

# Privacy Policy

Effective: November 26, 2018

Welcome to the websites of Toyota Material Handling, U.S.A., Inc. ("TMHU," also referred to herein as "us," "we" and "our"). Thank you for your interest in the forklifts and other products, parts, and services advertised on our websites.

We are committed to respecting your privacy and recognize the need for appropriate protection and management of the personal information you share with us. The purpose of this privacy policy ("**Privacy Policy**," "**Policy**," or "**Agreement**") is to inform you about how we collect your personal information when you visit the Site, where we provide you with our services, and the choices you have regarding our collection, use, sharing, and protection of your information related to our Offerings. Our Policy is specifically designed to help you better understand how TMHU:

- Collects information about you;
- What kinds of information we collect about you;
- How we use your information;
- How we share your information with others;
- How we protect your information; and
- The choices you have about the collection and use of your information.

This Privacy Policy applies to your use of the TMHU offerings, including all TMHU operated and controlled websites including [www.toyotaforklift.com](http://www.toyotaforklift.com) (the "Site"), mobile applications, and all other digital and online services provided by TMHU (collectively, the "Offerings"). It does not apply to third party websites, applications, or services, including any other affiliates or entities.

## How Can I Contact TMHU?

We welcome you to contact us regarding whether TMHU is keeping information about you, the information TMHU is keeping, how TMHU is using your information or sharing your information with others to update or delete your information, or to opt-out of the collection and use of your information.

You may contact TMHU by sending an email to TMHU at [privacy@tmhu.com](mailto:privacy@tmhu.com) or by contacting us at:

Attn: Legal Dept./Privacy  
Toyota Material Handling, U.S.A., Inc.  
[www.toyotaforklift.com](http://www.toyotaforklift.com)  
5559 Inwood Drive  
Columbus, IN 47201

## Overview of Our Privacy Policies

### Your Agreement With TMHU

First, please be aware that this Privacy Policy constitutes a binding legal agreement between you, as a "User" who accesses or uses the Offerings, and TMHU. Before accessing or using any TMHU website or service, you should carefully review the terms and conditions of this Privacy Policy. By using the Offerings, you are indicating your acceptance of the full terms of our Privacy Policy and Terms of Service, including agreeing to the collection, sharing, security, and uses of your information as described in this Policy. If you do not agree to the full terms of our Privacy Policy, you are not permitted to use the Offerings.

### Changes and Modifications To Our Privacy Policy

TMHU may modify our Privacy Policy from time to time. We will notify you in the event the changes to this Privacy Policy are material and could potentially impact your rights. Nevertheless, you should periodically review the terms of our Privacy Policy to stay informed of any changes and ensure your continued agreement.

Modifications to the Policy are effective upon our posting of the amended Policy to the Site. The terms of the current Policy supersede all previous notices or statements regarding our privacy practices and become the terms and conditions that govern your use of the Offerings. You may determine the date the Policy was last amended and the current Terms by referring to the "Effective" date shown at the top of this Policy. Your use of the Offerings after the Effective date serves as your permission for your personal information to be used under the terms of the current Privacy Policy. YOUR CONTINUED USE OF THE WEBSITE FOLLOWING OUR POSTING OF A CHANGE NOTICE CONSTITUTES ACCEPTANCE OF THOSE CHANGES.

### Children and Eligibility To Use The Offerings

TMHU's Offerings are intended for use by adults and is not directed to minors under the age of 18. Children (under the age of 18) are not eligible to use the Offerings. If you are under the age of 18, you may not use the Offerings.

Consistent with the Children's Online Privacy Protection Act of 1998 (COPPA), TMHU does not knowingly collect personally identifiable information from children under the age of 13 without parental consent. If we learn that personally identifiable information of a child under the age of 13 has been submitted via or appears on or within the Offerings, TMHU will take all action necessary to comply with our responsibilities under applicable legal requirements, which may include deletion of any such information. In any event, children should not submit any personal information to us. If you are a minor, you may have the ability to request removal of certain content or information from the Offerings. If you wish to request the removal of content or information you have posted on the Offerings, you may do so by contacting TMHU at [privacy@tmhu.com](mailto:privacy@tmhu.com).

## **TMHU'S Collection, Use & Sharing of Your Information**

TMHU collects information about you and your use of the Offerings through various means, including when you provide information to us and when we automatically collect information about you when you access, use, or interact with the Offerings. Such processing is performed to provide you with the Offerings. In some instances, you may be able to choose what information to provide, but sometimes we require certain information for you to use and for us to provide you the Offerings.

