

Komatsu America Corp.

Privacy Notice for California Residents

Effective Date: 1.1.20

Last Modified: 12.13.19

Introduction

This Privacy Notice for California Residents (the “Notice”) supplements the information contained in Komatsu America Corp.’s (“Komatsu”, “we”, “us”, “our”) [Website Privacy Statement](#) and applies solely to all visitors, users, and others who reside in the State of California ("consumers" or "you"). We adopt this notice to comply with the California Consumer Privacy Act of 2018 (CCPA) and any terms defined in the CCPA have the same meaning when used in this Notice.

Information We Collect

We collect information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device ("personal information").

We have collected the following categories of personal information from consumers within the last twelve (12) months:

- A. Identifiers** such as your name, postal address, account name/ID, IP address, email address, tax identification number, or other similar identifiers.
- B. Other Personal Information** such as your telephone number, and bank account information, credit card number, or other financial information.
- C. Classifications protected by California law** such as your age, race, color, national origin, citizenship, religion, physical or mental disability, sex, gender, and sexual orientation.
- D. Internet or network activity** such as your browsing history, information on your interaction with a website, application, or advertisement.
- E. Commercial information** such as records of equipment or services purchased or consuming histories or tendencies.
- F. Geolocation data** such as your physical location or movements.

We obtain the above categories of personal information from the following categories of sources:

- 1. Directly from you when you provide it to us.** This includes information you provide by filling in forms on our Website or telephone, such as information provided at the time of registering to use our Website, posting material on the Website, requesting further services on the Website, or purchasing or servicing equipment.
- 2. Automatically as you navigate through the site.** Information collected automatically may include Internet information as described above, and we also may use these

technologies to collect information about your online activities over time and across third-party websites or other online services.

- 3. From third parties, such as our trusted business partners and distributors.** The information they collect may be associated with your personal information or they may collect information, including personal information, about equipment you purchase or service.

Finally, we may also collect your aggregated or de-identified information which is information that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a you.

How We Use Your Information

We may use or disclose the information we collect for one or more of the following purposes:

- To fulfill or meet the reason you provided the information.
- To provide, support, personalize, and develop our Website, products, and services.
- To create, maintain, customize, and secure your account with us.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To personalize your Website experience and to deliver content and product and service offerings relevant to your interests.
- As described to you when collecting your personal information or as otherwise set forth in the CCPA.

We will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

How We Share Your Information

We may disclose your personal information to a third party for a business purpose. We share your personal information with our distributors, payment processors, our accountants, and other service providers necessary to facilitate the sales and maintenance of equipment.

We have not sold your personal information in the preceding twelve (12) months, and we will not sell your personal information in the future without providing you the opportunity to opt-out of such sale(s). We do not knowingly collect or sell the information of minors under the age of 16.

Your Privacy Rights

1. Right to Know About Personal Information Collected and/or Disclosed

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request (see “Exercising Your Rights” section), we will disclose to you:

- The categories of personal information we collected about you;
- The categories of sources for the personal information we collected about you;
- Our business or commercial purpose for collecting that personal information;
- The categories of third parties with whom we share that personal information;
- The specific pieces of personal information we collected about you (also called a data portability request);
- If we disclosed your personal information for a business purpose, a separate list disclosing disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

2. Right to Request Deletion of Personal Information

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see “Exercising Your Rights” section), we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

- Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, or otherwise perform our contract with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

3. Exercising Your Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by either:

- Calling us at 800.461.9330.
- Submitting a question at www.komatsuamerica.com/compliancehotline using the “Ask A Question” feature.

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

4. Response Timing and Format.

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Changes to Our Notice

We reserve the right to amend this Notice at our discretion and at any time. When we make changes to this Notice, we will post the updated notice on the Website and update the notice's effective date. Your continued use of our Website following the posting of changes constitutes your acceptance of such changes.

Contact Information

If you have any questions or comments about this notice, the ways in which we collect and use your information described below (and in the Privacy Policy), your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: 800.461.9330

Website to submit a question: www.komatsuamerica.com/compliancehotline using the “Ask A Question” feature.

Postal Address:

Komatsu America Corp.
Attn: Compliance Department
1701 Golf Rd.
Rolling Meadows, IL 60008

If after 1.13.19 to:

Komatsu America Corp.
Attn: Compliance Department
8770 W Bryn Mawr Ave., Suite 100
Chicago, IL 60631