

## **AGCO PRIVACY STATEMENT EUROPEAN ECONOMIC AREA**

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This Privacy Statement (the “**Statement**”) is provided by AGCO Corporation and its subsidiaries and affiliates (see Contact Details <http://www.agcocorp.com/contact/facilities-list.html>) (together “**AGCO**”, “**we**” or “**us**”). Capitalised terms not defined in the body of this Statement are defined in the Glossary at the end of this Statement.

### **Scope of this Statement**

This Statement governs the manner in which AGCO collects and further Processes Personal Data about individuals who use AGCO’s products or services (“**you**”). We encourage you to read this Statement carefully, and to regularly check this page to review any changes we might make in accordance with the terms of this Statement.

Please note that this Statement does not apply to the Processing by AGCO of the Personal Data of AGCO employees, secondees, temporary workers or other staff in connection with the roles they perform for AGCO. A separate privacy policy governing such Processing is available on the AGCO Intranet (InsideAGCO).

AGCO has a separate Statement governing the processing of Machine Data <https://www.agcotechologies.com/data-privacy/machine-data-privacy/>. Should there be any discrepancy between the terms of this Privacy Statement and Machine Data Statement respective to processing of Personal Data then the terms of this Privacy Statement shall control respective to conflicting terms with respect to Personal Data only.

### **AGCO may collect Personal Data from you**

AGCO may collect Personal Data from you in the following circumstances:

- AGCO may collect or obtain Personal Data when you visit any AGCO website (each a “**Site**”) or use any features or resources available on or through a Site. When you visit a Site, your device and browser will automatically disclose certain information (such as device type, operating system, browser type, browser settings, IP address, language settings, dates and times of connecting to a Site and other technical communications information) some or all of which may constitute Personal Data.
- AGCO may collect or obtain the following Personal Data when you download or use an AGCO mobile app (each an “**App**”). AGCO Apps may record certain information (including App usage statistics, device type, operating system, App settings, IP address, language settings, dates and times of connecting to the App, location data, and other technical communications information) some or all of which may constitute Personal Data. An App may have its own Privacy Statement, which includes more specific information and you should review before using the relevant App.
- AGCO may collect or obtain Personal Data when you register to use any service provided by AGCO via a Site or an App, or log into a Site or an App, including the following: registration details, login name, email address, password, security question and, if applicable, payment details.

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- AGCO may collect or obtain Personal Data when you use any AGCO telemetry devices or data recording devices (each a “**Device**”) including the following: (i) if you purchase a vehicle that is equipped with a Device, AGCO may collect Machine Data about the vehicle; and (ii) if you have enabled location-based functions, AGCO may collect location data. Furthermore AGCO may collect Machine Data when performing inspection, warranty or other services.
- AGCO may collect or obtain Personal Data when you provide Personal Data to a AGCO authorized distributor or reseller (“**Dealer**”) (whether in person, by mail, by phone, online, via electronic communication or by any other means).
- AGCO may collect or obtain Personal Data when you contact AGCO (whether in person, by mail, by phone, online, via electronic communication or by any other means).

### **AGCO may receive Personal Data about you from others**

AGCO may receive Personal Data about you from third parties. For example:

- AGCO may receive Personal Data about you from Dealers, as outlined above.
- If you interact with third party content or advertising on a Site or in an App, AGCO may receive Personal Data about you from the relevant third party, in accordance with that third party’s applicable privacy Statement.
- If you choose to make payment directly to AGCO, or through a Site or an App, or through a Dealer, AGCO may receive Personal Data about you from third parties such as payment services providers, for the purposes of that payment, including the following: purchase details, payment data, credit card data.
- To the extent that any credit reference checks are carried out by AGCO or on its behalf, in connection with an application for credit, in accordance with Applicable Laws, AGCO and/or the relevant Dealer may receive Personal Data about you from credit reference agencies and other third parties, for the purposes of that credit check, including the following: confirmation of whether the reference agency was able to verify your details; and the results of the reference check including your credit rating.
- In complying with its obligations under Applicable Laws, AGCO may receive Personal Data about you from law enforcement agencies and public authorities.
- AGCO may receive Personal Data about you from public sources (such as telephone directories, land ownership records, lien records, etc.).

### **Personal Data you provide about others**

In some circumstances, you may provide AGCO with Personal Data about others. For example, you might mention another AGCO customer when commenting on an AGCO product. Whenever you provide any such Personal Data, you must ensure that this does not violate those third parties’ rights. If you are unsure whether the third party agrees with you providing its Personal Data, please refrain from communicating such Personal Data to AGCO.

