

SMART CONSTRUCTION PRIVACY NOTICE
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This privacy notice (“**Privacy Notice**”) provides information on the processing (i.e. collection, storage, use, transfer, etc.) of your personal data by Komatsu Europe International NV, Mechelsesteenweg 586, 1800 Vilvoorde, Belgium (“**Komatsu**”, “**we**”, “**us**” or “**our**”).

We collect, store, use and transfer your personal data when you, on behalf of your company:

- a. register on our customer portal (“**Portal**”);
- b. create and manage your account on our Portal; and
- c. purchase, renew or cancel a subscription (“**Subscription**”) for one of our Smart Construction services (“**Services**”).

Please note that the company which has purchased the Subscription (“**Customer**”) is exclusively responsible for the processing of your personal data as a result of using the Services or as a result of account management activities as part of using the Services. We only process your personal data in these instances on behalf of said company.

Our Portal uses cookies and similar technologies which involve the placing of information on, or the collection of information already stored on, your device (i.e. computer or mobile device). For more information on such placing and collection and any personal data processing which is associated with the use of these technologies, you are kindly requested to consult our cookie policy (<https://www.smartconstruction.io/en/cookie-policy>).

1 Who is responsible?

In this section we explain who is responsible for the processing of your personal data.

- 1.1. **Komatsu Europe International NV** – Your personal data are processed by Komatsu Europe International NV, Mechelsesteenweg 586, 1800 Vilvoorde, Belgium, registered under no. (0)404.968.268 in the RPR/CER Brussels .
- 1.2. **Questions** – If you have any questions regarding the processing of your personal data as described herein or regarding the content of this Privacy Notice, you can contact us via e-mail at PrivacyOffice@komatsu.eu.
- 1.3. **Changes** – We reserve the right to change, amend or revise this Privacy Notice at our discretion and from time to time. We will inform you of such changes, amendments or revisions through the Portal before these changes, amendments or revisions take effect.

2 Types of personal data we process

In this section we explain the different types of personal data we process when you register on and use our Portal and when you, on behalf of a Customer, purchase, renew or cancel a Subscription for our Services. You understand that without these personal data we are not able to give you access to the Portal or to let you purchase, renew or cancel Subscriptions.

- 2.1. **Portal activities** – As part of the registration process on the Portal, you will be asked to provide your name, function and professional contact details. Depending on the payment option you have selected on the Portal for buying Subscriptions, we will collect payment related details as well. We also collect technical information related to your device and internet connection when you connect to the Portal, such as your IP address and browser type, but this is a direct result of how internet communications work.
- 2.2. **Subscriptions** – When you purchase, renew or cancel a Subscription we collect your name, function and professional contact details as well as data related to the Subscriptions you order, renew or cancel.

3 Purposes for which we process your personal data

In this section we explain the purposes for which we wish to process your personal data. For each purpose we highlight the specific legal authorization we rely on to process your personal data.

- 3.1. **Registration and account management** – We process your personal data to allow you to register on and use the Portal, for which we rely on our legitimate interest to process your personal data so that we may offer our Services to the Customer and allow Partners to help Customers select the correct Services.
- 3.2. **Offering of Subscriptions** – We process your personal data to allow you to purchase, renew or cancel Subscriptions, for which we rely on our legitimate interest to process your personal data so that we may offer our Services to the Customer.

- 3.3. **Invoicing and customer/partner relationship management** – We process your personal data for invoicing and customer/partner relationship management purposes for which we rely on our legitimate interest to process your personal data so that we may offer our Services to the Customer and allow our partners to provide their services.
- 3.4. **Management reporting and statistics** – We process your personal data to be able to generate aggregated statistics which we use for internal management reporting as well as for discovering and communicating about trends, developments and opportunities. We rely on our legitimate interest to investigate, better understand and report on our business to process your personal data for this purpose.
- 3.5. **Product and service development and improvement** – We process your personal data to develop new products and services as well as improve our current portfolio of products and services and inform you as existing customer of our updated or new products and services via e-mail. We rely on our legitimate interest to remain competitive to process your personal data for this purpose. If you do not want to receive such e-mails, you can always unsubscribe from them.
- 3.6. **Security** – We process your personal data to keep our Portal, its users, underlying systems and data safe and secure from incidents and threats, for which we rely on our legitimate interest to keep our Services safe.
- 3.7. **Legal obligations and legitimate requests** – We process your personal data to comply with legal obligations as well as to comply with any legitimate request from competent officials or representatives of the police, judicial authorities, government agencies or bodies including data protection authorities, for which we rely on our legal obligations.
- 3.8. **Mergers and acquisitions** – We process your personal data to prepare and undertake corporate transactions such as mergers, acquisitions or demergers, for which we rely on our legitimate interest to engage in such transactions.
- 3.9. **Defense in disputes and proceedings** – We process your personal data to defend ourselves in disputes and legal or other proceedings as well as to gather evidence and prepare our defense, for which we rely on our legitimate interest to be able to defend ourselves in such circumstances.

