephone Network) and therefore a technology called circuit switching, which provides unique and limited number of links among major nodes or stations, with a risk of leaving isolated part of the country, in case a military attack on those arteries of communication (Nations, 2001).

Alternatively, the department of defense, through the agency advance research projects, decide to encourage computer networks through scholarships and grants for IT departments of different universities and private companies. This research lead to an experimental network that started in December 1969, it was called ARPAnet. The central idea of ARPAnet was to make data reach its destination even if a part of the network was destroyed (Nations, 2001).

ARPAnet has developed a new technology called packet switching, which has several advantages, such as, reliability, easier distribution of data and confidentiality. In 1972, an e-mail system was introduced and generated a significantly increased in traffic, making it the largest volume activity generated (Nations, 2001).

Since many agencies has local area networks (LAN) connected o nodes of the network evolved into a network called ARPA Internet, which consist of thousands of

computers. After that, the name went under some more changes till finally it become as it is now known INTERNET (Nations, 2001).

At the end of the 80's, the internet grew to include computing potential of universities and research centers, which together with the subsequent incorporation of private companies, public organization and associations around the world was a major boost for the internet, ceased to be a project with state protection to become the largest network of the worlds computers (Nations, 2001).

Thanks to the development of computers and internet, the traditional ways of marketing have become obsolete, changing the view of the consumer on the markets and pushing the companies to evolve and develop new strategies focus on a digital marketing.

*“The digital revolution has shaken marketing to its core. Digital technology has opened new channels for selling products. It provides the consumer with a previously unimaginable quantity and quality of information in an easily accessible form. Consumers can sort products based on any desired attribute: price, nutritional value, functionality, or combination of attributes such as price/value.”<sup>6</sup>*

### 4.3.3 IT DEFINITION

*“IT is the science that study the recollection, organization, transformation and transmission of data in a logical and rational manner, employing human resources, mechanics and electronics.”<sup>7</sup>*

IT science was developed in 3 steps, first is data input, second, processing and third, the results of processing. These steps provide flexibility and speed on obtaining.

After defining IT, it is important to mention tangible parts of computer systems, and the importance of each normal operation.

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<sup>6</sup> (Wind, 2001)

<sup>7</sup> (Weberia, 2001)

#### 4.3.4 HARDWARE DEFINITION

Hardware refers to physical elements that make an electronic device, and everything else that it is involved in electronic systems that are physically tangible. This includes monitor, hard drives, memory and CPU (Techopedia, Techopedia, 2018).

In figure 1, hardware devices are illustrated. IT includes a computer, a printer, and among others.

*Figure 1 Illustration of hardware devices.*



Source (Ejemplode, 2018)

Hardware devices are components of a communication system. Thus, it is important to understand that hardware should be adapted for users' comfort.

#### 4.3.5 SOFTWARE DEFINITION

Software refers to a set of programs or instructions commanding an electronic device to do a specific task. The term refers as generic used to describe computer programs, applications, scripts, and a set of instructions. (Techopedia, 2018)

With the evolution of the Internet, people star to discover different ways in which they can develop digital marketing strategies such as:

- ✓ **Web:** *“It is an electronic document report on a particular topic, a good way to have presence anywhere in the world, as it can be seen by anyone who have a connection to internet”<sup>8</sup>. This medium makes it easier for companies of all services and products needed for a commercial transaction.*
- ✓ **E-mail:** It is a useful tool that allows to maintain direct dialogue with customers as these often, this medium use to inquire about deals, state of purchases or make claims (Cruz Herradon, 2009).
- ✓ **Newsletters:** *“They are documents delivered on restricted list of mails, which mean, newsletters can only be sent to people who belong to the list of e-mails registered”<sup>9</sup>. They are widely used by companies to provide news, advertising, promotions, and furthermore.*
- ✓ **Discussion forums:** Facilitate the ability of users to share information and options on topics of interest and strengthen preferences for a brand or otherwise affect a brand’s image. (Cruz Herradon, 2009)
- ✓ **Chats and Blogs:** The chat is a tool that allows real-time communication which offers customers immediate answer. Corporate chats, under the control of corporate management, are used like corporate blogs where customers have interactive conversations that result from comments they leave. On the other hand, blogs have not yet evolved entirely in Cali as they have in other countries, where users feel they are an important part of the blog (Cruz Herradon, 2009).

It is important to have these definitions clear in order to understand each element of a social platform. An e-commerce can be developed based on those elements.

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<sup>8</sup> (Cruz Herradon, 2009)

<sup>9</sup> (Cruz Herradon, 2009)





Moreover, it is crucial to know what elements make possible e-commerce and how has been able to work on the issue.

#### **4.3.6 SOLOMO**

The term SOLOMO refers to Social Local and Mobile, and it is used to refer to mobile internet and reflect the growing importance of smartphones (Techopedia, Techopedia, 2017).

The 3 points that describe SOLOMO are:

1. Social responsive – Who?
2. Local responding – Where?
3. Mobile – How?

The strategic combination of these 3 elements in a system is useful for businesses and professionals in digital marketing tools.

#### **4.3.7 SOCIAL NETWORKING**

An important aspect of digital marketing is social networking.

##### **4.3.7.1 SOCIAL NETWORKS**

Social networks have become a social phenomenon, whose origin comes from the Web 2.0 philosophy. There are platforms of virtual communities that provide information and interconnect people with common affinities. (Cabrera, 2010).

Social media are easily accessible by everyone, it is effective for businesses, and to generate productivity, it requires a good strategy, such as: to be clear about target audience, which trends are they interested, and the use of social networking platforms to take advantage using these means.

Currently, the most used social networks are Instagram, Facebook, Twitter and YouTube. Instagram, Facebook, Twitter are networks under the concept of microblogging. Registered users can post brief comments and can write a limit



amount of characters as their comments. Messages that generate a certain profile and only are seen by those other users requesting follow the account. Microblogging is successful because of the speed in which messages are published.

#### **4.4 CONTEXTUAL FRAMEWORK**

Cali, located in Valle del Cauca state, in Cali. It was founded 481 years ago, and the capital of the state and Cali's third most important city. It is strategically located at the South-West of Cali. It has a surface area of 552 Km<sup>2</sup>. It was found within the reach marine port of Buenaventura, the most important exit to the Pacific Ocean in Cali. (Alcaldia de Santiago de Cali, 2018)

Cali is a warm and happy place, which provide a numerous place to visit, such as historic and architectonic monuments, plazas, parks, museums, churches and street that take you back in time. It is known as "Heaven Branch", famous for the traditional fair, event that has brought foreigners and Cali together, to celebrate the end of the year with music, dance, color and culture. (Cali, 2017)

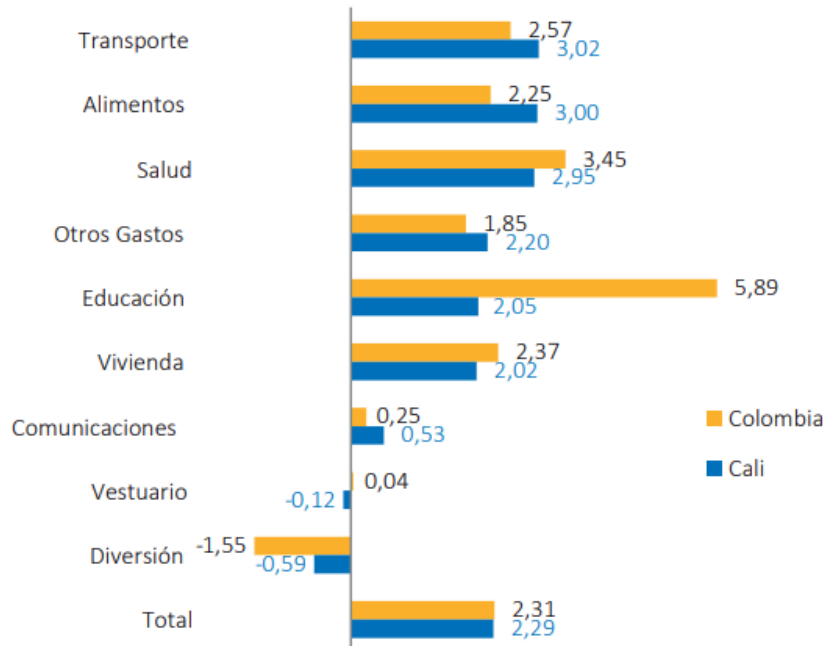
In 2018, Cali has a total population of 2.420.114, 1.156.839 are men, and 1.263.275 are women, 22.5 % of the population are children's between (0-14 years old), 16.9% are young people between (15-24 years old), 52.2 % are grownups between (25-64 years old) and the last 8.4% of the population are older adults between (65 – 100 years old). (DANE, 2017)

The main industries are chemicals, rubber, paper, furniture manufacturing, and milling. Investment opportunities can be found in the region, such as outsourcing service, hygiene and cosmetic products, Hotel and tourism, and agribusiness. Cali is one of the main sugar cane producers of the world, the region hosts in the country the most important sugar mills, in addition to promoting and developing the biofuels sector. (Alcaldia de Santiago de Cali, 2018)

In the first trimester of the year, DANE report a variation of 0.50% in the Consumer Price Index (CPI), which means a 60% low in front of last year first trimester of 2017, when the inflation was 1.25%. The CPI registered between January-May was 2.29% (DANE, 2017)

The variation in the CPI expenses in the groups in Cali, between January to May 2018, are presented in the Figure 2.

Figure 2 Cali CPI expenses between January-May 2018



Source (DANE, Cali como vamos, 2018)

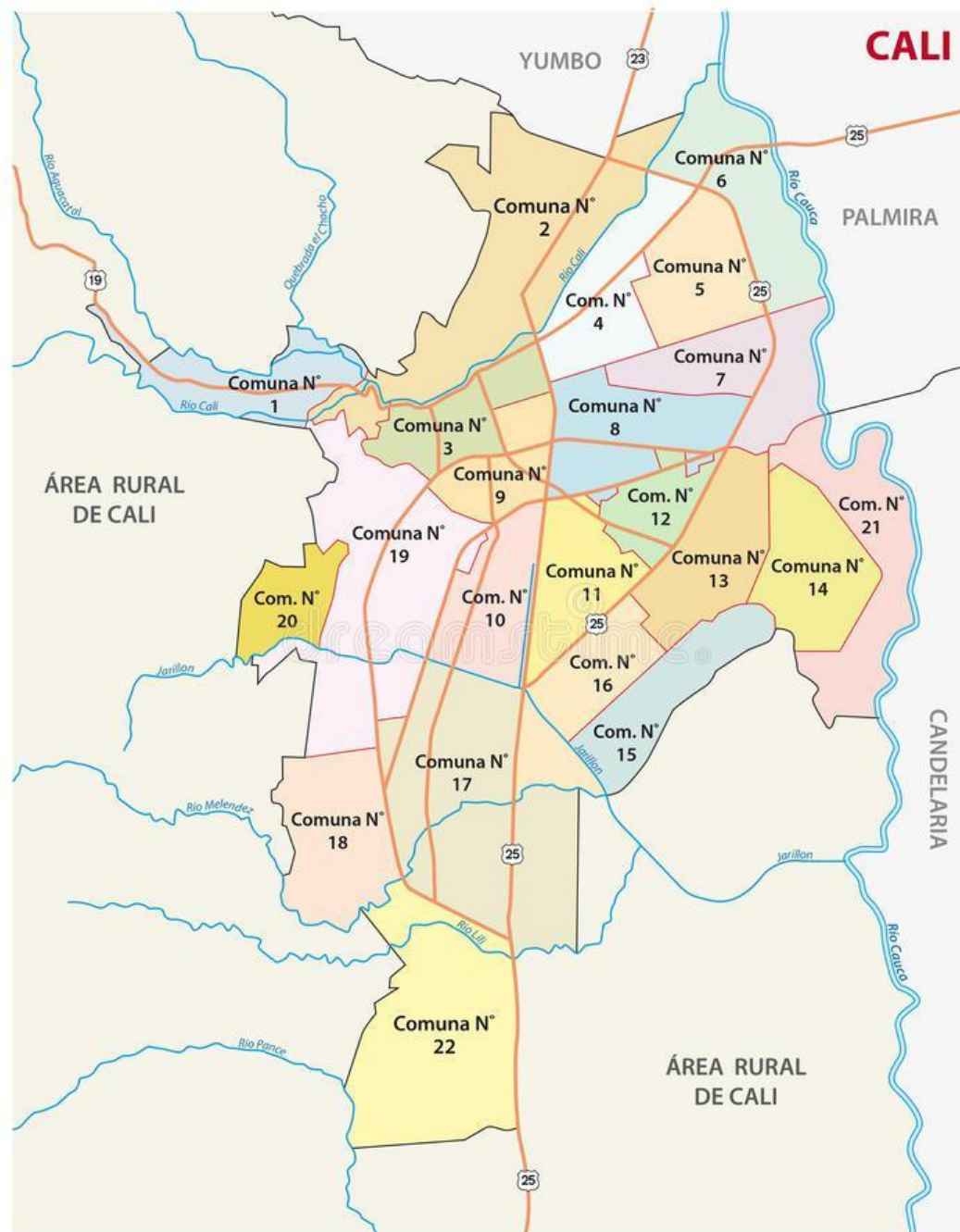
The expenses group in Cali registered that in the period of January-May 2018, the increase in consumer prices were in Transport (3.02%), Food (3%) and Health (2.95%). However, the groups of Fun (-0.59%) and Clothes (0.12%) register a decrease in their prices.

#### 4.4.1 ADMINISTRATIVE DIVISION

Cali's administrative division is divided in 22 communes. It has a total of 249 neighborhoods and 91 urbanization.

The commune's distribution of the city can be appreciated in Figure 3.

Figure 3 Administrative Division



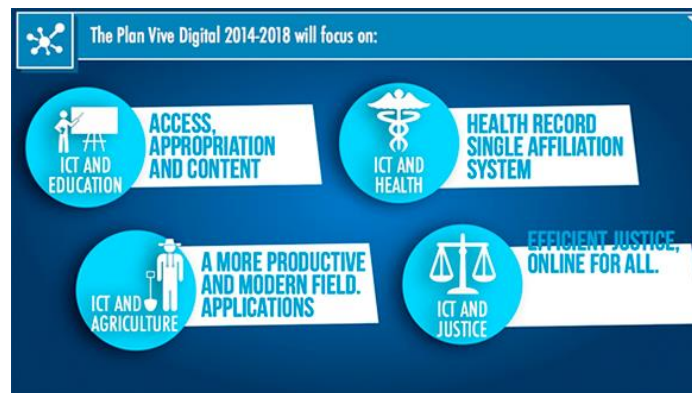
Source (Dreamstime, 2018)

#### 4.4.2 CALI GOVERNMENT AND ICTS

Given the importance of digital age, the Cali government has implemented the Vive Digital Plan 2014-2018 which aims to boost the mass use of Internet. The government believes that this plan, manage the creativity and technology in a direct and indirect way, making ICT managed jobs to reduce unemployment and poverty, and to increase competitiveness. A direct correlation of those variable is presented in several studies including a report of the United Nations. (MinTic, Ministerio de Tecnologias de la Informacion, 2015)

In Figure 4 It is presented the focus of the Vive Digital 2014-2018 plan:

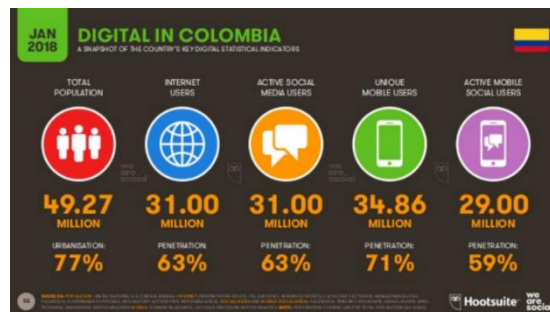
*Figure 4 Plan Vive Digital 2014-2018*



Source (MinTic, Ministerio de Tecnologias de la Informacion, 2015)

Figure 5 shows the correlation between population and internet users:

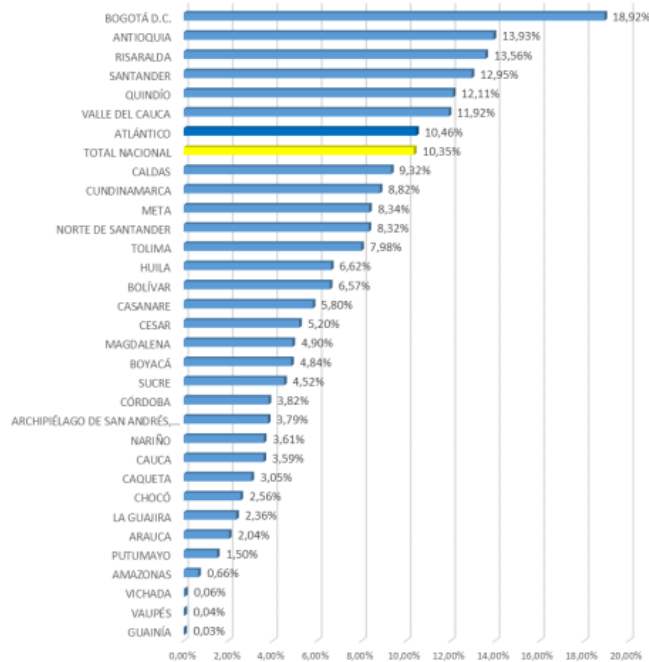
*Figure 5 Correlation between Internet users and population*



Source (Hootsuite, 2018)

In Figure 6 can be appreciated the Internet Penetration Index of Subscribers in Colombia in 2014.

*Figure 6 Internet Penetration Index of Subscribers in Cali in 2014*



Source (MinTic, Colciencias, 2015)

The growth of ICT industries has generated more jobs in developing countries compared to does that have been generated by traditional sectors of the economy. ICT industries are competitive and provide better paying jobs than traditional industries, making people want those jobs. Additionally, each new job in ICT industries creates new jobs in other sectors of the economy that bring benefits to the population.

The development of ICT industry in a country generates competitiveness and is a determining factor in a globalized world where seeks to produce goods or services less expensive, which is why Vive Digital plan is a key to move the country to a higher level of competitiveness.

It is important to understand where Cali is in the international context, as different indicators related to technology. Cali is behind in penetration of the Internet and computers compared to other countries in the region, but its behavior is upward.

In Table 1 is presented the comparison of the percentage growth of the world population who use internet between 2014-2018.

