
Komatsu Machine Operator Privacy Policy

This Privacy Policy governs the processing of personal data which takes place when operators based in the European Economic Area or EEA (which consists of the EU, Norway, Liechtenstein or Iceland) operate Komatsu machines equipped with Machine Monitoring Systems such as Komtrax, Komtrax Plus, K-plus 2, iMC or Smart Construction Cloud system (hereinafter together referred to as "Machine Monitoring Systems" or "MMS"), i.e. systems that allow the wireless monitoring of Komatsu machines.

The MMS are globally managed and maintained by Komatsu Limited, a Japanese corporation having its principal place of business at no. 3-6, Akasaka 2-Chome, Minato-Ku, Tokyo, Japan ("Komatsu"). MMS are made available in the EEA by Komatsu Europe International NV, a corporation organised and existing under the laws of Belgium, with registered office at 1800 Vilvoorde, Belgium, Mechelsesteenweg 586, registered in Brussels under number RPR/CER(0)404.968.268 ("Komatsu Europe", together with the other Komatsu subsidiaries in the EEA referred to as "we" or "us"). Komatsu Europe acts as Komatsu's representative in the EU with respect to MMS.

1. Who is responsible?

Komatsu, Komatsu Europe, Komatsu distributors and dealers, as well as the owner of the machine and your employer (when your employer is not the owner) are all responsible for the processing of your personal data through MMS.

2. How are responsibilities allocated?

To arrange for the aforementioned shared responsibility, Komatsu, Komatsu Europe, the distributors, dealers, owners and your employer have put in place contractual arrangements between them which govern this shared responsibility.

The essence of these arrangements is that **you can always direct your questions and requests** regarding the processing of your personal data (i.e. storage, collection, transfer etc. of all information that relates to you as operator) **to the party with whom you have the most direct relationship.**

In principle this means that you should first and foremost refer to **your employer (if you are an employee) or your customer (if you are an independent contractor).** Komatsu, Komatsu Europe, Komatsu distributors and dealers, as well as the owner of the machine and your employer/customer (if he is not the owner) will liaise between each other to ensure that your questions, requests and rights regarding the processing of your personal data are given due regard.

To be clear:

- For staff members of Komatsu Europe or of other Komatsu subsidiaries in the EEA, the request can be directed directly to Komatsu Europe by sending an email [to PrivacyOffice@komatsu.eu](mailto:PrivacyOffice@komatsu.eu)
- For staff members or independent contractors of a distributor, a dealer or an owner, meaning you either work for or on behalf of a distributor, a dealer or an owner, you are to contact the distributor, the dealer or the owner with your questions or requests.
- For staff members or independent contractors of another entity than the ones referred to above, you are to contact first and foremost your employer or customer.

If you are unsure who to contact, please send an e-mail to Komatsu Europe at PrivacyOffice@komatsu.eu , stating your full name, function title and entity you work for, and we will refer your request to the appropriate responsible party.

3. What sort of personal data is processed?

When you use a machine equipped with MMS, the following types of personal data are collected and processed:

- personal identification data (e.g. names);
- current employment (e.g. function title and employer details)
- details regarding:
 - your use and operation of the machine and its functions and features;
 - machine location and position;

- usage times and statistics;
 - error codes and frequency of those codes;
 - use of safety features and functionalities;
 - operator behavior, attentiveness and condition during machine operation;
 - pictures, videos and sound recordings.
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4. Why is your personal data processed?

When you use Komatsu machines equipped with MMS, your personal data are processed for the following reasons:

- (a) Safety and security;
- (b) Warranty;
- (c) Misuse and theft prevention;
- (d) To provide training and develop training materials;
- (e) To improve machine and operational efficiency;
- (f) To develop new machines, products, services, features, functions and solutions;
- (g) To improve jobsite safety and efficiency;
- (h) To provide faster and more tailored support service;
- (i) To optimize jobsite layout, machine resource allocation and driving routes;
- (j) For real-time jobsite monitoring and management;
- (k) Where applicable: to follow-up on rental agreements;
- (l) To improve MMS and associated services;
- (1) To evaluate, analyse and report on machine usage;
- (m) To comply with a legitimate request from law enforcement or other authorities.

We may also process your personal data to inform a third party in the context of a possible merger with, acquisition from/by or demerger by that third party, even if that third party is located outside the EU.