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### Categories of Personal Data Processed by, or on behalf of, AGCO

The categories of Personal Data that may be Processed by, or on behalf of, AGCO under this Statement (to the extent permitted by Data Protection Laws) include:

- **personal details:** name; gender; photograph; date of birth; profession; business or employer; sector;
- **contact details:** email address; postal address; telephone number; fax number; customer ID;
- **data relating to Sites or Apps:** technical data (as outlined above, including device type, operating system, browser type, browser settings, IP address, language settings, dates and times of connecting to a Site, App usage statistics, App settings, dates and times of connecting to the App, location data, and other technical communications information necessary for the operation of the relevant Site or App); username; password; security login details; usage data; aggregate statistical information;
- **Machine Data:** farm management data, land data, agronomic data, vehicle usage statistics; vehicle performance data; driving patterns; engine temperature data; engine performance data; fuel economy data; emissions data; vehicle service status; vehicle location;<sup>[1]</sup>
- **commercial details:** financial details and payment information (including bank details or credit card details provided in connection with a purchase); purchase history (including products, dates, locations and Dealers relating to any purchase); purchase interests; service requests; and
- **marketing data:** advertising interests; cookie data; clickstream data; browsing history; responses to direct marketing; and opt-outs from direct marketing.

<sup>[1]</sup> Machine Data may also qualify as Personal Data if we associate it with an identified or identifiable natural person in which case AGCO shall follow both statements. Should there be any discrepancy between the terms of this Privacy Statement and Machine Data Statement respective to processing of Personal Data then the terms of this Privacy Statement shall control respective to conflicting terms with respect to Personal Data only.

**Lawful basis for Processing Personal Data:** In Processing your Personal Data in connection with the purposes set out in this Statement, AGCO may, depending on the circumstances, rely on any of the following legal bases:

- we have obtained your prior express consent to the Processing;
- we have a legitimate interest in carrying out the Processing (including our legitimate interests in operating our business, providing goods and services to you, alerting you to other products or services that may be of interest to you, and maintaining or improving our products or services), and there is no undue risk to your rights, freedoms or interests;
- the Processing is necessary in connection with a contract entered into with you, or for your benefit;
- the Processing is required by Applicable Laws;
- the Processing is necessary to protect the vital interests of any individual; or
- any other lawful basis available under Applicable Laws.

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**Processing your Sensitive Personal Data:** AGCO does not seek to collect or otherwise Process your Sensitive Personal Data, except where:

- the Processing is required or permitted by Applicable Laws;
- the Processing is necessary in order to establish, exercise or defend legal claims;
- AGCO has obtained your prior explicit consent before Processing your Sensitive Personal Data; or
- any other lawful basis for Processing Sensitive Personal Data.

### **Purposes for which AGCO may Process your Personal Data**

AGCO may Process your Personal Data for the following purposes in particular, to the extent permitted by Data Protection Laws:

- to display the content of a Site, an App or a Device, and any customisations you may select;
- to monitor, adapt, update, secure and improve our products and services to you;
- to verify your identity and ensure the security of your Personal Data;
- to respond to your service requests and support needs;
- to understand how individuals collectively use the features of a Site, an App or a Device (or associated vehicle);
- to administer content, promotions, surveys or other features of a Site, an App, or a Device;
- to send you information relevant to your past purchases and interests, subject to compliance with Applicable Laws regarding direct marketing;
- to send you communications regarding administration of your accounts and the features of a Site, an App, or a Device;
- to notify you about changes to a Site, an App, or a Device;
- to perform data analyses and other Processing (including trend analysis and financial analysis);
- to give effect to your legal rights and your rights under this Statement;
- to protect against fraud, identity theft, and other unlawful activity;
- to establish or exercise AGCO's legal rights or defend legal claims;
- to establish, exercise or defend legal claims; and
- to comply with Applicable Laws and our other applicable policies.

### **International transfers of Personal Data**

We may make use of Processing facilities controlled or operated by members of our corporate group, or our third party service providers, located in jurisdictions other than the jurisdiction in which your Personal Data were originally collected. In particular, the content and features of a Site, an App or a Device may be provided by means of servers located outside your jurisdiction

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(including, but not limited to, servers located in the United States). Your Personal Data may be transferred to, and Processed using, those servers or other Processing facilities, as part of the operation of a Site, an App or a Device, or in connection with any of the Processing purposes set out in this Statement, subject always to compliance with the provisions of Applicable Laws (e.g., by implementing EU Standard Contractual Clauses, where appropriate). These transfers are necessary in order to provide our products and services to you in an efficient and effective manner. By providing Personal Data to AGCO under this Privacy Statement, you acknowledge that your Personal Data may be transferred to locations outside your jurisdiction. If you do not wish for your Personal Data to be transferred to other jurisdictions, please do not provide your Personal Data to AGCO, nor use any Sites, Apps or Devices.

