

Privacy and Data Policy Overview

H&R AGRI-POWER

[the assumed business name of Agri-Power, Inc., SCAP, Inc. and H&R Agri-Power, Inc.]

Effective Date: January 15, 2016

This is only a summary of our Privacy and Data Policy. For more information, you can review a complete version of our Privacy and Data Policy located on our website at www.hragripower.com or by requesting a copy at any H&R Agri-Power location.

This Privacy and Data Policy Overview provides a description of the privacy and data use practices of H & R Agri-Power (“us”, “we” or “our”) in connection with our receipt, collection and use of data and information from you as our customer, visitor, or user, as applicable. The policy may be changed or updated from time to time. If there is any conflict between this Overview and our full Privacy and Data Policy, the terms of our full Privacy and Data Policy will control.

Collection of Data:

The types of information we collect and share depend on the products or services you purchase, license or access from us or third parties through which you have authorized us to receive information (such as through a manufacturer’s network or system or Trimble’s “Connected Farm” system). We generally receive, collect, use and share both Customer Data (including social security numbers, names, addresses, phone numbers, and other personal information) and Machine Data (information related to the performance, use, and location of equipment or computers with various information collection devices) as described in this Policy (collectively “Data”). **You agree to notify all personnel that use any tracked equipment that their use and location is remotely monitored.** If you need to update or change any information which you previously provided to us, then you may contact us at ronnie.barnett@hragripower.com.

Protection of Data:

We strive to protect your Data using commercially reasonable standards. 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 standards and 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.

Sharing and Use of Data:

We use your Data to provide products, services and information to you and support our business operations. Some of the services are designed to allow faster communications and responsiveness between you and us to ensure that we provide services to you as efficiently as possible. We may also review equipment diagnostic information remotely to diagnose and recommend equipment maintenance and repairs. We share your information with certain third parties in order to better serve you or upon your request or authorization. These third parties may include equipment suppliers, financing institutions or other third party service providers who assist us in providing the products and services you request or their respective subsidiaries or affiliates. We also may share your information with our marketing, technical, accounting, legal or other professionals to assist us in our business operations. If you purchase products for personal, family, or household use through financing that is facilitated by us, you may request that we not share your personal information derived from that transaction with unaffiliated third parties by returning the opt-out form at the bottom of our Privacy and Data Use Policy.

If you have any additional questions, please contact us at privacy@hragripower.com.

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THE FOLLOWING PRIVACY AND DATA POLICY (“**POLICY**”) DISCLOSES THE PRIVACY AND DATA USE PRACTICES OF H & R AGRI-POWER (“**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 RETAIL 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 CUSTOMERS (COLLECTIVELY A “**CUSTOMER**,” “**YOU**” OR “**YOUR**”) WITH RESPECT TO YOUR INFORMATION.

1. What and How Information is Collected

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

a. Customer Data. To purchase, access, receive, download, upload or use goods or services from us, you may be required to create an account with us or another equipment, software or service supplier and/or provide various information, which may include personally identifying information (collectively, “**Customer Data**”). Personally identifying information is information that can be used to identify, locate or contact you. If a Customer 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 Customer Data (or Machine Data, as applicable). Data may be collected by us directly from you or your equipment or it may be delivered to us by third parties if you authorize such access be provided by the third party (such as through a manufacturer, vendor or licensor’s telematics system for equipment). By providing Customer Data directly to us or granting us access to Customer Data from a third party, you grant us a royalty-free, non-exclusive, perpetual license to use such Customer Data in accordance with this Policy.

Customer 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 Customers e-mail, written or other forms of communications regarding:

- i. Goods or services requested or purchased by Customers;
- ii. Promotional or informational materials about our company, affiliates and/or third parties with whom we conduct business and the related goods and services provided by such businesses;
- iii. Machine-specific information to participating Customers; and

- iv. Updates, advertisements, offers and announcements relating to the goods and services of our company, 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)-(iv) by contacting us at the following e-mail address: marketing@hragripower.com or changing your account preferences, if applicable. Notwithstanding anything to the contrary in this Policy, we may communicate with each Customer by e-mail if such e-mail communication is sent for the purpose of protecting the interests of Customer, including any Customer Data, property or other data, or to provide Customer with any notification or disclosure that may be required under applicable law or our Policy. Accordingly, as a Customer, 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, inquiries and customer accounts to fulfill orders or for our general business needs, including maintenance and warranty services. 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.

Financial Data. We may collect financial information from you to complete purchases of goods or services, such as credit card information or your billing address. If you purchase products for personal, family, or household use through financing that is provided by us or facilitated by us, then you have the right to request that we not share any of your personal information derived from that transaction with unaffiliated third parties outside of the requirements to complete your requested transaction by submitting the opt-out form attached to the bottom of this Privacy and Data Use Policy. We may also assist you in applying for financing with certain third parties or engage in direct financing with you. **We may report information about your account to credit bureaus. Late payments, missed payments, or other defaults on your account may be reflected in your credit report.**

b. *Machine Data.* Machine Data includes information that is generated by, collected by or stored on your equipment or any hardware or device interfacing with your equipment, and may be provided directly through such equipment, hardware or device or indirectly when reported to us through you or a third party (collectively, “**Machine Data**”). Machine Data includes, without limitation, the following data, which we may track, collect, receive and use in accordance with this Policy:

- i. 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/page-1>;
- ii. Equipment use history including fuel usage, number of engine hours, diagnostic data, software and hardware version numbers, geolocation data, and other equipment data; and,

- iii. Agronomic information including plant, chemical and fertilizer application rates, recorded yields, soil types and moisture levels, and similar crop or field based information.

Machine Data may be collected by us directly from you or your equipment 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 through a manufacturer, vendor or licensor's telematics system for equipment). By providing Customer Data directly to us or granting us access to Machine Data from a third party, you grant us a royalty-free, non-exclusive, perpetual license to use such Machine 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 Machine Data by any third party.

YOU AGREE THAT YOU WILL CLEARLY AND CONSPICUOUSLY NOTIFY ANY AFFECTED PERSONNEL THAT THE MACHINE DATA IS CONTINUOUSLY MONITORED AND DELIVERED, INCLUDING POTENTIALLY PERSONAL AND LOCATION DATA, AND THAT YOU WILL OBTAIN ALL NECESSARY CONSENTS AND APPROVALS FROM YOUR PERSONNEL 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 locations or 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 purposes, including, but not limited to: (i) provide or offer products and services to you, (ii) check, maintain, diagnose, update or repair your equipment, machinery or hardware, (iii) enable us or a third party to improve or develop our products and services or components thereof, (iv) 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), (v) comply with a request from you, or (vi) 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, including equipment suppliers, financing institutions or other third party service providers and their subsidiaries and affiliates, 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 customers in aggregate form and does not personally identify any particular customer.

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.

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. 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.

7. 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 email us at privacy@hragripower.com or contact our Marketing Director at 270-886-3918.