



# CONFLICT OF INTEREST, CONFIDENTIALITY, CORRUPTION AND BRIBERY POLICY

**Related documents:** Sworn Declaration (DJ), FRCS Form

## 1. Scope and purpose

Define the procedure to avoid conflicts of interest, maintain the confidentiality of information related to the client, detect a possible conflict of interest and establish the appropriate reaction. Likewise, define the procedure to avoid corruption and bribery.

This procedure will be applicable at the level of the entire certifying organization and to all Mayacert personnel (including temporary personnel, subcontractors, etc.) and to entities that provide professional services to Mayacert.

## 2. How is confidentiality maintained

There is a system of reliability of the information obtained in the course of the certification: through the sworn statement, renewed annually, where the existence of possible conflicts of interest is evaluated and where the personnel agrees to maintain said confidentiality of the information obtained; This applies to staff who work full time, part time, subcontracted companies, managers, evaluation staff, certification staff, inspectors, administrative workers.

All personnel agree to maintain strict confidentiality with respect to their clients according to the relevant certification program and not disclose to third parties (with the exception of the authorities or entities responsible for the respective standards) any information related to any client. In particular, information related to business secrets, economic situation of the client, non-conformities found, financial information, related to production methods and personal property of the inspected individual, etc.

Mayacert has a sophisticated filing system, based on the most recent technologies, which can guarantee the confidentiality and reliability of documents related to inspection and certification and also data recovery in the event of a disaster, document misappropriation, accidental and intentional deletion. The system has a data backup and recovery program programmed in Linux shell, which is constantly backing up either in a full, differential or incremental way.

Our systems are configured to protect our information, through the Lightweight Directory Access Protocol (LDAP), which consists of giving access to any user who has credentials stored in the LDAP server and this responds according to the permissions assigned to it. No third party has access to this information. Additionally, our web server has 2 security layers, which prevents any malware or ransomware from spreading from our network to the outside and vice versa.

Our network is protected by a Meraki firewall, which is configured to block malicious access from outside and keeps a record of attempts to access our network.

The access that users have from different locations can only be through the following protocols: SMB and https, which are always verified by our LDAP server, also https access has the ability to save event logs per user.

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For inspection reports, Mayacert has the Ecert Basic tool to support the monitoring of the certification process of the various operators affiliated with our different seals. Ecert Basic is the standard application of the Intact Platform, formerly known as ECERT, for small and local certification bodies. Within a defined workflow, control and certification processes are well structured and procedures are automated. The clear workflow increases transparency, continuity and completeness and enables a higher quality standard.

Our service consultant is Organic Services, approved by the developers Intact Systems, to be able to sublicense the use of software. The integrity of the information is defined in the access module by users authorized directly by the consultant and developer.

### 3. How conflicts of interest are avoided

#### Mayacert:

- Maintains impartiality and responds to conflicts of interest that impair the transparency of its operation.
- Does not depend on producer associations to provide its services.
- Guarantees that all applicants for certification will be treated equally, without discrimination of any kind.
- Has judicial and commercial independence of its personnel before companies that produce, process and commercialize agricultural products and that are certified by Mayacert.
- Has its own bank account, accounting, office and does not depend on producer entities for its financial support, office, etc.
- The influence of external persons or organizations on the result of the certification is excluded.

#### All Mayacert personnel involved in the certification process (administrative, management, evaluation, certification, and inspection staff):

- Are not involved in other activities that have links with producers, operators, such as trade activities, technical assistance and/or training. The guidelines described in Mayacert's Operator Training Procedure, Proc-COP, in its updated version, will be followed.
- Must not have any financial, consulting, technical assistance and/or training relationship with the party interested in the service for at least the year before and after the inspection, two years for the Rainforest Alliance.
- Must not have any relationship (kinship, friendship or business) with the unit requesting the certification service.
- Must not have an economic interest in the production and marketing of the product to be certified.

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- Must not receive compensation, gifts, commissions or any other type of payment in cash or in kind, or favors other than what is stipulated in the contract between Mayacert and the producer, except for small quantities of products for samples.
- May purchase products from the inspected parties, but they must be made for personal use only and not for resale, and must not interfere with the professional relationship.
- Mayacert personnel may also be members or employees of, and/or be certified (recognized or qualified) by other regional, federal or international agencies, but must maintain a clear separation between inspections and certification decision-making.
- Mayacert inspectors may offer their experience and insight by serving on various related boards or committees, but should not make final decisions related to the certification of the operations they inspect.
- Mayacert inspectors may not audit the same Client for more than three consecutive years for organic certification, two for the following seals: SPP and Rainforest Alliance (who reserves the right to designate a unique conflict of interest management mechanism and do so binding for all Certification Entities).
- Mayacert certifiers will not make decisions about those clients where they have carried out the most recent audit (any type of audit), or where they have provided technical assistance activities or carried out any consulting work, or have worked in the last two years for the client, one of its subsidiaries or a company of the same parent group.
- Shall not solicit work directly from the inspected parties.
- Inspections shall be conducted only with the authorization of Mayacert.
- All payments related to the certification process must be received exclusively by Mayacert and not by the auditors or their staff.
- All inspectors will have sufficient financial resources to carry out an audit without any dependency on the client.
- In the case of Investigation Audits, Mayacert will use auditors who did not participate in the last audit.