Where we transfer your Personal Data to other countries, we do so on the basis of Standard Contractual Clauses and, in the case of transfers to the US, our Privacy Shield certification (see below). You may request a copy of our Standard Contractual Clauses and details of our Privacy Shield Certification using the contact details provided below.

### **Protection of your Personal Data**

AGCO is committed to Processing your Personal Data securely. We adopt appropriate data Processing practices, and appropriate technical and organisational security measures, to protect against unauthorised access, alteration, disclosure or destruction of Personal Data. The Internet is not, in itself, a secure environment and we cannot provide an absolute assurance that your Personal Data transferred using the Internet will be secure at all times. Transmission of Personal Data over the Internet is at your own risk and you should only use secure systems to access Sites, Apps or Devices.

You are responsible for keeping your access credentials for each Site, App and Device safe and confidential. You should frequently change your access credentials and you must notify AGCO promptly if you become aware of any misuse of your access credentials, and immediately change your access credentials.

### **Disclosure of your Personal Data**

We will not sell, trade, or rent your Personal Data to others without your consent. We may, however, share or disclose your Personal Data to third parties in the following circumstances:

- We may disclose your Personal Data to employees and agents of AGCO, to the extent necessary to provide the services.
- We may share your Personal Data with recipients within AGCO, for the purposes of operating our business, operating Sites, Apps or Devices, providing you with products or services you have selected, or otherwise for the purposes set out in this Statement.
- We may share your Personal Data with recipients outside AGCO, including Dealers, for the purposes of operating our business, operating Sites, Apps or Devices, providing you with products or services you have selected, or otherwise for the purposes set out in this Statement.
- We may use third party service providers to help us operate our business, operate Sites, Apps or Devices, provide you with products or services you have selected, or to

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administer activities on our behalf, such as sending out newsletters or surveys. We may share your Personal Data with such third parties for the purposes set out in this Statement.

- We may share aggregate demographic information with our business partners, trusted affiliates and advertisers for the purposes outlined in this Statement. While we make all reasonable efforts to ensure that such information is anonymized, it is possible that your Personal Data may be disclosed.
- Subject to obtaining your consent, we may share your Personal Data with our third party marketing partners, for direct marketing purposes. You may withdraw your consent at any time, or object at any time to the Processing of your Personal Data for direct marketing purposes.
- If you make a payment via a Site or an App, or directly to AGCO or a Dealer, your Personal Data may need to be provided to third parties (e.g., payment services providers) for the purposes of facilitating those payments.
- If we sell, merge or transfer all or a portion of our business or assets (including in the event of a reorganization, dissolution, liquidation or other restructuring), we may disclose your Personal Data to the prospective seller or buyer, or their representatives, provided that we have first taken reasonable steps to ensure the security and confidentiality of your Personal Data.
- We also may disclose your Personal Data: (i) to the extent necessary to establish, exercise or defend legal claims; (ii) if required by Applicable Laws or regulations; (iii) in response to requests from government agencies and law enforcement authorities; (iv) when disclosure is necessary or appropriate to prevent physical harm or material financial loss; or (v) for the purposes of investigating unlawful activity.

### **Third party services**

You may encounter advertising or other content on any Site, App or Device that may link to websites or services of AGCO's partners, suppliers, advertisers, sponsors, licensors and other third parties. We do not control the content or links that appear on these third party websites or services, and we are not responsible for the practices employed by third party websites or services linked to or from any Site, App or Device. These websites and services may be subject to their own privacy policies and terms of use.

### **Direct Marketing**

As set out in this Statement, we, may contact you via email, text message, or other electronic means, from time to time, to provide you with information relating to products or services that may be of interest to you. If you wish to unsubscribe from these communications, we include detailed unsubscribe instructions in each such communication. Alternatively, you may use the unsubscribe features provided through our Sites and Apps.

Please note that, in the event that you unsubscribe from receiving communications relating to marketing or advertising, we may nevertheless continue to contact you for the purposes of carrying out your instructions, enabling you to make any purchases you request, administration of your account, or as required or permitted by Applicable Laws.