*Table 1 Population of the world using Internet 2014-2018*

YEAR	WORLD POPULATION
2018	49,3%
2017	47,1%
2016	45%
2015	43%
2014	40,7%

Source (Statista, 2018)

The top 10 countries that lead the list of Internet user's countries are shown in Table 2

*Table 2 Top 10 Internet user countries*

N°	Country
1	Singapore
2	Finland
3	Sweden
4	Netherlands
5	Norway
6	Switzerland
7	USA
8	United Kingdom
9	Luxembourg
10	Japan

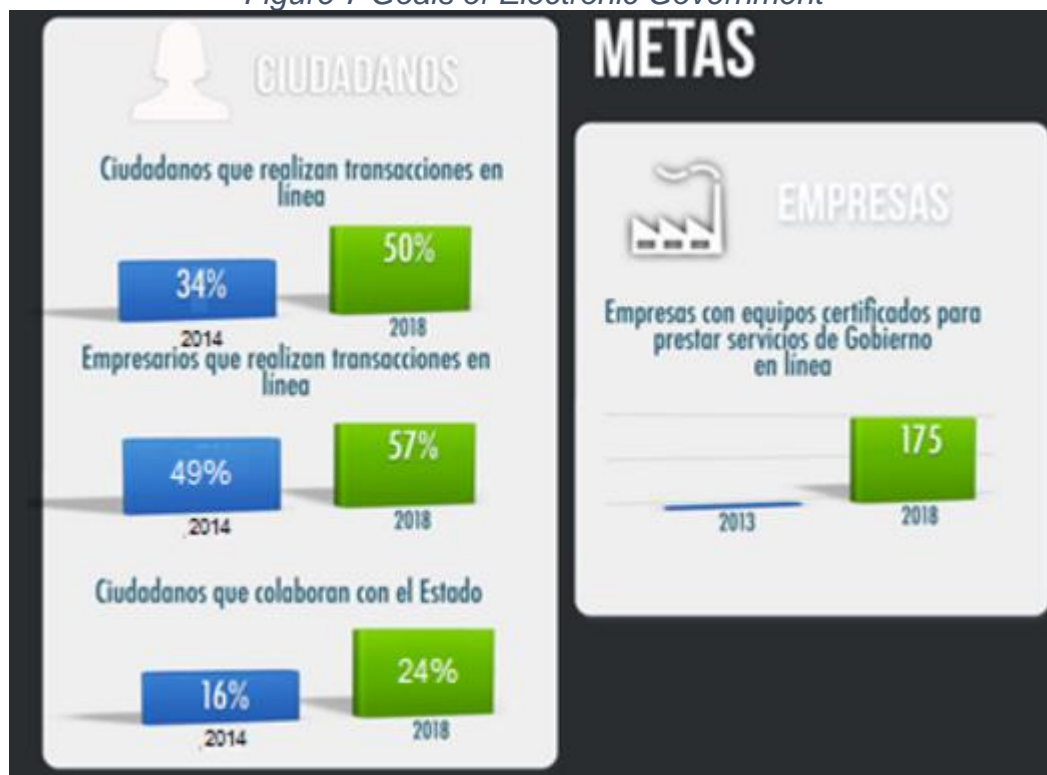
Source (Forum, 2015)

As Cali is not in the Top 10 countries that have the most Internet users. We can observe that Cali and other countries in the region are quite behind in comparison with developed countries. Looking at American countries, USA is the only country in America that is in the top 10, while the rest 70% of the list belong to Europe and 20% to Asia.

Thanks to the online government strategy of the MinICT, Cali has made a considerable progress in the area, reaching the 11<sup>th</sup> position worldwide as the country that uses the most electronic means to carry out participation exercises, the 17<sup>th</sup> position in the world in provision of government services through electronic means, and the 11<sup>th</sup> position in terms of open data.

In Figure 7 can be appreciated the percentage goals of the government in regards of citizen that realize online transaction, CEO that realize online transactions, citizen that help the government, and companies with certificate equipment to provide services of online government.

*Figure 7 Goals of Electronic Government*

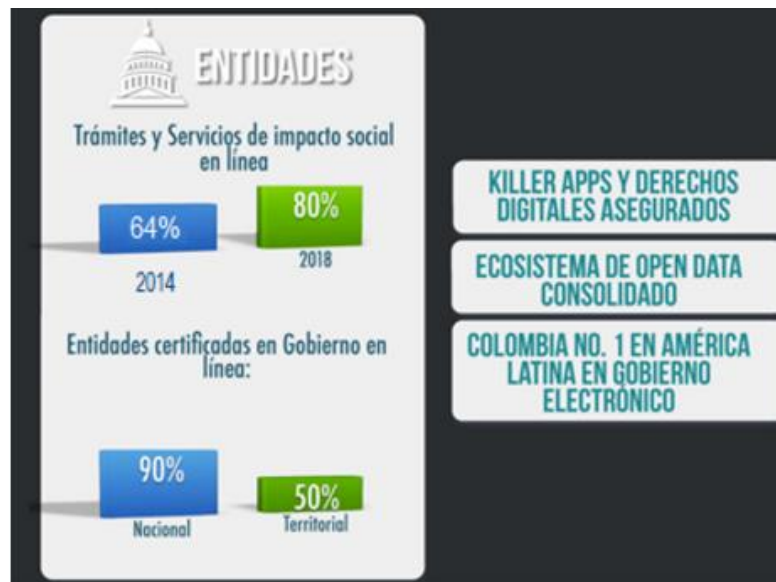


Source (MinTic, Ministerio de Tecnologías de la Información, 2018)



Figure 8 shows the percentage of entities that realize procedures and social impact services online, and certificate entities in online government.

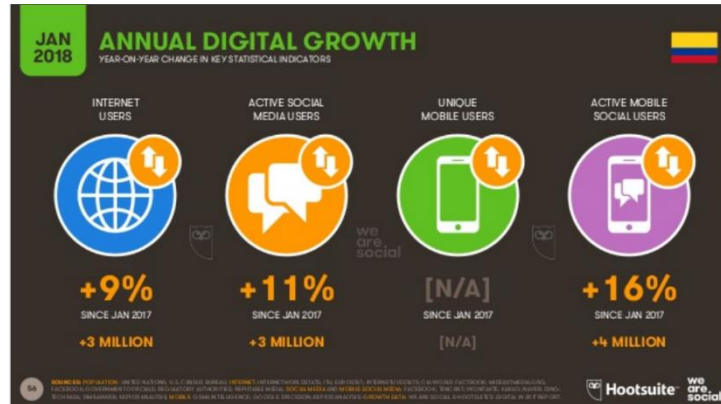
*Figure 8 Entities*



Source (MinTic, Ministerio de Tecnologías de la Información, 2018)

Internet penetration nationwide has increased by 9% from the first quarter of 2017 to the first quarter of 2018. Given the increment of the number of subscribers to Internet, a direct relation with the consumer online yield a growth rate of e-commerce in Cali that is 20%, as can be appreciated in Figure 9

Figure 9 Annual digital growth



Source (Hootsuite, 2018)

A strategy as Cyber Monday that was held on June 4 of 2018 increased the access to Internet. 43% of respondents use internet as mean of looking for goods to purchase. People between 18 and 40 years old are using the Internet as a mean of consultation to search for products. Thus, people familiar with technology will increase the use of Internet.

Moreover, the role of the Cali government has been a determining factor for the incorporation of ICT in businesses, in the las 3 years. This fosters productivity and business competitiveness. Entrepreneurs have accelerated the access and use to ICT, in recent years. The have realized the scope that ICT can have. According to data presented at the 2017 Annual Survey Manufacturing (DANE, 2017), small, medium and large companies have similar degrees of use of the most basic ICT tools as having computers and internet.

Access to Internet make businesses more productive, internal and external communication are more effective. Currently, in Cali industry, 48% of small businesses have website, compared to 74% of medium and 85% large. Internet is now an essential tool for sharing information, displaying audiovisual content, buying goods, relating other, entertaining or working.

#### 4.4.3 CONSUMER HABITS AND ONLINE SHOPPING

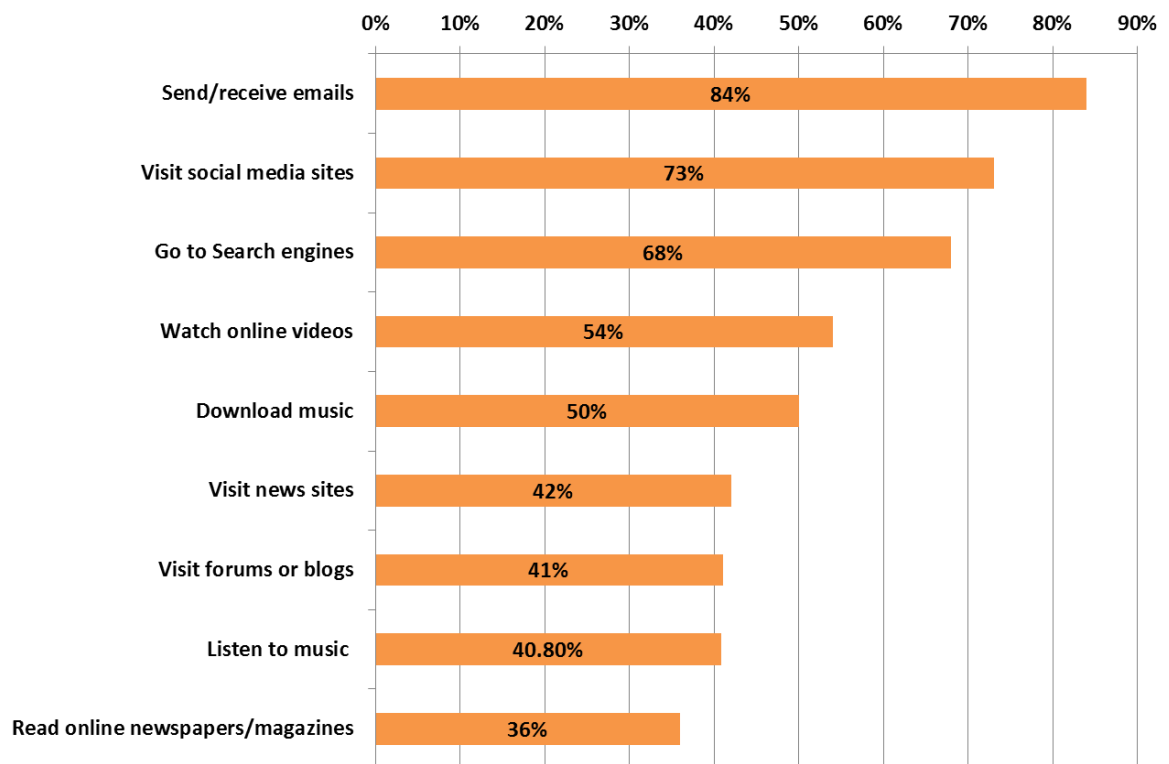
A large number of applications have been generated with the use of ICT. The level of digitalization in Cali facilitates online activities. In the last three months of 2018, 89.3% of online activities were sending and receiving e-mails (Ipsos, 2018).

This activity is known as e-mail marketing and is an opportunity that companies use to reach consumers and keep updated on the variety and promotions products. However, one should be careful of not to invade the personal space of consumers by filling mailbox daily.

On the other hand, 54.3% of Cali watches videos on sites like YouTube, which indicates that this site has good human trafficking. Some companies see it as a mean to expand their campaigns and reach most of the population.

Figure 10 shows the uses of internet in Cali by consumers.

*Figure 10 Uses of Internet in Cali 2018*

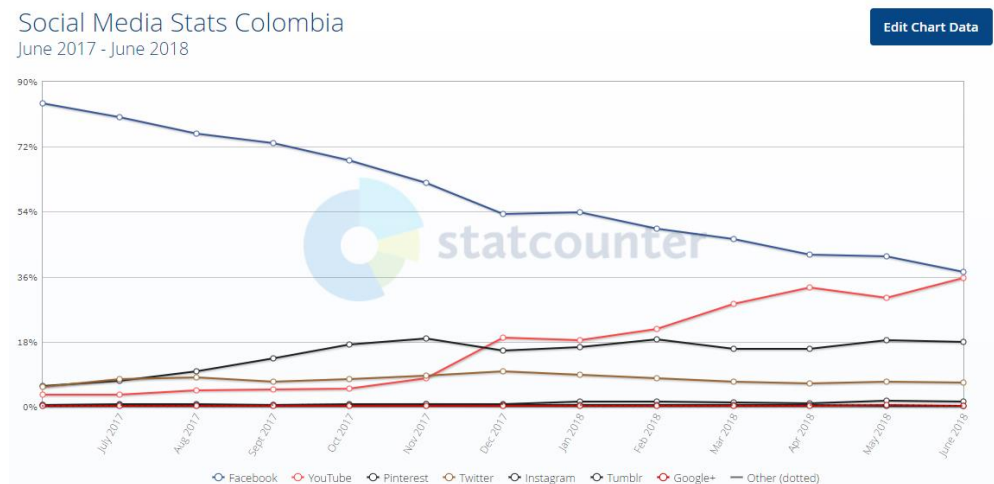


Source (LatinLink, 2017)

The most common uses of Internet are an indication of importance of social networks as a channel of communication with Cali consumers, given the large number of Cali who are involved in using social networks.

Figure 11 reiterates where Colombia visit social networks through June 2017 to June 2018

*Figure 11 Colombia social network*



Source (GlobalStats, 2018)

Online shopping habits of consumers in Cali indicate that in average 35% of people bought between \$100 – 250 American dollars. There are not high figures as it happens in most Latin American countries. Although purchase values are still low, the incorporation of ICT in the retail sector in Cali has open doors to consumers to buy using non-traditional media.

Figure 12 represent the expenditure online in countries of Latin America between 2014-2015.

Figure 12 Expenditure online in Latin America



Source (Cancino, 2015)

#### 4.4.4 IMPACT ON MOBILE DEVICES

The different forms of electronic commerce must consider the importance of different means of hardware which are commercially at the time, such as PCs, tablets and smartphones and smartwatches.

The use of ICT in marketing strategies in the retail in Cali, are low compared to international use. It is important to understand the influence of mobile devices have in e-commerce. The use of tablets has increased exponentially, with the functionality they offer more and more online shoppers, mobilizing to buy these devices to meet their shopping needs.

In Cali, the profile of users with mobile devices is 54% men between 18-30 years old. There are aspects in common between the two profiles. The age of users is one of them, they are at a stage in their lives where they need to be in constant communication with people around either for study, leisure or work, handle an active routine with availability 24 hours and do not want to miss any event or situation that might get them interested.



Another key aspect is the value of the purchase by the different devices and 77% of companies in the retail sector. These are higher from the tablets; the average purchase price is 20% higher than PCs and 50% higher than smartphones.

In the Latin America case, the situation is not the same. The prospect of online consumption from different devices in Latin America 91.9% of visits to website are made by a PC. This percentage is much higher compared to United States or Great Britain.

Although it is clear what is the most common device used by consumers, it is important to note Latin migration to mobile consumption. A clear example of how retail companies in Cali are taking this opportunity reflected in the fact that the company's retail success comes from offering mobile phones.

It was identified that smartphones are widely said for comparison and consultation, even when buyers are in a physical store. However, high rates of technological problems do not allow transfer on such platforms.

## 5 METHODOLOGY

### 5.1 TYPE OF RESEARCH

The type of research used is descriptive, since by collecting information, it is intended to answer the questions that are asked for identify digital marketing strategies that can have a positive impact on development and recognition of Cali, Valle del Cauca, building from it, new information that serves as a point of reference, for the city and all those who wish to make future research in this regard.

The line of research defined for this project is Marketing Digital, since It seeks to respond to the approach of the problem in terms of identification of digital marketing strategies that can have a positive impact on the development and recognition of Cali, Valle del Cauca.

### 5.2 RESEARCH METHOD

For the present investigation, its methodological part the Deductive method, since it allows access to direct conclusions, it is concluded that of the general, like, allows to infer new knowledge not yet know.

“The deductive knowledge allows the particular truths contained in universal truths they become explicit. This is, that from general situations you will get to identify explanations explicitly contained in the general situation. So, from the general theory about a phenomenon or situation, facts or situations are explained. Its definition allows the researcher to identify the steps that must be followed in the order of research, as well as the sources and quality of the same”<sup>10</sup>

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<sup>10</sup> (Eduardo, 2013)

### **5.3 DATA SOURCES**

The sources are all possible ways that the researcher uses to obtain the necessary information in the investigative process.

The sources of information for the development of this research are the primary and secondary.

“The primary sources are original documents, eyewitnesses, remains or artifacts directly related to the event” (Cauas, 2015)

It is those sources that provide direct information. They are made up of people chosen at random from the civilian population, public employees, producers, businessmen.

The sources being used in the project are Survey (Anexo 2.).

“The secondary sources estimate the value of the data, for example if the document tells the truth or is impartial.” (Cauas, 2015)

References are used as secondary sources bibliographies, which contain organized information, prepared material on topics related to research work, in addition documents contributed by the Office of Planning and Development.

Similarly, information consulted on the Internet that supports development of the frame of reference, theoretical and conceptual for the development of support that supports the investigation.

Information Source virtual libraries.

### **5.4 POPULATION IDENTIFICATION**

The population is the total of elements that share a set of common characteristics and compromise the universe of purpose of the market research problem. (Malhotra, 2008).

The population to which this research is directed made up of persons of Cali, formed by the community that live in the socioeconomic stratification of 4 to 6 and are between the age of 18 and 40 years old. Also, entrepreneurs, government



employees, and leaders, who characterize the city with its daily chores, their culture, their customs, companies, products, and more.

## SURVEY

Look at Annex B.

*Table 3 Survey general data*

DATA SHEET	
OBJECTIVE OF THE SURVEY	Analyze information through the survey, to achieve the demeanor, advances and changes that digital marketing has had.
THEME	Digital Marketing
UNIVERSE	People related to the study of e-commerce of digital marketing for the competitiveness of Cali organizations
SAMPLE	50 surveys
INTERVIEWER	Juana Paola Trujillo
SCHEDULE	The information was collected between 1 to 10 of May 2018
WORK EVALUATION FIELD	The survey was designed to be applied in a personal way to people related to digital marketing and competitiveness of the Cali, Valle del Cauca organizations.
SINEWS	Google Drive, SurveyMonkey

Source: (Trujillo, 2018)

## 6. DEVELOPING

### 6.1. Analysis and strategies in Cali retail sector

According to DANE, department stores and hypermarkets are companies that combine the principles of governing supermarkets and warehouse stores. Sales are performed mainly to final consumers and operate under the scheme of department stores. (DANE, 2017)

Supermarkets have more than 2,500 m<sup>2</sup> and integrate various services such as perfume, perishables, groceries, gasoline, local consumption, cleaning, textiles, electronics, and general market.

A Study from the Superintendence of Industry and Commerce in 2011, the Cali retail sector was found in the recent years to have a significant growth in the sector by entry of large hypermarkets to the Cali market, such as Prices mart, which benefits consumer by providing greater choice of better quality products with good prices, but small businesses in the sector cannot compete with these new participant and must withdraw from the market.

A product group with the greatest growth in value is the technology with an increment in 15% from 2016-2017. Share sales value of big chains in Cali were found by Exito Business group (GEE). Which includes: Exito, Ley, Carulla, Casino, Pomona, Surtimax and Cafam. Today, Casino has the highest percentage of participation in the group.

When content was not shared, and consumers were not as communicated like today, companies in the retail sector needed to acquire space where they could offer products or services to potential customers. The impact of a physical store today is not an important factor as it was in the past, for some years, the physical store was the only card of a brand that promote it, and as this reflected ,people took a decision to go or not based on the store, with this grew the ability to sell.

A caring staff is an important point, once a person is already inside of a store, a good care of a customer is a determining factor for purchasing. Companies must be able to resolve consumer concerns and should not try to force consumers to buy products.

In a store, the location of products on shelf, the variety of the presentation of the offered products at the point of sale, bids and how to tell a consumer about products,

and products clearly labeled with retail prices is an important point to have in mind. Because the presentation and the looks is what it attract the consumer.

A key to bring new consumers by advertising and managing, capture a customer's attention by catalogs that come to homes, space in newspapers, magazines or events where companies could capture the attention of potential consumers.

