

Data Privacy Policy

This Privacy Policy describes how The Charles Machine Works, Inc. (“CMW”) and its controlled affiliates collect, use, and disclose information that we collect from you, as well as how we protect and secure your data. If you have additional questions regarding your rights under this Privacy Policy or any agreement you have entered into with CMW regarding your data, please contact us at info@subsite.com. CMW is committed to taking reasonable precautions in protecting your personal privacy.

This Privacy Policy generally applies to Personal Information, Equipment Data, and Operational Data that CMW collects, uses, and discloses. However, this Privacy Policy is subordinate to any specific terms and conditions set forth in any terms of use, end user license agreements, or other agreements with CMW related to a particular product, service, or data that is collected. It is also important to note that this Privacy Policy applies to information collected, used, and possessed by CMW and its controlled affiliates, but not to its network of independent dealers and distributors, which may have their own privacy policies that apply to information that they collect from you.

Your Consent to this Policy

By using the Site, you consent to agree with the terms of our current Policy as posted in this area of the Site. If you do not agree with any term in this Policy, please do not provide any Personal Information on the Site. If you choose not to provide Personal Information on the Site, you may not be able to do certain things, like access particular areas of the Site, download programs, participate in an incentive or request information.

Types of Information Collected

CMW collects various types of Personal Information, Equipment Data, and Operational Data. We collect this information when you provide it to us (whether directly, through our dealers and/or representatives, or from CMW equipment) or when you use certain services provided by CMW.

As used in this Policy, “Personal Information” is information that can be used to identify, locate, or contact you as a natural person, as well as other information about you that we tie to Personal Information. Personal Information that we collect includes, but is not limited to, the following types of information:

- “Contact Information” that allows us to identify and communicate with you, such as your name, address, email, and language preferences.
- “Relationship Information” that helps us understand who you are and what you want in order to offer you products and services that may interest you.
- “Transactional Information” about how you interact with us, our dealers and business partners, including purchases, services you request, customer service inquiries, and customer account information.
- “Financial Account Information” as needed to complete your purchases, such as credit card information and information about equipment financing and leasing activities.

Please be assured that CMW will not collect any Personal Information from your visits to the Site unless you provide this information voluntarily. When you provide CMW with Personal Information through the Site, you are authorizing us to use the Personal Information in accordance with the terms of this Policy, which includes your right to limit our use of the Personal Information as described in this Policy. The Site may also collect Personal Information from you about a third party (e.g., the Site might allow you to send

an electronic notice to a business associate, in which case we will need that person's name and e-mail address). Please note that we use such information only for the specified purpose (e.g., to send the notice) and we will not contact the third party again by e-mail unless and until the third party contacts us.

“Non-Personal Information” is any information that does not identify a natural person and is not identifiable to a natural person, such as:

- Cookies and other tools used in a non-identifiable way;
- Anonymized information;
- Aggregated information
- Information about your business operations, including, but not limited to:
 - Operation-specific data, such as location data, when kept in a non-identifiable way; and
 - The name, form, and contact details of legal persons

When data is described as “anonymized,” it means that the data is no longer associated with a particular person. When data is described as “aggregated,” it means that such information has been combined with other data in such a way that no person can be identified or linked to any specific action or information.

“Equipment Data” is data generated by, collected by, or stored in your equipment or any hardware or device interacting with your equipment. Equipment Data includes the following information about your equipment: location, engine hours, fuel consumption, diagnostic information, and other equipment operation and status data.

“Operational Data” is data about how CMW equipment, services, and accessories incorporated on the equipment are performing with respect to particular jobs or other information regarding a customer's processes, operations, operators, jobs, job performance, and the work the customer performs with its CMW equipment. It may also include information or data that is input by a customer into a system or service provided by CMW. Accessories incorporated on the equipment include services, hardware, and software purchased or licensed by CMW from third parties for incorporation in, with, or on CMW equipment.

In addition to the methods described above, Personal Information, Non-Personal Information, Equipment Data, and Operational Data may be collected by CMW from its authorized dealers and distributors as part of its standard business operations, to provide services to the authorized dealers and distributors, and as otherwise agreed pursuant to agreements between CMW and such authorized dealers and distributors.