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### **Cookies**

A cookie is a small file that is placed on your device when you visit a website. It records information about your device, your browser and, in some cases, your preferences and browsing habits. We may Process your Personal Data through cookie technology, in accordance with our [Cookie Policy](#).

### **Data retention**

We will only retain your Personal Data for as long as we require those Personal Data in connection with the purposes set out in this Privacy Policy. We may also be required to retain your Personal Data for additional periods of time, for example, where required to do so by Applicable Laws.

AGCO offers data subjects the opportunity to define, during their lifetime, the instructions that should be followed after their death with regard to their personal data. Should the data subject pass away without leaving clear instructions about how to manage their personal data, we can also work with immediate family members and representatives to remove personal data of a deceased person where appropriate. In certain circumstances we may provide beneficiaries of deceased data subjects with reasonable information on the data held about the deceased data subject by AGCO. We shall not provide passwords or other login details. Any decision to respond to a request regarding a deceased data subject will need to be balanced against the obligation to keep information secure, safe, and private.

### **Personal Data of children**

We do not knowingly collect or further Process Personal Data of children under 16 years of age. We ask parents or legal guardians to assist us by supervising the activities of children in relation to our Sites, Apps and Devices, and by not allowing them to submit any Personal Data through and Site, App or Device.

### **Terms of use**

Use of our Sites, Apps and Devices, and our products and services, are subject to applicable Terms of Use.

### **Privacy Shield Policy**

AGCO is certified to the US-EU Privacy Shield, for transfers of personal data to the US. For AGCO's Privacy Shield policy, please [click here](#).

### **Your rights**

It is your responsibility to ensure that your Personal Data held by AGCO is complete, accurate and up-to-date. Subject to Applicable Laws, you may have the following rights:

- the right to request access to, or copies of, your Personal Data that we Process;
- the right to request correction of any inaccuracies in your Personal Data;
- the right to object, on legitimate grounds, to the Processing of your Personal Data;
- the right to request, on legitimate grounds:

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- erasure of your Personal Data that we Process; and
- restriction of Processing of your Personal Data that we Process;
- the right to have your Personal Data transferred to another Controller, to the extent applicable;
- where we Process your Personal Data on the basis of your consent, the right to withdraw that consent; and
- the right to lodge complaints regarding the Processing of your Personal Data with a Data Protection Authority.

This does not affect your statutory rights. You may exercise any of these rights by using the contact details provided below.

### **Contact details**

If you have any questions about this Privacy Policy, our Processing of your Personal Data, or your dealings with a Site, an App or a Device, please contact us at:

AGCO Corporation  
4205 River Green Pkwy  
Duluth, GA 30096  
United States  
[DataPrivacy@AGCOcorp.com](mailto:DataPrivacy@AGCOcorp.com)

If you contact us, we will endeavour to investigate and attempt to resolve each query or complaint within one month, or such other period as may be required under Applicable Laws.

### **Acceptance of this Policy**

By using any Site, App or Device, you are deemed to have accepted this Policy. If you do not accept the terms set out in this Policy, you must not use any Sites, Apps or Devices.

### **Amendments to this Policy**

AGCO may amend, revise or update this Privacy Policy at any time, without providing you with any specific notice. You are encouraged to frequently check this Policy for any changes, and to stay informed about how we are helping to protect your Personal Data. Your continued use of any Site, App or Device is deemed to be acceptance of any amendments to this Policy.

Last updated: 19 September 2017

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### Glossary

In this Policy, capitalised terms have the following meanings:

- **Applicable Laws** means all laws, statutes or regulations applicable to the respective AGCO affiliate(s).
- **Data Protection Authority** means an independent public authority that is legally tasked with overseeing compliance with Data Protection Laws.
- **Data Protection Laws** means all Applicable Laws relating to the Processing of Personal Data.
- **Machine Data**, means any data that has been generated and/or collected from your machinery generated by, collected by, or stored in machinery or any hardware or device interfacing with the machinery whether by means of telemetry or otherwise. Machine Data may include elements of Personal Data.
- **Personal Data** means any information relating to an identified or identifiable natural person; 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 his or her physical, physiological, mental, economic, cultural or social identity.
- **Process** or **Processing** means any operation or set of operations which is performed upon Personal Data, whether or not by automatic means, including but not limited to: collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.
- **Sensitive Personal Data** means any Personal Data relating to race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, or sexual life, any actual or alleged criminal offences or penalties to this list, or national identity numbers.