

# WITOS HCQ

## Specific Privacy Notice

### European Economic Area (EEA)

### ("#WG-11")

Territory Scope: European Union, non-EU countries in European Economic Area (EEA), Switzerland

Release Date: 2021-05-05

Language: English

This Specific Privacy Notice describes how HAMM AG and its affiliates (“**WIRTGEN GROUP Affiliate(s)**”) processes and uses your data in the context of WITOS HCQ (**WITOS HCQ**). References in this Privacy Notice to “**HAMM**”, “**we**” or “**us**” shall mean **HAMM AG**, Hammstr. 1, D-95643 Tirschenreuth, Germany.

We would like to explain to you below – in addition to the general WITOS Privacy Notice (EEA) #WG-4 – in more detail which personal data we collect and process in connection with WITOS HCQ and how we use this data as well as inform you about your rights as a data subject. For information on other products and services offered by HAMM or WIRTGEN GROUP Affiliates, please refer to the respective privacy notice for these products and services.

This Privacy Notice applies only to individuals (“**you**” or “**your**”) to whom the provisions of the EU General Data Protection Regulation (GDPR) are applicable and who are within the jurisdictions mentioned under Territory Scope (see above), in particular data subjects residing within the European Economic Area (EEA) and Switzerland. Outside the EEA and Switzerland please refer to our separate WITOS HCQ Privacy Notice (Rest of World) #WG-12.

## **1. What data do we collect?**

We collect and process data about you when you interact with us and our products, while using WITOS HCQ. WITOS HCQ processes data generated by the use of, collected by, or stored in machinery and equipment as well as data entered through any other system interfaces.

### **Production Data**

Production Data is information about the work you do with your equipment and the location where you do that work. For example:

- Date and time
- Position data of the machine
- Project and section name
- Contractor, Client
- Layer names and properties
- Traverse lines and maps/ planning data

You can see and manage your production data in WITOS HCQ.

### **Machine Data**

Machine Data is information that indicates machine health, efficiency, and function.

Machine Data comprises:

- Machine location
- Speed
- Driving direction
- Compaction mode
- Compaction amplitude
- Compaction frequency
- Stiffness value Hamm Measurement Value (HMV)

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- Jump mode indicator Resonance Measurement Value (RMV)
  - Asphalt surface temperatures
  - Attachments active/inactive
  - Quality indicators for GNSS reception
  - Software and firmware versions
  - Machine attachments, auxiliary equipment or carriers
  - Strength of mobile or satellite link

### **Administrative Data**

Administrative data is information that helps us support your account and activities in our system.

For example:

- The WITOS HCQ users of your organization (in WITOS User Control);
- All machines, devices, and licenses linked to your account (in WITOS FleetView);
- Contact information such as email address and telephone number

You can view and manage administrative data in WITOS HCQ.

You can view and use the listed data in WITOS HCQ.

## **2. For what purposes and on what legal basis do we use your data?**

We use and process this personal data for the following purposes:

- As required to establish and fulfill a contract with you or your Organization, as defined in the WITOS HCQ Specific Terms & Conditions #WG-13, Art. 6(1)(b) or Art. 6(1)(f) GDPR. Depending on the legal basis provided by your Organization also Art. 6(1)(a) or Art. 88 GDPR in connection with applicable national law may apply.
- You and your Organization acknowledge that HAMM may access and use the data within the WIRTGEN GROUP in anonymized or pseudonymized form for statistical purposes as well as to improve or enhance the services provided under the WITOS Terms & Conditions, develop additional or new products and services, and/or identify new usage types of equipment; in this case HAMM does not intend to identify you as a natural person. Our legitimate business interests lie, inter alia, in the fulfilment of our contractual obligations towards our customers, the further development of our products and services and the know-how transfer between WIRTGEN GROUP Affiliates.
- Compliance with applicable laws and protection of HAMM's legitimate business interests and legal rights, including, but not limited to, use in connection with legal claims, compliance, regulatory or investigative purposes (including disclosure of such information in connection with legal process or litigation), Art. 6(1)(c) or Art. 6(1)(f) GDPR.
- HAMM may disclose the data according to Art. 6(1)(c) or Art. 6(1)(f) GDPR to outside parties when we have a good faith belief that disclosure is reasonably

necessary to (a) comply with any applicable law, regulation or compulsory legal request (e.g. from government authorities and/or law enforcement officials); (b) protect the safety of any person from death or serious bodily injury (following our legal obligation with regard to market surveillance and product safety); (c) prevent fraud or abuse against us or our users; (d) to protect our property rights; or (e) defend HAMM and WIRTGEN GROUP Affiliates or personnel from any legal proceedings arising out of the data. In specific cases (e.g. when providing prototype tests) we may process certain data based on your voluntary consent. In this case, the scope and specific purposes will be set forth in the relevant consent form, Art. 6(1)(a) GDPR.

### 3. Who will we share your data with?

We share your information with the following recipients:

- **Third parties at your direction:** You or your Organization may share and disclose data to other WITOS HCQ Users via WITOS HCQ. By setting permissions for WITOS HCQ, you or your Organization control other parties' access and visibility into your data. Please note that when you or your Organization share your information with someone other than HAMM, the recipient may decide to copy, use, modify, or distribute it to others, and HAMM has no control over, or responsibility for, any such activities.
- **WIRTGEN GROUP Affiliates:** We share your information with our parent company Deere & Company and WIRTGEN GROUP wholly-owned subsidiaries as far as necessary to provide you WITOS as well as for the other purposes described in this notice.
- **Trusted suppliers:** We share your information with trusted suppliers as necessary to provide WITOS. Depending on how you use WITOS and on the preferences you set, these suppliers, with which we regularly conclude data processing agreements pursuant to Art. 28 GDPR, include companies that provide the following technology and computing services, including internet and software services: data hosting, and cloud computing capabilities, account management and security, testing, debugging, error reporting and usage analytics. If you use WITOS, we also engage suppliers of mobile telecommunication services that may include cellular, satellite, and other wireless communication services.
- **Official disclosures:** We may disclose your data to comply with court orders and legal or regulatory requirements; to prevent injury, death, losses, fraud or abuse; to protect HAMM's rights or to defend HAMM in legal proceedings (or WIRTGEN GROUP Affiliates); and where needed in connection with the sale or transfer of business assets.

