

## Privacy Policy

# The Charles Machine Works, Inc.

## Privacy Notice

### CMW's Commitment to Your Privacy

The Charles Machine Works, Inc. respects your privacy. We provide this Privacy Notice so you understand how we treat the information we receive from you and about you when you use our websites, content, or mobile applications (collectively the "Sites"), as well as purchase our products, interact with us, visit our premises or otherwise use our services (together with the Sites, the "Services"). This Notice applies, in general, to all Services operated by or on behalf of The Charles Machine Works, Inc. of 1959 West Fir Avenue Perry, Oklahoma 73077 USA, and our subsidiaries and business units worldwide (collectively, "CMW").

Please read this Privacy Notice. By using or visiting the Services, you acknowledge the terms of this Privacy Notice and agree to our Terms and Conditions of Use (the "Terms"). Use of our Services is voluntary. If you do not agree to the Privacy Notice and the Terms, you must immediately cease such use.

### The Personal Data We Collect

There are a few places where CMW gives you an opportunity to voluntarily provide us with information that directly or indirectly identifies you (your "Personal Data"). When you engage in certain activities, such as ordering a product or service; filling out a form to request a demo or enter a contest or sweepstakes; participating in third-party social network service activities whether through the Services or third-party social network services; filling out a survey; applying for a job; sending feedback or product reviews; requesting owners and parts manuals; visiting our facilities or registering your product online, CMW may ask you to provide Personal Data such as your first and last name, mailing address, email address, telephone number, credit card number, and other information. You choose whether to engage in these activities. Depending upon the activity, some of the information CMW asks you to provide is identified as mandatory and some is voluntary. If you do not provide the mandatory data with respect to a particular activity, you will not be able to engage in that activity.

In addition to the information you choose to provide, CMW may automatically collect other information about you through the Sites. Such information may include, without limitation: the unique device identifier of your mobile device, mobile network information, the model and serial number and telephone number of your mobile device, information regarding your access to and use of an App, the Site pages you visit and the time of your visits, your operating system, browser type, the domain name of your internet service provider, and your Internet Protocol (IP) address. We may combine any of the information we collect from or about you and use it in the manner described in this Privacy Notice. For example, CMW may use your IP address, together with other Personal Data that you may provide, such as your email address, to communicate with you directly about products and services that CMW believes may be of interest based on your activity on the Sites.

CMW also may collect information about you from publicly available sources, or from third parties such as our channel partners or credit reference agencies in connection with your purchases. CMW may receive

information about your interaction with us and use of our Services through a third-party social networking service.

Except as otherwise stated in this Notice, your IP address, cookies and other technologies (as more particularly described below) are generally used by CMW on an anonymous basis (i.e. without directly referring to you by name), among other things to (1) help diagnose problems with CMW's server, administer the Services, measure the use of the Services, improve the content of the Services; (2) to identify visitors' domain names, the type of web browsers used, the pages viewed, the websites from which a visitor found the Services, the websites to which a visitor went after leaving the Services; the search terms and search engines used to find the Services; and (3) to gather other web analytics information relating to visitors' use and navigation of the Services. We will comply with applicable laws regarding our use and processing of your data.

## Cookies and Other Technologies

We, along with third parties, use cookies, analytics and other technologies. These technologies are used for tracking, analytics, personalization and optimization of the Services.

Cookies are small text files that are stored on your browser. Cookies enable browsers to "remember" information related to a specific user and improve navigation within a given site. The use of cookies allows CMW to recognize you every time you visit, and to personalize the Site to better suit your needs. If you are uncomfortable with storing cookies on your browser, you may set your browser specifically to reject cookies but you may not be able to use all the functionality of the Site.

CMW uses various types of cookies:

- **Strictly Necessary** cookies are essential in order to enable you to move around our Sites. Without these cookies, services you have asked for cannot be provided. They are deleted when you close the browser.
- **Performance Cookies** collect information in an anonymous form about how visitors use our Sites. They allow CMW to recognize and count the number of visitors and to see how visitors move around our Sites when they are using it.
- **Functionality Cookies** allow our Sites to remember choices you make (such as your user name, language or the region you are in) and provide enhanced, more personal features and to improve your experience when using our Sites.
- **Targeting Cookies** or advertising cookies are used to collect information about your browsing habits in order to enable CMW and its affiliates to provide you with information about products and services that may be of specific interest to you.

