

## **Privacy and Data Policy**

### **WESTERN EQUIPMENT DEALERS ASSOCIATION**

**Effective Date: September 1, 2016**

THE FOLLOWING PRIVACY AND DATA POLICY (“**POLICY**”) DISCLOSES THE PRIVACY AND DATA USE PRACTICES OF WESTERN EQUIPMENT DEALERS ASSOCIATION, A MISSOURI CORPORATION, AND WESTERN EQUIPMENT DEALERS ASSOCIATION, A CANADIAN CORPORATION (COLLECTIVELY, “**WESTERN EQUIPMENT DEALERS ASSOCIATION**”), AND THEIR AFFILIATED ENTITIES, INCLUDING BUT NOT LIMITED TO THE WESTERN EQUIPMENT DEALERS FOUNDATION, WEDA TRADE ASSOCIATION, EQUIPMENT DEALER CONSULTING, LLC, NORTH AMERICAN VERMEER DEALERS ASSOCIATION AND ANY OTHER ENTITY PRINCIPALLY OWNED OR CONTROLLED BY WESTERN EQUIPMENT DEALERS ASSOCIATION OR ITS AFFILIATES (COLLECTIVELY, UNLESS THE CONTEXT OTHERWISE REQUIRES, “**US**,” “**WE**,” OR “**OUR**”) FOR ALL DATA OR INFORMATION WHICH WE RECEIVE FROM YOU, EITHER DIRECTLY OR THROUGH A THIRD PARTY, INCLUDING, WITHOUT LIMITATION, IN PERSON OR BY PHONE AT OUR OFFICE LOCATIONS OR THROUGH WEBSITES, APPLICATIONS, EQUIPMENT, DEVICES OR THE PROVISION OF PRODUCTS OR SERVICES TO YOU. WE CREATED THIS POLICY TO COMMUNICATE OUR PRIVACY AND DATA POLICIES TO EACH OF OUR MEMBERS, CUSTOMERS, VISITORS, AND EMPLOYEES (COLLECTIVELY AN “**INDIVIDUAL**,” “**YOU**” OR “**YOUR**”) WITH RESPECT TO YOUR INFORMATION.

#### **1. What and How Information is Collected**

We collect and share both your Individual Data and Business Data (collectively “**Data**”) as described in this Policy.

**a. Individual Data.** When you visit, purchase, access, receive, download, upload or use goods or services from us, you may be required to create an account with us and/or provide various information, which may include personally identifying information (collectively, “**Individual Data**”). Personally identifying information is information that can be used to identify, locate or contact you. If you have a user account with us then you are responsible for maintaining the confidentiality of your user name and password and all uses of your account and password. You agree to immediately notify us of any unauthorized use of your account. If an Individual directly or indirectly communicates with us by e-mail, posts or uploads content or information to a website or application to which we are provided access or otherwise completes online forms, any information provided in such communication will also be collected by us as Individual Data (or Business Data, as applicable). Data may be collected by us directly from you or it may be delivered to us by third parties if you authorize such access be provided by the third party (such as from your professional service providers). By providing Individual Data directly to us or granting us access to Individual Data from a third party, you grant us a royalty-free, non-exclusive, perpetual license to use such Individual Data in accordance with this Policy.

**Individual Data** may consist of the following types of information:

**Personal Data.** Personal data includes your name, user name, mailing address, e-mail address, phone number, zip code, social security number and similar personal information. We use Personal data to send you e-mail, written or other forms of communications regarding:

- i. Goods or services requested or purchased by our members or others;
- ii. Promotional or informational materials about our association, affiliates and/or third parties with whom we conduct business and the related goods and services provided by such businesses; and
- iii. Updates, advertisements, offers and announcements relating to the goods and services of our association, affiliates and/or third parties with whom we conduct business.

You consent to receive communications from us electronically, but have the ability to opt-out of receiving future e-mails of the type described in (ii)-(iii) by contacting us at the following e-mail address ([oholcombe@westerneda.com](mailto:oholcombe@westerneda.com)) or changing your account preferences, if applicable. Notwithstanding anything to the contrary in this Policy, we may communicate with you by e-mail if such e-mail communication is sent for the purpose of protecting the interests of an Individual or our members or customers, including any Individual Data, property or other data, or to provide an Individual with any notification or disclosure that may be required under applicable law or our Policy. Accordingly, you agree that all communications, disclosures, and notices sent to you by e-mail satisfy any requirement that notice be provided in writing.

Transaction and Demographic Data. We collect transaction information about your purchases, use of products or services offered by us (whether with or without charge) and inquiries to respond to your inquiries and fulfill your orders and for our own internal and business purposes. We also may collect general demographic or preference data regarding your interests, goals or needs to understand who you are and what products and services may interest you or meet your needs.

Cookies. We may collect certain technical information including IP addresses, persistent identifiers, statistical utilization, transmission and access methods and sources, and preference information that is collected by cookies, web beacons, or other similar device based collection technologies. This may include any search that led you to our website, your connection speed or type, and your browser or device information. You may block all cookies by following the instructions applicable to your browser at <http://www.aboutcookies.org/how-to-control-cookies/>;

**b. Business Data.** Business Data includes any confidential information that is generated by, collected by or stored by us that is identifiable to one of your businesses or entities (collectively, “**Business Data**”). Business Data includes, without limitation, the following data, which we may track, collect, receive and use in accordance with this Policy:

- i. Financial, business, accounting, tax, personnel, employee benefits, succession planning or other similar information that you provide to us; and
- ii. Customer information, lists, or other marketing information.

