

Komatsu Portals, Products and Services

Privacy Policy

This Privacy Policy governs the processing of personal data which takes place when you as a natural person uses one of the Komatsu online portals (e.g. webshops), connected products (e.g. construction, mining or quarry machines equipped with telematics capabilities, jobsite monitoring solutions, geolocalization devices, etc.) and/or cloud services (e.g. accessible via the web, a mobile application or API) which are offered or made available 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").

Please note in the event that a cloud service or portal uses cookies, pixels or similar technologies, that these technologies are strictly necessary to offer you the cloud service or portal. Any processing of personal data will in such event be based on our legitimate interest to offer the portal or cloud service in the manner which we believe to be technically optimal. If such technologies are used for other reasons, you will be asked to provide your consent in the manner outlined in such portal or cloud service.

1. Who is responsible?

Komatsu Europe is responsible and therefore the controller for the purposes for processing your personal data as set forth herein. All your inquiries, requests and complaints regarding to the subject matter covered in this Privacy Policy can be addressed to Komatsu Europe by sending an e-mail to PrivacyOffice@komatsu.eu, through which you can reach the Privacy Office. Komatsu Europe is part of the Komatsu Group of companies. Due to the technical setup of the portals, connected products and cloud services, your personal data will be shared

with our head office Komatsu Ltd., a Japanese corporation having its principal place of business at no. 3-6, Akasaka 2-Chome, Minato-Ku, Tokyo, Japan for the purposes set forth herein.

2. What categories of personal data do we process?

When you use one of our portals, connected products or one of our cloud services, we will collect the following types of personal data:

- personal identification data (e.g. names);
- contact details (e.g. phone number, email address, etc.)
- current employment (e.g. function title and employer details)
- details regarding:
 - your use of, interaction with and operation of the portal, connected product or cloud service and its functions and features;
 - connectivity information, which may be wired or wireless, depending on the product;
 - depending on the portal, product or cloud service, your location and position;
 - communications sent with or through the portal, connected product or cloud service, if it supports communications, which may include questions, answers and general messages;
 - usage times and statistics;
 - error codes and frequency of those codes;
 - use of safety features and functionalities;
 - behavior, attentiveness and user condition monitored during portal, product or cloud service operation. This typically relates to how you use a portal, product or cloud service, whether you are sufficiently attentive and not distracted (the latter being mainly relevant when you use a telematics-enabled Komatsu machine);
 - orders, order history, invoices, delivery notes and complaints;
- pictures, videos and sound recordings.

3. Why do we process your personal data?

When you use our portals, connected products and cloud services, your personal data are processed for the following purposes:

- (a) to provide and let you use the portal, connected products and/or cloud services, but only where we do not act on behalf of your employer or customer (e.g. in cases where we are responsible for account management, billing, invoicing or first line support);
- (b) to let you buy our products and services or to let you supply your products and services;
- (c) to facilitate order processing, invoicing and payment handling and general administrative follow-up;
- (d) to ensure the safety and security of our portals, connected products and cloud services;
- (e) to follow up on, assess or handle warranty claims, unless the portal or cloud service is not used in connection with one of our connected products;
- (f) to detect and prevent misuse, fraud, theft and other illegal or harmful behavior;
- (g) to develop training materials, provide training and assess training results;

- (h) to improve portals, products, services, quality and operational efficiency;
- (i) to develop new portals, products, services, features, functions and solutions, which may include training artificial intelligence systems;
- (j) to improve jobsite safety and efficiency and provide consultancy services on how to do so;
- (k) to engage in normal customer relationship management activities and provide faster and more tailored support services;
- (l) to optimize jobsite layout, resource allocation and driving routes;
- (m) to facilitate real-time jobsite monitoring and management;
- (n) where applicable: to follow-up on rental agreements;
- (o) to inform distributors, dealers and other partners on product and sales history, location and product maintenance;
- (p) to evaluate, analyze and report on portal, product or service usage;
- (q) to comply with a legitimate request from law enforcement or other authorities;
- (r) to comply with our legal obligations under product compliance, cybersecurity, data protection or similar regulatory frameworks.

We may 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.

We may also process your personal data to defend ourselves or others in case of disputes, claims, or other contentious or litigious matters.

We do not make decisions based solely on automated processing that produce legal or similarly significant effects about you. If this changes, we will update this notice to explain the logic involved, the significance and consequences for you, and your rights to obtain human review, to express your point of view and to contest the decision.

Please note that your employer or customer can also use our portals, connected products or cloud services to process your personal data, for instance to let you use the products or services on behalf of said employer or customer, to evaluate your performance, to improve business etc. We only act as processor when your employer or customer decides to use your personal data in a particular manner and you should check the privacy notice of your employer or customer for more information about such processing.

4. 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 the previous section.

For the purposes(a) to (p) above as well as for the purpose of informing a third party in the context of a possible merger, acquisition or demerger, and defending ourselves in the case of disputes, claims, or other contentious or litigious matters, the processing of your personal data is necessary for our legitimate interests, which in this case concern:

- the overall provision of portals, products, services and conducting business in general as well as customer relationship management;
- ensuring safety and security for our employees, suppliers, customers and all other stakeholders as well as our assets and interests and those of our affiliates which may be affected by the use of our products and services;
- general commercial interests which include handling warranties, the need to be able to improve products and services, our machines and services and training materials and the need to be able to enter into corporate transactions and protect our legal, operational and financial interests.

For purposes (q) and (r) we need to process your personal data to comply with our legal obligations.

5. 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 connected products and services;
- distributors, dealers and other parties with whom we have a business relationship;
- governmental, judicial and other competent bodies in case of a justified yet legally binding request;
- third parties with whom we are in contact in the context of corporate transactions;
- professional service providers such as law firms, consultants, accountants, banks, insurance companies, debt collection agencies, etc.

Your personal data are transferred to Japan, for which we rely on the adequacy decision of the European Commission for Japan. Your personal data will also be processed in the USA on the basis of standard contractual clauses concluded with the recipients of your data in the USA. 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, training of artificial intelligence, preparing consultancy services as well as for the purposes of developing training materials and providing training to Komatsu affiliates, distributors, dealers, customers and operators.

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

6. 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 3 above. More granular information about retention periods of your personal data can be obtained upon request, contacting the Privacy Office via the email referred above and clarifying for which portal, connected product or service you would like to know the retention periods.

In principle, we will only keep your personal data in a directly identifiable format when strictly necessary to achieve the aforementioned purposes. This is typically as long as you have an account on one of our portals or cloud services or as long as you use one of our connected products. When your account is deleted or you have stopped using our connected products, identifying information will typically be deleted after a reasonable period for account administration and potential recovery.

We will in any case 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 Europe, one of our affiliates 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.

7. 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 via portals, connected products or cloud services insofar it pertains to you. You can exercise this right first and foremost via most products and cloud services directly. We reserve the right to refuse multiple requests for access that are clearly submitted for causing nuisance or harm to Komatsu Europe, our affiliates 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 product's or cloud service's interface. 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 Europe, our affiliates 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 (p) in section 3, but you are required to explain your particular circumstances on which your request for opposition is based.

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. If we do not have reasonable means to authenticate you when you make your request, we may ask you to send us a digitally scanned copy of your valid identity card proving your identity.

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 Europe in the context of our connected products or services, 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.