



## **KOBELCO CONSTRUCTION MACHINERY SOUTHEAST ASIA CO., LTD.**

### PERSONAL DATA PROTECTION POLICY FOR END USER OF KOBELCO CONSTRUCTION MACHINERY SOUTHEAST ASIA CO., LTD.

(End User privacy statement)

#### 1. Objectives of this policy

KOBELCO CONSTRUCTION MACHINERY SOUTHEAST ASIA CO., LTD. (hereinafter referred to in this Policy as the “Company”) as the Personal Data Controller, committed to the protection of personal data in the conduct of business appropriately and in accordance with "Personal Data Protection Act B.E. 2562" (Personal Data Protection Act hereinafter referred to as PDPA or the Act) therefore establishes this policy (which can also be referred to as privacy policy for end user of product of the company) in order to manage personal data and to notify our end user, who has status of “data subject”, about details related to the collection, use and disclosure of personal data in accordance with rules and conditions stipulated by PDPA as follows:

#### 2. Definition

2.1 “Personal data” means information about an individual which makes it possible to identify that person either directly or indirectly but does not include data relating to juristic person and data of a deceased person in particular according to PDPA

2.2 “End user” or Product user means a person or juristic person who is a user of the company's product or goods, and has a status of personal data subject under this policy, which has no legal relationship under the contract of sale or purchase with the company due to the fact that end user has purchased product or goods from representatives or authorized dealer of the company. According to this policy, “End user” also includes representative or authorized representative of the end user. This policy may use the term “End user” or “You”.

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2.3 Personal data of end user means personal data of end user or product user who are natural person including personal data of persons who are representative or authorized representative or agent designated by juristic person end user.

2.4 Processing of personal data means the collection, use and disclosure of personal data.

2.5 “Personal Data controller” or “Data controller” means a person or juristic person who has decision-making powers to collect, use and disclose of personal data which, according to this policy, is KOBELCO CONSTRUCTION MACHINERY SOUTHEAST ASIA CO., LTD. and hereinafter shall be referred to as “the Company”.

2.6 Joint Data Controller means a person or juristic person who exchanges, receives, transfers, discloses or processes personal data between each other in which each one has decision-making powers to collect, use and disclose of personal data to the extent of scope of service or agreement that exist between that person and the data subject. According to this policy, Joint Data Controller includes “Distributor” or “Dealer”.

### 3. Scope of Policy and Fundamental Principles

3.1 Personal data in this policy includes personal data of the end user which is in the possession or control of the company regardless of the format or channel or technology the data is saved or stored in, such as documented, printed, electronic or digital data, Information in the system or program for the management of the company.

3.2 In the event that the end user has a status as a purchaser of buyer under the contract of sale with the company, the collection, use and disclosure of your personal data as customers shall be notified separately in accordance with the personal data protection policy for customers of the company. The scope of this policy shall cover only the processing of personal data of end user which is not related to the performance of the purchase of sale contract, in particular, processing for the purpose of marketing or public relations or promotion of the company's products.

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3.3 In case that the processing personal data of end user is associated with or is linked to a joint data controller or another personal data controller, such as a distributor or dealer of the company, this policy shall notify and cover detail in relevant only to the processing of personal data by and under the purpose of the company. Regarding the processing of the end user personal data at the discretion and decision of the joint data controller or other personal data controller shall be in accordance with the personal data protection policy of such person or juristic person.

### 4. Purpose of processing personal data of end user.

The company processes personal data of end user for the following purposes;

4.1 The company processes personal data of end user for business, marketing and public relation purposes.

4.2 The company processes personal data of end user for organizing activities relating to the promotion of relationship between the company and the end user of our product by cooperating with joint personal data controller that is a dealer or distributor, such as end user visiting, inquiring or interviews on product usage experiences, inquiring or interviewing end user on-site usage or operation of our product.

4.3 The company processes personal data of end user for improving and development of our service and product. This includes the processing in research to our product or service, the processing for a survey through questionnaire for end user satisfaction and comment.