4 Recipients of your personal data

In this section we explain which categories of stakeholders will receive your personal data insofar such is necessary for realizing the purposes listed above.

- 4.1. **Intra-group data sharing** – We will make your personal data available within the Komatsu group of companies and specifically with our global headquarters in Japan.
- 4.2. **Partners** – We will make your personal data available to our partners with whom you have a direct relationship and who assist you in selecting and using the Services.
- 4.3. **Governmental and judicial agencies, authorities or bodies** – We will make your personal data available to governmental and judicial agencies, authorities or bodies to comply with legal obligations or requests as explained above.
- 4.4. **Debt collection agencies** – We reserve the right to transfer your personal data to a debt collection agency for the handling of unpaid invoices.
- 4.5. **Service providers** – We rely on carefully selected third parties to assist us in providing you the Services, such as financial institutions, payment providers, insurance companies, external legal support, accountants and marketing and IT service providers. Your personal data are transferred to these service providers insofar necessary for realizing the purposes above.
- 4.6. **Transport companies** – We send your personal data also to transport companies to deliver products you have ordered to you.
- 4.7. **Transfer to third countries** - Your personal data will be transferred to countries outside the European Economic Area for which we have either concluded the necessary contractual arrangements on the basis of the European Commission's standard contractual clauses or on the basis of an adequacy decision such as the adequacy decision of the European Commission for Japan and the Privacy Shield arrangement for the US (<https://www.privacyshield.gov/>). For more information, you can contact the data protection officer (see contact details below).

5 Quality assurance

In this section we explain the measures we take to ensure that the processing of your personal data takes place in a safe and secure manner.

- 5.1. **Purpose limitation** – We process your personal data only for the purposes listed in this Privacy Notice and will only share them with the third parties listed in this Privacy Notice for such purposes.
- 5.2. **Data retention** – We process your personal data only for as long as required for the purposes listed in this Privacy Notice and minimally for as long as you have an account on our Portal or are responsible for purchasing, renewing cancelling Subscriptions and until 7 years thereafter.

- 5.3. **Security** – We take the necessary technical and organisational measures to protect your personal data against unauthorised access or theft and against accidental loss, alteration or destruction. We only allow access to your personal data on a need-to-know basis as explained herein and ensure that anyone who accesses these data on our behalf is bound by a contractual or statutory confidentiality obligation. You understand, however, that safety and security are only best efforts obligations which can never be guaranteed.

6 Your rights

In this section we explain which rights you have when we process your personal data. Note that we have listed these rights exhaustively and that certain conditions may apply for exercising these rights.

- 6.1. **Right to access** – You have the right to request access to all personal data processed by us pertaining to you. To be able to grant this request, you must explain to which data you would like to have access. We reserve the right to charge an administrative fee for multiple subsequent requests for access that are clearly submitted for causing nuisance or harm to us.
- 6.2. **Right to rectification** – You have the right to ask that any personal data pertaining to you that are inaccurate, are corrected free of charge. If a request for correction is submitted, such request shall be accompanied of proof of the flawed nature of the data for which correction is asked.
- 6.3. **Right to erasure** – 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 or if you deem the processing to be unlawful. However, you need to keep in mind that we will evaluate a request for deletion against:
- overriding interests of Komatsu or a third party;
 - legal or regulatory obligations or governmental 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.
- 6.4. **Right to oppose** – You have the right to oppose the processing of personal data, but you must explain the serious and justified reasons connected with your particular circumstances which would warrant such opposition.
- 6.5. **How to exercise your rights** – If you wish to submit a request to exercise one or more of the rights listed above, you can send an e-mail to PrivacyOffice@komatsu.eu. for all data subject rights matters. An e-mail requesting to exercise a right shall 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.

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, 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 are free to file a complaint with the competent data protection authority, i.e. the Belgian Data Protection Authority (<https://www.gegevensbeschermingsautoriteit.be>).