

KOMATSU MINING CORP. GROUP – PRIVACY NOTICE – REPRESENTATIVES

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

Joy Global UK Limited, Montabert S.A.S, Limited Liability Company “Joy Global” and Joy Global (Poland) spółka z ograniczoną odpowiedzialnością are all part of the Komatsu Mining Corp. group. This notice explains how these companies and Komatsu Mining Corp. (where it is dealing with Representatives and proposed Representatives based in the European Economic Area (“EEA”) and the United Kingdom (“UK”) use personal information collected from or about you. We are each the controllers of the personal information of our Representatives.

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 representative 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 as follows:

Joy Global UK Limited (UK):	LPO.UK@global.komatsu
Montabert S.A.S (France):	LPO.FR@montabert.com
Joy Global (Poland) spółka z ograniczona odpowiedzialnością (Poland)	LPO.PL@global.komatsu
Komatsu Mining Corp.	LPO.US@global.komatsu
Any other Komatsu Mining Group companies	GPO@global.komatsu

NAVIGATION

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

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- How do we use your sensitive personal information and what is our legal basis for using your sensitive personal information?
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WHAT PERSONAL INFORMATION DO WE COLLECT ABOUT YOU?

Personal Information you give us:

We will collect and use the personal information that you provide to us when you or your company completes the Questionnaire for Representatives as part of our corporate compliance program. This will include:

- your name
- contact details
- your financial statements
- names of references where you have previously worked and a local banking reference
- details of any litigation, arbitration or government investigations relating to bribery, fraud, money laundering or similar where you have been a defendant or been subject to
- details of whether you or any close family members have affiliations with the government, local government or the military or government owned/controlled companies
- details of whether you or any close family members are employed by the government, local government or the military or a government owned/controlled company
- details of whether you or any close family members are a candidate for or hold public office or are a political party official
- details of whether you or any close family members are employed by or affiliated with a public international organization such as the UN or World Trade Organization
- details of whether you or any close family members can influence the award of contracts, the use or purchase of our products, the granting of registrations, approvals, decisions or authorizations relating to our products or otherwise influence decisions relating to our business

Personal Information we receive from other sources:

We will collect, store and use information from two due diligence reports we obtain from external providers on our Representatives, proposed Representatives, their company officers, directors and owners, and will obtain personal information as part of this process. The external providers we use are Kroll Inc., the U.S. Commercial Service (the trade promotion arm of the U.S. Department of Commerce's International Trade Administration) and Reed Smith LLP.

We request references on our representative companies as part of our due diligence process. We do not request personal information about you from your referees but we will collect, store and use your personal information if provided by the referees.

HOW DO WE USE YOUR PERSONAL INFORMATION AND WHAT IS OUR LEGAL BASIS FOR USING YOUR PERSONAL INFORMATION?

We have set out below how we use your personal information. In addition, we have set out our legal basis to use your personal information as we need to tell you this under data protection law.

Information used for compliance: We will collect, store and use your personal information for compliance purposes to the extent that it is necessary under applicable laws.

We will use your personal information to:

- process the Questionnaire for Representatives;
- complete our Proposed Representative Due Diligence Checklist to verify the information you have provided;
- carry out due diligence, sanction checks (if applicable) and any other legal checks we are required and allowed by applicable law to carry out;
- to complete satisfaction surveys;
- ensure compliance with legal obligations such as record keeping obligations; and
- comply with any other legal or regulatory requirements.

We have a legal obligation to ensure prospective and current business partners who represent our company comply with relevant laws. We do this, for example, by carrying out anti-bribery, fraud, money laundering and sanctions checks (if applicable). Our legal basis for this use is that it is necessary for compliance with a legal obligation we are subject to under EU or Member State Law such as the UK Bribery Act 2010 and the UK Anti-Money Laundering and Counter-Terrorism Financing Act 2006. By virtue of our corporate structure we are also required to comply with other legislation relating to these issues such as the US Foreign Corrupt Practices Act of 1977. Our legal basis for using your personal information to comply with these laws is that it is in our legitimate interest as a business as we are required to comply with this legislation and our use of your personal information is necessary to ensure compliance. We consider our use of your personal information to be proportionate as the personal information we collect is tailored to seek only personal information that is needed to ensure we comply with these laws.