Web Beacons are small strings of code (e.g., 1 x 1 pixel) that provide a method for delivering a graphic image on a Web page or in an email message for the purpose of transferring data. You can disable the ability of Web beacons to capture information by blocking cookies.

Persistent Device Identifiers are unique strings that are associated with the mobile device that you use to connect to an App. Persistent device identifiers may be modified or disabled by sophisticated users.

We use service providers to help us analyse patterns of user behaviour on our Sites. These providers will collect your IP address and other information by automated means in order to report on your user activity. They may retain and use anonymised, aggregated data collected from users of our Sites in connection with their own businesses, including in order to improve their products and services. Authentication and tracking logs are used to compile user statistics.

We use advertising brokers to advertise online. CMW and third party vendors such as Google use cookies to serve our ads to you on sites across the Internet based on your past visits to the Sites.

Third parties may collect personally identifiable information about your online activities over time and across different Internet services when you visit our Sites.

Where our Sites interact with social media platforms such as Facebook, Twitter or YouTube, these platforms may deploy persistent cookies which will be kept on your device until their expiration or earlier manual deletion. If you use these functionalities, the plug-in and its content are loaded directly from the social media provider's servers and included in the website by your browser. We cannot influence which Personal Data the social media provider will collect about you. For more information, please see the privacy notices of Facebook, Twitter, [YouTube](#) and others.

You may manage or block cookies at any time by adjusting the browser settings on your device. For comprehensive information on the subject of blocking cookies, please visit [www.allaboutcookies.org](http://www.allaboutcookies.org). For information and to opt out of interest based advertising, you may also access the tools provided on any of the following sites: <https://digitaladvertisingalliance.org>, [www.youronlinechoices.com](http://www.youronlinechoices.com), and [www.networkadvertising.org/choices](http://www.networkadvertising.org/choices). Note that clearing cookies from your browser will remove the above opt-outs because they are stored in cookies.

At this time we do not respond to "Do Not Track" signals sent from Web browsers or other mechanisms that provide users the ability to exercise choice regarding the collection of personally identifiable information about a user's online activities over time and across third-party internet services.

## European Residents: Right to Opt-out

To comply with legislation in the European Economic Area, Switzerland and the UK, CMW asks for your consent to set the cookies described above. When you arrive on the Site, a banner informing you of the types of cookies we use will appear. By clicking 'continue' you expressly consent to the use of such cookies. Once your consent has been provided, this message will not appear again when you revisit. If you do not click "continue," your continued use of the Site will indicate your implied consent. The banner will remain, and we will set only the cookies for which implied consent is sufficient. If you, or another user of your computer, wish to withdraw your consent at any time, you can do so by altering your browser settings or by selecting the opt-out options above. In some instances, when you opt-out, a new cookie (Opt-Out-Cookie) is placed in your web browser. This tells the third party provider to cease data collection from your browser and prevents advertisements from being delivered to you.

If you would like us to stop sending you marketing emails, we encourage you to use the opt-out link at the bottom of any marketing email we send. You may also contact us at the appropriate link below:

Ditch Witch: [info@ditchwitch.com](mailto:info@ditchwitch.com)

American Augers and Trencor: [info@americanaugers.com](mailto:info@americanaugers.com)

Hammerhead: [info@hammerheadmole.com](mailto:info@hammerheadmole.com)

Subsite: [info@subsite.com](mailto:info@subsite.com)

Radius: [info@radiushdd.com](mailto:info@radiushdd.com)

## The Way CMW Uses Personal Data

CMW may use your information for business purposes in accordance with the law for particular activities, including, without limitation:

- a. to provide the Services to you, including any updates, service communications and notifications, including push notifications sent through an App in accordance with your settings;
- b. to manage and administer your user profile or registered account;
- c. to enable our suppliers, channel partners and service providers to carry out certain functions on our behalf, including the hosting of our websites, apps and booking platforms, verification, technical, logistical or other functions, and to provide local sales and service support for our products;
- d. to allow you to participate in surveys and similar activities;
- e. to process and respond to your inquiries, orders, comments, complaints and requests;
- f. to send you information about your relationship or transactions with us;
- g. to verify your identity, where required;
- h. to process a job application that you may make to us, manage your login details on our careers platforms and use recruitment tools that allow us to assess our applicants suitability for specific roles;
- a. to allow us to personalize and enhance your experience using the Services. For these purposes we may create a profile about you, which will also enable us to increase our communication relevance;
- j. to contact you with information, that we believe will be of interest to you, done either by us or a third-party source, as permitted by law and, where applicable, subject to your consent;
- k. to improve the Services, to develop new products and services and for research that we or a third party may perform regarding the Services;
- xx. to create anonymous data, which may be used for legitimate business purposes;

- IIIIIIII. to generate and review reports and data about our user base and service usage patterns, and to analyze the accuracy, effectiveness, usability or popularity of the Services;
- n. to prevent fraudulent transactions, monitor against theft and otherwise protect our users and our business; to ensure the security of your user account, our premises and facilities and our business, for example, by monitoring account activity and deploying CCTV;
- o. to administer technical aspects and troubleshoot the Services; and
- p. to comply with applicable law, for example, in response to a request from a court or regulatory body, where such request is made in accordance with the law, or to comply with financial reporting requirements.

For EU Residents: where we process Personal Data about you, the legal basis for our processing for the purposes described in Section 6 above will typically include:

1. processing necessary to fulfil a **contract**, such as our terms and conditions, that we have in place with you, such as the processing for the purposes set out in paragraphs a), b), c), d) and e) above;
2. processing necessary for our or a third party's **legitimate interests**, such as the processing for the purposes set out in paragraphs a), c), d), e), f), g), h), i), j), k), l), m) and n) above, which is carried out on the basis of our legitimate interests to ensure that our Services are competitive and provided efficiently, without delays and in an user-friendly and personalized manner taking into account user feedback, data and profiles, to ensure the security of our business and information of our users, and to ensure the proper and efficient administration of our business, unless consent is required for any such processing under applicable law;
3. your **consent**, such as the processing for the purposes set out in paragraphs h) and i) above, where such consent is required under applicable law;
4. processing necessary for compliance with a **legal obligation** to which we are subject, such as the processing for the purposes set out in paragraph p) above; and
5. other applicable legal grounds for processing from time to time.

## The Way CMW May Disclose Information

CMW may share information about you for the purposes listed above and in accordance with applicable law with:

- CMW's affiliates and business units worldwide;
- distributors, dealers or other business partners in connection with the Services as permitted by law, and where required by law, subject to your consent. These parties will process information needed to perform their functions and in accordance with our agreements with them. CMW's affiliates, distributors, dealers or other business partners may use this information for marketing and solicitation purposes.

- our outsourced service providers, vendors and consultants, such as merchant services providers, IT consultants, incident response and business continuity vendors;
- credit card authorization service providers and the credit card-issuing bank to confirm and settle payment for products or services purchased on the Services and to facilitate returns or refunds;
- our marketing, communications and advertising partners;
- public where you have included information in our blogs, forums and discussion groups;
- CMW may share aggregated anonymous information relating to visitors to and users of the Services with affiliated or unaffiliated third parties;
- legal entities, on a temporary or permanent basis, in connection with a merger, acquisition, sale of assets, joint venture, securities offering, bankruptcy, reorganization, liquidation, dissolution, or other transaction, or if the ownership of all or substantially all of our business otherwise changes;
- the relevant parties (1) in response to a subpoena, search warrant, court order, or other legal process or request, or as may otherwise be required by applicable law or regulation; (2) to protect and defend CMW's rights or property or those of its affiliates, distributors, dealers, business partners, or others; (3) to enforce or apply the Terms or any applicable end user license agreement; or (4) as CMW, in its sole discretion, believes is appropriate under exigent circumstances in response to a perceived threat to the personal safety or property of any person or organization; and
- any other third party where you have provided your consent, if such consent is required.