4.4 The company processes personal data of end user in order to provide additional service or support the use of the company's product.

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4.5 Processing of end user's personal data to enable the company to perform various obligations imposed by relevant laws including but not limited to transportation laws, carriage of goods laws, tax and custom laws, industrial and factory laws, computer crime law, personal data protection law, and to comply with regulation, announcement issued by competent authority under the laws and for the purpose of making report, notification to government agencies or competent authority according to laws and to comply with lawful order of competent official and court order.

4.6 Processing of end user's personal data for the legitimate interests of the Company which includes but not limited to the following sub-purposes or activities;

- Processing of end user's personal data for internal and external audit or inspection in connection with financial and accounting, investigating and preventing fraud, misconduct or illegal activities or for preparation of legal proceeding or litigation.

- Processing of end user's personal data for the purpose of maintaining safety and security of the company's property and asset.

- Processing of supplier's personal data for electronic and information security purposes, such as for monitoring the company's computer system or network, for electronic mail delivery.

4.7 For purposes other than notified in section 4.1-4.6, the company shall notify to supplier as a data subject on a case-by-case basis.

The company shall not process your personal data which is inconsistent to the purposes for which the data is collected as notified in this policy unless (1) The company has notified the new purpose and obtained your consent prior to or at the time of processing. (2) It is a case prescribed by law.

Regarding the process of personal data of our end user for the aforementioned purposes, the company shall proceed according to the conditions or legal grounds set forth in section 5 of this policy

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### **5. Legal basis for processing personal data of end user.**

5.1 In principle, the company processes personal data of end user on basis of consent by using a form attached to this policy, except where the law stipulates condition that can be processed without obtaining the consent of data subject as notified in section 4.5-4.6 such as the performance of a contract, legal obligation, legitimate interests of the data controller, the protection of life, health or safety of other data subject, the investigating by competent authority or court order.

5.2 In case that the Company processes personal data of end user under consent basis according to the form attached to this policy, you have the right to withdraw consent at any time under the conditions of PDPA. However, withdrawing consent shall not affect the collection, use, disclosure of personal data that the company have already processed prior to such withdrawal but this may result in the Company being unable to perform some or all of the objectives as stated in this Policy.

### **6. Collection of personal data directly from data subject.**

The company shall not collect personal data from sources other than the data subject except in cases where it can be done as provided by law. In case that the Company collects your personal data from a person other than data subject, the company shall notify the data subject of its collection from other sources and obtain consent except in case provided by law

### **7. Personal data of end user processed by the company and the retention period.**

7.1 The company shall process and retain the end user's personal data for the period necessary to achieve the purpose of processing as notified in this policy unless the law requires for a longer retention period. In case the retention period of personal data cannot be clearly specified, the company shall retain the data for a period of time that could be expected in accordance with the standards of collection.

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7.2 The company shall collect, use and disclose of personal data of end user for the purposes notified in section 4.1 -4.4 as follows;

- Name, surname, job title, telephone number, electronic mail address, business card
- Conversation information on various communication including contact information and electronic communications.
- Image, photograph, sound, video.
- For processing in accordance with the purposes in section 4.4, in case of vehicle tracking systems, the company may collect address or location of the vehicle which may identify the device or the end user's address.

In case the company processes supplier's personal data in accordance with the purposes notified in section 4.1 and 4.2, such data shall be retained for a period throughout the term of the relevant contracts and also retained after the expiration of the said contract for a period of time specified by law for the exercise of claims, litigation related to the contract

The personal data processed under aforementioned purposes shall be retained until the data subject requests to withdraw consent and the company completely proceed on that request but the company shall continue to retain such personal data to the extent necessary for making record or evidence and for responding to future requests of data subjects. In addition, the company may retain personal data for such purposes for a period of time required by law for the exercise of claim, litigation, and related matters.

7.3 The company processes end user's personal data as detail in section 7.2 for the purposes notified in section 4.5 and shall be retained for the period specified by laws.

