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# WITOS Wirtgen Performance Tracker Specific Privacy Notice Rest of World (“#WG-9”)

Territory Scope: Countries outside the European Economic Area (EEA) and Switzerland

Release Date: 2021-03-22

Language: English

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This Specific Privacy Notice describes how WIRTGEN ROAD TECHNOLOGIES GmbH and its affiliates (“**WIRTGEN GROUP Affiliate(s)**”) processes and uses your data in the context of WITOS Wirtgen Performance Tracker (**WITOS WPT**). References in this Privacy Notice to “**WIRTGEN**”, “**we**” or “**us**” shall mean Wirtgen Road Technologies GmbH, Reinhard-Wirtgen-Str. 2, 53578 Windhagen, Germany.

We would like to explain to you below – in addition to the general WITOS Privacy Notice (Rest of World) #WG-5 – in more detail which personal data we collect and process in connection with WITOS WPT 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 WIRTGEN 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 not applicable and who are within the jurisdictions mentioned under Territory Scope (see above), in particular individuals residing outside the European Economic Area (EEA) and Switzerland. Within the EEA and Switzerland please refer to our WITOS WPT Privacy Notice (EEA) #WG-8.

If your jurisdiction is neither mentioned under the Territory Scope of this Privacy Notice (see above) nor under the Territory Scope of the WITOS WPT Privacy Notice (EEA) #WG-8 other privacy notices may be applicable to you.

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

We collect and process data about you when you interact with us and our products, while using WITOS WPT. WITOS WPT 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:

- Position data of the machine
- Milling performance
  - Milling distance
  - Milling depth
  - Milling width
  - Milling duration
  - Total volume

You can see and manage your Production Data in the WITOS WPT report.

### **Machine Data**

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

Machine Data comprises:

- Machine health indicators (e.g. fuel consumption, water consumption, pick consumption and idle time), settings and readings
- Current operating time

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- Machine location
- Software and firmware versions
- Machine attachments, implements or headers

You can see the Machine Data available in WITOS WPT or the WITOS WPT instruction manual.

**Administrative Data**

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

For example:

- The WITOS WPT users of your organization
- All machines, devices, and licenses linked to your account
- Contact information such as email address

You can view and manage administrative data in WITOS User Control.

**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 WPT Terms & Conditions #WG-10. Depending on the legal basis provided by your Organization also consent or collective bargaining agreements may apply.
- You and your Organization acknowledge that WIRTGEN 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 WIRTGEN products and services, and/or identify new usage types of equipment; in this case WIRTGEN 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 WIRTGEN'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).
- WIRTGEN may disclose the data according 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 WIRTGEN and WIRTGEN GROUP Affiliates or personnel from any legal proceedings arising out of the data.

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- 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.

### **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 over WITOS WPT Interface with other process/ accounting systems. The data can be retrieved via various web services. By setting permissions for WITOS WPT Interface, 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 WIRTGEN, the recipient may decide to copy, use, modify, or distribute it to others, and WIRTGEN 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 necessary agreements, 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 WIRTGEN's rights or to defend WIRTGEN 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.

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

Your data may be stored in accordance with this Privacy Notice on systems in the United States, the EEA and other countries which may have differing data protection laws.

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

Depending on your jurisdiction you may have the right to ask us:

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- for access to and a copy of your personal data that we hold on you,
- 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,
- to update or correct your personal data in order to make it accurate,
- to delete your personal data from our records in certain circumstances,
- to restrict the processing of your personal data in certain circumstances.

And you may also have the right, depending on your jurisdiction:

- to object to us processing your personal data in certain circumstances,
- if you have granted your consent to the processing of your data, to withdraw this consent.

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.

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

In the event you have unresolved concerns, depending on your jurisdiction, you may also have the right to lodge a complaint over the [Personal Data Complaint Form](#) on our WIRTGEN GROUP Website or complain with a competent supervisory authority.

Please note that we can only answer requests regarding rights applicable to you, 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.

Generally, we recommend that you contact your Organization directly for your requests for information and the assertion of your rights as a data subject applicable to you. 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 WPT is Wirtgen Road Technologies GmbH, Reinhard-Wirtgen-Str. 2, 53578 Windhagen, Germany.

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You can contact our central data protection officer via: [datenschutz@wirtgen-group.com](mailto:datenschutz@wirtgen-group.com)

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 WPT. For further information, please refer directly to your Organization or the data protection officer of your Organization directly.

## **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](#).