

KOMATSU MINING CORP. GROUP – PRIVACY NOTICE – VENDORS

This section of our website is designed to help you understand what we do with personal information about our vendors who are individuals and individuals within our vendor companies.

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 Vendors and prospective Vendors based in the EU and UK) use personal information collected from or about you. Please click on each of the companies to see their company number and address. We are each the controllers of the personal information of our vendors.

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 vendor 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):

Montabert S.A.S (France):

Joy Global (Poland) spółka z ograniczoną odpowiedzialnością (Poland)

Limited Liability Company “Joy Global” (Russia)

Komatsu Mining Corp.

Any other Komatsu Mining Group companies

LPO.UK@mining.komatsu

LPO.FR@montabert.com

LPO.PL@mining.komatsu

LPO.RU@mining.komatsu

LPO.US@mining.komatsu

GPO@mining.komatsu

NAVIGATION

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

- How we use your personal information to conclude and administer contracts, to carry out vendor due diligence and our legal basis for that
- Additional uses of your personal information where you need to visit one of our sites or our customers’ sites including in order to provide training to our customers and our legal basis for that
- Will we change the way we use your personal information?
- How long we will keep your personal information?
- Who will we share your personal information with?
- Will you transfer my personal information outside the EEA?
- How do we ensure that your personal information is secure?
- What rights do I have over my personal information?
- How will you tell me about changes to this privacy notice?
- How you can contact us

HOW WE USE PERSONAL INFORMATION TO CONCLUDE AND ADMINISTER CONTRACTS, TO CARRY OUT VENDOR DUE DILIGENCE AND OUR LEGAL BASIS FOR THAT

1. What personal information do we collect and how do we use it?

Information you give us: If you or your company completes a Vendor Request Form, we will collect the personal information included on the form and will use this to:

- process the Vendor Request Form;
- carry out financial due diligence, sanction checks (where applicable) and any other legal checks we are required and allowed by applicable law to carry out;
- set up the vendor arrangement;
- negotiate and conclude contracts for the purchase of goods and services from you or your company;
- administer the delivery and provision of goods and/or services
- manage ongoing contract administration;
- process and manage invoices and payment;
- ensure compliance with legal obligations such as record keeping obligations; and
- resolve disputes.

Information we receive from other sources:

a. Vendors who are sole traders and/or partnerships (where applicable)

We will carry out financial due diligence and may collect personal information about you from credit reference agencies. We will use this information to satisfy financial and purchasing controls in order to safeguard our business.

When we obtain information about you from a credit reference agency, they will keep a record of our enquiry against your name. More information about the credit reference agencies we share your personal information with, how they use your personal information and how long they will keep it is available in the credit reference agencies' privacy notices. In the UK, these privacy notices can be found at: www.experian.co.uk/crain, www.equifax.co.uk/crain and www.callcredit.co.uk/crain.

We will carry out a due diligence process relating to anti-bribery, fraud and money laundering. We will also carry out sanctions checks (where applicable) against our vendors and proposed vendors and will obtain personal information as part of this process.

b. Vendors which are companies

Where applicable we will obtain the name and position of all company officers, directors and owners as a result of carrying out financial due diligence in a Dun and Bradstreet report. We will use this personal information and the information you or your company give us to carry out a due diligence process relating to anti-bribery, fraud and money laundering. We will also carry out sanctions checks (where applicable) against our vendors, proposed vendors and their company officers, directors and owners and will obtain personal information as part of this process.

2. What is our legal basis for using your personal information?

Under data protection law we must have a legal basis to use your personal information. We have set these out below.

a. Vendors who are sole traders or partnerships (where applicable)

The legal basis for using the personal information you give to us for the purposes set out above (other than for due diligence and compliance with legal obligations) is that the use is necessary for the performance of a contract with you relating to you supplying products or services to us or in relation to taking steps to put that contract in place.

The legal basis for using the personal information you give to us so that we can meet our legal obligations, for example carrying out anti-bribery, fraud, money laundering and sanctions checks, is that it is necessary for compliance with a legal obligation we are subject to under EU or Member State Law such as The Bribery Act 2010, The Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and other legislation that we are bound by virtue of our corporate structure e.g. the Foreign Corrupt Practices Act of 1977 or, where applicable, Russian laws..

The legal basis for using the personal information you give to us or which we get from other sources to perform due diligence is that it is in our legitimate interests as a business to check the financial standing and credit of our vendors in order to safeguard our finances and reputation.

b. Vendors which are companies

The legal basis for using the personal information you give to us for the purposes set out above (other than for due diligence and compliance with legal obligations) is that is in our legitimate interests as a business to be able to contact you to discuss and manage the ongoing performance of a contract for the purchase of goods and/or services entered into with your company. 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 relevant and appropriate to our relationship with you and we only use your contact details for matters which relate directly to our relationship with the company you work for. We do not use them outside the business context.