TMHU relies on a number of legal bases to process the information we receive about you from your use of the Offerings, including where: (1) you have consented to the processing; (2) the processing is necessary to perform the contractual obligations in order to provide the Offerings to you, including those of our Terms of Service; (3) necessary to comply with a legal obligation, a court order, or to exercise or defend legal claims; (4) necessary to protect your vital interests, or those of others; (5) necessary in the public interest; (6) necessary for the purposes of our or a third party's legitimate interests, such as those of visitors, users, or partners; and (7) you have expressly made the information public.

Where we process your information on the basis of consent, we will clearly obtain your opt-in consent. Where given, you may withdraw your consent at any time by contacting us at [privacy@tmhu.com](mailto:privacy@tmhu.com). Where we process your information on the basis of legitimate interests, we do so where the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect your personal data which overrides those legitimate interests.

### **What Information Does TMHU Collect About Me, And How Is It Used?**

TMHU may gather various types of information about you when you access or use our Offerings. TMHU may collect information about you in a variety of ways, including:

1. Information you provide to us, such as when you register for a TMHU Account, fill out a form providing personal and other information via the Offerings, sign up for our email newsletters, or purchase products, parts, or services from TMHU; we generally process information you provide to us on the legal basis of TMHU's legitimate interests in performing the function or service you requested. Where appropriate, we may rely on alternate legal bases, such as your consent to certain types of processing.
2. Information we collect about you automatically, such as through analytics, cookies, log file, and web beacon information; we use automatic data collection and analytics technologies to collect aggregate and user-specific information about your equipment, domain name, patterns of use, communication data and the resources that you access and use on the Ste, including your IP address, browsing, and navigation patterns; and
3. Information collected from other websites and services, such as information collected via cookies placed on your web browser or mobile device.

TMHU uses the information it receives about you for the purposes described in this Privacy Policy. We generally process Personal Data (defined below) received about you through our Offerings on the legal basis of TMHU's legitimate interests in providing the Offerings and its functionality to you where such processing is necessary for the purposes of the legitimate interests pursued by TMHU or by our Service Providers (defined below) related to the Offerings. Where appropriate, we may rely on alternate legal bases, such as your consent to certain types of processing.

TMHU will generally use your information in the following circumstances on the legal basis of legitimate interests to provide the Offerings:

1. Operate, maintain, improve, administer, and provide the Offerings; we may use your information to improve and customize our Offerings, including sharing of your information for such purposes and we do so as it is necessary to pursue our legitimate interests of improving our Offerings for our Users. This is also necessary to enable us to pursue our legitimate interests in understanding how our Offerings are being used, and to explore and unlock ways to develop and grow our business. It is also necessary to allow us to pursue our legitimate interests in improving our Offerings, efficiency, interest in Offerings for Users and obtaining insights into usage patterns of our Offerings.
2. Keeping Our Offerings Safe And Secure: We may also use your information for safety and security purposes, including sharing of your information for such purposes, and we do so because it is necessary to pursue our

legitimate interests in ensuring the security of our Offerings, including enhancing protection of our community against spam, harassment, intellectual property infringement, crime, and security risks of all kind.

3. Provide you with personalized content and information about TMHU and the Offerings; and
4. Provide advertising and marketing, including customized and interest-based advertising;

#### **Types Of Information TMHU May Collect About You Include:**

##### **A. *Personal Data***

TMHU may collect Personal Data (“**Personal Data**”) about you through your use of our Offerings in a number of ways, including information you provide to us to create an account, to make a purchase, by filling out an online form, by signing up for our email newsletters, or by providing the information to TMHU. “Personal Data” refers to information about you that may be used to identify you, such as your: first name, last name, addresses, locations, email or IP address, or phone number. You are not required to provide us with Personal Data, and you can decline certain transfers of Personal Data, if you wish. However, please be aware that if you choose to withhold certain Personal Data, TMHU may not always be able to use the Offerings or certain features of the Offerings.

##### **B. *TMHU Account Information***

You may visit the home page and a few pages of the Offerings containing general information without telling us who you are or revealing any Personal Data, about yourself. To access other areas or features of the Offerings, TMHU may require you to register for an account (a “**TMHU Account**”) and become a “**Registered User**”. TMHU may collect information about you in connection with your registration for your TMHU Account, which may include Personal Data, and other information. You may control the information made available in your TMHU Account, and determine what information you wish to make available to TMHU, by accessing your TMHU Account profile from the Offerings.

##### **C. *Correspondence Information***

We receive and store information you provide to us, including Personal Data. If you send us correspondence via email, the postal service, or other form of communication, we may retain such correspondence and the information provided therein, and may use this information to respond to your inquiry or to provide notifications or other correspondences to you.