How We Use Your Information (the “Purpose(s)”)

Subject to the limitations and other rights set forth in this Privacy Policy, CMW uses your Personal Information and Equipment Data in its identifiable form for a variety of purposes, including:

- *To Complete Orders and Provide Requested Services.* To fulfill orders for products or services, and for other services or purposes as you may request or direct, such as product delivery, maintenance, warranty service, financing, leasing or credit services.
- *Product and Customer Support.* To provide support services, including monitoring and managing the health of your equipment, to deliver upgrades and product improvement communications, and for diagnostics and repairs, product safety, and recalls.
- *Marketing and Surveys.* To communicate offers for products and services from CMW or its dealers, suppliers, or partners, including offers based on your interests, personal and business characteristics and your location; to administer surveys, polls, sweepstakes, contest, loyalty

programs and other promotional events; and to provide other information which may be of interest to you, such as CMW company news, catalogs, announcements, reminders, and technical bulletins. Please contact us if you would not like to be contacted by CMW for marketing purposes without being asked. We will provide you with the opportunity to opt-out of marketing information or market research inquiries.

- *General Business Purposes.* To provide and accomplish standard business tasks, such as payment processing, financial account management, product development, product safety, contract management, website administration, web-forum management, order or contract fulfillment, analytics, fraud prevention, corporate governance, reporting and legal compliance.
- *As Disclosed at the Time of Collection.* In any other manner that we may describe when you provide the information to us.

These Purposes may be necessary for CMW to perform a contract to which you are a party, comply with a legal obligation to which CMW is subject, protect the vital interests of CMW or the interests of another natural person, or otherwise pursue legitimate business purposes and objectives of CMW. CMW may obtain your consent to process your Personal Information or Equipment Data, as necessary.

We use your Operational Data to help you do your job and to provide the specific services you have requested related to that Operational Data. The particular ways we used your Operational Data are set forth in the specific terms of service or contracts that you sign or accept related to the CMW services that collect Operational Data. In general, CMW and its data service providers may access your Operational Data in personally identifiable form only when necessary to provide our services or administer your account.

CMW collects Non-Personal Information in the same ways it collects Personal Information, Equipment Data, and Operational Data, described elsewhere in this Privacy Policy.

Because Non-Personal Information does not personally identify you, CMW may use and disclose Non-Personal Information for any purpose. In some instances, CMW may combine Non-Personal Information with Personal Information (such as combining your name with your location data). If CMW combines any Non-Personal Information with Personal Information, CMW will treat the combined information as Personal Information.

In addition, CMW reserves the right to use anonymized and aggregated Personal Information, Equipment Data, and Operational Data to improve its products and services, to create and publish reports, to conduct statistical analysis about our customers and equipment, and for other activities that do not result in the disclosure of your identifiable information.

When We Will Share Your Information

CMW is committed to being transparent regarding the manner in which we use and disclose your information. We may disclose and share your information as follows:

- We may share Personal Information, Equipment Data, and Operational Data with our affiliated companies, our suppliers, authorized dealers and distributors, and business partners, as needed to accomplish, and consistently with, the Purposes set forth above, or as you authorize or request.
- We may also share Personal Information, Equipment Data, and Operational Data with our service providers to fulfill the Purposes on our behalf. Our service providers are bound by law or contract

to treat your information and data with the same level of protection that we do and to only use it in accordance with our instructions.

- We may disclose Personal Information, Equipment Data, and Operational Data where needed to affect the sale or transfer of business assets, to enforce our rights, protect our property, or protect the rights, property, or safety of others, or as needed to support external auditing, compliance, and corporate governance functions.
- We will also disclose Personal Information, Equipment Data, and Operational Data when required to do so by law, such as in response to a subpoena, including to law enforcement agencies and courts in the countries where we operate.

We understand that your Operational Data is particularly important to your success. For that reason, we do not share your Operational Data in a non-anonymized or non-aggregated form with any parties that are not directly involved in providing services directly to you without your express consent.