Please note that your employer can also use MMS to process your personal data to evaluate your performance as employee as well as for other purposes, but this is entirely between you and your employer.

5. What makes the processing of your personal data legitimate?

The data protection laws require us to precisely indicate to you which legal option we rely on to make the processing of your personal data legitimate. We need to clarify this for each of the purposes listed in section 3 above.

For the purposes(a) to (1) as indicated in section 4 above as well as for the purpose of informing a third party in the context of a possible merger, acquisition or demerger, the

processing of your personal data is necessary for our legitimate interests, which in this case concern:

- ensuring the safe and secure deployment of the machines;
- preventing misuse and theft;
- commercial interests which include handling warranties, the need to be able to improve MMS, our machines and services and training materials and the need to be able to enter into corporate transactions.

For purpose (m) we need to process your personal data to comply with our legal obligations.

6. Recipients and transfers

Your personal data may be sent to the following categories of recipients:

- yourself;
- your employer or business relations;
- companies within the Komatsu group of companies, including our affiliates, as well as our service providers who help us to provide MMS;
- governmental, judicial and other competent bodies in case of a justified yet legally binding request.

Your personal data are transferred to Japan, for which we rely on the adequacy decision of the European Commission for Japan. Please note that your personal data are shared with Komatsu in both identifiable and non-identifiable manner for the purposes of machine, product and service analysis, development and improvement as well as for the purposes of developing training materials and providing training to customers and operators.

For more information, please address your questions to PrivacyOffice@komatsu.eu

7. How long will your personal data be stored?

Your personal data are only processed for as long as needed to achieve the purposes listed in section 4 above. We will de-identify your personal data when they are no longer necessary for the purposes outlined in the purpose for processing, unless there is:

- an overriding interest of Komatsu, Komatsu Europe or any other third party in keeping your personal data identifiable;
- a legal or regulatory obligation or a judicial or administrative order that prevents us from de-identifying them.

8. Which rights do you have with regard to the processing of your personal data?

You have the right to request access to all personal data processed in MMS insofar it pertains to you. You can exercise this right first and foremost via most MMS directly. We reserve the right to refuse multiple requests for access that are clearly submitted for causing nuisance or harm to Komatsu, Komatsu Europe or other parties.

You have the right to ask that any personal data pertaining to you which are inaccurate, are corrected free of charge. Some personal data you can correct yourself if you have access to the MMS web portal. If a request for correction is submitted, such request must be accompanied of proof of the flawed nature of the data for which correction is asked.

You have the right to request that personal data pertaining to you will be deleted if they are no longer required in light of the purposes outlined above. However, you need to keep in mind that a request for deletion will be evaluated by us against:

- overriding interests of Komatsu, Komatsu Europe or any other third party;
- legal or regulatory obligations or administrative or judicial orders which may contradict such deletion.

Instead of deletion you can also ask that we limit the processing of your personal data if and when (a) you contest the accuracy of that data, (b) the processing is illegitimate or (c) the data are no longer needed for the purposes which are outlined above, but you need them to defend yourself in judicial proceedings.

You have the right to oppose the processing of personal data for the purposes (a) to (1) in section 4, but you are required to explain your particular circumstances on which your request for opposition is based.

As explained earlier, if you wish to submit a request to exercise one or more of the rights listed in this section, you must first and foremost contact your employer. Each request addressed to us can be send via e-mail [to PrivacyOffice@komatsu.eu](mailto:PrivacyOffice@komatsu.eu) for all data subject rights matters.

An e-mail requesting to exercise a right will not be construed as consent with the processing of your personal data beyond what is required for handling your request. Such request should clearly state and specify which right you wish to exercise and the reasons for it, if such is required. It should also be dated and signed, and accompanied by a digitally scanned copy of your valid identity card proving your identity.

Without prejudice to the allocation of responsibilities as outlined in section 1, we will promptly inform you of having received this request. If the request proves valid, we will

notify you as soon as reasonably possible and at the latest thirty (30) days after having received the request.

If you have any complaint regarding the processing of your personal data by Komatsu or Komatsu Europe via MMS, you may always contact us via the e-mail address mentioned in the first paragraph of this clause. If you remain unsatisfied with our response, you may file a complaint with the competent data protection authority.