##### **D. *News, Promotional Emails, And Mailing List Information***

If you elect to receive our newsletters, promotional emails, join our mailing lists, or provide your email address to us, we may send you correspondences about a variety of topics related to TMHU, such as news, events, new products, sales, and promotional offers from TMHU, our affiliates, or our business partners. By subscribing to our mailing lists, you agree to receive these newsletters and other correspondence which may include special offers or incentives from select partners.

If you no longer wish to receive such correspondence from TMHU or our partners, you may unsubscribe or opt-out of receiving these communications at any time according to information provided within the correspondence, or by contacting us using the contact information provided below.

##### **E. *Promotions, Sweepstakes, Surveys, And Contests Information***

If you register for promotions or sweepstakes provided by TMHU or our partners, TMHU or our partners may send you emails or other correspondence regarding the contest for which you registered, and for other contests, promotions, and sweepstakes. From time-to-time TMHU may also request information from our users via surveys or contests. Participation in these surveys or contests is voluntary and you therefore have a choice whether or not to disclose this information.

##### **F. *Public Sources & Other Public Information***

TMHU may also collect information about you from other publicly available sources, for example, from newspapers, blogs, instant messaging services, or from our vendors or Service Providers. For instance, we may receive information from third parties when we process credit card payments for you, or may obtain information about you from mailing or email list service providers. In addition, all information you make publicly available in any public or open forum, such as on a social network, or on an open Internet forum or website, will be considered public information for the purposes of this Policy, and may be accessed and collected by TMHU and others.

Please be aware that any content or information you choose to share with or provide to third parties using or related to your use of the Offerings are neither private, nor confidential. You should not hold any expectation of privacy with respect to information you share with third parties, and should review the applicable policies of any third parties with which you share information. TMHU is not responsible for any content or information you post or share with third parties. If you do not wish for certain information to be public, please do not share it.

In addition, we may access, index, and cache your website, or any portion thereof, including by automated means including Web spiders or crawlers.

##### **G. *Analytics & Aggregate Information***

We may also collect certain general, non-personal, or statistical information about you and your use of the Offerings

through analytics. This may include such information as: (1) website traffic data detailing how many visitors access specific content within Offerings; (2) for how long you access certain content; (3) hyperlinks you access via the Offerings; and (4) the Internet domain address from which you visit the Offerings and analyze this data for trends and statistics. This information presents an overview of our users' aggregated demographic, preference, and usage habits, and allows us and our third party partners to improve our Offerings and to offer and optimize the provision of targeted information, promotions, offers, or discounts based on user traffic and behavior. However, once you are a Registered User or provide Personal Data, this information is linked to you personally.

We may combine certain information collected from or about you and aggregate it with information collected from other users to analyze users' use of the Offerings and improve the quality and value of the Offerings. We may share this aggregated, anonymized data stripped of all personally identifying characteristics or Personal Data with third parties.

We may also use certain web analytics services, such as those provided by Google, Inc. ("**Google**") and other services ("**Analytics**"). Analytics services generally use cookies to help us analyze information about the Users of the Offerings and how Users use the Offerings. Using Analytics, the Offerings may collect data about you and your use of the Offerings via advertising cookies and anonymous identifiers, in addition to data collected through standard Analytics implementation. This data may include demographic, interest-based, and other information about you. We may use Analytics to help us measure, for example, traffic and usage trends for the Offerings, or information from emails sent to our users which help us track which emails are opened and which links are clicked by recipients. These tools may collect information sent by your device or our Offerings, including the web pages you visit, add-ons, and other information that assists us in improving the Offerings.

#### **H. Cookies, Web Beacons And Other Tracking Technologies**

Like many other websites, software services, and mobile applications, TMHU may automatically collect certain information and data from your browser or device through the use of "cookies," "web beacons," and other tracking technologies. Through these technologies we may collect information about your use of the Offerings and other online activity, including certain online activity after you leave the Offerings.

"**Cookies**" are small pieces of data used by websites and software services to identify repeat users, facilitate the user's ongoing logins and access to a software service or website, and facilitate use of the software service or website. Persistent cookies may remain on your device's hard drive after you close your browser or device and may be used by your device on subsequent use of the Offerings. Persistent cookies can be removed by following the directions according to your particular device or web browser. Session cookies are temporary and disappear after you close your browser or device. You can reset your web browser to refuse all cookies or to indicate when a cookie is being sent. However, some features of the Offerings may not function properly if the ability to accept cookies is disabled.

"Web beacons," "pixel tags," and "clear GIFs" (collectively, "**Web Beacons**") are transparent pixel images embedded on webpages that are used in collecting information about website usage, email response, and tracking. Web Beacons are ordinarily not visible to users. Web Beacons allow us to count the number of users who have visited certain webpages, to deliver branded services, and to generate statistics about how the Offerings are used.