Business Data may be collected by us directly from you or it may be delivered to us by third parties if you authorize or allow such delivery or access from the third party (such as from your accountant or other professional services provider). By providing Business Data directly to us or granting us access to Business Data from a third party, you grant us a royalty-free, non-exclusive, perpetual license to use such Business Data in accordance with this Policy. We are not liable for any errors, omissions, interception, loss of data, lack of capacity, lack of coverage or lack of availability, or other errors related to the transmission of any Data by any third party.

YOU AGREE THAT YOU WILL COMPLY WITH ALL LAWS APPLICABLE TO THE COLLECTION AND DISTRIBUTION OF ANY DATA YOU PROVIDE TO US AND THAT YOU WILL OBTAIN ALL NECESSARY CONSENTS AND APPROVALS AS REQUIRED BY APPLICABLE LAW TO COLLECT AND PROVIDE SUCH DATA TO US.

## **2. Confidentiality, Security and Storage of Data**

Except as otherwise provided in this Policy, we will keep all of your Data that personally identifies you (e.g., your name and address) as private and will not share it with third parties, unless such disclosure is necessary to:

- i. Comply with a law (or based upon our good-faith belief that disclosure is necessary to comply with a law);
- ii. Protect our rights or property; or
- iii. Enforce this Policy or any of our other policies and guidelines.

We may also share your Data as provided below, when required by a third party through whom you authorized or allowed Data to be transmitted to us or when otherwise authorized or requested by you.

We will not sell your Data to third parties except in the case of a sale of substantially all of our business or assets or the business or assets of one or more of our business divisions or as otherwise permitted below with respect to de-identified or aggregate Data. We may permanently delete or destroy any and all Data at any time as determined by us. We use a variety of commercially reasonable security technologies to help protect your Data from unauthorized access, use, or disclosure. However, the use of such security technologies is not, and should not be considered to be, any type of guarantee or warranty by us that your Data will not be accessed by third parties, or that we will use all available security technologies to prevent unauthorized access to, use, or disclosure of your personally identifying information.

## **3. Sharing and Use of Information**

We may use your Data for our business or other internal purposes, including, but not limited to: (i) provide or offer products and services to you, (ii) enable us, our affiliates or a third party to improve or develop our products and services or components thereof, (iii) comply with or enforce legal or contractual requirements (or based upon our good-faith belief that disclosure is necessary to comply with such legal or contractual requirements), (iv) comply with a request from you, or (v) disclose the Data to a third party necessary to accomplish (i) through (v).

We share your Data with our affiliates, suppliers, vendors, and/or their agents and employees as we deem necessary for the provision of goods and services generally or to you. However, we will not provide any of your Data in a form that is capable of being personally identified with you except as follows: (i) with third parties assisting us in the provision, administration, and management of goods and services generally or in providing goods and services that you request; (ii) with third parties that support our business operations or provide marketing or advertising services on our behalf, including marketing, technical, accounting, legal or other professionals; (iii) as otherwise permitted by law or to comply with or enforce legal or contractual requirements (or based upon our good-faith belief that disclosure is necessary to comply with such legal or contractual requirements); and (iv) as authorized, requested or approved by you. We may also sell, license or otherwise provide to third parties Data which is de-identified so that it is not capable of being personally identified with you or if it is combined with Data from one or more other persons in aggregate form and does not personally identify any particular person.

While we use commercially reasonable efforts to safeguard your Data when transmitted to third parties, we do not warrant that your Data will be transmitted without unauthorized interception or modification or that your Data will not be accessed or compromised by unauthorized third parties.

## **4. Collection of Your Information by Third-Party websites**

Our website may contain links to other websites. We are not responsible for the privacy practices or the content of such websites. We may allow third-party advertisers to place ads on our website. These third-party advertisers may use cookies or similar technologies to help present the advertisements to you or to

help measure the effectiveness of their advertisements. Some advertisers may use cookies to serve ads to our users or Customers based on their visits to our website and other websites on the Internet. The use of such technologies is subject to the privacy policies of the third-party advertisers and is not covered by this Policy. As a result, if you respond to any such third-party advertisers by clicking on the advertisements and/or visiting their websites or the websites of any other third party, be sure you evaluate their privacy policies before providing them any of your information. To opt-out of a third party's use of cookies, you must visit such third party's website and follow its specified opt-out procedures. You may opt-out of Google's use of the DoubleClick cookie by visiting the Google Advertising Policies and Principles page at <http://www.google.com/policies/privacy/ads/>. You can opt out of some, but not all, of third-party advertiser cookies in one location at the Network Advertising Initiative opt-out website, located at <http://www.networkadvertising.org/choices/>. You may block all cookies by following the instructions applicable to your browser at <http://www.aboutcookies.org/how-to-control-cookies/>.

## **5. Updates and Changes to Policy**

We reserve the right, at any time and without notice, to add to, change, update, or modify this Policy by posting such addition, change, update, or modification on our website. Any such addition, change, update, or modification will be effective immediately upon posting on our website.

## **6. California Privacy Rights**

If you are a resident of California then you may request a list of the identities of the third parties with whom we have shared Personal Information for their marketing purposes and the categories of Personal Information that we have shared during the immediately preceding calendar year.

## **7. Eligibility; Compliance with Children Privacy Issues**

We do not knowingly collect or maintain personally identifiable information from children under the age of 13. If you know of someone using our website that is under the age of 13, please notify us immediately. If we are informed that anyone under the age of 13 is using the website, his or her account will be cancelled and all of his or her information will be deleted from the website as soon as practical.

## **8. How to Contact Us**

If you have any questions or concerns about this Policy, or need to request corrections or deletions to the information you have provided to us, then please contact Olivia Holcombe – [oholcombe@westerneda.com](mailto:oholcombe@westerneda.com) or 800-762-5616.