

DATA TRANSMISSION AND CONSENT

Wheeler Machinery Co. and its affiliates along with Caterpillar Inc. collect and share data and other information amongst themselves to enhance products and services to support your organization. This information is gathered through several online and offline means including but not limited to: applications and platforms for use on or through computers, APIs, and mobile devices. Information is also gathered from telematics or other devices which transmit data from customer machines, products, or Assets, whether manufactured by Caterpillar or by other companies. Additional information is gathered through digital offerings, through distribution networks, component manufacturers, service providers, and customers and their agents, employees, and representatives.

You understand and agree to information and disclosures found at the following links:

[Caterpillar Data Governance Statement](#)

[Caterpillar Global Data Privacy Statement](#)

[Caterpillar Telematics Data Privacy Statement](#)

[Caterpillar Connected Product Data Principles](#)

A machine or work tool (“Equipment”) purchased, leased, or otherwise rented from Wheeler Machinery Co. may come equipped with Product Link, VIMS, or other telematics devices (“Telematics System”) which are capable of transmitting data via cellular or satellite signal. This Data Transmission and Consent notice provides the purchaser, leaser, or renter (the “Customer”) with knowledge of telematics functionality on Equipment.

The information transmitted (“Machine Data”) via the Telematics System may include but is not limited to Equipment serial number, Equipment location, operational data, condition, fault codes, emissions data, fuel usage, service meter hours, software and hardware version numbers, and installed attachments. Customer agrees and acknowledges that to the extent the Equipment has a Telematics System, any and all Machine Data concerning such Equipment is being transmitted and/or collected by Caterpillar Inc., its affiliates and subsidiaries (collectively, “Caterpillar”), and/or Caterpillar dealers, including Wheeler Machinery Co. Some of the reasons for gathering and sharing this data include but are not limited to:

- (1) Improve products and services, including without limitation: developing statistical studies, understanding performance issues, and complying with regulations and laws, and
- (2) Serving the Customer by combining the Equipment Data with other Customer data to fulfill support agreement requirements, monitoring and managing the Equipment health and efficiency, responding to inquiries, conducting market research, requesting your evaluation and notifying you of promotions.

Customer agrees to allow, and hereby grants, a worldwide, perpetual, fully paid-up, non-exclusive license to Caterpillar and/or its dealers to use, access and transfer the Machine Data for the purposes listed above, including for this Machine Data to be transferred to jurisdictions

that may not offer the same level of Machine Data protection as the jurisdiction in which Customer is located. Furthermore, Customer represents that it has, and warrants that it will, obtain all necessary consents from any Machine Data subjects (e.g., equipment operators, equipment owners, and all other affected parties) prior to allowing them to use Equipment with a Telematics System.

In the event Customer transfers ownership of the Equipment, Customer agrees to notify the purchaser (new owner) about the Telematics System, the information being transmitted and the purposes, and this language including the link to this notification. In addition, Customer will notify Wheeler Machinery Co. it has transferred ownership of the Equipment. The Customer agrees and acknowledges that the provision of this Machine Data is voluntary. Should the Customer elect to stop the sharing of Machine Data via the Telematics System, they should contact Wheeler Machinery Co. for instructions on disabling telematics systems, and arrange the cancellation of any data subscriptions.

Wheeler Machinery Co. recommends the Customer staff personnel to monitor Machine Data from Equipment to ensure Machine health and longevity. Wheeler Machinery Co. assumes no liability for machine health nor production unless otherwise specified in contract terms. Recommendations made by Wheeler Machinery Co to the Customer regarding machine health may not incorporate all necessary information nor details. The customer assumes the responsibility and cost of any and all on machine diagnostics and repairs. Wheeler Machinery reserves the right but is not required to monitor Machine Data from the Customers fleet. While Wheeler Machinery co may notify the Customer of Equipment health issues based Machine Data items of its choosing, it is under no obligation to do so. All Customer actions and/or inaction in response to recommendations provided by Wheeler Machinery Co. remain the responsibility the Customer.

By purchasing, leasing, or otherwise renting Equipment that comes equipped with a telematics device, or by using Wheeler Machinery Co. or Caterpillar Inc. web and mobile applications, Customer agrees to and accepts that Equipment Machine Data and other information they supply may be accessible by parties other than themselves, as is detailed in this Data Transmission and Consent notice and the links contained herein. Customer agrees to review this Data Transmission and Consent and the information located at the web links found in said notice every 30 days for any updates. To revoke your acceptance of this Data Transmission and Consent notice, please contact the Condition Monitoring Center at the phone or e-mail below. For additional insight into understanding the capabilities and Machine Data your Equipment may transmit, or for training on user interfaces that provide access to Telematics System Machine Data, please contact the Condition Monitoring Center at Wheeler Machinery Co.

Data Transmission and Consent last updated on June 3rd 2019. Links contained herein may have been updated more recently, please review for verification.

Condition Monitoring Center

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