We may use cookies, log files, Web Beacons, Unique Identifiers, location data and clear gifs information to:

1. provide and enhance the Offerings;
2. remember information so that you will not have to re-enter it during your visit or the next time you visit the site;
3. provide custom, personalized content, correspondences, and information;
4. provide and monitor the effectiveness of the Offerings;
5. monitor aggregate metrics such as total number of visitors, traffic, and demographic patterns;
6. diagnose or fix technology problems;
7. capture technical information about users' use of the Offerings, such as: Internet domain names and host names, IP addresses, browser and operating system information, clickstream patterns, access information, user-agent, HTTP referrer, last URL requested by the user, TMHU-side, and server-side clickstream;
8. help you efficiently access your information;
9. provide advertising to your browser or device; and
10. provide automatic updates related to the Offerings to you.

Third party advertisers may also place or read cookies on your browser. Advertisements that appear in connection with the Offerings may be delivered (or "served") directly to you by third party advertisers. When advertisements are served directly by third party advertisers, they may automatically receive your IP address and may also download

cookies to your computer, or use other technologies such as JavaScript and Web Beacons to measure the effectiveness of their ads and to personalize advertising content for you. TMHU does not have access to or control of any cookies that may be placed by third party advertisers. Privacy Policy covers the use of cookies by TMHU and does not cover the use of cookies or other tracking technologies by any of its advertisers. You are responsible for consulting the Privacy Policies and Terms of Service for applicable third party advertisers.

You have many choices with regards to the management of cookies on your devices. All major browsers now allow you to block or delete cookies from your system. We encourage you to learn more about your ability to manage cookies and web beacons by consulting the privacy features of your devices and browsers.

#### **I. Unique Identifiers**

When you use or access the Offerings, we may access, collect, monitor, store on your device, and/or remotely store one or more "Unique Identifiers," such as a universally unique identifier ( or, "UUID"). These Unique Identifiers may be associated with your device, whether or not you establish a TMHU Account. Unique Identifiers are small data files or similar data structures stored on or associated with your device that uniquely identify your device. A Unique Identifier may be data stored in connection with the device hardware, in connection with the device's operating system or other software, or via data sent to the device by TMHU. A Unique Identifier may convey information to TMHU or to a third party partner about how you browse and use the Offerings and may help us or others provide reports or personalized content and advertisements. A Unique Identifier may remain persistently on your device, to help you log in faster and enhance your navigation through the Offerings. Some features of the Offerings may not function properly if use or availability of Unique Identifiers is impaired or disabled.

#### **J. Log File Information**

Log file information may be automatically reported by your browser or device each time you make a request to access the Offerings. When you use the Offerings, our servers may automatically record certain log file information, which may include your web request, Internet Protocol ("IP") address, unique device IDs, browser type, referring / exit pages and URLs, number of clicks and how you interact with links on the Offerings, domain names, landing pages, pages viewed, and other such information. TMHU may link this log file to other information TMHU collects about you via the Offerings. TMHU may use this information for marketing and advertising purposes.

In addition, TMHU reserves the right to use log files, IP addresses, Cookies, Web Beacons, and other tracking technologies to identify a user when TMHU: (1) feels it is necessary to enforce compliance with the TMHU Terms of Service; (2) to protect the Offerings and software, our customers or others; or (3) when TMHU believes in good faith that the law so requires.

#### **K. Location Information**

When you access the Offerings, including visiting the Offerings or using any other website or mobile application software provided by TMHU within the Offerings, we may access, collect, monitor and/or remotely store "location data," which may include your address, zip code, GPS coordinates (e.g. latitude and/or longitude), or similar information regarding the location of you or your computer or other device ("**Location Information**"). Your Location Information allows us to provide information about TMHU and our dealers in your area. Location data may convey to us information about how you browse and use the Offerings. Some features of the Offerings, particularly location-based services, may not function properly if use or availability of location data is impaired or disabled.

## **How TMHU Shares Your Information**

### **How Does TMHU Share My Information With Others?**

TMHU does not share, sell, rent, or otherwise disclose your information to third parties without your consent, except as described in this Agreement. TMHU may share Personal Data or other information about you with third parties for the following purposes and circumstances:

