

HITACHI

Reliable solutions

Hitachi Construction Machinery Southern Africa Company (Pty) Ltd

(Reg No: 1951/002418/07)

Website Privacy Policy

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Table of Contents

1. Introduction	3
2. Personal information we collect and receive	3
3. How we use the personal information we collect and receive	5
4. How we share the personal information we collect and receive	7
5. Your rights	8
6. Retention of data	8
7. Our commitment to security	8
8. Transfer of data	10
9. Links to other websites	11
10. Changes to this privacy policy	11
11. Access to your personal information	11
12. How to withdraw your consent	12
13. How to contact us	13
14. Feedback	13
15. Complaints	13

1. Introduction

This Privacy Policy describes how we process personal information we collect and/or receive from you from whatever source. We are committed to the privacy and confidentiality of information provided to us. This Privacy Policy provides you with information concerning the manner in which we collect, use and share your personal information collected by us from you directly and/or through our Website, or the use of our products and services.

We are continually improving our methods of communication and adding new channels of communication to our existing services. Because of these ongoing changes, changes in the law and the changing nature of technology, our data protection practices will change from time to time. If and when our data protection practices change, we will update this Privacy Policy to describe our new practices.

References to “Hitachi”, “we”, “us”, “our” and “ours” in this Privacy Statement mean Hitachi Construction Machinery Southern Africa Co. (Pty) Ltd.

The terms “you”, “your” and “yours” when used in this Privacy Policy mean any user of our Website and any person or entity doing business with us or communicating with us.

Personal information means information which identifies you, and includes information such as your name, email address, telephone number, biometric information, passwords, as well as any other personal data collected or received by us.

We currently collect and process the personal information of individuals and entities referred to below. In terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (‘POPIA’) we may not process (e.g. collect, record, and distribute) your personal information without your consent.

There may be instances where we may also collect some information that is not Personal Information because it does not identify you. The information collected is also kept confidential.

By visiting this Website and communicating electronically or otherwise with us, you consent to the processing of your personal information as set out in this Privacy Policy.

2. Personal information we collect and receive

We collect and receive Personal Information about you in the following ways:

2.1. Personal Information you disclose to us

This includes any Personal Information that you provide to us directly through personal contact or:

- 2.1.1. when you sign-up to utilise our services;
- 2.1.2. by filling in forms on our websites, or those provided to you;
- 2.1.3. when you enter a competition, promotion or complete a survey;
- 2.1.4. by posting comments or content on our social media pages;
- 2.1.5. when you contact us or we contact you and you provide information directly to us;
- 2.1.6. when you buy products from us; and
- 2.1.7. in general, via correspondence via e-mail, fax, telephone, and post.

2.2. **What Personal Information we collect**

- 2.2.1. When you use our services or our Website or purchase products from us, you may be required to provide us with the following types of Personal Information:
 - 2.2.1.1. name and surname;
 - 2.2.1.2. telephonic contact details and email address;
 - 2.2.1.3. physical address and postal address;
 - 2.2.1.4. identity or passport number;
 - 2.2.1.5. date of birth;
 - 2.2.1.6. your date of incorporation, registration number and registered address;
 - 2.2.1.7. your preferences for particular products and services that we offer or may offer in the future; and/or
 - 2.2.1.8. your contact with us – such as a note or recording of a call you make to one of our contact numbers, an email or letter you send to us, or other records of any contact you have with us;
 - 2.2.1.9. if you provide us with products or services, your bank details;

- 2.2.1.10. if you provide us with products or services, your tax status and income tax and VAT numbers;
- 2.2.1.11. if you provide us with products or services, particulars of your BEE status;
- 2.2.1.12. your trading name;
- 2.2.1.13. such Personal Information we are obliged to collect to comply with the minimum health, safety, and social distancing measures and requirements on COVID-19, referred to in the Directives and the Regulations published under the Disaster Management Act; and/or
- 2.2.1.14. such other Personal Information as required by applicable laws.

