

## PRIVACY POLICY

*This Privacy Policy was last updated on May 3, 2023.*

We are committed to protecting your privacy when you provide data to us and have developed our privacy practices to align with applicable laws. This privacy policy (this “Privacy Policy” or “Policy”) discloses the privacy practices for XCMG America Inc. and XCMG America Financial LLC and other XCMG affiliates (collectively “XCMG,” “we,” “us” or “our”) with respect to the information we obtain from and about you. When you use, access or interact with <https://xcmg-usa.com> or any other XCMG website (collectively, our “Website”), you are agreeing to our Terms of Use and consenting to how we collect, share and otherwise use information about you in connection with your access and use of our Website as described in this Policy. We may make changes to this Policy in the future, so please review the Policy regularly.

This Policy applies solely to your personal information collected by this Website. The Policy provides what personally identifiable information (“Personal Data”) is collected from you through the Website, how the Personal Data is used and with whom it may be shared. Personal Data includes information that identifies, relates to, or could reasonably be linked with you or your household. For example, it could include your name, social security number, email address, records of products purchased, internet browsing history, geolocation data and inferences from other personal information that could create a profile about your preferences and characteristics.

This Policy will also notify you of:

- What choices are available to you regarding the use of your Personal Data.
- The security procedures in place to protect against the misuse of your Personal Data.
- How you can correct any inaccuracies in your Personal Data.

Currently, the Website is only intended for use within the United States. If you access the Website from outside the United States, please be aware that the information you provide to us is transmitted to, processed and stored in the United States, and by accessing the Website, you agree to this. Data will be protected subject to this Privacy Policy and applicable privacy laws in the United States.

### **1. Information You Provide Us**

When you visit our Website, you provide us with certain Personal Data via email or through the Website. This information includes your first name, last name, email address, zip/postal code, address, industry application and mobile phone number. Users may opt out of future communications at any time via our Opt-Out Policy described in Section 8 below. We do not sell or rent this information to anyone.

When you contact us, we will use the information that you provide us to respond regarding the reason you contacted us. We do not share your information with any third party outside of our

organization, other than as necessary with third-party service providers to fulfill your request, as further noted in Section 6 below.

## **2. Information We Automatically Collect from all Users**

In addition to the information you provide to us, we operate our Website like many others online in that we use automated data collection tools such as cookies (“Cookies”), web beacons (“Web Beacons”) and similar technologies to collect and store certain information about how a user (including consumers and commercial dealers) accesses, uses and interacts with our Website (“Log Data”). By using our Website, you agree to our use of these tracking technologies.

A Cookie is a small data file sent from a website or application and stored on your computer or device. Cookies allow us to recognize your browser when you return to our Website and to remember your login information, as applicable. Cookies allow us to serve certain features, better understand how you interact with our Website and review aggregated usage. You may choose to set your web browser to refuse Cookies or alert you when Cookies are being used. If you disable Cookies, please be aware that some parts of our Website may not function properly.

Web Beacons are tiny graphics with a unique identifier that may be included on our Website for several purposes, including to deliver or communicate with Cookies, to track and measure the performance of our Website and to monitor how many visitors view our Website. Unlike Cookies, which are stored on the device, Web Beacons are typically embedded invisibly on web pages or in an e-mail.

Log Data is a key part of how we improve your experience on our Website and provide you with more personalized insights and recommendations. Log Data may include:

- certain information that your mobile device, laptop or other device sends when you use our Website;
- which features you visit or click on and pages you visit;
- your search history;
- the amount of time you spend looking at different parts of our Website;
- application or web browser type and version;
- language preferences;
- referral site;
- time and date of visit;
- operating system;
- hardware model;

- unique identifiers associated with your device;
- user settings; and/or
- Internet Protocol (“IP”) address, which is potentially identifying information.

We may combine this automatically collected information with other information we collect about you. We use Log Data to administer the Website and analyze (and may engage third parties to analyze) Log Data to improve, customize and enhance our Website or tailor our Website to our users’ needs.

### **3. Third Party Tracking and Our Website:**

We may track your activity on the Website and use that information as provided in this Policy, but we do not track your activity across different websites or online platforms once you leave our Website.