1. **With Your Authorization:** We have your authorization, whether by the terms of this Agreement or as provided through other means;
2. **To Provide the Offerings:** We need to share your information to provide a service you have requested, including sharing the information with companies or organizations connected or affiliated with TMHU, such as subsidiaries, sister-companies, and parent companies;
3. **If You Violate the Terms:** We find that your use of the Offerings violates the TMHU Terms of Service, or other usage guidelines for specific products or services;
4. **To Our Business Partners:** To third-party business partners or Service Providers (as defined below) for the purpose of providing the Offerings to you, such as parties who host our servers, analyze our data, provide us with marketing assistance, process credit card payments, and provide customer service;
5. **For Legal Reasons:** Where we are required to do so by law or subpoena, or if we reasonably believe that such action is necessary to: (i) comply with the law and the reasonable requests of law enforcement; (ii) to enforce our Terms of Service or to protect the security or integrity of the Offerings; and/or (iii) to exercise or protect the rights, property, or personal safety of TMHU, our Users, or others;
6. **Analytics Data & Information:** We may share certain types of information, including information obtained through tools such as cookies, web beacons, log files, device identifiers, location data, and clear gifs (such

as anonymous usage data, referring/exit pages and URLs, platform types, number of clicks, etc.) with our third-party business partners or Service Providers for the purposes described herein. We may also aggregate or otherwise strip data of all personally identifying characteristics and may share that aggregated, anonymized data with third parties;

7. **Publicly Available Information:** The information to be disclosed is publicly available;
8. **Business Changes:** The disclosure is related to the sale or other disposition of all or part of our business or assets, the party to whom the disclosure is made controls, is controlled by, or is under common control with TMHU, the disclosure is necessary for business entity or legal structure changes for TMHU, if TMHU is acquired by or merged into or with another entity, or if TMHU enters bankruptcy;
9. **Consistent With Its Purpose:** The disclosure is consistent with the purpose for which the information was obtained;
10. **Safety and Lawful Requests:** TMHU may be required to disclose its User information pursuant to lawful requests, such as subpoenas or court orders, or in compliance with applicable laws. TMHU generally do not disclose Users information unless we have a good faith belief that an information request by law enforcement or private litigants meets applicable legal standards. TMHU may share your information when we believe it is necessary to comply with applicable laws, to protect our interests or property, to prevent fraud or other illegal activity perpetrated through the Offerings or using TMHU's name, or to protect the safety of any person. This may include sharing information with other companies, lawyers, agents, or government agencies. Nothing in this Privacy Policy is intended to limit any legal defenses or objections that you may have to a third party's, including a government's, request to disclose your information; and
11. **Aggregated Non-Personal Data:** TMHU may disclose aggregated, non-Personal Data received from providing the Offerings, including information that does not identify any individual, without restriction. TMHU may share demographic information with business partners, but it will be aggregated and de-personalized, so that personal information is not revealed.

If TMHU becomes aware that any authorized party is improperly using or disclosing information, we will take commercially reasonable steps to end or correct such improper use or disclosure. Please note your information may be shared to third parties that reside in jurisdictions with less restrictive data laws than your own jurisdiction.

#### **TMHU May Also Disclose Your Information For The Following Purposes & Circumstances:**

##### **A. To TMHU Personnel**

TMHU's personnel and authorized partners may have access to your information as needed to operate the Offerings the normal course of business.

##### **B. To Our Service Providers**

We may share your information, as well as information from data collection tools like cookies, web beacons, log files, Unique Identifiers, and location data (such as usage data, referring/exit pages, and URLs, platform types, number of clicks, etc.), with individuals, organizations, third-party independent contractors, and other partners that help us provide the Offerings to you ("**Service Providers**"). We may use such Service Providers to help operate the Offerings and our business, for example, to host the Offerings, to send emails and other correspondences to you about the Offerings, to process payments, to facilitate online job applications, to provide search results, or to provide advertising. Our Service Providers may have access to your information for use for a limited time in connection with these activities. Our Service Providers and third-party independent contractors are obligated contractually not to use or share your personal information for unauthorized purposes. TMHU will take reasonable steps to ensure that our Service Providers are obligated to reasonably protect your information on TMHU's behalf.

Please note we may contract with Service Providers to maintain and host the Offerings. Any information you submit, including Personal Data, may be placed and stored on a computer server maintained by this third-party host. The third party is contractually obligated to implement technology and security features and strict policy guidelines to safeguard the privacy of your personal information from unauthorized access or improper use.

##### **C. To Our Dealers**

TMHU may share your information, including Personal Data, with our network of approved TMHU dealers to provide you with information regarding TMHU Offerings, for advertising and marketing purposes, and to assist you in the purchase of TMHU Offerings.

##### **D. Third-Party Advertisements**

TMHU may utilize the services of third-party advertising companies, including Google and others, to serve ads to you when you visit our Offerings, or to perform remarketing services on other sites across the Internet. These third parties may collect certain information about your use of the Offerings and may use technology like cookies to store information about your use of the Offerings to improve the marketing and advertisements provided to you. The information collected may be reported back to us, and we may link this information to information we have collected about you. More information about interest-based advertising and similar practices may be available at

[http://www.networkadvertising.org/consumer/opt\\_out.asp](http://www.networkadvertising.org/consumer/opt_out.asp).