Information used for management of the ongoing business relationship: We will collect, store and use your personal information for the purpose of managing our ongoing business relationship with you.

We will use your personal information to:

- process and manage invoices and payment;
- set up the third-party representative arrangement;
- send you information about our products, software and services;
- fulfil an order placed with us;
- conclude a contract you have entered into on our behalf (where applicable);
- arrange delivery of products and resolve any operational issues;
- manage ongoing contract administration; and
- resolve disputes.

Our legal basis for this use is that it is in our legitimate interests as a business to be able to contact you as an individual in our representative organisation to discuss and manage the ongoing business relationship we have with your organisation. 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 limited to that which is relevant and appropriate to our relationship with you and we do not use your contact details outside the business context.

Information used for marketing: We will collect, store and use your personal information for the purpose of marketing and will send you information about our solutions, products, software, services, events, publications, surveys and news. Some of our marketing will be done by profiling, which is where we tailor the information and communications we send to you based on your preferences, the product and geographical area in which your organisation operates, the goods your organisation represents and events you have attended. We will also review your response to ensure that the information and communications we are sending are relevant and we may contact you where your response to our information and communications indicates that you are interested in a particular topic.

Where we use your personal information for marketing, we do this on the basis that you have consented to us marketing to you. You have the right to change your mind about this at any time. There will be unsubscribe links in all the marketing emails that we send you, and you can also contact us at any time to ask us to stop sending you marketing.

We will refresh the consent you have given us by contacting you at least every two years.

HOW DO WE USE YOUR SENSITIVE PERSONAL INFORMATION AND WHAT IS OUR LEGAL BASIS FOR USING YOUR SENSITIVE PERSONAL INFORMATION?

As part of our due diligence process we collect, store and use “special categories” of more sensitive personal information. We have set out below what personal information we collect, store and use and how we use this personal information. In addition, we have set out our legal basis to use this personal information as we need to tell you this under data protection law.

We use special category i.e. more sensitive personal information as follows:

- We use information about company officers, directors and owners of our Representatives and proposed Representatives in relation to whether they have any affiliations, are an official or hold any office (as set out above) which tell us about your political opinions as part of our due diligence process. We do this on the legal basis that it is necessary for compliance with a legal obligation we are subject to under EU or Member State Law such as the UK Bribery Act 2010 or the UK Anti-Money Laundering and Counter-Terrorism Financing Act 2006. By virtue of our corporate structure we are also required to comply with other legislation relating to these issues such as the US Foreign Corrupt Practices Act of 1977. Our legal basis for using personal information in this way is that it is in our legitimate interest as a business as we are required to comply with this legislation and our use of this personal information is necessary to ensure compliance. We consider our use of your personal information to be proportionate as the personal information we collect is tailored to seek only personal information that is needed to ensure we comply with these laws. You have also given us your explicit consent as an additional condition to permit our use of your personal information in this way.
- We use information provided by company officers, directors and owners of our Representatives and proposed Representatives about whether their family members hold any affiliations, are an official or hold any office (as set out above) which tell us their political opinions as part of our due diligence process. We do this on the legal basis that it is necessary for compliance with a legal obligation we are subject to under EU or Member

State Law such as the UK Bribery Act 2010 or the UK Anti-Money Laundering and Counter-Terrorism Financing Act 2006. By virtue of our corporate structure we are also required to comply with other legislation relating to these issues such as the US Foreign Corrupt Practices Act of 1977. Our legal basis for using this personal information in this way is that it is in our legitimate interest as a business as we are required to comply with this legislation and our use of this personal information is necessary to ensure compliance. We consider our use of your personal information to be proportionate as the personal information we collect is tailored to seek only personal information that is needed to ensure we comply with these laws. Our additional condition required under data protection law is that it is necessary for reasons of substantial public interests as set out in Schedule 1 of the UK Data Protection Act 2018.