Personal data may be shared with government authorities and/or law enforcement officials if required for the purposes above, if mandated by law or if required for the legal protection of our legitimate interests in compliance with applicable laws.

As an end user (e.g. as an employee or driver) please refer to your Organization as the operator and/or owner of the machine to find out how it transfers your data on its part.

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#### **4. Where will we send your data?**

Generally, we store your data on systems inside the European Economic Area (EEA). Where information is transferred outside the EEA, and where this is to a trusted supplier in a country that is not subject to an adequacy decision by the EU Commission (a list of such countries is available [here](#)), data is adequately protected by HAMM's use of EU Commission approved [standard contractual clauses](#) according to Art. 46 (2) GDPR when setting up such relationships. Transfers to WIRTGEN GROUP Affiliates will take place using adequate measures, such as Binding Corporate Rules (BCR's), standard contractual clauses adopted by the European Commission to protect Personal Data, other valid transfer mechanism(s), or based on permissible statutory derogations.

#### **5. What rights do you have in relation to your data?**

You have the right to ask us:

- for access to and a copy of your personal data that we hold on you (Art. 15 GDPR),
- for a copy of the personal information you provided to us and to provide it to you or send to a third party in a commonly used, machine readable format in certain circumstances (Art. 20 GDPR),
- to update or correct your personal data in order to make it accurate (Art. 16 GDPR),
- to delete your personal data from our records in certain circumstances (Art. 17 GDPR),
- to restrict the processing of your personal data in certain circumstances (Art. 18 GDPR).

And you may also:

- object to us processing your personal data in certain circumstances (in particular, where we don't have to process the data to meet a contractual or other legal requirement, or where we are using the data for direct marketing – Art. 21 GDPR),
- if you have granted your consent to the processing of your data, withdraw this consent at any time with effect for the future without giving any reasons (Art. 7 GDPR).

These rights may be limited in some situations – for example, where we can demonstrate that we have a legal requirement or compelling legitimate grounds to process your data. In some instances, this may mean that we are able to retain data even if you object to our data processing or withdraw your consent.

Where we require personal data to comply with legal or contractual obligations, then provision of such data is mandatory: if such data is not provided, then we will not be able to manage our contractual relationship, or to meet obligations placed on us. In all other cases, provision of requested personal data is optional.

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If you want to exercise your rights regarding your personal data, you can contact the data protection officer whose contact details can be found below.

In the event you have unresolved concerns, you also have the right to lodge a complaint over the [Personal Data Complaint Form](#) on our WIRTGEN GROUP Website or complain with a supervisory authority, in particular the data protection authority in the member state of your habitual residence or place of work.

Please note that we can only answer requests regarding your rights, if the data on which your request is based clearly identifies you as an individual. Since, in general, we process your data pseudonymously, unless otherwise necessary for the performance of our contractual services towards your Organization, we would have to process additional personal data in order to identify you. This is typically not necessary and not intended within the purposes of our services. Therefore we are generally not obliged to collect or process such additional data (Art. 11(2) GDPR) and Art. 15 to 20 GDPR will not apply.

Generally, we recommend that you contact your Organization directly for your requests for information and the assertion of your rights as a data subject. After all, your Organization as the operator and/or owner of the machine may take the appropriate measures and provide you with further information.

## **6. Which WIRTGEN entity is responsible for your data?**

The data controller for your information in the context of your use of WITOS HCQ is **HAMM AG**, Hammstr.1, D-95643 Tirschenreuth, Germany.

You can contact our central data protection officer via: [datenschutz@hamm.eu](mailto:datenschutz@hamm.eu)  
In addition to the above, your data is shared with WIRTGEN GROUP Affiliates.

Besides us also your Organization as owner and/or operator of the machine is responsible for data processing in connection with WITOS HCQ. For further information, please refer directly to your Organization or the data protection officer of your Organization directly.

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## **7. How long do we retain your data?**

We transfer data for the duration of the contractual period to your Organization. We on our part retain the production and machine data (reports) for at least 3 years, administrative data for the duration of the contractual period and, to the extent permitted, after the end of that relationship for as long as necessary to perform the purposes set out in this notice and to fulfill legal obligations, to protect ourselves from legal claims, or to administer our business.

Generally, we have no control over how your Organization stores or deletes your data. Please refer to your Organization for details on specific retention periods or for deletion requests.

## **8. How do we protect your data?**

We have implemented and will maintain standards and procedures designed to prevent misuse of your information (technical and organizational measures):

- We maintain physical computer and network security.
- We educate our employees about the importance of data security and customer service through standard operating procedures and special training programs.
- We maintain security standards and procedures to help prevent unauthorized access to information about you, and we update and test our technology to improve the protection of your information.

## **9. Changes to this Privacy Notice**

This Privacy Notice shall apply as amended or revised. We recommend that you read the most current version next time you use our product or service. We will publish the updated version of this Privacy Notice in the [WIRTGEN GROUP Portal](#).