The customer's loyalty with the sole aims of obtaining a re-purchase by consumers and it is done through campaigns of loyalty cards or shopping vouchers.

These strategies and some others remain of great importance and are taken by most retail companies. However, the arrival of the digital era has been given a new approach to strategies. Enterprises integrate the online channel with offline strategies that were already driving. This is because a consumer need to have physical information identified in order to compare it with other brands and have the opportunity to share shopping experience with users who are increasingly demanding to take into account opinions of other users to shop.

Given these new consumers, organizations have implemented strategies to closer ties and interact with customers using different tools and digital marketing, such as social media, mobile marketing, websites, and gadgets, with the aim of establishing relations more durable and profitable customers. Today companies must be willing to constantly change and adapt changes in the environment in order to be competitive.

### **6.1.1. Use of ICT marketing strategies in Cali retail sector**

The evolution of marketing forms to digital marketing has generated naturally. It went from being a communication media, such as television, radio or print, to a direct and personalized communication with each client through Internet, mobile phones or other means, directly manage to reach a greater number of people communication a message. Customizing a strategy has helped many companies to segment customers properly and develop products and services tailored.

Online Shopping may be adopted by the Cali retail sector since companies, like Walmart. In the USA, have shown a great success using ICT.

A website is an important tool in online shopping. An account should be opened in order to purchase online. Thus, companies may create a database and are able to do email marketing campaigns, know what customers buy, how often and quantities.

Moreover, online shopping allows companies to track shopping processes and deliver of products in order to ensure customer's compliance services. In addition, an option of wish list, for weddings and special events, may attract consumers.

Exito is a leading company in the Cali retail sector and Wal-Mart is a retail company in the United States of America.

The Wal-Mart and the Exito websites are focused on tenders and auctions of products which are characteristic of retail. Companies generate traffic, not only on a website, but in a physical store. In the case of Wal-Mart, it was found to handle special of the day with a better price. The two companies have an emphasis on technology products. These products are bought, but unlike Exito's website, Wal-Mart operates more categories with a greater variety of products by category which manages to generate increased traffic.

Wal-Mart is currently located at the 176<sup>th</sup> place globally and 42 US at standard. On the other hand, Exito is still a little behind in the ranking, in place 23219<sup>th</sup> globally and 92<sup>th</sup> Cali level.

As for strategies that handles Walmart on websites, they want to diversify traditional products sales that most retailers have and offer photo service as an additional option for customers and recipes with food products to promote consumption. Additionally, there is an option that people look for promotions that exist in the closest Walmart to their residence in order to segment a little supply, according to the demand that they have.

### **6.1.2. Trends in digital marketing**

Nowadays, digital marketing is the result of technological advances, customs and needs that have marked the present, in which the ICT, the Internet, virtual content and social networks set trends that have characterized the evolution of marketing such as:

#### **➤ Content Marketing**

"Is to create content on our website so that draws the attention for the different segments of our target audience and manages to attract them so that we can convert them into customers"<sup>11</sup>

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<sup>11</sup> (Peñarroya, 2017)



Since each company can adapt to its objectives, it is suitable for all types of companies and products. The keys: be consistent and always respect the tone of the brand.

➤ Influencers

Influencer are people who have merged from their channels of YouTube, blogs, Instagram, and other social networks. There are different categories of influencers, there are who only act from home, influencers who attend events, and many more. They specialize in making business more popular and visibility online.

In addition, they also make them opinions and contributions through the network, have credibility on the issues in which they are specialized, and the power of network makes it all, because they have become media leaders thanks to the immediacy of the internet.

This is a trend that is setting trends in people looking to expose opinions, publicize their talent, become famous, or gain space in the networks, it is even lucrative means for people who achieve it.

➤ Native publicity

It consists in advertising based on the content of the website. It seeks to improve the user's browsing experience and gain their trust and interest. To have a better vision of how it works, for example, a person who is reading an article of interest and at the end of the page, find suggestions of similar content or products related to the search. So, advertising is part of the content, and does not interrupt, which is integrated with the website, and is interesting or enjoyable.

Investment are growing more in this type of advertising, because it shown as a more effective option than traditional pop-ups or display ads

➤ Marketing Automatization

Is a component of customer relationship management in which software performs certain tasks, especially the process of selling products or information. In this way more efficient processes are carried out and control better.

Marketing process are automated such as the segmentations of prospects, leads or customers, also the integration or completion process, of customer data and management of the bells.

The use of marketing automation cause process that would otherwise have been done manually, are more efficient and controlled over time, and be able to perform some cascading process that would be very difficult to perform manually.

#### ➤ Customization

It is both a trend and a feature of digital marketing that sets it apart from traditional, it seeks a greater customer satisfaction, loyalty and receptivity. It has been perfecting marketing techniques that allow the user to receive suggestions or information in an automatic and individualized way towards the preference or interest.

Custom marketing is one that is linked to expectations and needs, that the consumer owns individually with respect to the brand. Companies and marketing in general evolve day by day in the quality of service to the customer and improve their experience, for this reason, personalization is a first line weapon in the development of digital marketing.

### **6.1.3. SWOT**

#### ➤ Strengths

Digital marketing has certain characteristics that make it beneficial for both organizations and consumers. The fact that every day Cali have greater access to Internet. Additionally, being able to access information 24 hours a day, 7 days a week, makes life easier, to be at the cutting edge relative to the competition and achieve promote products or services anywhere in the world. Businesses may be collected key information such as preference, needs, and desires to build databases that they will use to develop marketing strategies.

The variety of products found in online markets is much wider and consumers have options for closing among them. In the surveys, the convenience of being at home is a determining factor that consumers consider when buying.

#### ➤ Threats

Although there are benefits that businesses can get by having online presence, it is important to refer to one of the biggest disadvantages of electronic commerce in Cali, which is the low banking penetration. Most people do not have access to a credit or debit cards, and thus people cannot get easy access to online shopping.

To overcome the situation, various financial intermediaries, in the country, have driven banking strategies that in the last 8 years, more that 8.5 million domestic products have accessed credit and savings banks, which bancarization earned about 21% points, from 48% to 65 % in that period.

#### ➤ Opportunities

One of the opportunities of digital marketing is that it allows the convergence of many services over a single device either a tablet, a mobile phone or a PC. These facilitate online consultation that will grow giving opportunities to companies to offer products to more people

The power to establish a two-way communication with customers, where they can be constantly informed about products or services while a provider can resolve questions, make suggestions or interact with other customers, is highly valued by a consumer.

#### ➤ Weakness

According to experts in e-commerce at La Polar, respondent D currently not very high figures are reversed in e-commerce it is not the core business and they first need to understand due to how the new market works since sell products online requires understanding on how to handle logistics. Also, at La Polar of 2013” at this



time the conversion rate is between 1% and 2% and for the moment it is not expected that sales of the physical store sales exceed online”.<sup>12</sup>

On the other hand, according to the interview C, at energizer, companies that are entering to the online markets, prefer to enter through other platforms to know how this business works before developing their own platforms without knowing the results they will have.

## **6.2 Digital marketing strategies used by retail companies in Cali**

This section presents the results obtained from the survey conducted in the month of May 2018

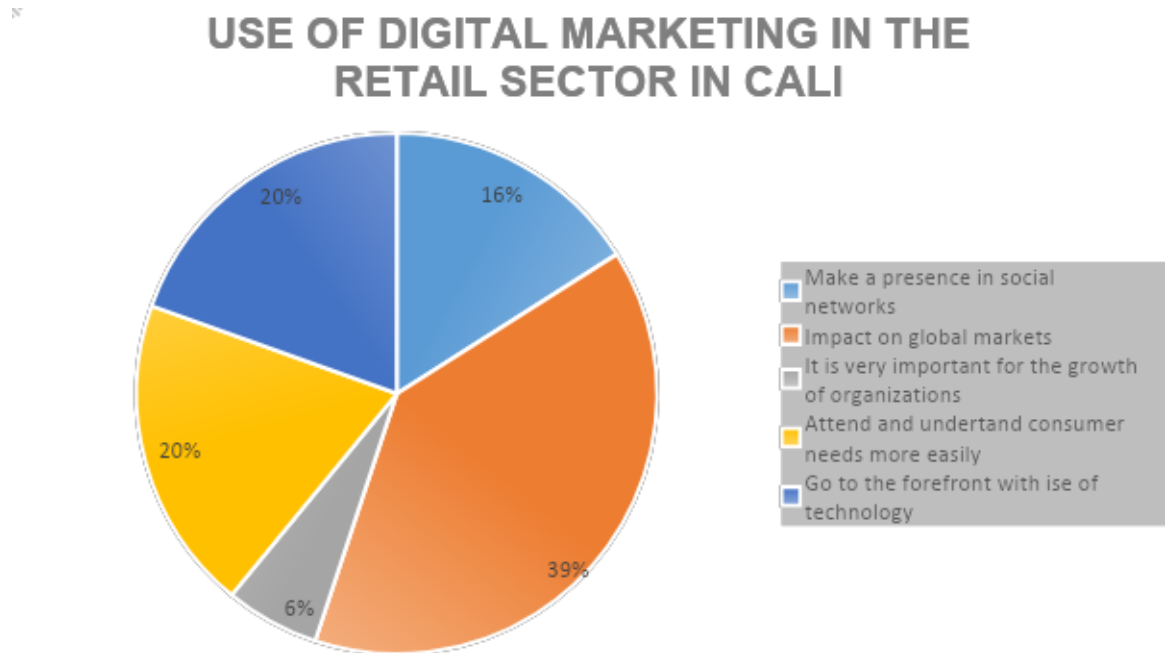
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<sup>12</sup> (Polar, 2013)



1. What do you consider to be the most significant factor for companies to do use of digital marketing?

*Graphic. 1 Variables of use of digital marketing by retail companies in Cali*



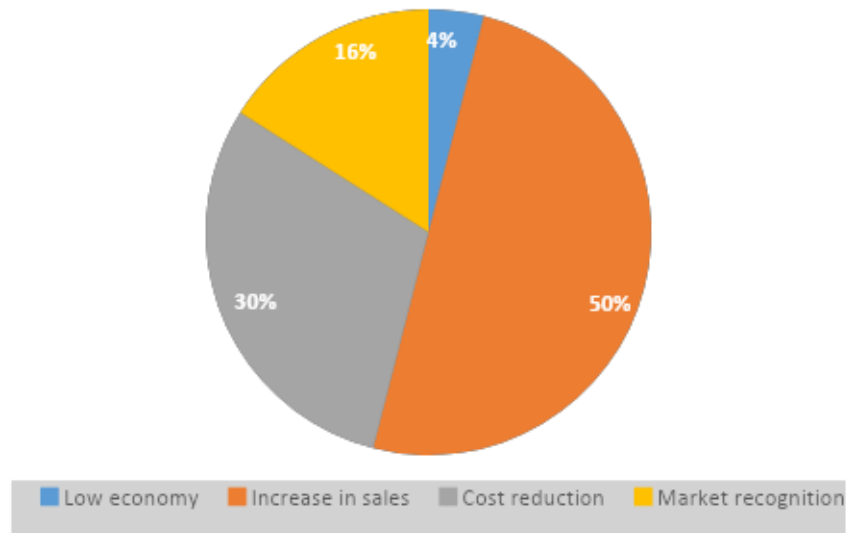
Source: (Survey conducted between May 1 and 10, 2018)

According to the surveyed, the variables that have high level of importance in the given use of digital marketing for the competitiveness of Cali organizations, are impact on global markets, go to the forefront with the use of technology and likewise attend and understand the needs of the consumer more easily, that is, the constitution of a new tool as an important factor in the impact it has on management, advertising and profitability of the companies, where a better perspective of the objectives that want to achieve in a future scenario.

2. Do you believe that digital marketing was created to strengthen or improve what?

*Graphic. 2 Purpose of the creation of digital marketing*

## PURPOSE OF THE CREATION OF DIGITAL MARKETING



Source: (Survey conducted between May 1 and 10, 2018)

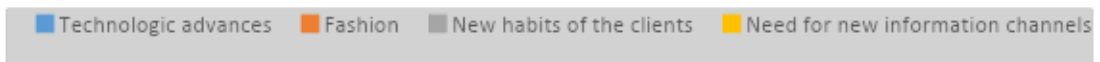
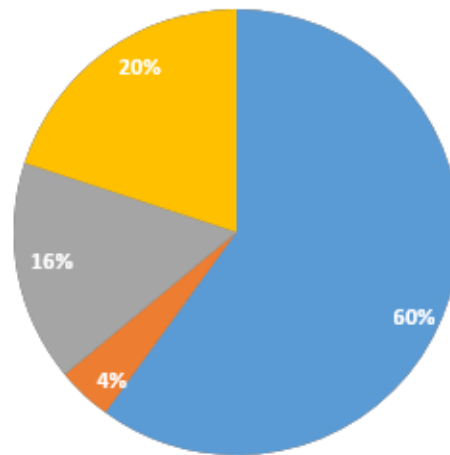
Considering the results of the survey, it can be shown that one of the factors by which companies or people initiate the use of digital marketing is to attract more customers, it is to say, by the recognition of the market. With this, is clearly shown that the sales of a company can be affected by the marketing, being traditional or digital. With the new technologies, the Marketing digital has a more outstanding zone of coverage for the companies to reach the customers, either by Instagram, Facebook, Twitter, YouTube and more. With it gives a good advantage for sales to increase but with a low investment on marketing.

3. What is the degree of importance that you would assign to the following variables as causing the fast evolution of digital marketing?

*Graphic. 3 Importance of the evolution of digital marketing*

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### Importance of the evolution of digital marketing



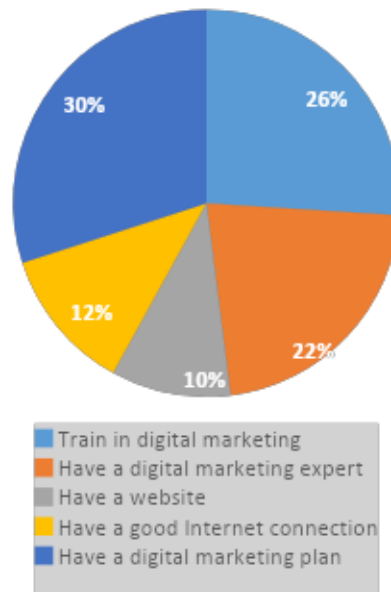
Source: (Survey conducted between May 1 and 10, 2018)

It is evident that the accelerated evolution of digital marketing is the need that companies have had to contact customers and have greater approach. Everyone can appreciate that the Technologic Advances are a very good tool that companies can use for their advantage, with this they can evolve their marketing campaigns to a more attracting ones, that will reach more audiences and bring then more profits.

4. What is the degree of importance that you would assign to the following variables as factors to take into account when using digital marketing tools?

*Graphic. 4 Factors to use the tools of digital marketing*

### Factors to use the tools of digital marketing



Source: (Survey conducted between May 1 and 10, 2018)

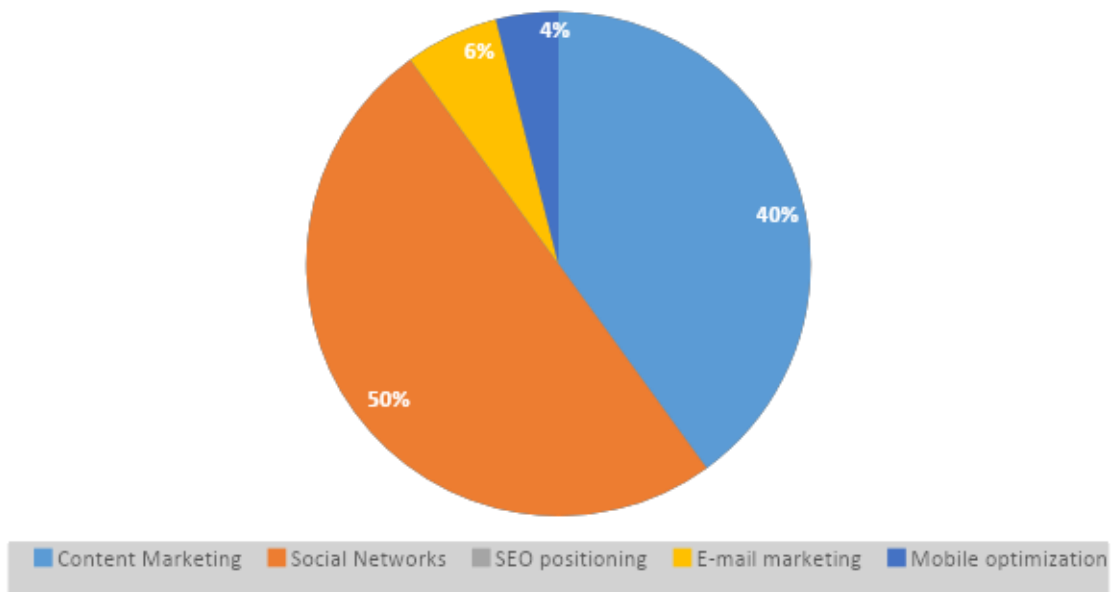
In technological terms it was found that according to the surveyed, the highest degree was obtained for the variable of “have a digital marketing plan” with 30%. Then, the next was “have a marketing expert” with 26%. And the last of all of them was “have a website” with 10%. This can be interpreted as, the companies must design a digital marketing plan and have an expert in the field, to make good use of the tools offered by Internet.

5. What do you consider to be the digital marketing strategy with the greatest potential for development for a company?

*Graphic. 5 Variables on digital marketing strategies*

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### Variables on digital marketing strategies



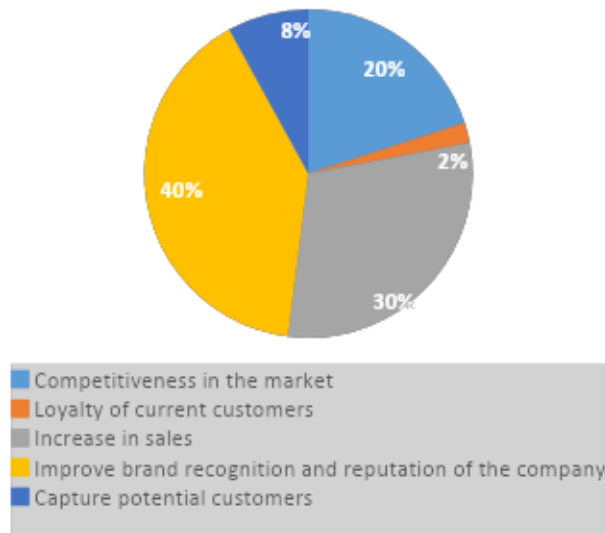
Source: (Survey conducted between May 1 and 10, 2018)

It is evident that the digital marketing strategy with the most potential for development for a company is the social networks with 50%, followed by content marketing with 40%. This type of marketing allows companies to present a variety of content about their products, in order to reach the target audience.

