



LMS Privacy Policy

This Privacy Policy governs the processing of personal data which takes place when users use, or allow others to use, the Komatsu Learning Management System (“LMS”). This Privacy Policy is specifically directed at staff members and other natural persons who have been granted access to the LMS by Komatsu, Komatsu Europe and/or a licensed Distributor.

The LMS is 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**”). The LMS is 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 also acts as Komatsu’s representative in the African Union with respect to the LMS.

Access to the LMS may also be granted by a licensed distributor (“**Distributor**”), i.e. a legal entity established in the EEA and/or in the African Union which has been officially appointed as Komatsu distributor for Komatsu products in a designated territory and has accepted such appointment. The list of Distributors can be found on the respective Komatsu website (<https://www.komatsu.eu/> and/or <https://www.komatsu-africa.com/en>).

Komatsu Europe reserves the right to make changes to this Privacy Policy at its own discretion and from time to time. Such changes will be communicated via the LMS itself. If you do not accept such changes, you are to inform us by sending an e-mail to PrivacyOffice@komatsu.eu. If we do not receive such an e-mail from you within three (3) business days after the changes to the Privacy Policy have been announced in a visible

manner on the LMS, you will be deemed to have read and unambiguously accepted all such changes.

1. Who is responsible?

Komatsu Europe is responsible for the processing of your personal data for the purposes set forth herein when you use the LMS. The Distributor and/or your employer may have their own purposes for collecting and using your personal data, in which case you are kindly request to consult their privacy notice.

2. What sort of personal data is processed?

When you use the LMS, the following types of personal data are collected and processed:

- personal identification data (e.g. names);
- electronic identification data (e.g. IP addresses);
- personal particularities (e.g. gender);
- professional competence (e.g. certificates and licenses);
- professional experience (e.g. professional interests);
- current employment (e.g. function title and employer details);
- information related to training (e.g. results of tests).

3. Why is your personal data processed?

When you use the LMS, we process your personal data for the following reasons:

- (a) to provide you with training opportunities;
- (b) to monitor and assess your capabilities and performance;
- (c) to manage available human resources;
- (d) to improve training materials.
- (e) to inform you about new training opportunities and training initiatives.

When you use the LMS, we process your personal data for the following reasons:

- (f) to improve the LMS as a system;
- (g) to make statistical analyses and reports;
- (h) to keep the LMS safe and secure and to protect it against any use which may be considered (a) a violation of any applicable terms of use or the intellectual property rights or any other right of us or a third party, (b) a danger to the LMS or any of its underlying systems due to viruses, Trojan horses, spyware, malware

or any other form of malicious code, or (c) in any way hateful, obscene, discriminating, racist, slanderous, spiteful, hurtful or in some other way inappropriate or illegal;

- (i) to inform a third party in the context of a possible merger with, acquisition from/by or demerger by that third party, wherever that party may be located;
- (j) to comply with legal obligations as well as requests from governmental, judicial and other competent authorities.

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 section 3 above:

- for the purposes (a) to (d) the processing is necessary for the performance of a contract to which you are a party (indeed, we require your personal data for these purposes or we cannot provide you with the core of the LMS service, and for our own staff members it is necessary for the performance of the employment agreement);
- for the purposes (e) to (i) the processing is necessary for the purposes of our legitimate interests, which in this case concern:
 - the need to be able to improve the LMS system, by improving existing features and adding new ones;
 - the need to gain insights in how the LMS and training materials are used;
 - the need to keep the LMS safe and secure for everyone;
 - the need to be able to enter into corporate transactions.
 - the need to be able to communicate our training offering.
- for purpose (j) the processing is necessary 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 the LMS;
- governmental, judicial and other competent bodies in case of a justified yet legally binding request.

Your personal data are transferred to Japan and may be transferred to other countries as well.

Your personal data are transferred to the United States of America as well.

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. 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.

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 in the LMS insofar it pertains to you. You can exercise this right first and foremost via the LMS itself. We reserve the right to refuse multiple subsequent requests for access that are clearly submitted for causing nuisance or harm to us or other parties.

You have the right to ask that any personal data pertaining to you which are inaccurate, are corrected free of charge. A lot of your personal data you can correct yourself via the LMS. 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 which are 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 (e) to (h) in section 3, but you are required to explain your particular circumstances on which your request for opposition is based.

You have the right to receive from us in a structured, commonly used and machine-readable format all personal data you have provided to us for the purposes (a) to (d) listed in section 3.

If you wish to submit a request to exercise one or more of the rights listed in this section, you can send an email to PrivacyOffice@komatsu.eu. An email 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.

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 us via the LMS, 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.