***E. As a Part of Business Transfers***

TMHU may purchase other businesses or their assets, or sell our business assets. Personal Data is commonly a business asset involved in such transactions. Please be aware that your Personal Data and TMHU Account information may be among the transferred assets in the event TMHU or all or a portion of its assets are sold or acquired.

***F. To Financial Institutions***

For certain Offerings or promotions, TMHU may make your Personal Data available to one or more financial institutions in order to fulfill and carry out the purchase and provision of goods and services requested. By providing your Personal Data to us for these purposes, you authorize us to exchange your Personal Data with such financial institutions.

***G. Pursuant to Lawful Requests***

We may be required to disclose user information pursuant to lawful requests, such as subpoenas or court orders, or in compliance with applicable laws. We generally do not reveal information until we have a good faith belief that an information request by law enforcement or private litigants meets applicable legal standards. Additionally, we may share your TMHU Account or other information when we believe it is necessary to comply with applicable laws, to protect our interests or property, to prevent fraud or other illegal activity perpetrated through the Offerings or using the TMHU name, or to prevent bodily harm. This may include sharing information with other companies, lawyers, agents or government agencies.

***H. For the Protection of TMHU and Others***

TMHU fully cooperates with law enforcement agencies in identifying those who may use our Offerings for illegal activities, and may in its sole discretion disclose Personal Data or other information to satisfy any law, regulation, subpoena, proceeding, or government request, or in connection with civil litigation. TMHU reserves the right to release Personal Data or other information about users who TMHU has reason to believe are engaged in illegal activities or are otherwise in violation of our TMHU Terms of Service, with or without a subpoena, warrant, or court order, if TMHU believes, in its sole discretion, that such disclosure is necessary or appropriate to operate Offerings, or to protect the rights or property of TMHU, its affiliates, or any of their officers, directors, or employees, agents, third party content providers, suppliers, sponsors, or licensors. TMHU also reserves the right to report to law enforcement agencies any activities TMHU reasonably believes, in its sole discretion, to be unlawful.

## **How TMHU Protects Your Information**

### **How Does TMHU Secure My Information?**

The Offerings has security measures in place to protect against the loss, misuse and alteration of Personal Data under our control. TMHU takes reasonable efforts to secure and protect the privacy, accuracy, and reliability of your information and to protect such information from loss, misuse, unauthorized access, disclosure, alteration and destruction. TMHU implements security measures as we deem appropriate and consistent with industry standards to protect Personal Data. However, since no data security protocol is impenetrable, TMHU cannot guarantee the security of our systems or databases, nor can we guarantee that Personal Data we collect about you will not be breached, intercepted, destroyed, accessed, or otherwise disclosed without authorization. As a result, any information you transfer to or from Offerings is provided at your own risk. Please do your part to help us keep your information secure. You are responsible for maintaining the secrecy of your password and TMHU Account information, and for controlling access to emails between you and TMHU, at all times.

### **Are My Communications With TMHU Secure?**

Communications you may have with us via email or postal mail generally should not be considered secure, unless we advise you that specific security measures are in place prior to your sending information. Therefore, we request that you do not send or post sensitive information through these means. You assume the risk that your communications with TMHU may not be secure.

### **Should I Secure My TMHU Account And Passwords?**

Yes. In the event you create a TMHU Account, your account information will be protected by a password you select. We strongly recommend you choose a strong password and take appropriate steps to ensure your password is not disclosed to any other person. You are responsible for maintaining the confidentiality of your password and TMHU Account, and are fully responsible for all activities that occur under your password or TMHU Account. TMHU specifically reserves the right to terminate your access to the Offerings and any contract you have with TMHU related to the Offerings in the event it learns or suspects you have disclosed your TMHU Account or password information to an unauthorized third party.

### **What If There is a Data Security Incident?**

In the event any information under our control is compromised as a result of a breach of security or other data security incident, TMHU will take reasonable steps to investigate the situation and where appropriate, notify those individuals whose information may have been compromised and take other steps, in accordance with applicable laws and regulations.

## Your Choices About Your Information

TMHU seeks to ensure all individuals are provided with the rights mandated by their governing jurisdiction. Not all of the rights discussed in this Privacy Policy will apply to each individual data subject and may not apply to you depending upon your jurisdiction.

You may benefit from a number of rights in relation to your information that we process. Some rights apply only in certain limited cases, depending on your location. If you would like to manage, change, limit, or delete your personal information, you can do so by contacting us. Upon request, TMHU will provide you with information about whether we hold any of your personal information. In certain cases where we process your information, you may also have a right to restrict or limit the ways in which we use your personal information. In certain circumstances, you also have the right to request the deletion of your personal information, and to obtain a copy of your personal information in an easily accessible format.

