

# AGCO

## Privacy Shield Policy

### Introduction

It is AGCO's policy to respect and protect Personal Information (as defined below) collected, used or maintained by or on behalf of AGCO. In furtherance of our commitment, AGCO has certified compliance with the US-EU Privacy Shield Framework regarding Personal Information which is:

- subject to the EU Data Protection Laws and Regulations; and
- transferred from an organization within the European Economic Area (EEA) to an organization in the United States

in support of AGCO's operations. AGCO adheres to the Privacy Shield principles ("Principles") and in relation to Human Resources Personal Data for use in the context of an employment relationship also adheres to the Supplemental Principles ("Supplemental Principles") as agreed to by the U.S. Department of Commerce and the European Commission (located at <https://www.privacyshield.gov/>). If there is any conflict between the terms in this Privacy Shield Policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern.

### Scope

This Privacy Shield Policy sets forth the Principles and Supplemental Principles under which AGCO manages the transfer and Processing of Personal Information that it receives from its employees, end customers and business partners (such as dealers or suppliers) in the EEA to the United States in support of our operations. The categories of Personal Information covered by this Policy include Personal Information relating to employees, end customers and business partners. Due to the global nature of AGCO's business and the need for ease of internal communication and interaction among the human resource staff within AGCO in the United States, limited Personal Data of the citizen employees of the EEA must be transferred or access may be granted to the data importer offices in the United States for the purpose of facilitating communication and interaction. In addition, AGCO transfers Personal Data in this category for the purposes of: human resources management and other required management of employees throughout the course of the employment relationship; internal communication and management of industrial relations; workplace safety and health management; administration of AGCO information technology systems; economic, financial and administrative management; planning and reporting; employee development; attendance and absence management; performance management; appraisal/review; training/learning and personal development; administration of payroll, compensation, incentives programs, benefits and pensions; expense reimbursement; mobility management, including international assignment and employee travel administration; sales; accounting; finance; corporate audit; stock administration; succession and organizational planning, including budgeting; compliance with internal policies, codes of conduct and legal/regulatory compliance; compensation planning and payments; disciplinary and grievance investigations and disciplinary procedures; governance and internal reporting; provision, maintenance, support and development of the infrastructure for the storage, use and dissemination of the personal data of the employees; and operation of AGCO's whistleblowing hotline (the "Hotline"). This policy does not apply to, for example, how AGCO handles personal information of its United States employees, end customers or business partners.

### Definitions

The following terms are used throughout this document and are defined as follows:

*Agent*

“Agent” means any third party that processes Personal Information under the instructions of, and solely for, AGCO or to which AGCO discloses Personal Information for use on its behalf.

#### *AGCO*

“AGCO” means AGCO Corporation including its wholly-owned subsidiaries that are incorporated in any state or territory of the United States and listed in the certification.

#### *Controller*

"Controller" means a person or organization which, alone or jointly with others, determines the purposes and means of the Processing of Personal Data.

#### *Data Subject*

“Data Subject” means an identified or identifiable natural person whose Personal Data is transferred and/or processed within the scope of this Policy. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to the physical, physiological, mental, economic, cultural or social identity.

#### *Employees*

“Employees” means any AGCO employee, including but not limited to, temporary and permanent employees, job applicants, retirees, and former employees as well as dependents of such employees.

#### *Personal Data or Personal Information*

"Personal Data" and "Personal Information" are data about an identified or identifiable individual that are within the scope of the EU Data Protection Laws and Regulations, received by an organization in the United States from the European Union or European Economic Area, and recorded in any form.

#### *Processing*

"Processing" of Personal Data means any operation or set of operations which is performed upon Personal Data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure or dissemination, and erasure or destruction.

#### *Sensitive Personal Data*

“Sensitive Personal Data” means special categories of Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and data concerning health or sex life.

#### **AGCO adheres to the following Principles:**

**1. Notice:** AGCO informs Data Subjects about the types of Personal Information it collects about them, the purposes for which it collects and uses such information, the type or identity of third parties to which it discloses such information and the purposes for which it does so, and how to contact us with any inquiries or complaints. Notice will be provided in clear and conspicuous language at the time of collection, or as soon as practicable thereafter, and before AGCO uses or discloses the information for a purpose other than that for which it was originally collected. AGCO applies the applicable supplemental principles to the Personal Data it processes for human resources purposes.

**2. Choice:** In the event Personal Information is a) to be used for a materially different purpose than for which the information was originally collected or subsequently authorized by the Data Subject or b) transferred to a third party exercising independent control over the information, individuals are given, an opportunity to decline (opt out) to have their information so used or transferred. Derogation to the Data Subjects' right to opt-out applies if AGCO uses an Agent performing task on behalf of and under instructions of AGCO. In such case AGCO shall enter into an agreement with the Agent. In the event that the information used for a new purpose or transferred to the control of a third party is Sensitive Personal Data, the Data Subjects affirmative express consent (opt in) will be obtained prior to the use or transfer of the information. Any Personal Information received from a third party where the third party identifies and treats it as sensitive will be treated as Sensitive Personal Data.