However, when you use the Internet, unaffiliated parties such as ad networks, web analytics companies and social networking platforms may collect information about your online activities over time and across our and other websites. This information may be used to provide advertisements for products and services that may interest you, and those companies may use Cookies, clear GIFs and other tracking technologies. Depending on the operating system and browser technology used, you may be able to set your browser to refuse all or some browser Cookies, or to alert you when Cookies are being sent, including requests not to track your usage and browsing history.

Our Website contains links to other sites. Please be aware that we are not responsible for the content or privacy practices of such other sites. We encourage our users to be aware when they leave our Website and to read the privacy statements of any other site that collects Personal Data.

### **4. Your California Privacy Rights**

If you are a resident of the state of California, the following rights are available to you under the California Consumer Privacy Act (“CCPA”). To exercise any of these rights, or if you have any concern about our use of your information, please contact us at [info@xcmgusa.com](mailto:info@xcmgusa.com).

#### ***Right to access***

You can request information about what Personal Data we have collected from you and how we have collected, used and shared your Personal Data during the past 12 months. You have the right to request that we disclose the categories of Personal Data collected, categories of sources from which Personal Data is collected, commercial purpose for collection, categories of third parties with which we share Personal Data and specific pieces of Personal Data that we have about you. You also have the right to request that we provide your Personal Data to you in a readily useable format.

### ***Right to request deletion or correction***

You have the right to request that we correct or delete Personal Data that we collect from you. Note, however, that certain requests may be denied if we are required to retain the information as a matter of law, the information is necessary for detecting security incidents, exercising free speech, protecting or defending against legal claims or for internal uses reasonably aligned with consumer expectations.

### ***Right to non-discrimination***

You have the right not to receive discriminatory treatment by us for exercise of these privacy rights. We do not offer financial incentives related to the provision of data.

### ***Authorized agent***

California residents have the right to designate an authorized agent to make these requests on their behalf. We require any authorized agent to have written authorization of any such authority.

### ***Sale of Personal Information***

XCMG does not sell your Personal Data.

Note that the CCPA, as amended, requires us to verify the identity of any individual submitting a request to access, modify or delete personal information before providing a substantive response. Thus, we will ask you to verify your identity when you submit a request and may need to request specific information from you to help us confirm your identity. This is another appropriate security measure to ensure that Personal Data is not disclosed to a person who has no right to receive it.

## **5. How We Use the Information We Collect**

We will use your Personal Data to:

- Provide services to you and communicate with you.
- Provide customer service and technical support.
- Improve, measure and customize the Website and your experience.
- Internally market our services and products, such as to notify you if we think that you may be interested in one of our services, products or special offers, unless you opt out of such marketing as described in Section 8 below.
- Protect the security and integrity of our business, the website, the products we sell, users, customers and our third party business partners and service providers.
- Comply with applicable laws, regulations and legal processes.
- Send you relevant emails and communications that may be of interest to you, with the ability to opt out of such communication, as described in Section 8 below.

- Enforce our agreements, terms, conditions and policies.

Unless you ask us not to pursuant to our Opt-Out Policy as described in Section 8 below, we may contact you via email in the future to tell you about specials, new products or services or material changes to this Privacy Policy.

## **6. Information Shared with Third Parties:**

We will not share any Personal Data that we have collected from you or regarding you, unless we get your written permission in advance, except in the following situations.

### *Information Shared with our Service Providers:*

We may share your Personal Data with service providers that perform certain services on our behalf, including but not limited to the following:

- Distributors, dealers or business partners who provide some portion of our products.
- Service providers that provide certain products/services relating to our internal company processes, the sale of XCMG products or the servicing of your accounts or transactions.
- Marketing partners or entities providing business analysis and/or website support.
- Our subsidiaries and affiliates, to the extent legally allowed.
- An outside shipping company to ship printed materials or other collateral and our credit card processing company to bill clients for goods and services. These companies do not retain, share, store or use personally identifiable information for any secondary purposes beyond filling your order.
- We may share aggregated demographic information with our partners and advertisers. This is not linked to any personal information that can identify any individual person.

Any third parties that we may share your data with are obligated to keep your details secure and are not allowed to use personal information except for the purpose of providing these services. We require third-party service providers to maintain the confidentiality, security and integrity of your information and not make unauthorized use or disclosure of the information.