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7.4 The company processes end user's personal data as detail in section 7.2 for the purposes notified in section 4.6 and shall be retained for a period not exceeding 1 year or for the period specified by laws for the exercise of claims, litigation, and related matters.

7.5 The company shall provide an audit system for deletion or destruction of personal data after the expiration of the retention period or which is irrelevant to or unnecessary for the purposes of processing notified by this policy

### **8. Disclosure or transfer of personal data of end user to other persons or juristic persons.**

- The company shall disclose or transfer or transmit personal data of end user to other parties or entities for the purposes notified in section 4.1-4.3 which includes the disclosure through online and electronic channels, by obtaining your consent.

-The processing and disclosing of personal data of end user in accordance with purposes in section 4.4, in case of vehicle tracking system may be accessed by the technical staff of the company or its affiliates located outside the Kingdom of Thailand which the company shall obtain your consent in a form attached to this policy.

-The company shall process, disclose or transfer of personal data of end user in accordance with purposes in section 4.4 and 4.5 without obtaining consent as provided by PDPA.

### **9. Rights of data subject**

The end user under the definition of this policy shall be entitled to data subject's rights as stipulated by PDPA as follows:

9.1 Data subject has the right to know about his or her personal data by making a request to the company in accordance with the condition, criteria, method and a form provided by the company. Upon receiving such request, the company shall promptly notify the existence of or detail of such personal data to data subject within a reasonable period of time and in accordance with the condition prescribed by PDPA.

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9.2 If the data subject is of an opinion that any personal data relating to him or her is not correct, data subject has the right to notify the company to correct, change or update the data. In this case, the company shall prepare a record demonstrating details of request, response, or objection of request relating to the storage, correctness or any action relating to personal data as evidence.

9.3 Data subject has the right to check the existence and characteristics of his or her personal data, purpose of processing and the place of business of the company. In addition, data subject shall be entitled to several rights as follows;

- 1) Requesting a copy or certified copy of the data subject's personal data.
- 2) Requesting the company to correct, change or update his or her personal data.
- 3) Requesting an objection or request to suspend the use or disclose his or her personal data.
- 4) Requesting the company to delete or destroy his or her personal data.
- 5) Requesting to disclose the acquisition of personal data in the case where such data were processed without consent.

In the event that the company collects, uses and discloses personal data for the purpose of performing contract with data subject or for legitimate interests of the company or for the performance of legal duties of the company, the company shall be entitled to object or refuse the aforementioned rights of data subject 3) and 4)

9.4 The company shall be entitled to object or refuse the aforementioned rights of supplier as data subject under the condition of PDPA or the exercise of such rights are contrary to or inconsistent with the provisions of the law or affecting the rights and liberties of other people or in the case of personal data of the data subject has been made anonymous or can no longer identify the data subject.

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9.5 In case where the company process personal data of end user on the basis of consent, such as section 4.1-4.3, the end user as a data subject has the right to withdraw his or her consent. However, such withdrawal may affect benefits of data subject that the company has provided in addition to the employment contract. In addition, the withdrawal may affect the benefits from contract or relevant agreements as well as an opportunity for further contract or other legal act, depending on the nature of the contract on a case-by-case basis.

**10 Review of policies, sub-policies, regulations and guidelines.**

The company may establish guidelines for the protection of personal data of end user, specifying the details of the personal data protection policy as well as may prescribe additional rules and practices to be in compliance with the PDPA announcement and or as amended in the future and other relevant laws.

**11. Channel to contact Personal Data Controller**

The end user as a data subject could contact the company for the purpose of exercising data subject's right and for other purposes relating to PDPA at Corporate Planning Section / Tel. +66 (0) 3895 0040-4 ext. 404

**12. Acknowledgment of the Policy**

I have read and fully understood this Policy that the company has notified therefore signed for acknowledgment.

Signed \_\_\_\_\_  
( \_\_\_\_\_ )

Date.....

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