### a) Procedure for the declaration of conflict of interest

Annually, all full or part-time Mayacert personnel must fill out a form where they make their Conflict of Interest declaration (DJ – Sworn Declaration).

The Sworn Declaration is signed by all Mayacert personnel; requires that people be responsible for declaring potential conflicts when they occur, notifying Mayacert's quality manager in writing.

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The Sworn Declaration includes their commitment to discreetly handle financial information, production methods, and proprietary information of the person being inspected.

The Sworn Declaration will be reviewed by the General Manager and by the quality manager.

Mayacert will ensure that any employee who has a conflict of interest in any operation being considered for certification must remain isolated from the certification process for this operation.

### **b) Procedure for reporting conflicts of interest and its appropriate reaction**

All Mayacert personnel have the responsibility to report suspected fraud, in connection with the work of the inspection and/or certification process, to the appropriate Mayacert authorities.

Likewise, an operator can submit a challenge or complaint to Mayacert to demonstrate that an inspector has a conflict of interest, incompetence, dishonesty, partiality, etc.; Mayacert will investigate the case and, if it confirms the reasons for the challenge, the inspector will be changed.

- The interested party (operator or complaining employee) must put their appeal (complaint) in writing before Mayacert with arguments to prove the conflict of interest of the affected party (reported employee).
- If it is a specific conflict between a client and an inspector, the inspector is changed.
- If it is a more generalized case (not classified), Mayacert establishes an investigation committee with people independent of the case. Said investigative committee will investigate the case.
- If the interested party is right (complaining operator or employee), Mayacert will proceed depending on the case, it may temporarily or permanently replace the affected party (reported employee).
- The written notifications presented by the interested parties (complainants) and the follow-up that MAYACERT gives them, will be documented in a file.
- For the follow-up of client complaints, to ensure that there is no conflict of interest, personnel (including those acting at the management level) who have provided consulting to a client, or have been employed by a client, are not must be used by MAYACERT to review or approve the resolution of a complaint or an appeal for that client within two years of termination of consulting or employment.

### **4. Corruption and Bribery:**

It is any money, favor or gift given or promised to influence the judgment or conduct of personnel, consultants or any person who provides services under the responsibility of Mayacert, which may be considered as fraud.

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### Mayacert:

Maintains an anti-corruption and bribery policy, since it maintains impartiality and responds to conflicts of interest that harm the transparency of its operation.

### a) To prevent personnel from engaging in acts of corruption, bribery and fraud:

Mayacert emphasizes the following:

- In training activities and constantly, all personnel are warned of the importance of acting with integrity and complying with the provisions of the Mayacert Code of Conduct, in section V, number 7, which states the following:
  - a. Under no circumstances should a MAYACERT employee accept any bribe in exchange for violating our will and professional ethics. Our reputation is at stake at every moment of our actions and there are people who can intelligently put us to the test.
  - b. It is not allowed to make and receive illegal payments before authorities, public and governmental entities with the purpose of achieving a concession, a contract, a service or a resolution in favor of someone external, internal or in favor of the company.
- The employee must inform Mayacert of any act or attempt of corruption and bribery of clients, using the FRCS form.
- If Mayacert receives information or complaints that an employee has been involved in acts of corruption and bribery from clients, it will carry out the respective investigations and if it is able to confirm that the information or complaint is true, it may decide to immediately withdraw the employee from the certification processes or make the pertinent decisions that the case warrants with the employee.
- Mayacert will repeat the audit service at its expense and will return any goods that have been obtained or refund the client's money.
- Mayacert places a lot of emphasis on traceability evaluation. Certified operators must account for all sales of certified products and record each transaction of certified products (in the case of RA in RA systems).
- Listed below are some situations that can be considered as cases of corruption:
  - Provide services free of charge.
  - Offer or receive discounts, money or objects that can be considered of value.
  - Passing off non-organic products as organic to get certified.
  - Accept the offer of new clients, a job increase or an increase in salary.

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- Certify products that, instead of being grown and processed directly by the client, are purchased from third-party producers.

### **b) Procedure for reporting acts of corruption and bribery:**

All Mayacert personnel related to the certification processes must identify and report any act or attempt by any client with the intention of corruption and bribery, taking the following steps:

- Fill out the FRCS form to report acts or attempts of corruption and bribery.
- Deliver the completed form to Management Assistance, who will coordinate with management to assign at least two people to carry out the investigation and follow-up on the case.
- The people assigned to the investigation and follow-up of the case must be different from the person who is reporting the act or attempt of corruption and bribery of the client, who will investigate the case within a period of no more than 15 days to corroborate whether the act or intent of the client really had intentions of corruption and bribery and may conclude in the following:
  - If it is determined that there was no intention of corruption and bribery, the case will be closed, the decision will be documented and filed in the client's file.
  - If it is determined that there was intentional corruption and bribery, then Mayacert may immediately cancel the service with the client or make the pertinent decisions that the case warrants, and will file the case records in the client's file.

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