6. What does digital marketing represent for your company?

*Graphic. 6 Digital marketing representation in retail sector*

**Digital marketing representation in retail sector**



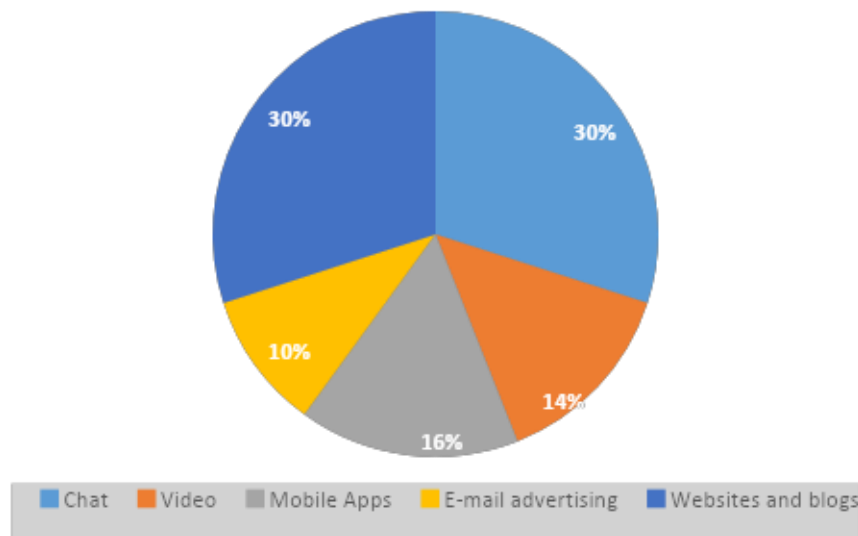
Source: (Survey conducted between May 1 and 10, 2018)

It can be considered that the variable with most importance, which define what digital marketing on the companies is, to improve brand recognition and reputation of the company, with 40%. And the one with less importance is “loyalty of current customers” with 2%.

7. What is degree of importance that you would assign to the following variables, such as, communication channels that further strengthen the user or customer experience?

*Graphic. 7 Communication channels that strengthen customer's experience*

### Communication channels that strengthen customer's experience



Source: (Survey conducted between May 1 and 10, 2018)

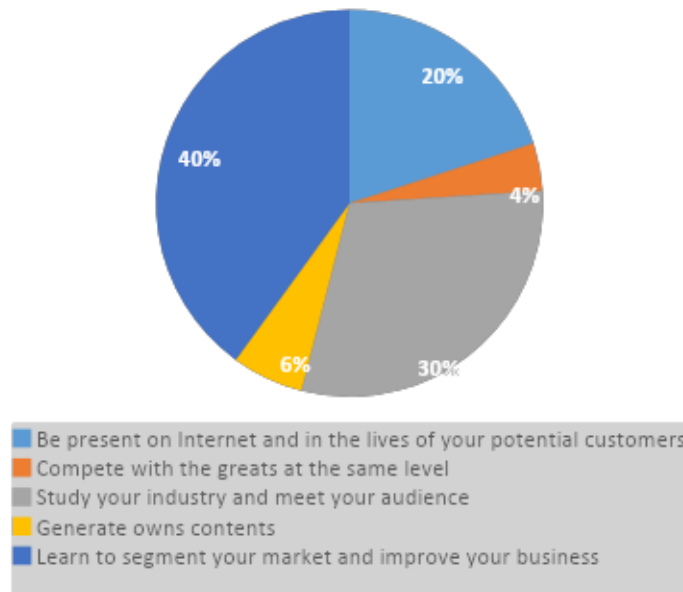
In relation to interactivity and strengthen the user experience, the most important communication channels, are websites and blogs (these have great height like informative strategy, communication, opinion and free expression) with 30%, at the same time, chat has also 30%. Mobile applications (16%) have a medium degree of importance, like the video (14%), both channels, still in development and boom. And advertising by mail is the least important channel with 10%

8. What is the degree of importance that you would assign to the following variables of change, as drivers of business growth?

*Graphic. 8 Variables on growth drivers*

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### Variables on growth drivers



Source: (Survey conducted between May 1 and 10, 2018)

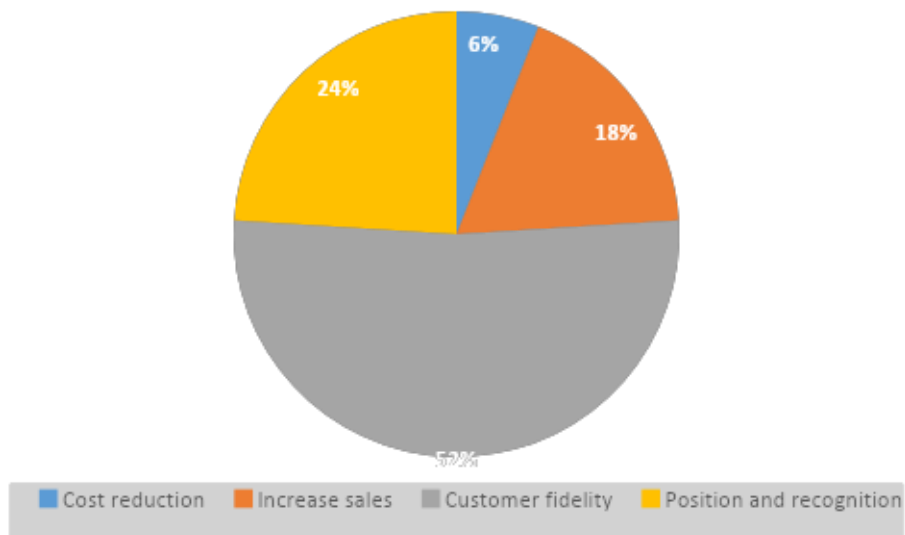
The most important objective to which the entrepreneurs use as drivers for business growth, is the learning to segment the market and improve the business with 40%. It also considered very important for growth business, the variable of studying your industry and meet your audience with 30% and generate own contents with 20%. Despite recognizing that we are in a globalized market, the surveyor's considered that competing with the big ones at the same level is not an impetus for the business growth, assigning a 10% importance.



9. What is the degree of importance of the following objectives, to which entrepreneurs apply to digital marketing strategies?

*Graphic. 9 Objectives looked by entrepreneurs to apply in digital marketing*

### Objectives looked by entrepreneurs to apply in digital marketing



Source: (Survey conducted between May 1 and 10, 2018)

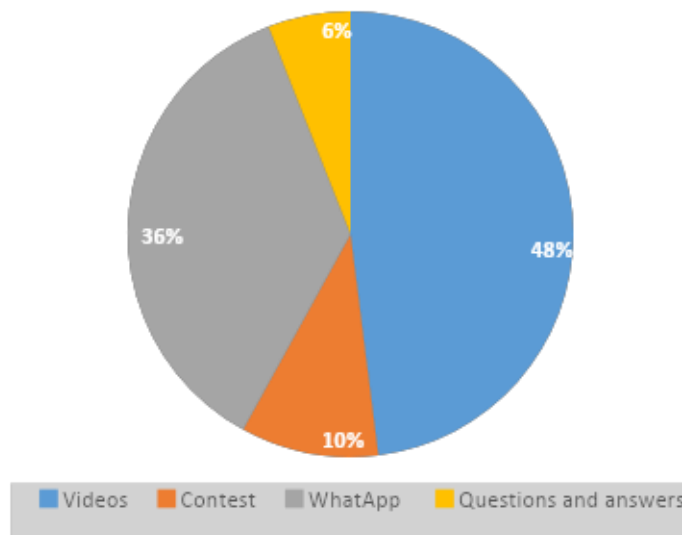
It is evident that the most important objective is customer fidelity with 52%. Marketing strategies are also applied to achieve recognition and business positioning with 24% and increase sales with 18%. And despite being a factor quite mentioned as an advantage of digital marketing, the cost reduction is not one of the most important objectives for entrepreneurs with 6%.

10. What degree of importance would you assign to the following variables, such as, activities that best involve people through social networks?

*Graphic. 10 Activities that involve people in social networks*

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### Activities that involve people in social networks



Source: (Survey conducted between May 1 and 10, 2018)

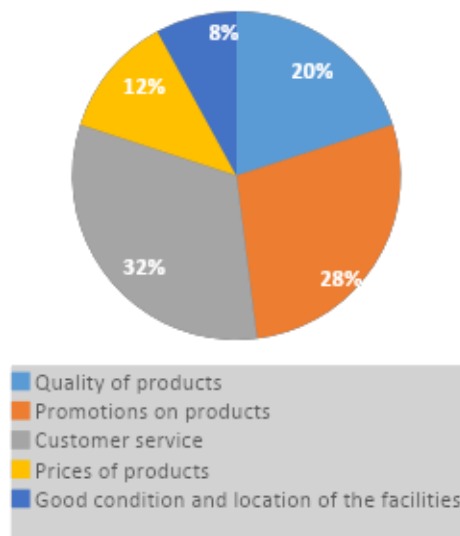
As digital marketing activities that seek to involve people through social networks, the surveys indicated that the most important activities are visualization of videos with 48%, for example, YouTube channels, advertisements and mass mailing through social networks; and messages by WhatsApp with 36%. The method of Questions and answers with customers and contests record of 16%, as the least important for the purpose, and in reality, they are the most tedious or less effective by the time interactivity are propose.

11. In your opinion, what degree of importance would you assign to the use of strategies of digital marketing in strengthening the following aspects of interest of its target audiences?

*Graphic. 11 Variables on the use of digital marketing strategies*

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### Variables on the use of digital marketing strategies



Source: (Survey conducted between May 1 and 10, 2018)

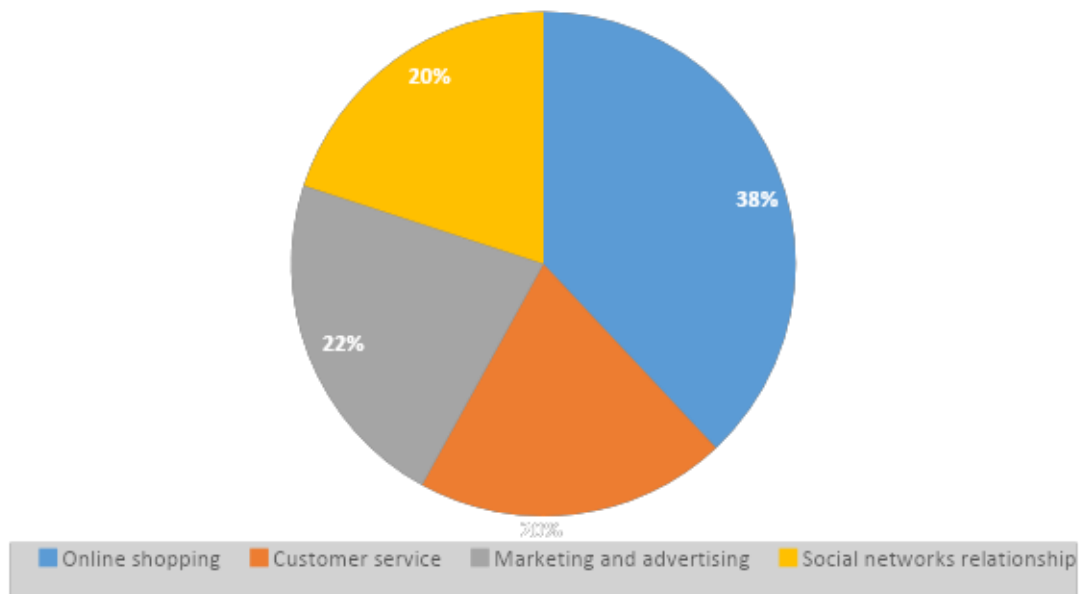
It is evidences that the use of digital marketing strategies strengthens primarily customer services (32%), a clearly visible aspect in the trends to improve the communication and the intention to involve users interactively. It also considers that the promotion of the products and the quality are strengthened. The state and location of facilities is not an aspect that has much importance when developing digital marketing strategies (8%), a factor that is somewhat relegated considering, that digital marketing, is increasingly proposing faster processes so interactive with virtual branches and the use of Internet.

12. What degree of importance would you assign to the following variables, such as, evolution of digital marketing in the next 5 years?

*Graphic. 12 Evolution factors of digital marketing*

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### Evolution factors of digital marketing



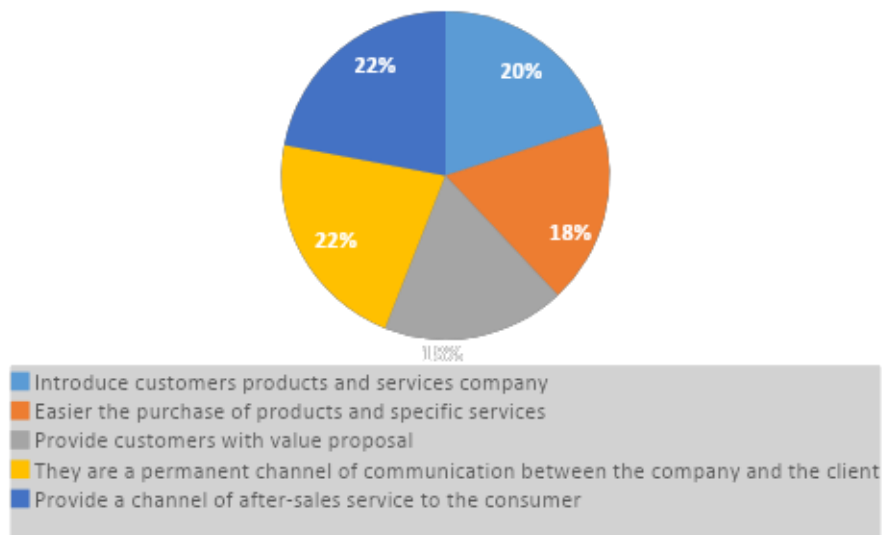
Source: (Survey conducted between May 1 and 10, 2018)

The most significant digital marketing evolution factor that is expected in the next 5 years, according to the surveys, are Online shopping with 38%, which represents an increase in fidelity of the public for the use of this channel in the coming years. Advertising and marketing will continue to be factors that will mark the evolution of digital marketing with 22% and grant a certain degree of importance to customer service with 20%, which continues to grow in importance for digital marketing through the years, and relationships through social networks with 20%.

13. How important are the utility options that the digital marketing tools through channels of distribution, communication and sales in your company?

Graphic. 13 Digital marketing tools through channels distribution

## DIGITAL MARKETING TOOLS THROUGH CHANNELS DISTRIBUTION



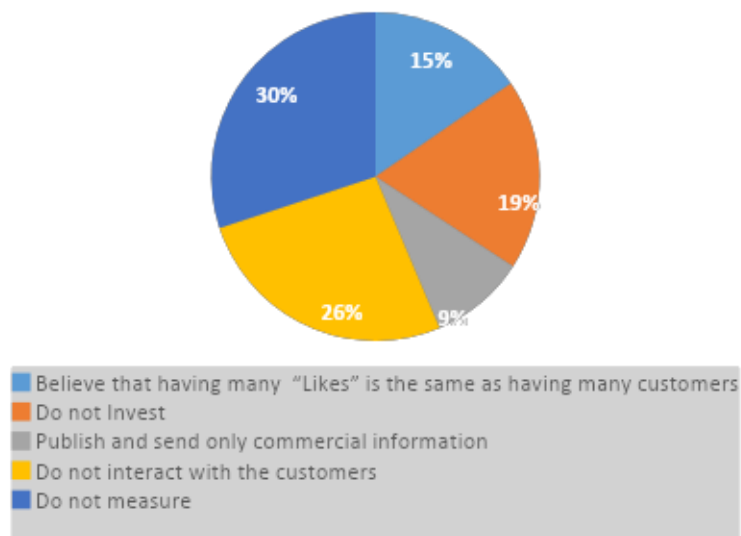
Source: (Survey conducted between May 1 and 10, 2018)

The utility that companies achieve with the use of digital marketing, lies in two factors, one is providing a channel of after-sales service, and the second one, is add value to the customer when moment of wanting to obtain the services or products for sale.

14. What degree of importance would you assign to the following variables, such as most frequent mistakes that entrepreneurs make when executing digital marketing campaigns?

Graphic. 14 Frequent errors committed in digital marketing

### Frequent errors committed in digital marketing



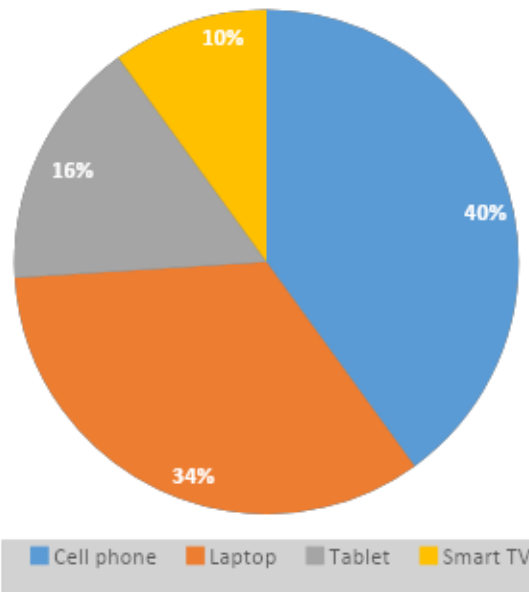
Source: (Survey conducted between May 1 and 10, 2018)

The variables that have a high level of importance in the errors most frequently committed when executing digital marketing campaigns, consist of believing that having many "likes" is the same as having many clients with 30%, and followed by publishing and sending only commercial information with 9%. What reflects that many companies, in their eagerness to show that they have many followers in their social networks, end up making actions like buying fans or publishing contents that have nothing to do with their approach, just to win "likes" and massively attract followers. The versatility of the web is not used to build interesting and valuable content that allows, to gain the trust of customers.

15. What degree of importance would you assign to the following variables, such as, of communication to access the Internet and stay informed about the digital marketing trends?

Graphic. 15 Communication and digital marketing trends

## Communication and digital marketing trends



Source: (Survey conducted between May 1 and 10, 2018)

It can be interpreted, that the most important means of communication within the trends in the application of digital marketing, was found, in 40% the cell phones, followed by 34% the laptops, and 16% the tablets, leaving the smart TV with 10%. The study recognizes that Internet, as a means of communication, is at the same level as television, radio, the press, movies, and magazines. Likewise, it distinguishes social networks, social media, generalist portals, search engines, blogs, forums and online shopping portals, while, within the media section, find online newspapers, online radio, online TV, online magazine and thematic portals.

### 6.2.1 Findings of the digital marketing strategy used by companies in Cali

A well design and strong online marketing strategy will help the business to boost. Among digital marketing strategies, the ones that have been proven to help boost and improve their performance, call and retain new customers will be the following ones:

- **Web design:** the web site is not only the door to call for new customers, but also the center of all digital marketing efforts. So, if the page is not interesting or clean or easy to read. The customers will not be interested and will not take time out of their agendas to give an opportunity to get to know the company or will not be interested use the online version of the company, because is hard for them.
- **Engine marketing and optimization:** the search engine marketing and optimization, is one of the biggest parts that helps to make the business appear higher on the list of the search engine results. With a very strong SEO strategy, and on point keywords, the company website will be at the top of the search engines and a lot of customers will be able to access the website, instead of going to other pages to look for it.
- **Email marketing:** the use of Email marketing it is not enough to just send email to the clients that are register on their data base. It has to be considered that various email list that are cater to specific needs of each client need to be present and personalized to approach on the campaigns that are design
- **Contest and giveaways:** this type of marketing strategies, is one of the most attractive ones for customer, because, people love contest and giveaways. Anything that will be free or the benefit is bigger that the price to pay, is what calls for more customer to get to know the companies, anytime, a promotion encourage the customers to exchange their time for free products, it can bee seen a surge in purchases or connections.