## Processing of your Personal Data

The Sites are currently hosted on servers located within the United States, but the locations of CMW's servers may change from time-to-time. Your Personal Data may be stored on servers located within the United States, or in another country. In addition, CMW may transfer your Personal Data to affiliates, distributors, dealers, business partners, or others located in the United States or other countries in accordance with, and for the purposes as described in, this Privacy Notice.

In these circumstances, CMW will ensure that your Personal Data is adequately protected, as required by law. If you are located in the European Economic Area, Switzerland or the UK you may contact us [info@charlesmachine.works](mailto:info@charlesmachine.works) or the address below for information regarding the relevant the safeguards which we have put in place to protect your Personal Data.

## Retention of your Personal Data

CMW keeps your Personal Data as long as CMW needs it for the purposes for which it was originally collected (or to which you have subsequently consented), for other legitimate purposes (such as regulatory compliance), or as otherwise required or permitted by applicable law. If you are located in the European Economic Area, Switzerland or the UK, you may contact us about further detail about our data retention periods in relation to your Personal Data.

## CMW's Relationship to other Sites or Mobile Applications that can be Accessed through the Services

The Services may contain links to other websites or mobile applications. Additionally, other websites or mobile applications may contain links to the Services. This Privacy Notice does not apply to such other websites or mobile applications. CMW does not review or monitor the websites linked to the Services and is

not responsible for the contents, terms of use, or privacy policies related to any other websites or mobile applications. Where the Services contain a link to another website or mobile application owned and/or operated by CMW, such website or mobile application use may be subject to different and additional terms of use and privacy policies. You should make sure you are comfortable with the information that a third-party social networking service may make available to us by carefully reviewing the service's privacy notice and terms and conditions and by modifying your privacy settings directly on that service.

## Other Information You should know about your Privacy

CMW's Services are not intended for children under the age of 18. If you are under the age of 18, please do not use or submit any Personal Data to us. If you have reason to believe that we may have accidentally received Personal Data from an individual under age 18, please contact us immediately at a [legal@cmw.com](mailto:legal@cmw.com).

## Access & Correction of your Personal Data

CMW strives to maintain the accuracy and integrity of the Personal Data in its databases and to keep that information up-to-date. If you would like to review or correct your Personal Data, please send a letter to:

Charles Machine Works, Inc.  
Attn: Legal Department  
1959 West Fir Avenue

Perry, Oklahoma 73077 USA

Or contact the us at the appropriate email address below:

Ditch Witch: [info@ditchwitch.com](mailto:info@ditchwitch.com)

American Augers and Trencor: [info@americanaugers.com](mailto:info@americanaugers.com)

Hammerhead: [info@hammerheadmole.com](mailto:info@hammerheadmole.com)

Subsite: [info@subsite.com](mailto:info@subsite.com)

Radius: [info@radiushdd.com](mailto:info@radiushdd.com)

All communications must be in the English language.

CMW will respond to reasonable requests within the time limits established by applicable law or within a reasonable time if no time limit is established by applicable law. For your protection, CMW may ask you for additional information to verify your identity. In most cases, CMW will provide the access you request and correct or delete any inaccurate Personal Data you discover. Requests to delete Personal Data are subject to any applicable legal and ethical reporting or document retention obligations imposed on CMW.

European Residents: If you are a resident of the European Economic Area, Switzerland or the UK, you have the right to review, correct, update, suppress, transfer, restrict or delete Personal Data that you have provided to us, subject to the conditions set forth in applicable law. You can make such a request by using this [form](#) or by emailing us at [info@charlesmachine.works](mailto:info@charlesmachine.works) with “EU Subject Access Request” in the subject line. In your request, please tell us your country of residence and what Personal Data you would like to have changed, suppressed or limited. Please note that we may need to exclude certain information as part of your request, e.g. in order to protect the privacy of other individuals or if we are permitted to exclude the information for legal or other reasons. We prefer that you contact us directly about any questions or complaints in relation to how we process your Personal Data. However, you have the right to contact the relevant supervisory authority in Europe directly should you wish to do so.