2.3. **Information we collect or receive when you use our website or social media platforms**

We collect information when you use our Website or social media platforms by using cookies, web beacons and other technologies. Depending on how you access and use websites, we may receive:

- 2.3.1. log-in information;
- 2.3.2. information we infer about you based on your interaction with products and services;

2.4. **Information from third-party sources**

We may receive additional information about you that is publicly or commercially available and combine that with the information we have collected or received about you in other ways.

With your consent and/or as permitted by law, we may also collect information about you from other organisations or third parties if this is appropriate and allowed by law. These include fraud-prevention agencies, banks, lawyers, accountants and credit bureaus.

3. **How we use the personal information we collect and receive**

We take your privacy seriously and will only use your Personal Information to provide the products and services you have requested from us or to which you are contractually entitled. We will only use this information subject to your instructions, Personal Information protection laws and/or any duty of confidentiality that we may have. We use the information we collect and receive for the following general purposes:

- 3.1. to provide you with information, products or services you request from us;
- 3.2. in order to refer you to an appropriate third-party service provider;
- 3.3. to communicate with you;
- 3.4. to provide you with support; and
- 3.5. to provide effective advertising (for example to be provide you with news, special offers and general information about products, services and events which we offer, that are similar to those that you have already hired, purchased or enquired about).
- 3.6. We may use and analyse your personal information:
 - 3.6.1. to provide or manage any information, or services requested by customers in general;
 - 3.6.2. to help us identify customers or potential customers when they contact us;
 - 3.6.3. to facilitate the delivery of products and services to our customers;
 - 3.6.4. to help us administer customer matters;
 - 3.6.5. to assent to receive newsletters, alerts (such as Covid-19 or other alerts), reports, or other information or services from us;
 - 3.6.6. to provide you with more information about a booking or service or to contact you in respect of a question or complaint;
 - 3.6.7. to maintain customer records;
 - 3.6.8. to maintain supplier records;
 - 3.6.9. for recruitment purposes;
 - 3.6.10. for employment purposes;
 - 3.6.11. for legal or contractual purposes;
 - 3.6.12. for health and safety purposes;

- 3.6.13. to retain records in compliance with any applicable legislation;
- 3.6.14. to help us detect and prevent fraud and money laundering;
- 3.6.15. to help us recover outstanding debts;
- 3.6.16. to bill customers for products supplied and services rendered;
- 3.6.17. to carry out research and statistical analysis;
- 3.6.18. to recover outstandings or trace those who owe us money; and
- 3.6.19. to utilise equipment information for reporting purposes, global tracking of equipment and photos for warranty procedures in order to meet the MARC (Maintain and Repair Agreement) contractual obligations.

4. How we share the personal information we collect and receive

- 4.1. We don't provide in any manner your Personal Information to third parties for any marketing purposes. Where appropriate, before disclosing personal information to a third party, we contractually require the third party to take adequate precautions to protect that information and to comply with applicable laws.
- 4.2. We may share information with:
 - 4.2.1. our affiliates, in other words, other companies in our group;
 - 4.2.2. we may disclose your Personal Information to a limited number of our employees to assist you to interact with us and do business with us;
 - 4.2.3. our business partners. We may share non-personally identifiable information with select business partners;
 - 4.2.4. other parties in response to legal process or when necessary to conduct or protect our legal rights;
 - 4.2.5. suppliers or agents involved in delivering the products and services you have ordered or used;
 - 4.2.6. where applicable, credit reference and/or fraud prevention agencies;

- 4.2.7. any relevant regulatory authorities;
- 4.2.8. debt collection agencies or other debt recovery organisations;
- 4.2.9. law enforcement agencies, courts, or other public authorities if we have to, or are authorised to by law;
- 4.2.10. our lawyers, accountants, for purposes of drafting or amending agreements, to recover amounts owing to us and to comply with applicable legislation;
- 4.2.11. we will release information if it is reasonable for protecting us against fraud, defending our rights or property, or protecting the interests of Hitachi, their directors and employees.