### 6.2.2 Results

The most significant and important results that can be interpreted by the survey that has been done would be:

The most significant factor for retail companies in Cali, would be the impact that they want to have in the global market, so that the companies will be able to build and





strengthen the relationship with the customers using multiples digital marketing channels.

On the other hand, customers from the retails sector believe that the purpose of the creation of digital marketing is only to increase the sales of the companies. As to this, it can be seen reflected that the perspective of the customers about digital marketing strategies, is only focus on attracting more clients an increasing the sales of the retails.

Furthermore, the importance of the evolution of the Digital marketing, is backed up by the technology's advances. The more technology advances, the more tools will the digital marketing will have to be able to expand and reach customers of different levels; so, in that way, the reach of the retail companies to the customers will be bigger. On with this tool, it is important no to forget that, a digital marketing plan is necessary and the train on it. Are the two most important things to remember, no matter the technology's advances, if the plan and train are not up to them.

Retail customers in the survey, mention that for them, the most important variable on the digital marketing strategies is the social networks, and the content of marketing. This can be interpreted as that the content of marketing has a big influence on calling the customers (new and old ones), base on what is publish in the social networks. Thanks to social networks, the reach of companies to customers, to inform them of their campaigns and products has become easier and wider.

The communication channels that were found in the survey, that normally strengthen the customer experience, would be the website, blogs and chats. This communication channels can reach and bring a better experience to the customers if they are well done. If they are not clean or easy to read, the customers will not take time or interest out of their agenda, to pay attention to that campaign and the companies.

It is important to remember, that being present on internet and in the lives of the potential customer will boost very high the appearance of the companies, with a well done digital marketing plan that call the attention of the customers, with activities that involve people in social network campaigns, such as videos, that call the attention and manage the way of thinking of the customers, to make them shop more.

In the end, there are frequent errors committed in digital marketing, because of bad planning, these errors, such as not having a good measure, not interacting well enough with the customers and believing that having many likes is the same as



having many customers. So, it is very important to always remember that a bad plan can mess up all the efforts made of the retail companies' team to call and retain more customers and a better customer experience.

## 7. CONCLUSION

Given the increased access of Cali ICT companies based, such as Homecenter, Exito, Fallabella, and more, some companies of the retail sector have been able to exploit the technologies taking into account that new consumer organization have implemented strategies to close ties and interaction with customers using different digital marketing strategies base in such as social media, mobile marketing and web sites, among others in order to establish lasting and profitable customer relationships. Today companies must be willing to constantly change and adapt to changes in the environment in order to be competitive.

Regarding on consumer habits through e-commerce, people in Cali with Socio-economic level from 4 to 6, and age between 18 and 40 years old, some aspects were found. These people prefer to buy clothes and technology, do not invest very high amounts on buying and the frequency of buying is every 6 months.

An important variable that is used on the Digital Marketing is going on the Forefront with the use of technology to obtain, understand and valuate the needs of the consumers. This variable is important to the digital marketing strategies that are to be design or has been designed to reach the consumers. The companies must be on the vanguards of the new technologies so that they can take advantage of this and increase their sales and promote themselves.

Digital Marketing is base on the used of the new technologies to implement the strategies design for the companies to increase sales and promote their value to others. Being this way, that for new strategies to be develop the importance of the technologic advances always comes hand in had with it. As it has been understood through the survey made, being train in digital marketing to explode all the advantages that come with new developments in technologies, to create and implement strategies that will reach the consumer faster and better.

Social Network is one of the grates inventions that we have right now. Because it explodes the interaction of the consumers with the marketing being promoted on them. Having a post on Instagram, Facebook or Twitter is much cheaper than investing thousands of dollars on flyers that a lot of people will not even read and will end up throwing away.

To many companies the digital marketing is more of a way to improve their image or brand recognition, but digital marketing is more that just that. Thanks to the infinity of opportunities that are on the market, using the new technologies to create campaigns that will call the attention of the consumers towards a specific topic is

very important. But this can be a use both ways, it may have a good impact, or it may be receiving as an offence and have a very bad impact on the campaign. A company must be very careful with the marketing strategies they used, because as it can be a very big success, it can also cause destruction.

Many entrepreneurs use digital marketing strategies to establish themselves, as they are new in the market and are looking for Customer fidelity, to build and grow themselves on their respective market. Many of them use videos to promote their service and products on the social networks, hoping that with this they will attract the attention of the consumers towards them and start selling their services and products, but always focus that customer service is what is going to always keep the customers happy and keep coming back after being attracted by the digital marketing the entrepreneurs use to capture them.

Digital Marketing is very focused on using digital channels to reach the consumers, but a frequent error that is committed is that the companies do not measure the strength of them and that, as also believing that having many likes will be the same as selling many products or services.

On the other hand, a couple of disadvantages can influence consumer habits such as lack of experience of companies in such trade and the big problem in Cali is low banking penetration, making it difficult to shop online, for a lack of access to credit or debit cards. It does not matter how good a Digital marketing strategy can be, if the companies are not prepared technologically well to accept the consumers.

Finally, new technologies are egalitarian and allow companies a way to grow up without large investments. There is still a room for Cali retail companies to create digital marketing strategies taking advantage of ICT.

## 8. RECOMMENDATIONS

The recommendations that I would suggest to the retail companies in Cali would be:

- Upgrade the design on the web pages to make them more user friendly
- Develop apps for the customers to be able to use on their phones for research and shopping, instead going into the mobile response version
- Create more personalize and user-friendly social network campaigns, that call for customers in need of the product that are on discount.
- Audit and update the SEO every once in a quarter, to gain more business.
- Prioritize blogging as a lead generation tool, driving traffic to the website and social media, while increasing the ranking on the search engines
- Expand and refine the email distribution efforts, as is one of the best ways to reach audience and it does not cost as much as other tools to implement on the digital marketing strategies.
- Have a high-quality webinars and live events that will engage audience and call customers to buy more products.

With all these tools and recommendations, the retail companies will have a better boost on the market, as what I am recommending is on a global scale, instead of a local and regional scale. With this it will help them has a better reach of the customer and their marketing campaigns will be more successful, taking advantage of the technology that we have now in this days.



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## Annex

### *Annex A. Legal Framework*

The regulations that digital marketing must comprise are:

- ✓ Decree 1377 of 2013, which partially regulates law 1581 of 2012 that refers to the general provisions for the protection of personal data.

#### Chapter 1

##### General disposition

Article 1. Object. The purpose of this Decree is to partially regulate Law 1581 of 2012, by which general provisions for the protection of personal data are issued.

Article 2 Data processing in the personal or domestic sphere. In accordance with the provisions of subparagraph a) of article 2 of Law 1581 of 2012, the databases maintained in an exclusively personal or domestic sphere are accepted from the application of said law and of this decree. The personal or domestic scope includes those activities that are part of the private or family life of natural persons.

Article 3. Definitions. In addition to the definitions established in article 3 of Law 1581 of 2012, for the purposes of this decree, the following definitions shall apply:

1. Privacy notice: Verbal or written communication generated by the Responsible, directed to the Owner for the Treatment of their personal data, by which they are informed about the existence of the Information Treatment policies that will be applicable to them, the form to access them and the purposes of the treatment that is intended to give personal data.

2. Public data: It is the data that is not semi-private, private or sensitive. They are considered public data, among others, the data relative to the civil status of the people, to their profession or trade and to their quality of merchant or public servant. By its nature, public data may be contained, among others, in

public records, public documents, gazettes and official bulletins and judicial sentences duly executed that are not subject to reservation.

3. Sensitive data: Sensitive data are those that affect the privacy of the Holder or whose improper use may generate discrimination, such as those that reveal racial or ethnic origin, political orientation, religious or philosophical convictions, belonging to unions, social organizations, human rights organizations or those that promote the interests of any political party or that guarantee the rights and guarantees of opposition political parties, as well as data related to health, sexual life, and biometric data.

4. Transfer: The transfer of data takes place when the person in charge and / or in charge of the processing of personal data, located in Cali, sends the information or personal data to a receiver, who in turn is responsible for the treatment and is within or out of the country.

5. Transmission: Processing of personal data that implies the communication of the same inside or outside the territory of the Republic of Cali when it has for its object the realization of a Treatment by the Manager on behalf of the Responsible.

## Chapter 2

### Authorization

Article 4. Collection of personal data. In the development of the principles of purpose and freedom, data collection should be limited to those personal data that are relevant and appropriate for the purpose for which they are collected or required in accordance with current regulations. Except as expressly provided in the law, personal data may not be collected without authorization from the Owner

At the request of the Superintendence of Industry and Commerce, the Responsible shall provide a description of the procedures used for the collection, storage, use, circulation and deletion of information, as well as the description of the purposes for which the information is collected and an explanation about the need to collect the data in each case.

No deceptive or fraudulent means may be used to collect and carry out the processing of personal data.

Article 5 Authorization. The Treatment Manager must adopt procedures to request, at the latest at the time of data collection, the authorization of the Owner for the Treatment of the same and inform the personal data that will be collected as well as all the specific purposes of the Treatment for which consent is obtained.

Personal data found in public access sources, regardless of the means by which you have access, understood as such data or databases that are available to the public, can be treated by anyone as long as, By their nature, they are public data.

In case of substantial changes in the content of the policies of the Treatment referred to in Chapter III of this decree, referring to the identification of the Responsible Party and the purpose of the processing of personal data, which may affect the content of the authorization, the Treatment Manager must communicate these changes to the Holder before or at the latest when implementing the new policies. In addition, you must obtain from the Holder a new authorization when the change refers to the purpose of the Treatment.

Article 6. Of the authorization for the Treatment of sensitive personal data. The Treatment of sensitive data referred to in Article 5 of Law 1581 of 2012 is prohibited, except in the cases expressly indicated in Article 6 of the law.

In the Treatment of sensitive personal data, when said Treatment is possible in accordance with the provisions of Article 6 of Law 1581 of 2012, the following obligations must be fulfilled:

1. Inform the owner that because it is sensitive data is not required to authorize its processing.
2. Inform the owner explicitly and in advance, in addition to the general requirements of the authorization for the collection of any type of personal data, which of the data that will be subject to treatment are sensitive and the purpose of the treatment, as well as obtaining its express consent

No activity may be conditioned on the Holder providing sensitive personal data.

Article 7. How to obtain authorization. In order to comply with the provisions of Article 9 of Law 1581 of 2012, those responsible for the processing of personal data will establish mechanisms to obtain the authorization of the owners or who is legitimized in accordance with the provisions of article 20 of this decree, to guarantee their consultation. These mechanisms may be predetermined through technical means that facilitate the holder's automated manifestation. It will be understood that the authorization complies with these requirements when it is manifested (i) in writing, (ii) orally or (iii) through unequivocal conduct by the owner that would reasonably conclude that the authorization was granted. In no case may silence be assimilated to unequivocal behavior.

Article 8. Proof of authorization The Responsible must keep proof of the authorization granted by the Holders of personal data for the Treatment of them.

Article 9. Revocation of the authorization and / or deletion of the data. The Holders may at any time request the person in charge or delegate the deletion of their personal data and / or revoke the authorization granted for the Treatment thereof, by submitting a claim, in accordance with the provisions of Article 15 of the Law 1581 of 2012.

The request to suppress the information and the revocation of the authorization will not proceed when the Holder has a legal or contractual duty to remain in the database.

The responsible and the manager must make available to the Holder free and easily accessible mechanisms to submit the request for deletion of data or the revocation of the authorization granted.

If the respective legal term expires, the person in charge and / or the person in charge has not eliminated the personal data, the Holder shall have the right to request the Superintendence of Industry and Commerce to order the revocation of the authorization and / or the deletion of personal data. For these purposes, the procedure described in article 22 of Law 1581 of 2012 will be applied.

Article 10. Data collected before the issuance of this decree. For the data collected before the issuance of this decree, the following will be considered:

1. Those responsible must request the authorization of the holders to continue with the processing of their personal data in the manner foreseen in article 7 above, through efficient communication mechanisms, as well as to inform them of their treatment policies. the information and the way to exercise their rights.
2. For the purposes of the provisions of paragraph 1, efficient mechanisms of communication shall be considered as those that the person in charge or manager uses in the ordinary course of their interaction with the Registered Owners in their databases.
3. If the mechanisms mentioned in number 1 impose a disproportionate burden on the party responsible or it is impossible to request each Owner to consent to the processing of their personal data and to inform them of the information treatment policies and how to exercise their rights, the Responsible may implement alternative mechanisms for the effects set forth in number 1, such as newspapers of wide national circulation, local newspapers or magazines, Internet pages of the responsible, information posters, among others, and inform the Superintendence of Industry and Commerce, within five (5) days after its implementation.

In order to establish when there is a disproportionate burden for the person responsible, their economic capacity, the number of owners, the age of the data, the territorial and sectoral scope of operation of the person in charge and the alternative communication mechanism to be used will be taken into account. So that the fact of requesting the consent of each one of the Holders implies an excessive cost and that this compromises the financial stability of the person in charge, the realization of activities of his business or the viability of his programmed budget.

In turn, it will be considered that there is an impossibility to request each owner consent to the processing of their personal data and to inform them of the information treatment policies and the way to exercise their rights when the responsible party does not have data of contact of the owners, either

because they do not work in their files, records or databases, or because they are outdated, incorrect, incomplete or inaccurate.

4. If in the term of thirty (30) business days, counted from the implementation of any of the communication mechanisms described in numerals 1, 2 and 3, the Owner has not contacted the Responsible or Manager to request the deletion of your personal data under the terms of this decree, the person in charge and in charge may continue to process the data contained in their databases for the purpose or purposes indicated in the information processing policy, informing the owners through such mechanisms, without prejudice to the right of the Holder to exercise its right at any time and request the deletion of the data.

5. In any case the Responsible and the Manager must comply with all applicable provisions of Law 1581 of 2012 and this decree. Likewise, it will be necessary that the purpose or purposes of the current Treatment be the same, analogous or compatible with that or those for which the personal data was initially collected.

Paragraph. The implementation of the alternative communication mechanisms provided for in this regulation must be carried out no later than the month following the publication of this decree.

Article 11. Temporary limitations to the processing of personal data. The Managers and Persons in Charge of the Treatment may only collect, store, use or circulate the personal data during the time that is reasonable and necessary, in accordance with the purposes that justified the treatment, taking into account the provisions applicable to the subject in question. The administrative, accounting, fiscal, legal and historical aspects of the information. Once the purpose (s) of the treatment have been fulfilled and without prejudice to legal regulations that stipulate otherwise, the Responsible Party and the Person in Charge shall proceed to suppress the personal data in their possession. Notwithstanding the foregoing, personal data must be retained when required for the fulfillment of a legal or contractual obligation.

Those responsible for and in charge of processing must document the procedures for the treatment, conservation and suppression of personal data in accordance with the provisions applicable to the subject in question, as well as the instructions issued by the Superintendence of Industry and Commerce.

Article 12. Special requirements for the processing of personal data of children and adolescents. The processing of personal data of children and adolescents is prohibited, except in the case of data of a public nature, in accordance with the provisions of Article 7 of Law 1581 of 2012 and when said Treatment complies with the following parameters and Requirements:

1. That responds and respects the best interests of children and adolescents.
2. That the respect of their fundamental rights be ensured.

Once the above requirements have been met, the legal representative of the child or adolescent will grant the child's previous authorization to exercise their right to be heard, an opinion that will be assessed considering the maturity, autonomy and ability to understand the matter.

All responsible and in charge involved in the treatment of personal data of children and adolescents, shall ensure the proper use of them. For this purpose, the principles and obligations established in Law 1581 of 2012 and this decree must be applied.

The family and society must ensure that those responsible for and handling the personal data of minors comply with the obligations established in Law 1581 of 2012 and this decree.

### Chapter 3

#### Treatment Policies

Article 13. Information Processing Policies. Those responsible for the treatment must develop their policies for the treatment of personal data and ensure that the Treatment Managers give full compliance to them.

The policies of Treatment of the information must be recorded in physical or electronic media, in a clear and simple language and be made known to the Owners. Said policies must include, at least, the following information:

1. Name or business name, address, email address and telephone number of the person in charge.



2. Treatment to which the data and purpose of the same will be submitted when this has not been informed by means of the privacy notice.
3. Rights that assist you as Owner.
4. Person or area responsible for the attention of requests, queries and claims before which the owner of the information can exercise their rights to know, update, rectify and delete the data and revoke the authorization.
5. Procedure so that the holders of the information can exercise the rights to know, update, rectify and delete information and revoke the authorization.
6. Date of entry into force of the information treatment policy and the Validity period of the database.

Any substantial change in treatment policies, in the terms described in article 5 of this decree, must be communicated in a timely manner to the holders of personal data in an efficient manner, before implementing the new policies.

Article 14. Privacy notice. In those cases, in which it is not possible to make the information treatment policies available to the Owner, the responsible parties must inform the owner about the existence of such policies and the way to access them, by means of a privacy notice. in a timely manner and in any case at the latest at the time of the collection of personal data.

Article 15. Minimum content of the Privacy Notice. The privacy notice, as a minimum, must contain the following information:

1. Name or business name and contact details of the controller.
2. The Treatment to which the data and the purpose of the same will be submitted.
3. The rights that assist the owner.
4. The mechanisms provided by the responsible so that the owner knows the policy of treatment of the information and the substantial changes that occur in it or in the corresponding Privacy Notice. In all cases, you must inform the Owner how to access or consult the information processing policy.

Notwithstanding the above, when sensitive personal data are collected, the privacy notice must expressly indicate the optional nature of the answer to the questions regarding this type of data.

In any case, the disclosure of the Privacy Notice shall not exempt the Responsible Party from the obligation to inform the owners of the information treatment policy, in accordance with the provisions of this decree.

Article 16. Duty to prove availability of the privacy notice and the information treatment policies. The Responsible Parties must keep the model of the Privacy Notice they use to comply with their duty to inform the owners of the existence of information processing policies and how to access them, while treating personal data in accordance with to the same and endure the obligations that stem from this. For the storage of the model, the responsible may use computer, electronic or any other technology that guarantees compliance with the provisions of Law 527 of 1999.

Article 17. Means of dissemination of the privacy notice and the information treatment policies. For the dissemination of the privacy notice and the information processing policy, the person in charge may use documents, electronic formats, verbal means or any other technology, if it guarantees and complies with the duty to inform the owner.

Article 18. Procedures for the proper treatment of personal data. The procedures for access, updating, deletion and rectification of personal data and revocation of the authorization must be made known or easily accessible to the Holders of the information and included in the information treatment policy.

Article 19. Security measures. The Superintendence of Industry and Commerce will issue the instructions related to security measures in the processing of personal data.

## Chapter 4

### Exercise of the rights of holders

Article 20. Legitimation for the exercise of the holder's rights. The rights of the Holders established in the Law may be exercised by the following persons:

1. By the Holder, who must prove his identity in enough form by the different means put at the disposition of the person responsible.
2. For their successors, who must prove such quality.
3. By the representative and / or agent of the Holder, after proof of representation or empowerment.
4. By stipulation in favor of another or for another.

The rights of children or adolescents will be exercised by the persons who are authorized to represent them.

Article 21. Of the right of access. Those responsible and in charge of the treatment must establish simple and agile mechanisms that are permanently available to the Holders so that they can access the personal data that are under their control and exercise their rights over them.

The Holder may consult their personal data free of charge: (i) at least once each calendar month, and (ii) whenever there are substantial modifications to the Information Processing Policies that motivate new consultations.