## 12. Your California Privacy Rights

The California Consumer Privacy Act of 2018 ("CCPA") requires us to provide additional privacy-related information to residents of California.

### CCPA Disclosures

The section entitled "The Personal Data We Collect" above lists the categories of Personal Data we have collected about California residents in the preceding 12 months. These categories of Personal Data correspond with the following categories of Personal Data provided under the CCPA:

- **Identifiers** including first and last name, mailing address, email address, telephone number, and IP address;
- **Commercial information** including credit card number and other information required to purchase our products and services;
- **Internet or other electronic network activity information** including the unique device identifier of your mobile device, mobile network information, the model and serial number of your mobile device, information regarding your access to and use of an App, the Site pages you visit and the time of your visits, your operating system, browser type, the domain name of your internet service provider;
- **Location Information** such as geolocation information from your mobile device;
- **Audio, Electronic, Visual or Similar Information** such as photos, video, service call recordings or facility camera footage;
- **Professional or Employment-Related Information** such as occupation, job title, or professional association membership information; and

- **Inferences Drawn from Personal Information** such as information about your preferences or likelihood to purchase our products or services.

As described in the section entitled "The Personal Data We Collect" above, we collect Personal Data from you (and the devices you use), from publicly available sources, or from third parties such as our channel partners, business partners or credit reference agencies in connection with your purchases.

The section entitled "The Way CMW Uses Personal Data" above lists the business and commercial purposes for which we collect California residents' Personal Data. The section entitled "The Way CMW May Disclose Information," describes the parties with whom we may share and/or disclose your Personal Data. CMW generally obtains your express consent and direction for targeting cookies, and does not otherwise "sell" your personal data as defined by CCPA.

**Sharing your Personal Data for business purposes:** we may share the categories of your Personal Data described above with affiliates and business units; distributors, dealers, or other business partners; service providers, vendors, and consultants; and other third parties for our business purposes. As described above, examples of business purposes include, but are not limited to, providing the Services, managing and administering user profiles or registered accounts, and processing and responding to inquiries, orders, comments, applications, complaints and requests.

#### **California Residents' Privacy Rights**

Subject to certain exceptions and qualifications, as a California resident, you have the right to request access to your Personal Data and request deletion of your Personal Data. California consumers also have the right to opt out of sales of personal data, if applicable. Should you wish to request the exercise of your rights with regard to your Personal Data, please call us at 1-800-228-4843. We may need to request additional information from you, including to verify your identity. Please indicate in your request that you are a California resident making a "California privacy rights" inquiry. You may also contact us via webform by using the appropriate link: [Ditch Witch](#); [Radius](#); [American Augers](#); [Subsite](#); [Hammerhead](#), [Trencor](#).

## **13. CMW's Commitment to Security of Your Personal Data**

CMW has implemented appropriate physical, managerial and technical measures to protect the security of data and information and to ensure a level of security of Personal Data appropriate to the risks of a breach. Unless applicable law provides otherwise, CMW does not guarantee against any loss, misuse, unauthorized disclosure, alteration or destruction of data, including Personal Data. While CMW strives to protect your data, CMW cannot always guarantee the security of any information you transmit to or from the Services, and you provide such information at your own risk. You acknowledge that: (1) there are security and privacy limitations in computer systems and on the Internet which are beyond CMW's control; and (2) any such information and data, including Personal Data, may be viewed or tampered with by a third party while such information or data is being used, transmitted, processed, or stored.

## **14. Changes to Privacy Notice**

CMW may change its Privacy Notice from time to time. This Privacy Notice was made effective on the date indicated below. CMW encourages you to review this Privacy Notice regularly in your use of the Services and

especially before you provide any information. Your continued interaction with us or your continued use of our Services will amount to your acknowledgement of the amended Privacy Notice.

This version of our Privacy Notice was published in February 2021.