### Do I Have Access To The Information TMHU Has Collected About Me?

You do. TMHU welcomes you to contact us regarding the information we have collected about you via email at [privacy@tmhu.com](mailto:privacy@tmhu.com) or using the contact information provided below, including regarding:

1. Whether TMHU is keeping information about you;
2. The accuracy of the information TMHU is keeping;
3. To correct the data that TMHU is keeping about you;
4. How TMHU is using your information or sharing your information with others;
5. To update or delete your information; and
6. To opt-out of the collection and use of your information.

To the extent that such rights are mandated by the laws applicable to the individual data subject, such as all data subjects residing in the European Union ("EU"), the following rights may apply: the right to access (GDPR, Article 15); the right to rectification (GDPR, Article 16); the right to erasure (GDPR, Article 17); the right to restrict processing (GDPR, Articles 18); the right of object (GDPR, Article 21); and if applicable, the right to data portability (GDPR, Article 20). You may also have a right to lodge a complaint with an appropriate data privacy regulatory authority (GDPR, Article 77).

If we process your information based on our legitimate interests as explained in this Privacy Policy, or in the public interest, you can object to this processing in certain circumstances. In such cases, we will cease processing your information unless we have compelling legitimate grounds to continue processing or where it is needed for legal reasons. Where we use your data for direct marketing purposes, you can always object using the unsubscribe link in such communications or changing your account settings.

When you contact us, please be sure to specify the details of your request, explaining any correction or change to your information, and providing any relevant confirmation or reference number. We may require proof of your identity before we provide you with the requested information. A request to delete or remove your information does not ensure complete or comprehensive removal of the content or information posted and removed information may persist in backup copies for a period of time.

Please note that if you choose to delete your information or opt-out of the collection and use of your information, you understand that certain features or services, including but not limited to access to the Offerings, may no longer be available to you, and that TMHU specifically reserves the right to terminate your access to the Offerings and any contract you have with TMHU related to the Offerings.

### Can I Opt-Out of Communications from TMHU?

You can unsubscribe from email communications from us by clicking on the "unsubscribe" link provided within the communication.

### How Long Does TMHU Keep My Information?

We may store the information we collect about you indefinitely, but information generally will be retained only for as long as necessary to fulfill the purposes for which the information was collected, or as otherwise required by law. Following termination or deactivation of your TMHU Account, TMHU may retain your information and content for a commercially reasonable time for backup, archival, and audit purposes.

## Additional Provisions Regarding The Offerings & Your Information

### **Transfer And Storage Of Your Information**

The United States, European Economic Area (“EEA”) Member States, and other countries all have different laws relating to privacy and data protection. When your information is moved from your home country to another country, the laws and rules that protect your personal information in the country to which your information is transferred may be different from those in the country in which you live. For example, the circumstances in which law enforcement can access personal information may vary from country to country. In particular, if your information is in the United States, it may be accessed by government authorities in accordance with U.S. law.

Please be advised information TMHU collects about you via the Offerings may be transferred, processed and/or accessed by us in the United States, or another country where we, or our Service Providers operate. Please be aware that the privacy laws and standards in certain countries, including the rights of authorities to access your personal information, may differ from those that apply in the country in which you reside. If you are located outside the United States and choose to allow us to collect information about you, please be aware that TMHU may transfer your personal data to the United States and process and store it there. We will transfer personal information only to those countries to which we are permitted by law to transfer personal information, and we will take steps to ensure that your personal information continues to enjoy appropriate protections.

### **Your California Privacy Rights**

Under California Civil Code Section 1798.83 (known as the “Shine the Light” law), TMHU’s Users who are residents of California may request certain information about our disclosure of personal information during the prior calendar year to third parties for their direct marketing purposes. To make such a request, please write to us at the address below or at [privacy@tmhu.com](mailto:privacy@tmhu.com) with “Request for California Privacy Information” on the subject line and in the body of your message. We will comply with your request within thirty (30) days or as otherwise required by the statute. Please be aware that not all information sharing is covered by the “Shine the Light” requirements and only information on covered sharing will be included in our response.

### **Do Not Track**

TMHU does not currently employ a process for automatically responding to “Do Not Track” (DNT) signals sent by web browsers, mobile devices, or other mechanisms that may provide consumers a choice regarding the collection of Personal Data about an individual consumer’s online activities. As is commonly the case with many other mobile applications and websites, third parties (e.g., advertisers) may be able to collect information, including Personal Data, about your online activities over time and across different websites or online services when you use the Offerings.