With regard to the substantial public interests requirement, we consider our use of personal information is proportionate to the aim pursued as we have a legal obligation to ensure prospective and current business partners who represent our company comply with all relevant laws that prohibit corrupt payments to government officials or any other forms of bribery. The questions in our Questionnaire for Third-Party Representatives have been tailored to seek only information that is needed to ensure we comply with these laws.

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 YOU DON'T PROVIDE THE PERSONAL INFORMATION WE 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, 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 the Local Privacy Officer for your region (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 Mining Corp., Komatsu America Corp., Komatsu Limited and all subsidiaries, operating units and divisions of it. This is because due to our corporate structure they provide us with assistance in managing our due diligence and providing approval for Representatives and proposed Representatives. 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. If sharing special category personal information we will share your personal information on the basis of explicit consent, and will share the special category personal information of your family members as it is necessary for substantial public interest to ensure our Representatives comply with all relevant laws that prohibit corrupt payments or any forms of bribery.
- With organisations for the purposes of carrying out due diligence: To meet our compliance obligations we may share your personal information with organisations and agencies to verify the information you have provided in the Questionnaire for Third-Party Representatives is correct and to provide us with a report on your capability to act as our Representative. We share your personal information in these circumstances on the basis that it is necessary for compliance with a legal obligation under EU or Member State Law such as the UK Bribery Act 2010, or the UK Anti-Money Laundering and Counter-Terrorism Financing Act 2006. By virtue of our corporate structure we are also required to comply with other legislation relating to these issues such as the US Foreign Corrupt Practices Act of 1977. Our legal basis for sharing your personal information in this way is that it is in our legitimate interest as a business as we are required to comply with this legislation. We consider that this use of personal information is proportionate because we will only pass the information that is necessary and we have a contract with them.
- 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 suppliers 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 any potential compliance concerns. 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 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 UK OR EEA?

Representatives of Joy Global UK Limited, Montabert S.A.S and Joy Global (Poland) spółka z ograniczoną odpowiedzialnością

We store your personal information in the UK or in countries within the European Economic Area ("EEA"). We will only transfer your personal information outside the UK or EEA as follows:

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

The countries (outside the UK or EEA) that your personal information may be transferred to or accessed in include the US.

We only transfer your personal information outside the UK or 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 UK or EU. We do this by entering into data sharing agreements with the recipients of your personal information based outside the UK or EEA by ensuring there are safeguards in place which protect

the personal information to an equivalent standard as it would be in the UK or comply with the EU Commission's standard clauses for the transfer of personal information.

Representatives of Joy Global UK Limited

- We will only transfer your personal information to countries that have been deemed to provide an adequate level of protection by the UK Government, e.g. Japan and the EEA; and/or
- Where we use certain service providers, we may use specific contracts approved by the UK Government which gives personal information the same protection it has within the UK.

If you would like further details about our transfer of your personal information outside the UK or EEA or details of the contracts we have put in place to safeguard your personal information please contact the Local Privacy Officer for your region (see above for contact details).

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 unauthorized 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 YOU HAVE OVER YOUR PERSONAL INFORMATION?

You have the right to make a complaint to the data protection regulator based in UK or EU country where the Komatsu Mining Corp. group company you deal with is based. Details of relevant regulators are as follows:

UK: www.ico.org.uk

France: www.cnil.fr

Poland: www.uodo.gov.pl

You can also contact the data protection regulator in the EU country in which you are based. 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 the Local Privacy Officer for your region (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:

- **Right of access:** You have the right to ask us what personal information we hold about you and to ask us to give you a copy of your personal information;
- **Right of correction:** You have the right to ask us to fix any mistakes in your personal information;
- **Right to erasure:** You have the right to ask us to delete your personal information in some cases;
- **Right to restriction:** You have the right to ask us to limit how we use your personal information in some cases;
- **Right to transfer your data with you:** You can ask us to transfer the personal information we hold about you to another organisation (or to you) but only if we use a computer to use it and you have either given us permission to use your personal information or we need to use it because we have a contract with you.
- in France the right to provide us with your instructions regarding the use of your personal information after your death.

If you want to access, review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact the Local Privacy Officer for your region (see above for contact details).

HOW WILL WE TELL YOU 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.

HOW CAN YOU CONTACT US

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