For inquiries whose periodicity is greater than one for each calendar month, the person in charge may only charge the owner the costs of sending, reproducing and, where appropriate, document certification. The costs of reproduction cannot be greater than the costs of recovering the corresponding material. For this purpose, the responsible party must demonstrate to the Superintendence of Industry and Commerce, when it so requires, the support of said expenses.

Article 22. Of the right of update, rectification and suppression. In developing the principle of truthfulness or quality, in the processing of personal data should take reasonable measures to ensure that personal data stored in the databases are accurate and sufficient and, when requested by the Owner or when the Responsible have been able to warn, be updated, rectified or deleted, in such a way that they satisfy the purposes of the treatment.

Article 23. Means for the exercise of rights. All Responsible and Manager must designate a person or area that assumes the function of protection of personal data, which will process the requests of the Holders, for the exercise of the rights referred to by Law 1581 of 2012 and this decree.

## Chapter 5

### Transfers and international transfers of personal data

Article 24. Of the international transfer and transmission of personal data. For the transmission and transfer of personal data, the following rules will apply:

1. International transfers of personal data must comply with the provisions of article 26 of Law 1581 of 2012.
2. The international transmissions of personal data that are made between a responsible and a manager to allow the manager to perform the treatment on behalf of the responsible party, will not require to be informed to the Holder nor have their consent when there is a contract under the terms of the article 25 next.

Article 25. Contract of transmission of personal data. The contract signed by the Responsible with those responsible for the processing of personal data under its control and responsibility will indicate the scope of the treatment, the activities that the manager will perform on behalf of the responsible for the processing of personal data and the obligations of the Manager to the owner and the person in charge.

Through this contract the person in charge will undertake to apply the obligations of the person responsible under the policy of processing the information set by it and to carry out the data processing in accordance with the purpose that the Holders have authorized and with the applicable laws.

In addition to the obligations imposed by the applicable regulations within the aforementioned contract, the following obligations must be included in the head of the respective manager:

1. Give Treatment, on behalf of the Responsible, to personal data in accordance with the principles that protect them.
2. Safeguard the security of the databases in which personal data are contained.
3. Keep confidentiality regarding the processing of personal data.

## Chapter 6

### Demonstrated responsibility towards the processing of personal data

Article 26. Demonstration. Those responsible for the processing of personal data must be able to demonstrate, at the request of the Superintendence of Industry and Commerce, that they have implemented appropriate and effective measures to comply with the obligations established in Law 1581 of 2012 and this decree, in a manner that be proportional to the following:

1. The legal nature of the person responsible and, where appropriate, the size of the company, taking into account whether it is a micro, small, medium or large company, in accordance with current regulations.
2. The nature of the personal data object of the treatment.
3. The type of treatment.
4. The potential risks that the treatment could cause on the rights of the holders.

In response to a request from the Superintendence of Industry and Commerce, the responsible parties must provide to this a description of the procedures used for the collection of personal data, as well as the description of the purposes for which this information is collected and an explanation about the relevance of personal data in each case.

In response to a request from the Superintendence of Industry and Commerce, those who process the personal data must provide this evidence on the effective implementation of the appropriate security measures:

Article 27. Effective internal policies. In each case, according to the circumstances mentioned in numerals 1, 2, 3 and 4 of article 26 above, the effective and appropriate measures implemented by the Responsible must be consistent with the instructions given by the Superintendence of Industry and Commerce. Said policies shall guarantee:

1. The existence of an administrative structure proportional to the structure and size of the manager responsible for the adoption and implementation of policies consistent with Law 1581 of 2012 and this decree.
2. The adoption of internal mechanisms to implement these policies, including implementation tools, training and education programs.
3. The adoption of processes for the attention and response to queries, requests and claims of the owners, with respect to any aspect of the treatment.

The verification by the Superintendence of Industry and Commerce of the existence of specific measures and policies for the proper handling of personal data managed by a Responsible will be taken into account when assessing the imposition of sanctions for violation of duties and obligations established in the law and in the present decree.

Article 28. Term and derogations. The present decree governs from its publication in the Official Gazette and repeals the provisions that are contrary to it.

- ✓ Resolution 002 of 1998 “For which the procedure is established to raise applications before the national commission of self-regulation publicity

## Chapter 1

### Of the composition of the commission

Article 1. Composition. The National Advertising Self-Regulation Commission (CONARP) is composed of two representatives of each of the associations adhering to the Code and by representatives of the former CONARP, as well as two (2) representatives of the independent adherents, elected with the

favorable vote of at least sixty percent (60%) of the totality of those who possess said quality.

Paragraph: CONARP may increase the number of its members if necessary.

Article 2. Adhesion. To the code. Advertisers, the media, advertising agencies, and in general any legal or natural person, public or private, independently or through the associations that represent them, may adhere to this Code, prior written statement of their will to do it and to comply with ethical standards and abide by the pronouncements of CONARP. For the purposes set forth herein, when the adhesion is independent, the provisions of the previous article will be followed, in order to determine their representation within the Commission.

Paragraph. The Commission will elect from among its members a president for periods of one year.

- ✓ Decree 1499 of 2014, by which the sales that use non-traditional methods and sales at a distance are regulated.

Article 1. Purpose The purpose of this decree is to regulate: Sales that use non-traditional methods. The distance sales.

Article 2. Scope of application. The present decree is applicable to consumption relationships that are made through distance sales or those that use non-traditional methods.

Paragraph. The provisions contained in this decree are not applicable to consumer relations for which there is special regulation regarding distance sales or sales using non-traditional methods.

Article 3. Sales methods that use non-traditional methods. In accordance with the provisions of numeral 15 of article 5 of Law 1480 of 2011, sales that use non-traditional methods are those that are celebrated without the consumer having sought them, such as:

- Sales made in the place of residence or work of the consumer

- The sales in which the consumer is approached in an untimely manner outside the establishment of commerce
- Sales in which the consumer is taken to scenarios arranged specially to reduce their ability to discern

Paragraph. The seller, upon entering contact with the consumer, must expressly and unequivocally inform him that it is a commercial offer.

Article 4. Non-traditional sales due to untimely boarding. It is considered that there was a non-traditional sale by untimely boarding when, without being propitiated by the consumer, the first contact between the seller and the seller is given outside the establishment of commerce, even when the operation is concluded in the seller's shop or in provisional or temporary installation conditioned for that purpose.

In these terms, non-traditional sales are considered by untimely approach, among other situations, those in which the consumer is approached in open public spaces or in corridors or places of public displacement of commercial or institutional facilities, or those that usually occur for the sale of collections of books or encyclopedias, magazines, subscriptions, courses or materials for learning languages, timeshares, vacation or tourism plans, insurance, funeral plans, club actions, affiliations to gyms, among others.

Article 5. Non-traditional sales in which the consumer is taken to scenarios specially arranged to reduce their ability to discern. They can be considered as sales in which the consumer is taken to scenarios arranged specially to reduce their ability to discern and will be subject to the provisions of this decree, among others, sales that:

Use sales techniques with retail escalation systems to oppose or distort consumer denials and delay or hinder the rejection of the offer.

Use expressions or acts that ridicule or discriminate against the consumer to oppose or distort their refusal and delay or hinder the rejection of the offer, among others.

Article 6. Remote sales. In accordance with that established in numeral 16 of article 5 of Law 1480 of 2011, remote sales are considered to be those made without the consumer having direct contact with the product that he acquires,



through mail, telephone, catalog, e-commerce or with the use of any other communication technique at a distance.

Article 7. Liability. For the purposes of this decree, it will be understood that the obligations set forth in numerals 3 and 4 of article 46 of Law 1480 of 2011, are enforceable exclusively for those who carry out the sale operation directly to the consumer. Notwithstanding the foregoing, the producer is responsible for compliance with these obligations, when a third party performs the sale operation on their behalf and representation.

With respect to the obligations set forth in sections 1 and 2 of article 46 of Law 1480 of 2011, as regards the delivery of the goods or services and the possibility of submitting claims and requesting refunds, the producer and the supplier they will be jointly and severally liable, in accordance with articles 10 and 11 of the same law.

Article 8. Prior information that the seller must supply to the consumer in sales transactions through non-traditional or remote methods. Notwithstanding the provisions of articles 23, 24 and 37 of Law 1480 of 2011, in sales by non-traditional or distance methods, the seller, prior to the acceptance of the offer, must provide the consumer with at least the following information:

- Your identity and contact information
- Essential characteristics of the product
- The price, in accordance with the rules provided in article 26 of Law 1480 of 2011
- Delivery and transportation expenses, when applicable
- The forms of payment that can be used
- The modalities of delivery of the good or provision of the service
- The availability of the product
- The delivery or start date of the provision of the service, when applicable
- The existence of the right of withdrawal provided for in article 47 of Law 1480 of 2011
- The existence of the right to the reversion of the payment in the cases foreseen in the article 51 of the Law 1480 of 2011
- The period of Calidity of the offer and the price

- The clauses and conditions relating to automatic renewal or minimum permanence, the latter in case it proceeds under the terms of article 41 of Law 1480 of 2011

Article 9. Minimum content of sales contracts that use non-traditional or remote methods. Without prejudice to the provisions of Law 1480 of 2011, non-traditional or distance sales contracts must incorporate at least the following conditions:

- Seller's identity and contact information
- Essential characteristics of the product
- The price, in accordance with the rules provided in article 26 of Law 1480 of 2011
- Delivery and transportation expenses, when applicable
- The forms of payment that can be used
- The modalities of delivery of the good or provision of the service

The delivery or start date of the provision of the service, when applicable. Unless otherwise agreed, the seller must deliver the goods or initiate the provision of the service no later than thirty (30) calendar days from the conclusion of the contract

Enough information on the conditions and modalities of exercising the rights of withdrawal and reversal of payment, in accordance with the provisions of articles 47 and 51 of Law 1480 of 2011.

The identification and contact information of the provider of the after-sales services, as well as the way to access said services

The termination conditions in the case of contracts of indeterminate duration or longer than one year

The clauses and conditions relating to automatic renewal or minimum permanence, the latter if applicable in the terms of article 41 of Law 1480 of 2011, which must be included in a separate document and be expressly accepted by the consumer.

Paragraph 1. When in any sector of the economy there is special regulation that establishes contractual conditions applicable to sales that use non-traditional or distance methods, and different from those indicated in this

article, those contained in the special regime shall be applied in a manner preferential. In the cases not foreseen in the special regime regarding sales using non-traditional or remote methods, the conditions established in this article shall be applied in a supplementary manner.

Paragraph 2. The seller must use mechanisms that allow the consumer to retain proof of acceptance or express consent to the terms of the contract.

Paragraph - 3. In accordance with the provisions of article 35 of Law 1480 of 2011, in no case may the lack of response to the offer of non-traditional or remote sales be considered as acceptance of it.

Article 10. Records on the transaction and delivery. In the event that the consumer requires a copy of the conditions under which the contract was executed and executed, the seller must deliver it within three (3) days following the request.

Article 11. Sanctions. Failure to comply with the provisions of this decree will result in the application of the penalties provided in articles 61 and 62 of Law 1480 of 2011.

Article 12. Calidity. This decree shall enter into force two (2) months after the date of its publication in the Official Gazette and repeals all other provisions that are contrary to it.

- ✓ Consumer statute. Law 1480 of 2011.

## Chapter 2

Object, scope of application, character of the rules and definitions.

Article 2. Object. The rules of this law regulate the rights and obligations arising between producers, suppliers and consumers and the responsibility of producers and suppliers both substantially and procedurally. The rules contained in this law are generally applicable to consumer relations and the responsibility of producers and suppliers vis-à-vis the consumer in all sectors of the economy for which there is no special regulation, an event in which the special regulation will apply. And in addition, the rules established in this Law.

This law is applicable to domestic and imported products.

Article 3. Rights and duties of consumers and users. The following shall be considered as general rights and duties of consumers and users, without prejudice to those recognized by special laws:

1. Rights:

1.1. Right to receive quality products: Receive the product in accordance with the conditions established by the legal guarantee, the ones offered and the usual ones in the market.

1.2. Right to safety and indemnity: Right to have the products not cause harm under normal conditions of use and to protect against harmful consequences for the health, life or integrity of consumers.

1.3. Right to receive information: Obtain complete, truthful, transparent, timely, verifiable, comprehensible, accurate and adequate information regarding the products that are offered or put into circulation, as well as about the risks that may arise from their consumption or use, mechanisms to protect their rights and the ways to exercise them.

1.4. Right to receive protection against deceptive advertising.

1.5. Right to claim: Claim directly to the producer, supplier or lender and obtain full, timely and adequate compensation for all damages suffered, as well as having access to judicial or administrative authorities for the same purpose, under the terms of this law. Claims may be made in person or by proxy or representative

1.6. Contractual protection: To be protected from abusive clauses in adhesion contracts, under the terms of this law.

1.7. Right of choice: To freely choose the goods and services that consumers require.

1.8. Right to participation: Organize and associate to protect their rights and interests, elect their representatives, participate and be heard by those who fulfill public functions in the study of legal and administrative decisions that concern them, as well as to obtain a response to their requests.

1.9. Right of representation: Consumers have the right to be represented, for the solution of claims on consumption of goods and services, and contraventions to this law, by their organizations, or spokespersons authorized by them.

1.10. Right to inform: Consumers, their organizations and public authorities will have access to the mass media, to inform, disseminate and educate about the exercise of consumer rights.

1.11. Right to education: Citizens have the right to receive education on the rights of consumers, ways to make their rights effective and other related matters.

1.12. Right to equality: To be treated equally and in a non-discriminatory manner.

## 2. Duties

2.2. Inquire about the quality of the products, as well as the instructions provided by the producer or supplier in relation to their proper use or consumption, conservation and installation.

2.2. Work in good faith in front of the producers and suppliers and in front of the public authorities.

2.3. Comply with the rules on recycling and waste disposal of consumed goods

Article 23. Minimum information and responsibility. Suppliers and producers must provide consumers with information that is clear, truthful, sufficient, timely, verifiable, understandable, accurate and appropriate about the products they offer and, without prejudice to what is indicated for defective products, they will be responsible for any damage that may be caused. Consequence of inadequate or insufficient information. In all cases, the minimum information must be in Spanish.

Paragraph. Except for those transactions and products that are subject to mandatory measurements or calibrations provided by a legal norm or metrological technical regulation, regarding the sufficiency or quantity, the losses are considered admissible in relation to the weight or volume reported in products that by their nature may suffer such variations.

When in insurance contracts the insurance company modifies the insured value contractually, unilaterally, it will have to notify the insured and proceed to readjust the premium, within thirty (30) days.

Article 24. Content of information. The minimum information will include:

1. Without prejudice to special regulations, at least the producer must provide the following information:

1.1. The instructions for the correct use or consumption, conservation and installation of the product or use of the service

1.2. Quantity, weight or volume, in the event of being applicable; The units used must correspond to those established in the International System of Units or customary units of measurement in accordance with the provisions of this law

1.3. The due date when relevant. In the case of perishable products, the date of their expiration shall be clearly and without alteration indicated on their labels, packages or packaging, in accordance with their size and presentation. The Government will regulate the matter.

1.4. The specifications of the good or service. When the competent authority requires specific technical specifications, these must be contained in the minimum information

2. Information that the supplier must provide:

2.1. The relative to the guarantees that assist the consumer or user

2.2. The price, according to the provisions contained in this law.

In the case of sub numerals 1.1., 1.2. and 1.3 of this articles, the supplier is obliged to verify the existence of the same when placing the products on the market.

Paragraph. The producer or supplier can only exonerate himself from liability when he demonstrates force majeure, fortuitous event or that the information was adulterated or impersonated without adulteration or impersonation having been avoided.

Article 25. Special conditions. Without prejudice to the provisions of special regulations and technical regulations or sanitary measures, in the case of products that, due to their nature or components, are harmful to health, they must be clearly indicated in perfectly legible characters, whether on their labels, packaging or packaging or in an annex that is included within these, its harmfulness and the conditions or indications necessary for its correct use, as well as the contraindications of the case.

Article 26. Public information of prices. The supplier is obliged to inform the consumer in Cali pesos of the retail price, including all taxes and additional costs of the products. The price must be visually informed, and the consumer will only be obliged to pay the advertised price. The different forms that ensure the visual information of the price and the possibility that in some sectors the price in a currency other than Cali pesos will be indicated, will be determined by the Superintendence of Industry and Commerce.

The additional costs to the price, generated by credit study, insurance, transport or any other expense borne by the consumer, must be adequately informed, specifying the reason and the value thereof. If two (2) or more prices appear, that there are deletions or amendments, the consumer will only be obliged to pay the lower price of the indicated ones, without prejudice to the sanctions that may arise in accordance with the present law.

When the product is subject to direct price control by the National Government, the price set by this will be the maximum price to the consumer and must be informed by the producer in the body of the product, without prejudice to the lower value that the supplier can establish.

Paragraph 1. The agencies or authorities responsible for establishing or fixing prices of goods or services shall order the publication of the respective provisions in the Official Gazette and at least two (2) newspapers of wide national circulation. The suppliers and producers will have two (2) days from the publication in the Official Gazette, to adapt all their prices to what is ordered by the authority.

Paragraph 2. The Superintendence of Industry and Commerce will determine the minimum conditions under which the public information of prices of the products that are offered through any electronic means will operate, depending on the nature of this.

Article 29. Binding force. The objective and specific conditions announced in the advertisement oblige the advertiser, in the terms of said advertising.

Article 30. Prohibitions and responsibility. Deceptive advertising is prohibited. The advertiser will be responsible for the damages caused by misleading advertising. The means of communication will be jointly and severally liable

only if fraud or gross negligence is proven. In cases where the advertiser does not comply with the objective conditions announced in the advertisement, without prejudice to any administrative sanctions that may arise, he must respond to the consumer for the damages caused.

Article 31. Advertising of harmful products. In the advertising of products that by their nature or components are harmful to health, the public will be clearly for their correct use, as well as the contraindications of the case. The government may regulate the advertising of all or some of the products covered by this article.

Paragraph. The provisions of this article may not go against specific laws that prohibit advertising for products that affect health.

Article 32. Causes of exemption from liability. The advertiser can only exonerate himself from liability, when he demonstrates force majeure, fortuitous event or that the advertising was adulterated or supplanted without adulteration or impersonation could have been avoided.

Article 33. Promotions and offers. The terms of the promotions and offers bind those who make them and will be subject to the rules incorporated in this law. The conditions of time, manner, place and any other requirement to access the promotion and offer, must be informed to the consumer in the advertising. Without prejudice to the administrative sanctions that may arise, if the date of initiation of the promotion or offer is not indicated, it shall be understood to apply from the moment it was made known to the public. The omission of the date until which it is valid or of the condition that it is valid until the determined inventory is exhausted, will make the promotion valid until it is announced the revocation of the same, by the same means and intensity with which has been originally disclosed.

Article 46. Special duties of the producer and supplier. The producer or supplier who makes distance sales must:

1. Make sure that the delivery of the goods or services is actually made at the address indicated by the consumer and that this has been fully and unequivocally identified.
2. Allow the consumer to make claims and returns in the same terms and by the same means of the original transaction.



3. Maintain the necessary records and inform the consumer, the seat of your transaction and the identity of the supplier and the producer of the good.
4. Inform, prior to the acquisition, the availability of the product, the right to retract the term to exercise it, the term of duration of the commercial conditions and the delivery time.