### **Does This Privacy Policy Apply To Third Party Websites?**

No. This Privacy Policy applies only to TMHU, the Offerings, and our collection, use, disclosure, and protection of your information. It does not apply to third party websites, applications, or services.

We may provide links or interfaces to other services through the provision of our Offerings, including to social media sites such as Facebook, LinkedIn, Twitter and others. However, when you access these third party services, you become subject to their own privacy policies. While TMHU supports the protection of your privacy, TMHU expressly disclaims any and all liability for the actions of third parties including actions relating to the use and/or disclosure of Personal Data by third parties. TMHU’s inclusion of links or interfaces to third party services does not imply any endorsement of the material on such sites or of their owners or operators. Any information submitted by you directly to these third parties is subject to that third party’s privacy policy.

Please be aware that third party websites may be able to link certain information about your visit to information they have may have collected or been provided about you. However, we are not responsible for the privacy practices of any other site, and we are not liable for their use, or misuse, of your information. We encourage you to carefully read the privacy policies of any other websites you may visit to better understand their privacy practices and associated risks, and to contact them with any questions.

### **Does TMHU Warranty Information It Provides Via The Offerings?**

No. Access to the information provided by the Offerings is provided by TMHU as a service to its customers, website visitors, and users of its Offerings, without warranty of any kind. References herein to any product, process, or service do not constitute or imply endorsement or recommendation by TMHU. While TMHU makes every effort to present accurate and reliable information on the Offerings, TMHU does not approve or certify such information and does not guarantee the accuracy, completeness, efficacy, timeliness, or sequencing of such information. Your use of such information is voluntary, and reliance on it should only be undertaken after an independent review of its applicability, accuracy, completeness, efficacy, and timeliness with regard to your specific needs and uses. TMHU (including its employees and agents) is not responsible for, and expressly disclaims all liability for, damages of any kind arising out of use, reference to or reliance on the information available through the Offerings. No approvals, recommendations, endorsements, guarantees, or warranties, including, but not limited to, any express or implied warranties of merchantability or fitness for any particular use or purpose of products or services named through the Offerings are made by TMHU.

### **How Can I Safely Use TMHU’s Offerings?**

Despite TMHU's safety and privacy controls, we cannot guarantee that the Offerings are entirely free of illegal, offensive, pornographic, or otherwise inappropriate material, or that you will not encounter inappropriate or illegal conduct from other user when using the Offerings. You can help TMHU by notifying us of any nudity or pornography, or harassment, or unwelcome contact by emailing us at [privacy@tmhu.com](mailto:privacy@tmhu.com). We need all users' help to report suspicious people and inappropriate content they encounter on TMHU.

Remember that although using fake names is a violation of the TMHU Terms of Service, people may not always be who they say they are. You should always be careful when contacting people you do not know in the real world. It is always risky to meet anyone in person whom you don't know through real world friends. The following are important safety tips for using TMHU's Offerings:

1. Never share your password with anyone;
2. Be cautious about posting and sharing personal information, especially information that could be used to identify you or locate you offline;
3. Report users and content that violate our Terms of Service; and
4. Block and report anyone that sends you unwanted or inappropriate communications.

### **Site Technologies**

We do not provide the technologies used to build the Site, and therefore neither recommend nor endorse the same. Any information regarding identified technologies, including their capabilities, limitations, and applications, should be sought directly from their manufacturers. We hereby disclaim any rights to trademarks, service marks, trade names, logos, copyrights, patents, domain names or other intellectual property interests of third parties.

### **Links to Other Materials**

The Offerings may contain links to other sites, including Toyota Industrial Equipment dealers. These links are an accommodation to the respective third-party site owners and are provided for your convenience. Websites linked to and from the Offerings are not under our control, and we shall have no responsibility or liability whatsoever for the content or privacy practices of any linked sites, or any link or linking program at any time. If you access another organization's website through our website, you should read that organization's website privacy policy.

### **Copyright Protection**

We respond to notices of alleged copyright infringement according to the process set out in the U.S. Digital Millennium Copyright Act.

### **What Is The Governing Law And Jurisdiction Of This Agreement?**

The Terms of Service and Privacy Policy of TMHU are made under, and will be construed according to, the laws of the State of Indiana, without reference to the choice of law principles thereof. Any dispute arising out of the Terms of Service or the Privacy Policy shall be governed by the laws of the State of Indiana, notwithstanding any conflicts of law principles. TMHU makes no representation that these Terms and such practices comply with the laws of any other state or country. The exclusive jurisdiction for any litigation required to resolve any disputes under this Privacy Policy shall be in the courts of the State of Indiana, and each party consents to the jurisdiction of such courts in Indiana, and waives objection to venue laid therein.