The legal basis of using the personal information you give to us so that we can meet our legal obligations for example carrying out anti-bribery, fraud, money laundering and sanctions checks, is that it is necessary for compliance with a legal obligation we are subject to under EU or Member State Law such as The Bribery Act 2010, The Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and other legislation that we are bound by virtue of our corporate structure e.g. the Foreign Corrupt Practices Act of 1977 or, where applicable, Russian laws.

We carry out financial due diligence on company officers, directors and owners on the legal basis that it is in our legitimate interests as a business to check the financial standing and credit of our vendor companies and potential vendor companies and their company officers, directors and owners in order to safeguard our finances and reputation. We have considered our legitimate interests carefully and have balanced our legitimate interests against your rights under data protection law. We consider carrying out financial due diligence is proportionate because it is within the reasonable expectations of you and the company you work for, taking into account the value of the contract or potential contract being entered into, the information is limited to senior management and owners of the company and is limited to relevant information in the business context.

ADDITIONAL USES OF YOUR PERSONAL INFORMATION WHERE YOU NEED TO VISIT ONE OF OUR SITES OR ONE OF OUR CUSTOMERS' SITES AND OUR LEGAL BASIS FOR THAT

1. What personal information do we collect and how do we use it?

As you will appreciate, as a manufacturer of mining equipment, our sites can be hazardous and ensuring the safety of our visitors is paramount. It is also important that we maintain our site security. If you arrange to visit our site we will therefore collect the following personal information from you: your name, contact details, job title, clothing and footwear size (if necessary) and car registration (if you travel by car to the site). We will use this information to:

- arrange the site visit;
- administer your site visit;
- carry out health and safety risk assessments relating to the site visit;
- provide you with appropriate personal protective equipment; and
- ensure site safety.

If you provide training support to our customers and their employees relating to the use of our products, we will collect information from you when we arrange this training, such as your name, contact details, your job title, areas of competency and qualifications. We will use this information to:

- arrange and co-ordinate the training; and
- arrange and process your site visit;

If you have asked us to assist with arranging visas and/or letters of invitations for the site visit then we will also need you to provide a copy of the personal information on your passport to enable us to do this.

If the site visit is to one of our customers' sites, then the customer will be responsible for collecting personal information from you for the visit and will be the controller. You may be asked to undertake a medical at the customer's site, where it is relevant for health and safety. The customer will have their own privacy notice about how they use your personal information. In some circumstances the customer may ask us to get the information from you on their behalf. In this situation it will be the customer that is the controller and not us, and their privacy notice will apply.

2. What is our legal basis for using your personal information?

Under data protection law we must have a legal basis to use your personal information. We have set these out below.

We collect and use the personal information that you give to us for a site visit or to arrange customer training (other than passport details used for arranging visas/letters of invitation) on the legal basis that it is in our legitimate interests as a business. We consider that it is legitimate to verify who is coming on site, provide for site security, ensure that our visitors are safe and have appropriate protective clothing and equipment. We also consider it to be legitimate in relation to training to be able to contact you to manage and assist with the provision of training at our customer's site and to ensure that you have the appropriate qualifications to provide the training.

We have considered our legitimate interests carefully and have balanced our legitimate interests against your rights under data protection law. We consider that our use is reasonable and proportionate as outlined above and do not consider that the use of your personal information has a disproportionate effect on your rights because the use of this personal information is within your reasonable expectations in relation to what is required for a site visit in potentially hazardous areas and, in relation to the provision of training. We do not use this information for any other purpose other than arranging your site visit and/or arranging the training for our customer.

We collect and use the personal information from your passport that you give to us in order to arrange for visas and/or letters of invitation on the basis of your explicit consent.

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.

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 they provide us with assistance in managing vendor accounts, orders, technical support and payment. 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 you have given to us and we enter into data sharing agreements with our group companies. If you are based in the Russian Federation or if you are a vendor of Limited Liability Company “Joy Global” we may ask for your consent to share personal information to such group company, if it is located in a country which is not considered as providing adequate measures of personal data protection.
- With organisations for the purposes of carrying out due diligence (where applicable): Where we carry out financial due diligence in relation to our vendor organisations we may share your personal information with organisations and agencies for establishing the financial standing and credit of our potential vendor organisations, existing vendor organisations and their officers, directors and owners in order to safeguard our finances and reputation. We share your personal information in these circumstances on the basis that it is in our legitimate interests as a business to ensure we are contracting with vendors who can honour their contracts with us. We have considered our legitimate interests carefully and have balanced our legitimate interests against your rights under data protection law. We consider that this use of personal information is proportionate because we will only pass the information to reputable organisations, we will only pass on the information you have given to us, and we enter into a contract with them.
- With organisations for the purposes of carry out legal due diligence: We may share your personal information with organisations and agencies in order to carry out sanctions checks, anti-bribery, anti-corruption and anti-money laundering checks and to prevent fraud. 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 Bribery Act 2010, The Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and other legislation that we are bound by virtue of our corporate structure e.g. the Foreign Corrupt Practices Act of 1977 or, where applicable, Russian laws.