Paragraph. Within the six (6) months following the issuance of this law, the National Government will be responsible for regulating distance sales.

Article 47. Retract. In all contracts for the sale of goods and provision of services through financing systems granted by the producer or supplier, sale of timeshares or sales using non-traditional methods or distance, which by their nature should not be consumed or have not begun be executed before five (5) days, it will be understood agreed the right of withdrawal by the consumer. If use is made of the right of withdrawal, the contract will be resolved and the money that the consumer has paid must be refunded.

The consumer must return the product to the producer or supplier by the same means and under the same conditions in which he received it. The transportation costs and the others that entail the return of the good will be covered by the consumer.

The maximum term to exercise the right of withdrawal will be five (5) business days from the delivery of the property or the conclusion of the contract in the case of the provision of services.

The following cases are accepted from the right of withdrawal:

1. In contracts for the provision of services whose provision has begun with the agreement of the consumer
2. In contracts for the supply of goods or services whose price is subject to fluctuations in financial market ratios that the producer cannot control
3. In contracts for the supply of goods made according to the consumer's specifications or clearly personalized
4. In contracts for the supply of goods that, by their nature, cannot be returned or may deteriorate or expire quickly
5. In the contracts of betting and lottery services
6. In contracts for the acquisition of perishable goods
7. In contracts for the acquisition of personal use goods.

The supplier must return all the sums paid to the consumer in cash without any deductions or retentions for any concept. In any case, the return of the

money to the consumer may not exceed thirty (30) calendar days from the time he exercised the right.

Article 49. Without prejudice to the provisions of article 1, subsection b) of Law 527 of 1999, electronic commerce shall be understood as the performance of acts, business or commercial transactions arranged through the exchange of telematic data messages between suppliers. and consumers for the commercialization of products and services.

Article 50. Without prejudice to the other obligations established in this law, suppliers and retailers located in the national territory that offer products using electronic means must:

- a) Report at all times in a certain, reliable, sufficient, clear, accessible and updated your identity by specifying your name or business name, Tax Identification Number (NIT), judicial notification address, telephone, email and other contact information
- b) Provide at all times certain, reliable, sufficient, clear and updated information regarding the products they offer. In particular, they must indicate their characteristics and properties such as the size, weight, size, material of which it is manufactured, its nature, origin, mode of manufacture, components, uses, form of use, properties, quality, suitability, quantity, or any other relevant factor, regardless of whether they are accompanied by images, in such a way that the consumer can make a representation as close as possible to the reality of the product.

The period of Calidity of the offer and the availability of the product must also be indicated. In contracts of successive tract, their minimum duration must be informed.

When the publicity of the good includes images or graphics of the same, it will be necessary to indicate in what scale this representation is elaborated.

- c) Inform, in the means of electronic commerce used, the means available to make payments, the time of delivery of the good or the provision of the service, the right of withdrawal that assists the consumer and the procedure to exercise it, and Any other relevant information so that the consumer can adopt a purchase decision freely and without being induced in error.

You must also inform the total price of the product including all taxes, costs and expenses that the consumer must pay to acquire it. If applicable, the shipping costs must be reported properly and separately.

d) Publish in the same medium and at all times, the general conditions of their contracts, which are easily accessible and available for consultation, printing and downloading, before and after the transaction has been made, even if the intention to hire has not been expressed

Prior to the completion or termination of any electronic commerce transaction, the supplier or retailer must present to the consumer a summary of the order of all the goods it intends to acquire with its complete description, the individual price of each of them, the total price of the goods or services and, if applicable, the additional costs and expenses that must be paid for shipping or for any other concept and the total sum that must be paid. This summary is intended for the consumer to verify that the transaction reflects their intention to purchase the products or services offered and the other conditions, and if so desired, make the necessary corrections or cancellation of the transaction. This summary must be available for printing and / or download.

The acceptance of the transaction by the consumer must be express, unambiguous and verifiable by the competent authority. The consumer must have the right to cancel the transaction before concluding it.

Once the transaction is concluded, the supplier and retailer must send, no later than the calendar day following the order, an acknowledgment of receipt, with accurate information on the delivery time, exact price, including taxes, shipping and handling fees. How the payment was made.

It is forbidden any contractual provision in which the will of the consumer is presumed or that his silence is considered as consent, when this will result in disbursements or obligations under his charge.

e) Maintain the proof of the commercial relationship, of the full identity of the consumer, his express willingness to contract, the way in which the payment was made and the actual and effective delivery of the goods or services in durable support mechanisms. Acquired, in such a way as to guarantee the integrity and authenticity of the information and that is verifiable by the

competent authority, for the same time that the commercial documents must be kept.

f) Adopt appropriate and reliable security mechanisms that guarantee the protection of the consumer's personal information and the transaction itself. The provider will be responsible for the failures in the security of the transactions carried out by the means he has arranged, whether they are his own or those of others.

When the supplier or retailer discloses its membership or affiliation in a relevant self-regulatory scheme, business association, dispute resolution organization or other certification body, it shall provide consumers with a simple method to verify such information, as well as appropriate details to contact these organizations, and where appropriate, have access to the relevant codes and practices applied by the certification body.

g) Have in the same medium in which it makes electronic commerce, mechanisms for the consumer to file their petitions, complaints or claims, in such a way that there is a record of the date and time of the filing, including a mechanism for its subsequent tracing.

h) Unless otherwise agreed, the supplier must have delivered the order no later than thirty (30) calendar days from the day following that on which the consumer has communicated his order.

If the product that is the object of the order is not available, the consumer must be informed of this lack of availability immediately.

If the delivery of the order exceeds thirty (30) calendar days or that the purchased product is not available, the consumer may resolve or terminate, as the case may be, the contract unilaterally and obtain the return of all sums paid without there is no retention or discount. The return must be effective within a maximum period of thirty (30) calendar days.

Paragraph. The supplier must establish in the electronic commerce medium used, a visible, easily identifiable link that allows the consumer to access the website of the Cali consumer protection authority.

Article 51. Reversion of the payment. When the sales of goods are made through electronic commerce mechanisms, such as Internet, PSE and / or

call center and / or any other tele sales mechanism or virtual store, and a credit, debit or credit card has been used to make the payment any other electronic payment instrument, participants of the payment process must reverse the payments requested by the consumer when it is subject to fraud, or correspond to an unsolicited transaction, or the product purchased is not received, or the product delivered does not correspond to what is requested or is defective.

In order for the payment to be reversed, within five (5) business days following the date on which the consumer became aware of the fraudulent or unsolicited operation or that should have received the product or received it defective or not corresponding to requested, the consumer must submit a complaint to the supplier and return the product, when appropriate, and notify the issuer of the electronic payment instrument used to make the purchase, which, in conjunction with the other participants of the payment process, they will proceed to reverse the transaction to the buyer.

In the event that there is a dispute between supplier and consumer arising from a complaint and this is resolved by a judicial or administrative authority in favor of the provider, the issuer of the payment instrument, together with the other participants of the payment process, once it has been Notified of the decision, and whenever it is possible, will definitely charge the claimed transaction to the corresponding bank deposit or payment instrument or debit it from the current or savings account of the consumer, and the money will be made available to the provider. If there are not sufficient funds or it is not possible to do the foregoing for any other reason, the participants of the payment process will inform the provider of this, so that it may initiate the actions it considers pertinent against the consumer. If the dispute is resolved in favor of the consumer, the reversal will be understood as final.

The foregoing, without prejudice to the duty of the supplier to comply with its legal and contractual obligations towards the consumer and the administrative sanctions that may arise. If the judicial or administrative authority determines that there was bad faith on the part of the consumer, the Superintendence may impose sanctions of up to fifty (50) minimum legal monthly salaries in force.

The National Government will regulate this article.

Paragraph 1. For the purposes of this article, they are understood as participants in the payment process, the issuers of the payment instruments, the administration entities of the low value payment systems, the banks that manage the accounts and / or the consumer's bank deposits. And / or the supplier, among others.

Paragraph 2. The consumer will have the right to reverse the payments corresponding to any service or obligation of periodic compliance, for any reason and even without any justification, provided that the payment was made through an automatic debit operation previously authorized by said consumer, in the terms indicated by the National Government for the purpose.

Article 52. Protection of children and adolescents in electronic commerce. When the sale is made using electronic commerce tools, the provider must take the possible measures to verify the age of the consumer. In the event that the product is to be purchased by a minor, the provider must record the express authorization of the parents to carry out the transaction.

Article 53. Contact portals. Whoever makes available an electronic platform in which natural or legal persons can offer products for commercialization and in turn consumers can contact them through the same mechanism, must require all suppliers information that allows their identification, for which they must have a record that includes, at least, the name or business name, identification document, physical address of notifications and telephone numbers. This information may be consulted by whoever has purchased a product for the purpose of presenting a complaint or claim and must be provided to the competent authority when requested.

Article 54. Precautionary measures. The Superintendence of Industry and Commerce, ex officio or at the request of a party, may impose a precautionary measure for up to thirty (30) calendar days, extendable for thirty (30) days, of temporary blocking of access to the electronic commerce medium, when there are serious indications that by this means the rights of the consumers are being violated, while the corresponding administrative investigation is being carried out.

✓ Law of E-commerce in Cali

## Part 1 General Part

### Chapter 1 General Provisions

Article 1. Area of application. This law will be applicable to all types of information in the form of a data message, except in the following cases:

- a) In the obligations contracted by the Cali State under international conventions or treaties.
- b) Written warnings that by legal provision must necessarily be printed on certain types of products because of the risk involved in their marketing, use or consumption.

Article 2 Definitions. For the purposes of this law, the following shall be understood as:

- a) Data Message. The information generated, sent, received, stored or communicated by electronic, optical or similar means, such as, among others, the Electronic Data Interchange (EDI), the Internet, the electronic mail, the telegram, the telex or the fax
- b) Electronic commerce. It covers the issues raised by any relationship of a commercial nature, whether contractual, structured from the use of one or more data messages or any other similar means. Commercial relationships include, but are not limited to, the following operations: any commercial operation of supply or exchange of goods or services; all distribution agreement; any operation of representation or commercial mandate; all types of financial, stock and insurance operations; of construction of works; consulting; of engineering; of licensing; any agreement for the concession or exploitation of a public service; of joint venture and other forms of industrial or commercial cooperation; transport of goods or passengers by air, sea and rail, or by road
- c) Digital Signature. It will be understood as a numerical value that adheres to a data message and that, using a known mathematical procedure, linked to the key of the initiator and to the text of the message, allows to determine that this value has been obtained exclusively with the key of the initiator and that the initial message has not been modified after the transformation was made
- d) Certification Entity. It is that person who, authorized under this Law, is authorized to issue certificates in relation to the digital signatures of persons,

- offer or facilitate the services of registration and chronological stamping of the transmission and reception of data messages, as well as fulfill other functions related to communications based on digital signatures
- e) Electronic Data Interchange (EDI). The electronic transmission of data from one computer to another, which is structured according to technical standards agreed upon for that purpose
  - f) Information System. Any system used to generate, send, receive, archive or otherwise process data messages will be understood.

Article 3. Interpretation. In the interpretation of the present law, its international origin must be taken into account, the need to promote the uniformity of its application and the observance of good faith. Matters relating to matters governed by this law and not expressly resolved in it, shall be settled in accordance with the general principles on which it is based.

Article 4. Modification by agreement. Except as otherwise provided, in the relationships between parties that generate, send, receive, file or otherwise process data messages, the provisions of Chapter 3, Part I, may be modified by agreement.

Article 5 Legal recognition of data messages. No legal effects, Validity or binding force will be denied to any type of information for the sole reason that it is in the form of a data message.

## Chapter 2. Application of the legal requirements of data messages

Article 6. Written. When any standard requires that the information be in writing, that requirement will be satisfied with a data message, if the information it contains is accessible for later reference. The provisions of this article shall apply whether the requirement established in any norm constitutes an obligation, or whether the norms foresee consequences in the event that the information is not in writing.

Article 7. Firm. When any standard requires the presence of a signature or establishes certain consequences in the absence thereof, in relation to a data message, said requirement shall be deemed satisfied if:

- a) A method has been used to identify the originator of a message of data and to indicate that the content has its approval.



b) That the method is both reliable and appropriate for the purpose for which the message was generated or communicated. The provisions of this article shall apply whether the requirement established in any standard constitutes an obligation, or whether the regulations simply foresee consequences if there is no signature

Article 8. Original. When any standard requires that the information be presented and maintained in its original form, that requirement will be satisfied with a data message, if:

- a) There is a reliable guarantee that the integrity of the information has been preserved, from the moment in that was generated for the first time in its final form, as a data message or in some other way
- b) If the information is required to be presented, if such information can be shown to the person that must be presented.

The provisions of this article shall apply whether the requirement established in any standard constitutes an obligation, or whether the regulations simply foresee consequences in the event that the information is not presented or retained in its original form.

Article 9. Integrity of a data message. For purposes of the previous article, the information recorded in a data message will be considered complete, if it has remained complete and unaltered, except for the addition of some endorsement or any change that is inherent in the communication, file or presentation process. The degree of reliability required will be determined in light of the purposes for which the information was generated and of all the relevant circumstances of the case

Article 10. Admissibility and probative force of data messages. The data messages will be admissible as evidence and their probative force is granted in the provisions of Chapter 8 of Title 13, Third Section, Second Book of the Code of Civil Procedure. In any administrative or judicial action, no effectiveness, Calidity or mandatory and evidentiary force will be denied to all types of information in the form of a data message, for the sole fact that it is a data message or because it was not presented in its original form.

Article 11. Criteria for proactively assessing a data message. For the assessment of the probative force of the data messages referred to in this law, the rules of sound criticism and other legally recognized criteria for the

appreciation of evidence shall be considered. Therefore, the following must be considered: the reliability in the way in which the message was generated, filed or communicated, the reliability in the way in which the integrity of the information has been preserved, the way in which it is identified. its initiator and any other relevant factor.

Article 12. Conservation of data messages and documents. When the Law requires that certain documents, records or information be conserved, that requirement will be satisfied, provided that the following conditions are met:

1. That the information they contain be accessible for later reference
2. That the data message or the document be preserved in the format in which it was generated, sent or received or in any format that allows demonstrating that it accurately reproduces the information generated, sent or received
3. That it is retained, if any, all information that allows to determine the origin, the destination of the message, the date and time when the message was sent or received, or the document was produced. It will not be subject to the obligation of conservation, the information that has the sole purpose of facilitating the sending or receiving of data messages. The books and papers of the merchant may be kept in any technical medium that guarantees their exact reproduction.

Article 13. Preservation of data messages and archiving of documents through third parties. Compliance with the obligation to keep documents, records or information in data messages may be made directly or through third parties, provided that the conditions set forth in the previous article are met

### Chapter 3 Communication of data messages

Article 14. Formation and Calidity of contracts. In the formation of the contract, unless expressly agreed between the parties, the offer and its acceptance may be expressed by means of a data message. No Calidity or binding force will be denied to a contract for the sole reason that one or more data messages have been used in its formation.

Article 15. Recognition of data messages by the parties. In the relations between the initiator and the addressee of a data message, no legal effects, Calidity or obligatory force will be denied to a manifestation of will or other

declaration for the sole reason of having been made in the form of a data message.

Article 16. Attribution of a data message. - It will be understood that a data message comes from the initiator, when it has been sent by:

1. The initiator himself.
2. By any person authorized to act on behalf of the initiator with respect to that message
3. By an information system programmed by the initiator or on his behalf to operate automatically.

Article 17. Presumption of the origin of a data message. It is presumed that a data message has been sent by the initiator, when:

1. It has adequately applied the procedure previously agreed with the initiator, to establish that the data message came from it.
2. The data message. The recipient receives the result of the acts of a person whose relationship with the initiator, or with any agent of his, has given him access to some method used by the initiator to identify a data message as his own.

Article 18. Concordance of the data message sent with the received data message. Whenever a data message comes from the originator or is understood to come from it, or whenever the addressee has the right to act in accordance with this assumption, in the relations between the initiator and the addressee, the latter shall have the right to consider that the received data message corresponds to the one that the initiator wanted to send, and may proceed accordingly. The recipient will not enjoy this right if he knew or had known, had acted with due diligence or applied an agreed method, that the transmission had given rise to an error in the received data message.

Article 19. Duplicate data messages. It is presumed that each received data message is a different data message, except to the extent that it duplicates another data message, and that the recipient knows, or should know, of having acted with due diligence or of having applied some method. agreed, that the new data message was a duplicate.

Article 20. Acknowledgment of receipt. If upon sending or before sending a data message, the initiator requests or agrees with the recipient to acknowledge receipt of the data message, but has not agreed between them a specific method or way to do so, may be acknowledged by:

- a) Any communication from the recipient, automated or not
- b) Any act of the recipient that suffices to indicate to the initiator that the data message has been received. If the initiator has requested or agreed with the recipient to acknowledge receipt of the data message and has expressly stated that the effects of the data message will be conditioned upon receipt of an acknowledgment, the data message shall be considered as not has been sent as long as the acknowledgment of receipt has not been received.

Article 21. Presumption of receipt of a data message. When the initiator receives acknowledgment from the recipient, it will be presumed that the recipient has received the data message. That presumption will not imply that the data message corresponds to the message received. When the acknowledgment of receipt indicates that the received data message complies with the technical requirements agreed upon or stated in any applicable technical standard, it shall be presumed that this is the case.

Article 22. Legal effects. Articles 20 and 21 only govern the effects related to the acknowledgment of receipt. The legal consequences of the data message will be governed according to the rules applicable to the act or legal business contained in said data message.

Article 23. Time of sending a data message. If the initiator and the addressee do not agree otherwise, the data message will be considered issued when it enters an information system that is not under the control of the initiator or the person who sent the data message on its behalf.

Article 24. Time of receipt of a data message. If the initiator and the addressee do not agree otherwise, the moment of receipt of a data message will be determined as follows:

- a. If the recipient has designated an information system for receiving data message, the reception will take place:

1. At the moment you enter the data message in the designated information system
2. The data message is sent to a recipient's information system other than the designated information system, at the time the recipient retrieves the data message

b. If the recipient has not designated an information system, the reception will take place when the data message enters an information system of the recipient. The provisions of this article shall apply even when the information system is located in a different place from where the data message is received according to the following article.

Article 25. Place of sending and receiving the data message. If the initiator and the addressee do not agree otherwise, the data message shall be considered to have been issued at the place where the originator has his establishment and received at the place where the addressee has his own. For the purposes of this article: If the originator or recipient has more than one establishment, its establishment will be the one that has a closer relationship with the underlying operation or, if there is no underlying transaction, its main establishment. If the originator or the addressee has no establishment, their place of habitual residence will be taken into account.

## PART 2 ELECTRONIC COMMERCE IN THE FIELD OF TRANSPORTATION OF GOODS

Article 26. Acts related to contracts for the transport of goods. Without prejudice to the provisions of part I of this law, this chapter shall be applicable to any of the following acts related to a contract for the transport of merchandise, or its fulfillment, without the list being restrictive:

- a) I. Indication of the brands, number, quantity or weight of the goods. II. Declaration of the nature or value of the goods. III. Issuance of a receipt for the goods. IV. Confirmation of completion of the shipment of the goods.
- b) I. Notification to any person of the clauses and conditions of the contract. II. Communication of instructions to the transporter
- c) I. Claim of the delivery of the goods. II. Authorization to proceed with the delivery of the goods. III. Notification of the loss of the goods or the damages they have suffered

- d) Any other notification or declaration regarding the fulfillment of the contract;
- e) Promise to deliver the goods to the designated person or to an authorized person to claim that delivery
- f) Concession, acquisition, renunciation, restitution, transfer or negotiation of any right over merchandise
- g) Acquisition or transfer of rights and obligations under the contract.