As noted above, CMW reserves the right to use and disclose anonymized and aggregated Personal Information, Equipment Data, and Operational Data to improve its products and services, to create and publish reports, to conduct statistical analysis about our customers and equipment, and for other activities that do not result in the disclosure of your identifiable information.

How Long We Will Keep Your Information

CMW keeps different kinds of personal data for different lengths of time, depending on the Purposes for which they are processed and the unique circumstances of your situation. CMW will hold your Personal Information as long as necessary for the relevant Purpose. For more information on the CMW data-retention policy and how long your data might be retained, please contact us (information provided below).

Other Information We May Collect

When you visit our website or use our mobile applications, we collect certain information by automated means, using technologies such as cookies, pixel tags, browser analysis tools, server logs, and web beacons.

For example, when you visit our website, we place cookies on your computer. Cookies are small text files that websites send to your computer or other internet-connected devices to uniquely identify your browser or to store information or settings in your browser. Cookies allow us to recognize you when you return. They also help us provide a customized experience and enable us to detect certain kinds of fraud.

Pixel tags and web beacons are tiny graphic images placed on website pages or in our emails that allow us to determine whether you have performed a specific action. When you access these pages or open or click an email, the pixel tags and web beacons generate a notice of that action. These tools allow us to measure responses to our communications and improve our web pages and promotions.

We collect many different types of information from cookies and other technologies. For example, we may collect information about the device you use to access our website, your operating system type, browser type, domain, and other system settings, as well as the language your system uses and the country and time zone where your device is located. Our server logs also may record the IP address or derivative of the device you use to connect to the internet. An IP address is a unique identifier that devices use to identify and communicate with each other on the internet. We may also collect information about the website you were visiting before you came to CMW and the website you visit after you leave our site.

In many cases, the information we collect using cookies and other tools is only used in a non-identifiable way, without reference to Personal Information. For example, we use information we collect about website users to optimize our websites and to understand website traffic patterns. In some cases, we do associate the information we collect using cookies and other technology with your Personal Information. Additionally, if the settings on your geo-aware mobile devices permit our mobile applications to collect location information, we will collect that information automatically. This Privacy Policy governs how we use all of this information when we associate it with your Personal Information.

CMW has relationship with third-party advertising companies to perform tracking and reporting functions for our web procession. These third-party advertising companies may place cookies on your computer so they can display targeted advertisements to you. These third-party advertising companies should not collect Personal Information in this process, and we do not give Personal Information to them as part of this process.

Your Data Control Choices

You can limit the information you provide to CMW. You can also limit the communications CMW sends to you. To opt-out of marketing emails, you can visit our website and communicate your choice to the relevant privacy contact. Alternatively, you may opt-out of receiving future marketing emails by clicking “unsubscribe” at the bottom of marketing emails we send you.

Please note that even if you opt-out of receiving marketing material, we may still need to contact you with important Transactional Information about your account or your equipment. For example, even if you opt-out of marketing emails, we will still send you a confirmation when you purchase something from us as well as product safety communications.

You can manage cookie preferences and opt-out of having cookies and other similar collection technologies used by adjusting the settings on your browser or interface, commonly known as “Do Not Track” settings. All browsers and interfaces are different, so visit the “help” section of your browser or interface to learn about cookie preferences and other privacy settings that may be available. You can manage how your mobile device and mobile browser share location information with CMW, as well as how your mobile browser handles cookies and related technologies by adjusting your mobile device privacy and security settings. Please refer to instructions provided by your mobile service provider or the manufacturer of your device to learn how to adjust your settings. In general, CMW complies and requests that all of its service providers comply with your “Do Not Track” settings you select using your internet browser(s).

Subject to the specific terms of any particular agreement related to the services that relate to the collection of Equipment Data, you can also opt-out of sharing Equipment Data with CMW. You may terminate the collection of Equipment Data by asking your CMW dealer to terminate the collection of Equipment Data for your equipment. Please note that if you terminate data sharing for certain machines, you will no longer have access to the Equipment Data and no longer be able to use certain products or services that require Equipment Data. Terminating the collection of Equipment Data does not terminate the rights of CMW or its authorized dealers and distributors to use or share Equipment Data collected prior to such termination in accordance with this Privacy Policy.

