

MODULAR MINING SYSTEMS INC– PRIVACY NOTICE – VENDORS

This section of our website is designed to help you understand what we do with personal information about our Vendors who are individuals and individuals within our Vendor companies.

We are committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during the course of our relationship with you, in accordance with data protection law.

WHO ARE WE AND HOW TO CONTACT US

"We", "our" or "us" means **Modular Mining Systems Inc. (part of Komatsu America Corp. group)**. Our registered office is at 3289 E Hemisphere Loop, Tucson, AZ 85706, United States. We are the controller of your personal information. This means that we are responsible for deciding how we hold and use personal information about you.

This privacy notice provides an overview of what personal information we collect and store and how we use the personal information of individuals within our Vendor organisations. This privacy notice also tells you what your rights are over your personal information and how to exercise those rights.

If you have any questions or concerns about the information in this notice, or about our handling of personal information more generally, or if you would like more detailed information on a particular point, you should contact our Local Privacy Officer who can be contacted at LPO@mmsi.com.

NAVIGATION

This privacy notice answers the following – please click on the links below to take you directly to the relevant section:

- How we use your personal information to conduct our tender process, conclude and administer contracts and our legal basis for that
- How we use your personal information for design and product development purposes and our legal basis for that
- Will we change the way we use your personal information?
- What happens if I don't provide the personal information you have asked for?
- Do we use your personal information to make automated decisions?
- How long we will keep your personal information?
- Who will we share your personal information with?
- Will you transfer my personal information outside the EEA?
- How do we ensure that your personal information is secure?
- What rights do I have over my personal information?
- How will you tell me about changes to this privacy notice?
- How you can contact us

HOW WE USE YOUR PERSONAL INFORMATION TO CONDUCT OUR TENDER PROCESS, CONCLUDE AND ADMINISTER CONTRACTS AND OUR LEGAL BASIS FOR THAT

1. What personal information do we collect and how do we use it?

Information you give us: If you or your company enters in to our tender process, negotiations or enter into a contract with us, we will collect your name and contact details and will use these to:

- process the tender submission and communicate with you during the tender process;
- set up the Vendors arrangement;
- negotiate and conclude contracts for the purchase of goods and services from you or your company;
- administer the delivery and provision of goods and/or services;
- manage ongoing contract administration;
- process and manage invoices and payment; and
- resolve disputes.

2. What is our legal basis for using your personal information?

Under data protection law we must have a legal basis to use your personal information. We have set these out below.

The legal basis for using the personal information you give to us for the purposes set out above is that is in our legitimate interests as a business to be able to contact you to discuss and manage the ongoing performance of a contract for the purchase of goods and/or services entered into with your company. We have considered our legitimate interests carefully and have balanced our legitimate interests against your rights under data protection law. We consider that this is a proportionate use of your personal information because the use of the personal information is in accordance with your reasonable expectations, is relevant and appropriate to our relationship with you and we only use your contact details for matters which relate directly to our relationship with the company you work for. We do not use them outside the business context.

HOW WE USE YOUR PERSONAL INFORMATION FOR DESIGN AND PRODUCT DEVELOPMENT PURPOSES AND OUR LEGAL BASIS FOR THAT

1. What personal information do we collect and how do we use it?

Information you give us: If we collaborate with you or your company for product development and design purposes we will collect your name and contact details and will use these to:

- process and communicate with you about ongoing product development projects;
- keep a record of the ongoing decisions and design process;
- store minutes generated from the design meetings;
- work collaboratively with you on our client projects;

2. What is our legal basis for using your personal information?

The legal basis for using the personal information you give to us for the purposes set out above is that it is in our legitimate interests as a business to be able to contact you to discuss and manage the projects we are collaboratively working on with you. We have considered our legitimate interests carefully and have balanced our legitimate interests against your rights under data protection law. We consider that this is a proportionate use of your personal information because the use of the personal information is in accordance with your reasonable expectations, is relevant and appropriate to our relationship with you and we only use your contact details for matters which relate directly to our relationship with the company you work for. We do not use them outside the business context.

WILL WE CHANGE THE WAY WE USE YOUR PERSONAL INFORMATION?

We will only use your personal information for the purpose we have set out in this notice. We can only change the purpose we use it for without telling you where we need to use it for another reason and that reason is compatible with those set out in this notice. If we need to use your personal information for any other purpose, we will notify you and we will explain the legal basis which allows us to do so in a similar way to how we have done it in this notice.

WHAT HAPPENS IF I DON'T PROVIDE THE PERSONAL INFORMATION YOU HAVE ASKED FOR?

If you don't provide the personal information we need when we ask for it, we may not be able to enter into a contract with you or the business you work for, as we may not be able to respond to you in relation to the contract or comply with our legal obligations. Where we process your personal information on consent you have the right to withdraw your consent at any time. If you have any concerns about whether you need to provide the personal information please contact our Local Privacy Officer (see contact details above).

DO WE USE YOUR PERSONAL INFORMATION TO MAKE AUTOMATED DECISIONS?

You will not be subject to decisions that will have a significant impact on you based solely on automated decision making (i.e. one without human intervention).

HOW LONG WILL WE KEEP YOUR PERSONAL INFORMATION?

We will not keep your personal information for longer than we need it for the purposes we have explained in this privacy notice. If you would like details of how long we keep your personal information for please contact our Local Privacy Officer (see contact details above). If a dispute arises between us, we will keep your personal information for the purposes of responding to and dealing with this dispute and this may mean that we keep your personal information for longer to enable us to deal with the dispute.

WHO WILL WE SHARE YOUR PERSONAL INFORMATION WITH?