### *Other Information Shared with Third Parties:*

We reserve the right to share your personal information, without notice:

- With our law firm(s).
- With a third party during negotiation of or in connection with a corporate transaction, including a merger, acquisition, joint venture, financing, share exchange, consolidation,

corporate reorganization, liquidation, dissolution or proceeding involving the sale, transfer, divestiture or disclosure of all or a portion of our business or assets.

- In the event of an insolvency, bankruptcy or receivership, your personal information may also be transferred as a business asset of XCMG.
- Auditors, regulators and other entities, where legally required as needed to protect our rights or property in connection with the sale of assets and/or the company.
- In the good faith belief that such action is necessary to comply with legal requirements, in response to a subpoena or investigative demand, court order, request for cooperation from a law enforcement/government agency, regulator, auditor and/or to defend against legal claims. In such cases, we may raise or waive any legal objection or right available to us;
- In the good faith belief that such action is necessary to protect and defend the rights, property or safety of the XCMG business, users of our Website, our employees or the public.
- In the good faith belief that disclosure is appropriate in order to investigate or take action regarding actual or suspected illegal activity or other wrongdoing.
- To enforce any applicable terms and conditions of our agreements or policies.

We may also share personal information that is not personally identifying, such as aggregated or anonymized data, where not prohibited by law.

We may disclose your Personal Data to certain other third parties, or publicly, with your consent or direction. If you post a comment or review on our Website, the information you provide may be displayed publicly online for others to view.

## **7. How We Secure Your Personal Information**

We take precautions to protect your Personal Data. We are committed to protecting the security, integrity and confidentiality of the data you provide through the use of physical and technical safeguards. We store data in secure cloud-based environments and use server authentication in an effort to prevent interference or access from outside intruders. When you submit personal information via the Website, your information is protected both online and offline.

Whenever we collect your Personal Data online, it is encrypted and transmitted to us in a secure way. You can verify this by looking for a lock icon in the address bar and looking for “https” at the beginning of the address of the Website. The Internet, however, is not perfectly secure and we are not responsible for security breaches not reasonably within our control.

We also protect your information offline. Only employees who need Personal Data to perform a specific job (for example, billing or customer service) are granted access to personally identifiable

information. The computers and servers in which we store Personal Data are kept in a secure environment.

“Phishing” is a scam designed to steal your Personal Data. If you receive an e-mail that looks like it is from XCMG asking you for your personal information, including account information, please notify us at: 725-605-2777.

## **8. Opt-Out Policy:**

Review the following options to not receive future communications.

- We send emails to users and subscribers with information about our services, offers, pricing, products that we believe may be of interest and with information you sign up for. Users may opt out of receiving email messages by contacting us at 725-605-2777, via email at [info@xcmgusa.com](mailto:info@xcmgusa.com) or by clicking on the “Unsubscribe” link found at the bottom of every email that we send and following the instructions on the web page.
- You may also have the ability to adjust app- or browser-specific communications settings (e.g., for things like push or browser notifications) within the settings screen of your mobile app or browser.
- You may opt out of our marketing or automated text messages by replying "stop" to any message.
- You can also email [info@xcmgusa.com](mailto:info@xcmgusa.com) to be removed from certain communications.

When using one of the above methods, your request is processed immediately. As required or allowed by law, even if you opt out of communications, we may continue to contact you for certain important informational messages about your account.

## **9. Children’s Privacy Protection**

Our Website is not intended for individuals under 18 years of age, and we do not knowingly collect information from individuals under 18. If you are under 18, do not use this Website or provide any information about yourself to us, including your name, address, telephone number, email address or any screen name or user name you may use. If we learn we have collected or received personal information from a child under 18 without verification of parental consent, we make reasonable attempts to delete that child’s information. If you believe we might have any information from or about a child under 18, please contact us at 725-605-2777.

## **10. Changes to this Privacy Policy**

XCMG has the discretion to update this Policy at any time. When we do, we will revise the date at the top of this page. You are encouraged to check this page periodically for changes in order to stay informed about how we strive to protect the information we collect. You acknowledge and agree that it is your responsibility to review this Policy periodically and become aware of

modifications. Changes are effective once posted on the Website according to the Privacy Policy's last update.

## **11. Contact Us**

If you have any questions or comments about our Privacy Policy please contact us via telephone at 725-605-2777 or via email at [info@xcmgusa.com](mailto:info@xcmgusa.com).