CMW complies with applicable law regarding your ability to access, correct, and delete your Personal Information. If you have an online account, you may be able to log into your account to access and update certain information you provided to us. For Personal Information that is not linked to an online account, for assisting in opting-out of communications, or if you need assistance updating or deleting your Personal Information, please contact us at info@subsite.com. You can also write us at the address in the How to Contact Us section below. If you send a letter, please provide your name, address, email address, and detailed information about the change you would like to make.

For EU Residents:

The General Data Protection Regulation (“GDPR”), particularly Articles 15 to 21, affords you a number of rights as a data subject. CMW encourages you to read and learn about those rights on your own. However, the following will help you begin to understand those rights.

1. **The Right to Access:** This allows you to request from CMW information about your Personal Information, including what data CMW has and how and why it is being processed.
2. **The Right to Rectification:** In the event that some or all of the Personal Information that CMW has concerning you is inaccurate, this gives you the right to have those inaccuracies rectified.
3. **The Right to Erasure:** In some cases, you may have the right to request that CMW erase your Personal Information that it has in its possession.
4. **The Right to Restriction of Processing:** This gives you the right, in some circumstances, to have CMW process your Personal Information only with your consent.
5. **The Right to Object to Processing:** Where CMW is processing your Personal Information on the grounds of its legitimate interests, or to carry out tasks in the public interest or to exercise official authority, you have a right to object to the processing on grounds relating to your particular situation. In cases where you object to CMW processing your personal data for direct marketing purposes, the processing will cease.
6. **The Right to Data Portability:** This allows you to request from CMW a copy of your Personal Information that it has on file and to transfer that information to someone else without any interference from CMW. IN some cases, you may be able to request that CMW transfer your Personal Information directly to a third party on your behalf.

In addition, to the extent that CMW processes any of your Personal Information on the basis of your consent, you have the right to withdraw that consent at any time, without affecting the lawfulness of processing that was based on your consent before its withdrawal.

If you are a natural person residing in the EU and at any time you believe CMW has violated one of your rights listed above, or if you believe CMW is in violation of one or more of the provisions of the GDPR, you have the right to lodge a complaint with a Data Protection Authority. More information about the Data Protection Authorities can be found at https://ec.europa.eu/info/law/law-topic/data-protection/reform/what-are-data-protection-authorities-dpas_en.

Security of Information

All Personal Information is maintained in confidence by CMW, and CMW will take reasonable precautions to prevent unauthorized access, modification or misuse of your Personal Information.

Transfer of Information

CMW is headquartered in the United States of America and its controlled affiliates are located in various countries throughout the world. Personal Information, Equipment Data, and Operational Data may be accessed by or transferred to the United States or to our controlled affiliates and the data processors elsewhere in the world for the Purposes described in this Privacy Policy. When we access or transfer Personal Information, Equipment Data, or Operational Data, we do so in compliance with applicable law. Additionally, we protect the privacy and security of Personal Information, Equipment Data, and Operational Data in the manner described in this Privacy Policy, regardless of where it is processed or stored.

Privacy Policies of Third Parties

This Privacy Policy only addresses the collection, use, and disclosure of information and data by CMW and its controlled affiliates. Other websites that may be accessible through this website have their own privacy policies and practices, which govern their use of information that they collect or otherwise obtain from you. Our independent dealers, suppliers, and business partners have their own privacy policies and practices as well. WE encourage you to familiarize yourself with the privacy statements provided by all such third parties prior to providing them with information or taking advantage of an offer or promotion.

Changes in Our Policy

This Privacy Policy may be amended and updated from time to time to reflect new or different privacy practices. We will place notice on our homepage when we make material changes to this Privacy Policy. Additionally, if the changes will materially affect the way we use or disclose previously collected Personal Information, we may also notify you about the change by sending an electronic notice to you (if we have your email address).

California Privacy Rights

California Civil Code Section § 1798.83 permits users of our website that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please contact us using the information below.

Who to Contact

Please write to us at privacy.policy@ditchwitch.com or at The Charles Machine Works, Inc., 1959 West Fir Avenue Perry, OK 73077 USA or call 1-800-654-6481 if you have any comments or questions about this Policy.

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