**3. Accountability for Onward Transfers:** AGCO will only transfer Personal Information to an Agent for limited and specified purposes and shall ascertain that the Agent is obligated to provide at least the same level of privacy protection as is required by these Principles. Where AGCO gains knowledge that an Agent is using or sharing Personal Information in a way that is contrary to these principles, AGCO will take reasonable and appropriate steps to stop and remediate such processing. AGCO shall provide a summary or a representative copy of the relevant privacy provisions of its contract with that agent to the Department of Commerce upon request. AGCO will only transfer Personal Information to a non-Agent third party Controller where individuals have been provided notice and have given their consent and shall enter into a contract with the third party Controller that provides that such data may only be processed for limited and specified purposes consistent with the consent provided by the Data Subject and that the recipient will provide the same level of protection as the Principles.

**4. Security:** AGCO takes reasonable and appropriate measures to protect Personal Information from loss, misuse and unauthorized access, disclosure, alteration and destruction, taking into due account the risks involved in the Processing and the nature of the Personal Data.

**5. Data Integrity and Purpose Limitation:** AGCO limits the collection, usage, and retention of Personal Information to that which is relevant for the purposes of Processing for which it was collected or subsequently authorized by the Data Subject, and takes reasonable steps to ensure that all Personal Information is reliable, accurate, complete and current. AGCO depends on the Data Subject to keep Personal Information reliable for its intended use, accurate, complete and current.

**6. Access:** Data Subjects have reasonable access to their Personal Information and may request corrections, amendments, deletions, where it is inaccurate or has been processed in violation of the Principles, except where the burden or expense of providing access would be disproportionate to the risks to the Data Subject's privacy in the case in question or where the rights of persons other than the Data Subject would be violated.

**7. Recourse, Enforcement and Liability:** AGCO has put in place mechanisms to verify ongoing compliance to the Principles. Any AGCO Employee that violates the Principles will be subject to disciplinary procedures in accordance with AGCO's disciplinary practices. The Federal Trade Commission (FTC) has jurisdiction over AGCO's compliance with the Privacy Shield. In case of onward transfers AGCO remains liable if its Agent processes Personal Information in a manner inconsistent with these Principles.

In case of disputes, Data Subjects are able to seek resolution of their questions or complaints regarding use and disclosure of their Personal Information in accordance with the Principles. If you feel that AGCO is not abiding by this Policy or is not in compliance with the Principles, please contact first [DataPrivacy@AgcoCorp.com](mailto:DataPrivacy@AgcoCorp.com).

AGCO will investigate unresolved complaints at no cost to the Data Subject through its independent recourse mechanism. Independent recourse mechanism: You may refer the matter to the FTC <https://www.privacyshield.gov/assistance> or the relevant European Data Protection Authority. AGCO

commits to cooperate with the panel established by the European Data Protection Authorities (DPA's) and comply with the advice given by the panel with regard to Personal Data subject to the EU Data Protection Laws and Regulations and transferred from an organization within the EEA to an organization in United States.

Data Subjects also have the possibility, under certain conditions, to invoke binding arbitration for complaints regarding Privacy Shield compliance not resolved by any of the other Privacy Shield mechanisms. For additional information go to <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>.

### **Limitation on Scope of Principles**

AGCO's adherence to these Principles and Supplemental Principles may be limited: (a) to the extent necessary to meet national security, public interest, or law enforcement requirements; (b) by statute, government regulation, or case law that creates conflicting obligations or explicit authorizations, provided that, in exercising any such authorization, AGCO can demonstrate that its non-compliance with the Principles and/or Supplemental Principles is limited to the extent necessary to meet the overriding legitimate interests furthered by such authorization; or (c) if the effect of the EU Data Protection Laws and Regulations is to allow exceptions or derogations, provided such exceptions or derogations are applied in comparable contexts.

### **How to Contact Us**

Please contact [DataPrivacy@AgcoCorp.com](mailto:DataPrivacy@AgcoCorp.com) or your country HR representative if you have any questions concerning this Privacy Shield Policy. Alternatively, you may call the AGCO Ethics and Compliance Hotline global numbers are found in [AGCO website](#) (page 11).

### **Changes to this Privacy Shield Policy**

This Privacy Shield Policy may be amended consistent with the requirements of Privacy Shield. When we do update the Privacy Shield Policy, we will also revise the "Last Updated" date at the bottom of this document. This Privacy Shield Policy and any material changes to it will also be posted on [www.agcocorp.com](http://www.agcocorp.com)

Last Updated: September 28 2016