- With customers for the purposes of arranging training or a site visit: We will share your personal information with our customers in order to arrange training and confirm who will be providing it and to arrange a site visit where necessary. We consider that this use of your personal information 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 use is proportionate because we will only pass on the information you have given to us and we will only share your personal information to the extent that the customer needs it to coordinate training and/or arrange site access.
- With companies who provide or support for 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. If you are based in the Russian Federation or if you are a vendor of Limited Liability Company “Joy Global” we may ask you to sign the consent to share personal information, if it is required under any applicable laws.
- 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 how to enforce our contracts with our vendors. 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 when you enter a vendor arrangement with us 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. If you are based in the Russian Federation or if you are a vendor of Limited Liability Company “Joy Global” we may you to sign the consent to share personal information, if it is required under the applicable laws.

WILL YOU TRANSFER MY PERSONAL INFORMATION OUTSIDE THE EEA?

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

We store your personal information in the United Kingdom or in countries within the European Economic Area (“EEA”). We will only transfer your personal information outside the 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 EEA, have support services located outside the EEA or host personal information outside the EEA.

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

We only transfer your personal information outside the 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 EU. We do this by entering into data sharing agreements with the recipients of your personal information based outside the EEA which comply with the EU Commission’s standard clauses for the transfer of personal information.

If you would like further details about our transfer of your personal information outside the 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).

Vendors of Limited Liability Company “Joy Global”

We store your personal information in the Russian Federation. We will only transfer your personal information outside the Russian Federation 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 Russian Federation, have support services located outside the Russian Federation or host personal information outside the Russian Federation.

The countries (outside the Russian Federation) that your personal information may be transferred to or accessed in include the US, France, Germany, Poland and the UK.

We only transfer your personal information outside the Russian Federation 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 Russian Federation. We do this by entering into data sharing agreements with the recipients of your personal information based outside the Russian Federation.

If you would like further details about our transfer of your personal information outside the Russian Federation 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 unauthorised 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 I HAVE OVER MY PERSONAL INFORMATION?

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

UK: www.ico.org.uk

France: www.cnil.fr

Poland: www.giodo.gov.pl

Russia: www.rkn.gov.ru

You can also contact the data protection regulator in the EU country in which you are based or Russia, if you are based in Russia. 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:

- the right to ask us what personal information we have about you and to have a copy of your personal information from us;
- the right to ask us to correct any errors in your personal information;
- the right to ask us to review and explain our legitimate interests to you;
- the right to ask us to review and explain our legal ground to process your personal information if you are based in the Russian Federation or if you are a vendor of Limited Liability Company “Joy Global”;
- the right to ask us to delete your personal information where: (i) we don’t need your personal information anymore; (ii) you withdraw your consent to our use of your personal information and we have no other legal basis to keep your personal information; (iii) you have asked us to review and explain our legitimate interests to you and we don’t actually have a valid legitimate interest to do what we are doing; (iv) our use of your personal information is illegal; (v) we have to delete your personal information to comply with our legal obligations;
- if you are based in the Russian Federation or if you are a customer of Limited Liability Company “Joy Global, the right to ask us to delete your personal information where: (i) you have asked us to review and explain our legal ground to collect, store and use your personal information and we don’t actually have a valid legal ground to do what we are doing;
- the right to ask us to restrict the use that we are making of your personal information where: (i) you don’t think the personal information we have about you is correct, so that we can check if it is correct; (ii) you withdraw your consent to our use of your personal information and we have no other legal basis to keep your personal information; (iii) what we are doing with your personal information is illegal but you would rather we stop using your personal information rather than delete it; (iv) we don’t need your personal information anymore, but you

need us to keep it so that you can exercise any legal rights; and (v) you have asked us to review and explain our legitimate interests to you, so that we can check whether we actually have a valid legitimate interest to do what we are doing;

- if you are based in the Russian Federation or if you are a customer of Limited Liability Company “Joy Global, the right to ask us to restrict the use that we are making of your personal information where you have asked us to review and explain our legal ground for collecting, storing and using your personal information to you, so that we can check whether we actually have a valid legal ground to do what we are doing;
- the right to ask us to transfer your personal information in certain circumstances; and
- 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 YOU TELL ME 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 (e.g. if we have your email address as a contact at one of our vendor companies).

HOW YOU CAN 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).