We will only share the personal information that you give us with the following third parties and for the following reasons:

- **Group companies:** We will share your personal information with Komatsu America Corp., Komatsu Limited and all subsidiaries, operating units and divisions of it. This is because they provide us with assistance in managing Vendors accounts, orders, technical support and payment. We consider the use of your personal information in this way is in our legitimate interests. We have considered our legitimate interests carefully and have balanced our legitimate interests against your rights under data protection law. We consider that this is proportionate because we will only pass on the information that is necessary and we enter into data sharing agreements with our group companies.

- With companies who provide us with or support our IT systems: We use reputable third parties to provide us with our IT systems and support for them. They may access your personal information to the extent that they need to in order to provide their services. We consider it is in our legitimate interests to be able to use reputable third parties to provide appropriate IT systems to us and to fix any issues with our IT systems. We have considered our legitimate interests carefully and have balanced our legitimate interests against your rights under data protection law. We consider that this is a proportionate use of your personal information because we only share the information that is necessary to enable our IT Vendors to provide their services and we enter into a contract with them.
- With a company that we merge with or transfer our business assets to: In the event that we sell all or part of our business, or merge with another company, we may transfer personal information that we have collected as described in this notice, along with our other business assets, to the company that we are selling to or merging with. We do this on the basis of our legitimate interests in being able to merge or sell our business. We have considered our legitimate interests carefully and have balanced our legitimate interests against your rights under data protection law. We consider that this is a proportionate use of your personal information because we would only share what was necessary in order to allow the other entity to consider entering into the transaction and we enter into a contract with them.
- With entities, companies or individuals outside our group for legal reasons: We will share your personal information with entities, companies or individuals outside our group where this is necessary to: comply with any law, rule, regulation, legal procedure or governmental request that is applicable to us. The legal basis for this is that sharing your personal information in this way is necessary in order for us to comply with our legal obligations.
- With entities, companies or individuals outside our group to obtain advice: We also share your personal information with external professional advisors such as lawyers or accountants in order to take advice or enforce the terms of our agreements. The legal basis for this is that it is in our legitimate interests as a business to be able to obtain professional advice from our external advisors about issues that may arise within our business such as how to enforce our contracts with our Vendors. We have considered our legitimate interests carefully and have balanced our legitimate interests against your rights under data protection law. We consider that this is a proportionate use of your personal information because it is in your reasonable expectations when you enter a Vendors arrangement with us that we would need to share your personal information with our professional advisors, we would only share what was necessary in order to allow our advisors to advise us and we enter into contracts with our advisors.

WILL YOU TRANSFER MY PERSONAL INFORMATION OUTSIDE THE EEA?

As we are based in the United States when you provide us with your information you will be sending your information outside the European Economic Area ("EEA"). We have put in place appropriate measures to ensure that your information is treated in a way that is consistent with and which respects the data protection laws in the European Union.

We will only transfer your personal information to a country outside the EEA as follows:

- Where we share your personal information with Komatsu Limited, Komatsu America Corp., our group companies and any subsidiaries, operating units and divisions worldwide.
- Where our third party service providers who we share personal information with (as set out above) are based outside the EEA, have support services located outside the EEA or host data outside the EEA.

We only transfer your personal information to a country outside the EEA where we have a legal basis for doing so and where we require that your personal information is protected to the same standard as it would be protected in the EEA. We do this by entering into data sharing agreements with the recipients of your personal information based outside the EEA which comply with the EU Commission's standard clauses for the transfer of personal information.

If you would like further details about the countries in which your personal information is processed or details of the safeguards put in place in relation to your personal information please contact our Local Privacy Officer (see contact details above).

HOW DO WE ENSURE THAT YOUR PERSONAL INFORMATION IS SECURE?

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

WHAT RIGHTS DO I HAVE OVER MY PERSONAL INFORMATION?

You have the right to make a complaint at any time to your local regulator for data protection issues. We would, however, appreciate the chance to deal with your concerns before you approach the regulator and so, if you are happy to do so, please contact our Local Privacy Officer (see above for contact details) in the first instance and we will try to resolve your issues.

You also have a number of additional rights over your personal information, which are:

- the right to ask us what personal information we have about you and to have a copy of your personal information from us;
- the right to ask us to correct any errors in your personal information;
- the right to ask us to review and explain our legitimate interests to you;
- the right to ask us to delete your personal information where: (i) we don't need your personal information anymore; (ii) you withdraw your consent to our use of your personal information and we have no other legal basis to keep your personal information; (iii) you have asked us to review and explain our legitimate interests to you and we don't actually have a valid legitimate interest to do what we are doing; (iv) our use of your personal information is illegal; (v) we have to delete your personal information to comply with our legal obligations;
- the right to ask us to restrict the use that we are making of your personal information where: (i) you don't think the personal information we have about you is correct, so that we can check if it is correct; (ii) what we are doing with your personal information is illegal but you would rather we stop using your personal information rather than delete it; (iii) we don't need your personal information anymore, but you need us to keep it so that you can exercise any legal rights; and (iv) you have asked us to review and explain our legitimate interests to you, so that we can check whether we actually have a valid legitimate interest to do what we are doing; and
- the right to ask us to transfer your personal information in certain circumstances.

If you want to exercise the rights set out above please contact our Local Privacy Officer (see above for contact details).

HOW WILL YOU TELL ME ABOUT CHANGES TO THIS PRIVACY NOTICE?

We keep our privacy notice under regular review. Any changes we make to our privacy notice in the future will be posted on this page and if the changes will have an effect on you or the way we use your personal information we will bring them to your attention by email where appropriate (e.g. if we have your email address as a contact at one of our Vendors companies).

HOW YOU CAN CONTACT US

If you have any questions about this privacy notice or about the ways we use your personal information, please contact our Local Privacy Officer (see above for contact details).