5. Your rights

- 5.1. You have the right to ask us not to contact you for marketing purposes. You can exercise this right at any time by using any of the various "opt-out" options that we will always provide to you when we communicate with you. We won't send you marketing messages if you tell us not to but we will still need to send you service-related messages.
- 5.2. Our websites use cookies. If you wish to reject our cookies, you can configure your browser to do so.
- 5.3. We want to make sure that any data we hold about you is up to date. So, if you think your Personal Information is inaccurate, you can ask us to correct or remove it.
- 5.4. You have a right to refuse to provide us with your Personal Information. However, if you do refuse to provide such information, or request restrict the use of such information, we may be unable to complete or fulfil the purpose for which such information was collected, including providing you with the products and/or services we were contracted to perform.

6. Retention of data

We will retain your personal information only for as long as is necessary for the purposes set out in this privacy policy or to comply with our legal obligations, resolve disputes, and enforce our legal agreements and policies.

7. Our commitment to security

- 7.1. The security of your Personal Information and other data is important to us. While we strive to use commercially acceptable means to protect your Personal Information, we cannot guarantee its absolute

security. However, we do employ a number of safeguards intended to mitigate the risk of unauthorized access or disclosure of your information. We will do our best to protect your Personal Information and we will use up to date technology that will help us to do this. We will at all times comply with our obligations under the applicable laws.

7.2. We are committed to implementing Personal Information safeguards. These security measures could for instance be measures such as one or more of the following:

- 7.2.1. access authorisations for employees and third parties;
- 7.2.2. protection and restriction of entrances and exits (restricted key cards and/or passes);
- 7.2.3. logging of the persons having access;
- 7.2.4. security of relevant premises (alarms and/or security guards);
- 7.2.5. access control to data and user control;
- 7.2.6. requirements for user authorisation and strict access control;
- 7.2.7. confidentiality obligations;
- 7.2.8. differentiated access policies (e. g. partial blocking);
- 7.2.9. controlling destruction of personal information;
- 7.2.10. logging of events and activities (monitoring of break-in attempts, or attempts of unauthorised access);
- 7.2.11. issuing and safeguarding the identification codes;
- 7.2.12. use of encryption where deemed appropriate by us;
- 7.2.13. automatic log-off of user IDs that have not been used for a substantial period;
- 7.2.14. controlling the removal of Personal Information;
- 7.2.15. ensuring that people only have access to their Personal Information; and/or

- 7.2.16. a commitment that all staff with access to Personal Information has this authority on a need-to-know basis, through restrictions to databases to ensure that the Personal Information can only be accessed and used to provide the products and services allowed as aforesaid.
- 7.3. Communications over the internet (such as emails) are not secure unless they have been encrypted. Your communications may go through several countries before being delivered – as this is the nature of the internet. We cannot accept responsibility for any unauthorised access or loss of Personal Information that's beyond our control.
- 7.4. Despite the security measures we have in place to protect your Personal Information, you acknowledge that it may be accessed by an unauthorised third party, e.g. as a result of illegal activity (such as hacking). . You are responsible for keeping your Personal Information secure and not sharing it with others.

8. Transfer of data

- 8.1. We are based in and operate from South Africa. If you are corresponding with us from a country other than South Africa the various communications will necessarily result in the transfer of information across international boundaries. Your information, including Personal Information, may also be transferred to and maintained on servers located outside of your country of residence, where the data privacy laws, regulations and standards, may not be equivalent to the laws in your country of residence, however, we will make sure that your Personal Information is protected and we will enter into appropriate agreements to achieve this.
- 8.2. We might transfer your personal information to places outside of South Africa and store it there, where our suppliers may process it. If that happens, your Personal Information will only be transferred to and stored in a country that has equivalent, or better, data protection legislation than South Africa or with a service provider which is subject to an agreement requiring it to comply with data protection requirements equivalent or better than those applicable in South Africa. Please note that countries in the European Economic Area (“EEA”) are considered to have adequate data protection laws. Other countries outside the EEA may not have data protection laws that are similar to those of South Africa, however, we will make sure that your Personal Information is protected and we will enter into appropriate agreements to achieve this.
- 8.3. Your use of our Website, followed by your submission of Personal Information to us, represents your consent to such transfer.