Article 27. Transport documents. Subject to the provisions of subsection three (3) of this article, in those cases in which the law requires that any of the acts set forth in article 26 be carried out in writing or by means of a document issued on paper, this requirement You will be satisfied when the act is carried out by means of one or more data messages.

The previous clause will be applicable, whether the requirement established in it is expressed in the form of an obligation or if the law simply foresees consequences in the event that the act is not carried out in writing or by means of a document issued on paper.

When any right is granted to a particular person and no other, or it acquires any obligation, and the law requires that, for that act to take effect, the right or obligation must be transferred to that person by sending or using a document issued on paper, that requirement will be satisfied if the right or obligation is transferred through the use of one or more data messages, provided that a reliable method is used to guarantee the uniqueness of that message or those data messages.

For the purposes of the third paragraph, the level of reliability required will be determined considering the purposes for which the right or obligation was transferred and of all the circumstances of the case, including any relevant agreement.

When one or more data messages are used to carry out any of the acts set forth in subparagraphs f) and g) of article 26, no document issued on paper will be valid to carry out any of those acts, unless has put an end to the use of data messages to replace it with that of documents issued on paper. Any document with paper support that is issued in these circumstances must contain a statement in that sense.

Substitution of data messages by documents issued on paper will not affect the rights or obligations of the parties.

When a legal rule is compulsorily applied to a consignment contract that is consigned, or that has been recorded in a document issued on paper, that rule will not cease to apply to that contract of transport of goods that has been left record in one or more data messages because the contract consists of that message or those data messages instead of being recorded in paper documents.

### PART III DIGITAL SIGNATURES, CERTIFICATES AND CERTIFICATION ENTITIES

#### Chapter 1 Digital signatures

Article 28. Legal attributes of a digital signature. When a digital signature has been fixed in a data message, it is presumed that the subscriber of that one had the intention of accrediting that data message and of being linked with the content of the same.

Paragraph. The use of a digital signature will have the same force and effects as the use of a handwritten signature, if it incorporates the following attributes: It is unique to the person who uses it. It is susceptible to be verified. It is under the exclusive control of the person who uses it. It is linked to the information or message, in such a way that if these are changed, the digital signature is invalidated. It is in accordance with the regulations adopted by the National Government.

#### Chapter 2 Certification bodies

Article 29. Characteristics and requirements of certification bodies. Certification entities, legal entities, both public and private, of national or foreign origin and chambers of commerce, which upon request are authorized by the Superintendence of Industry and Commerce and which comply with the requirements established by the National Government, may be Based on the following conditions:

a) Have enough economic and financial capacity to provide authorized services as a certification entity.

- b) Have the capacity and technical elements necessary for the generation of digital signatures, the issuance of certificates on the authenticity of the same and the preservation of data messages in the terms established in this law.
- c) The legal representatives and administrators may not be persons who have been sentenced to imprisonment, except for political or culpable crimes; or that have been suspended in the exercise of their profession for serious breach of ethics or have been excluded from it. This disability will be valid for the same period as the criminal or administrative law for this purpose.

Article 30. Activities of the certification entities. The certification bodies authorized by the Superintendence of Industry and Commerce to provide their services in the country, may carry out, among others, the following activities:

1. Issue certificates in relation to the digital signatures of natural or legal persons.
2. Issue certificates about the verification regarding the alteration between sending and receiving the data message.
3. Issue certificates in relation to the person who has a right or obligation with respect to the documents set forth in subparagraphs f) and g) of article 26 of this Law.
4. Offer or facilitate the services of creation of certified digital signatures.
5. Offer or facilitate the services of registration and chronological stamping in the generation, transmission and reception of data messages.
6. Offer the services of archiving and conservation of data messages.

Article 31. Remuneration for the provision of services. The remuneration for the services of the certification entities will be freely established by them.

Article 32. Duties of the certification entities. The certification entities will have, among others, the following duties:

- a) Issue certificates in accordance with what was requested or agreed with the subscriber
- b) Implement security systems to guarantee the issuance and creation of digital signatures, the conservation and archiving of certificates and documents in support of data messages
- c) Guarantee the protection, confidentiality and due use of the information provided by the subscriber
- d) Guarantee the permanent provision of the certification entity service



- e) To deal opportunely with the requests and claims made by the subscribers
- f) Make warnings and publications in accordance with the provisions of the law
- g) Provide the information required by the competent administrative or judicial entities in relation to the digital signatures and certificates issued and in general on any data message that is under its custody and administration
- h) Allow and facilitate the performance of audits by the Superintendence of Industry and Commerce
- i) Prepare the regulations that define the relations with the subscriber and the form of service provision
- j) Keep a record of the certificates.

Article 33. Unilateral termination. Unless otherwise agreed between the parties, the certification body may terminate the agreement with the subscriber by giving notice of not less than ninety (90) days. Upon expiration of this term, the certification body will revoke the certificates that are pending expiration. Likewise, the subscriber may terminate the binding agreement with the certification entity giving notice not less than thirty (30) days.

Article 34. Cessation of activities by certification entities. The authorized certification entities may cease in the exercise of activities, provided they have received authorization from the Superintendence of Industry and Commerce.

### Chapter 3 Certificates

Article 35. Content of the certificates. A certificate issued by an authorized certification body, in addition to being digitally signed by it, must contain at least the following:

1. Name, address and address of the subscriber.
2. Identification of the subscriber named in the certificate.
3. The name, address and place where the certification body performs activities.
4. The public key of the user.
5. The methodology to verify the subscriber's digital signature imposed on the data message.
6. The serial number of the certificate.
7. Date of issue and expiration of the certificate.

Article 36. Acceptance of a certificate. Unless otherwise agreed between the parties, it is understood that a subscriber has accepted a certificate when the certification entity, at the request of the latter or of a person in its name, has kept it in a repository.

Article 37. Revocation of certificates. The subscriber of a certified digital signature may request the revocation of the certificate from the certification entity that issued the certificate. In any case, you will be obliged to request revocation in the following events:

1. For loss of the private key.
2. The private key has been exposed or is in danger of being misused. If the subscriber does not request the revocation of the certificate in the event of presenting the above situations, he will be responsible for the losses or damages incurred by third parties in good faith exempt from fault who relied on the content of the certificate.

A certification entity will revoke a certificate issued for the following reasons:

1. At the request of the subscriber or a third party on his behalf and representation.
2. By death of the subscriber.
3. By liquidation of the subscriber in the case of legal persons.
4. For the confirmation that some information or fact contained in the certificate is false.
5. The private key of the certification body or its security system has been materially compromised that affects the reliability of the certificate.
6. For the cessation of activities of the certification entity, and
7. By judicial order or competent administrative entity.

Article 38. Record keeping term. Certification records issued by a certification entity must be kept for the term required by law that regulates the particular legal act or business.

#### Chapter 4 Subscribers of digital signatures

Article 39. Duties of subscribers. The subscribers' duties are:

1. Receive the digital signature by the certification entity or generate it, using a method authorized by it.

2. Provide the information required by the certification entity.
3. Maintain control of the digital signature.
4. Request the revocation of the certificates in a timely manner.

Article 40. Responsibility of the subscribers. The subscribers will be responsible for the falseness, error or omission in the information provided to the certification entity and for the breach of their duties as subscriber.

#### Chapter 5 Superintendence of Industry and Commerce

Article 41. Functions of the Superintendence. The Superintendence of Industry and Commerce will exercise the faculties that have been legally assigned to it regarding the certification entities, and additionally it will have the following functions:

1. Authorize the activity of the certification entities in the national territory.
2. Ensure the functioning and efficient provision of the service by the certification entities.
3. Conduct audit visits to the certification entities
4. Revoke or suspend the authorization to operate as a certification entity.
5. Request the pertinent information for the exercise of their functions.
6. Impose sanctions on certification bodies in case of non-compliance with the obligations arising from the provision of the service.
7. Order the revocation of certificates when the certification body issues them without compliance with legal formalities.
8. Designate the repositories and certification entities in the events foreseen in the law.
9. Issue certificates in relation to the digital signatures of the certification entities.
10. Ensure compliance with the constitutional and legal provisions on the promotion of competition and restrictive commercial practices, unfair competition and consumer protection in the markets served by the certification entities.
11. Provide instructions on the adequate compliance with the standards to which the certification entities must adhere.

Article 42. Sanctions. The Superintendence of Industry and Commerce, in accordance with due process and the right of defense, may impose the

following sanctions on the certification entities depending on the nature and severity of the fault:

- 1) Admonition.
- 2) Institutional fines up to the equivalent of two thousand (2,000) minimum legal monthly salaries in force, and personal to the administrators and legal representatives of the certification entities, up to three hundred (300) minimum legal monthly salaries in force, when they are verified who have authorized, executed or tolerated conduct that violates the law.
- 3) Immediately suspend all or some of the activities of the offending entity.
- 4) Prohibit the infringing certification entity from directly or indirectly providing the certification entity services for a period of five (5) years.
- 5) Revoke definitively the authorization to operate as certification entity.

#### Chapter 6 Miscellaneous Provisions

Article 43. Reciprocal Certifications. Certificates of digital signatures issued by foreign certification bodies, may be recognized under the same terms and conditions required by law for the issuance of certificates by national certification entities, provided that such certificates are recognized by an entity of Authorized certification that guarantees in the same way that it does with its own certificates, the regularity of the details of the certificate, as well as its Calidity and Calidity.

Article 44. Incorporation by reference. Unless otherwise agreed between the parties, when in a data message there is total or partial remission to easily accessible directives, norms, standards, agreements, clauses, conditions or terms with the intention of incorporating them as part of the content or making them legally binding, it is presumed that these terms are incorporated by reference to that data message. Between the parties and according to the law, those terms will be legally Calid as if they had been incorporated in their entirety in the data message.

#### PART IV REGULATION AND CALIDITY

Article 45. The Superintendence of Industry and Commerce will have an additional term of twelve (12) months, counted from the publication of this law, to organize and assign one of its dependencies the inspection function, control and surveillance of the activities carried out by the certification entities,

notwithstanding that the National Government creates a specialized unit within it for that purpose.

Article 46. Prevalence of consumer protection laws. This Law will be applied without prejudice to the regulations in force regarding consumer protection.

Article 47. Term and Repeal. This law applies from the date of its publication and repeals the provisions that are contrary.

✓ Cali code of publicity self-regulation

Chapter 8 ADVERTISING IN INTERACTIVE DIGITAL MEDIA

Article 7. Special rules For Advertising in interactive digital media

In addition to the provisions of the general and special rules of this Code, advertising carried out through of interactive digital media, shall be governed by the special rules set forth in this Chapter.

Article 48. Identification of commercial origin of recommendations and studies. The product recommendations made by the advertisers and the studies made by the advertisers in relation to their products must be clearly identified as such and not indicate that they come from an individual consumer or an independent entity

Article 49. Respect for public groups and consultation sites. When advertisers publish their commercial messages in interactive digital media that allow the publication of content generated by users, such as news, forums, blogs or bulletin boards and general servers for the edition of web page content ("wiki sites"), the terms and conditions of the specific interactive digital medium and the standards must be respected acceptable conduct of business.

The messages commercials on those sites are appropriate only when the interactive digital medium has expressed, implied or explicitly, your acceptance to receive such communications. In any case, advertisers must ensure that sites, ministries and social media profiles under their control or influence that have a commercial purpose, clearly indicate the commercial nature of the content and respect the rules of acceptable commercial conduct

Article 50. Digital commercial messages is individual. When a digital commercial message is sent to emails, mobile phones or other accounts or services similar, through which each recipient of the message can be contacted directly and personally, the header and context of the message should clearly indicate that the message is of a commercial nature. The text of the headings should not cause confusion in this regard.

Only unsolicited commercial messages can be sent through interactive digital media when, in addition to respecting the applicable rules on the protection of personal data:

1. There are reasonable grounds to consider that the consumer who receives them may have an interest in the object of these or in the offer
2. Include a clear and transparent mechanism that allows the consumer to express their wish not to receive other communications in the future.

Paragraph: In addition to respecting consumer preferences, expressed directly to the sender or through preferential service programs, care must be taken to ensure that the digital commercial message and any other tool that allows the consumer to see other commercial advertisements or advertisements, do not interfere with the use that the consumer usually makes of interactive digital media.

Article 51. Digital commercial messages and children and adolescents motivate parents and / or guardians to participate with and / or supervise the interactive activities of their children, girls and teenagers. Only the personal information of children and adolescents that can be disclosed to third parties can be identified, after obtaining the consent of the parent or guardian, when the disclosure is authorized by law.

Websites dedicated to products or services that are subject to restrictions, such as alcoholic beverages, gambling and tobacco products should adopt measures to restrict the access of children and adolescents to these sites.

Commercial messages addressed to children and adolescents of a certain age must be appropriate and appropriate for this.

Article 52. Respect for the potential sensitivities of a global audience. Considering the global reach of electronic networks and the variety and diversity of potential recipients, advertisers should ensure that their commercial messages are consistent with the principles of social responsibility contained in this Code.

Article 53. Provisions on commercial messages online Based on browsing habits of internet users (mBHu) "BEHAVIOR BASED PUBLICITY" refers to the practice of obtaining information regarding the online activities of users of various websites by someone other than the operator of the sites web, in a period of time, in order to create user profiles or segments of interest, identify habits of visit and navigation of the segments of interest, and send or publish segmented digital commercial messages based on the interests and preferences of each web user. "Advertising based on Behavior" does not include the activities of website operators, the quantitative sending of messages, the quantitative reports of messages, or advertising based on the content of the website that is visited.

Behavioral Advertising requires explicit consent from the user before collection and use of the data of your visit and browsing habits. For this, both the operators of the websites in which the habits of the user are monitored as the operator of the advertising service, they should clearly publish on their websites their practices of compilation and use of MbHU information. That notification must include a clear description of the type of information and purpose for which it is collected. Likewise, the operators of the advertising service must make available to users a mechanism for them to exercise their right of choice regarding the collection and use of information for the purposes of MbHU.

Article 54. Advertising on the World Wide Web. Advertising on the world wide web may not prevent the free navigation of the user on the Internet. Advertising messages that the user receives while browsing a web page must allow them moment to leave the advertising message or eliminate it from its screen and return to the source page from which the user accessed the advertising message.

Article 55. Use of cookies and similar devices. Cookies are small data files generated through instructions sent by web servers to users 'browsers and

stored in a specific directory of the users' terminals, in order to gather information compiled by the file itself.

Users must be provided with clear and understandable information about the presence and purpose of cookies or other devices or similar techniques, making available simple and free mechanisms to inform them on how to disable them. Likewise, it will be notified in a clear manner when access or use is impossible of an interactive service because the sending and installation of cookies or other devices or similar techniques is necessary in the user's terminal.

The cookies or other techniques will be used in a dissociated way and never individualized or related to the data of the users, so that the information obtained cannot be associated with an identified person or identifiable, unless the consumer has given his consent. In particular, when cookies or transparent pixels or other assailable techniques are used, users will be provided with clear and understandable information. About its purpose and its use disconnected from any personal data.

The treatment of cookies can be extrapolated by analogy to other techniques for monitoring the behavior of users in their use of electronic means of remote communication.



*Annex B. Survey*

**DIGITAL MARKETING IN THE RETAIL SECTOR IN CALI**

Dear expert, please complete this survey in order to know your opinion on the importance of digital marketing in the retail sector in Cali.

Name	
E-mail	
Phone	

Rate the following questions from 0 to 4, taking into account that 0 is the lowest rating and 4, the highest rating.

1. What do you consider to be the most significant factor for companies to do use of digital marketing?

<b>Variable</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Make a presence in social networks					
Impact on global markets					
It is very important for the growth of organizations					
Attend and understand consumer needs more easily					
Go to the Forefront with the use of technology					

2. Do you believe that digital marketing was created to strengthen or improve that:

<b>Variable</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Low economy					
Increase in sales					
Costs reduction					
Market recognition					

3. What is the degree of importance that you would assign to the following variables as causing the fast evolution of digital marketing?

Variable	0	1	2	3	4
Technologic advances					
Fashion					
New habits of the client					
Need for new information channels					

4. What is the degree of importance that you would assign to the following variables as factors to take into account when using digital marketing tools?

Variable	0	1	2	3	4
Train in digital marketing					
Have a digital marketing expert					
Have a website					
Have a good Internet connection					
Have a digital marketing plan					

5. What do you consider to be the digital marketing strategy with the greatest potential for development for a company?

Variable	0	1	2	3	4
SEO Positioning					
Social Networks					
E-mail Marketing					
Mobile Optimization					
Content Marketing					

6. What does digital marketing represent for your company?

Variable	0	1	2	3	4
Competitiveness in the market					
Loyalty of current customers					
Increase in sales					
Improve brand recognition and reputation of the company					
Capture potential customers					

7. What is degree of importance that you would assign to the following variables, such as, communication channels that further strengthen the user or customer experience?

Variable	0	1	2	3	4
E-mail publicity					
Chat					
Video					
Mobile Apps					
Web sites and blogs					

8. What is the degree of importance that you would assign to the following variables of change, as drivers of business growth?

Variable	0	1	2	3	4
Be present on Internet and in the lives of your potential customers					
Compete with the greats at the same level					
Study your industry and meet your audience					
Generate owns contents					
Learn to segment your market and improve your business					

9. What is the degree of importance of the following objectives, to which entrepreneurs apply to digital marketing strategies?

Variable	0	1	2	3	4
Cost reduction					
Increase sales					
Customer fidelity					
Position and recognition					

10. What degree of importance would you assign to the following variables, such as activities that best involve people through social networks?

Variable	0	1	2	3	4
Videos					
Questions and answers					
Contest					
WhatsApp messages					

11. In your opinion, what degree of importance would you assign to the use of strategies of digital marketing in strengthening the following aspects of interest of its target audiences?

<b>Variable</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Quality of products					
Promotions on products					
Customer service					
Good condition and location of the facilities					
Prices of products					

12. What degree of importance would you assign to the following variables, such as evolution of digital marketing in the next 5 years?

<b>Variable</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Internet shopping					
Social Network relationship					
Advertising and Marketing					
Customer service					

13. How important are the utility options that the digital marketing tools to the channels of distribution, communication and sales in your company?

<b>Variable</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Introduce customers products and services company					
Easier the purchase of products and specific services					
Provide customers with value proposal					
They are a permanent channel of communication between the company and the client					
Provide a channel of after-sales service to the consumer					

14. What degree of importance would you assign to the following variables, such as most frequent mistakes that entrepreneurs make when executing digital marketing campaigns?

<b>Variable</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Believe that having many "Likes" is the same as having many customers					
Do not Invest					
Publish and send only commercial information					
Do not interact with the customers					
Do not measure					

15. What degree of importance would you assign to the following variables, such as of communication to access the Internet and stay informed about the digital marketing trends?

<b>Variable</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Cell Phone					
Laptop					
Tablet					
Smart TV					

Thank you!