- 8.4. We will take all steps reasonably necessary to ensure that your Personal Information is treated securely and in accordance with this Privacy Policy.

9. Links to other websites

Our Website or social media platforms may contain links to and from websites, mobile applications or services of third parties, advertisers or affiliates. Please note that we are not responsible for the privacy practices of such other parties and advise you to read the privacy statements of each website you visit which collects Personal Information. . You should make sure you are familiar with these.

10. Changes to this privacy policy

We may update this Privacy Policy from time to time. Any changes that we may make to our Privacy Policy will be posted on our Website and will be effective from the date of posting.

The Privacy Policy was last updated on 16 August 2021.

11. Access to your personal information

- 11.1. You have the right to request a copy of the Personal Information that we hold about you. If you would like a copy of some or all of your Personal Information, please email or write to us at the following address. We may make a small charge for this service. We want to make sure that your Personal Information is accurate and up-to-date. You may ask us to correct or remove information you think it is not accurate. Under the law, you have the right to access, correct, amend, delete your Personal Information, or object to the processing of your Personal Information.
- 11.2. You may at any time request:
- 11.2.1. confirmation that we hold your Personal Information;
 - 11.2.2. access to your Personal Information;
 - 11.2.3. the identities or categories of third parties to whom we have disclosed your Personal Information; or
 - 11.2.4. that we correct or delete any Personal Information that is incomplete, misleading, inaccurate, excessive or out of date.

- 11.3. Upon receipt of your written request and enough information to permit us to identify your Personal Information, we will disclose to you the Personal Information we hold about you, for which we may make a charge as allowed by applicable laws.
- 11.4. Requests to delete Personal Information are subject to any applicable legal and ethical reporting or document retention obligations imposed on us.
- 11.5. Requests may be made in writing to

Physical address:	Cnr Paul Smit and Solomon Jefferson Mahlangu Road Boksburg North, Johannesburg, Gauteng, South Africa
Postal address:	P.O. Box 6331, Dunswart, 1508, South Africa
Telephone	+27 11 841 7700
Fax	+2711 918 2257
Website	https://www.hitachicm.co.za
E-mail	paiarequests@hcmsa.co.za

12. How to withdraw your consent

If you no longer want to receive communications (other than notifications required by law) from us, please contact our Information Officer, stating in writing that you wish to withdraw your consent and the extent of such withdrawal and you will be 'opted out'.

If you choose to opt-out, we will hold your contact details on file marked so that we do not contact you again. This is so that we do not contact you if your details are subsequently provided to us by a third party.

13. How to contact us

Please contact us if you have any questions about our Privacy Policy or Personal Information we hold about you:

- 13.1. by email;
- 13.2. write to us at our postal address stated above; or
- 13.3. send us a fax at our fax number stated above.

All comments, questions, concerns, or complaints regarding Personal Information/ Consents or this Policy, should be forwarded to our Information Officer at the following email address: paiarequests@hcmsa.co.za

14. Feedback

We welcome comments about this Privacy Policy. If you have any questions about this Privacy Policy, you may contact us by e-mailing us or by writing to us at the postal address set above.

15. Complaints

Should you believe that We have utilised your personal information contrary to applicable law, you undertake to first attempt to resolve any concerns with US. If you are still not satisfied, you have the right to complain with the Information Regulator, under POPIA.

The contact particulars of the Information Regulator are:

The Information Regulator (South Africa)
Forum III 3rd Floor Braampark
PO Box 31533
Braamfontein, Johannesburg, 2107
Mr. Marks Thibela
Chief Executive Officer
Tel No: +27 010 023 5207
Cell No: 082 746 4173
E-mail: infoereg@justice.gov.za