

Liebherr USA, Co.
Privacy Policy Notice for California Workforce Members

Last Updated: August 30, 2023

The California Consumer Privacy Act of 2018, as amended, and the regulations related thereto ("CCPA"), provides certain rights to residents of California, including those residents that apply for or secure employment with a company subject to regulation under the CCPA. Liebherr-America, Inc. and its U.S. affiliates (collectively, the "Company", "we", or "us") provide job applicants, employees, and independent contractors that reside in California (collectively, "workforce members") with this Privacy Notice for California Workforce Members ("Notice") pursuant to the CCPA to inform you about our data collection, use, and disclosure practices. Any terms defined in the CCPA have the same definitions when used in this Notice. This Notice supplements the information contained in our [Data Privacy Policy](#) for the YourLiebherrCareer portal.

I. **Categories of Personal Information Collected**

The Company may collect, and in the preceding 12 months has collected, the following categories of personal information, as set forth in Section 1798.140 of the CCPA, from or about workforce members:

- Category A:** Identifiers such as a real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, social security number, driver's license number, passport number, or other similar identifiers.
- Category B:** Any categories of personal information described in subdivision (e) of California Civil Code Section 1798.80, such as name, signature, social security number, address, telephone number, passport number, and employment history.
- Category C:** Characteristics of protected classifications under California or federal law, such as age (40 years or older), race, citizenship, and marital status.
- Category F:** Internet or other electronic network activity information, such as browsing history, search history, and information regarding an individual's interaction with an internet website, application, or advertisement.
- Category G:** Geolocation data, such as the time and physical location related to use of an internet website or device and GPS location from mobile devices of employees.
- Category I:** Professional or employment-related information.
- Category J:** Education information, defined as information that is not publicly available personally identifiable information as defined in the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).
- Category K:** Inferences drawn from any other category of personal information to create a profile about an individual reflecting the individual's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.
- Category L:** Sensitive personal information
Sensitive personal information is a subtype of personal information consisting of specific information categories. While the information we collect falls within the sensitive personal information categories listed below, the CCPA does not treat this information as sensitive because we do not collect or use it to infer characteristics about you. The categories of sensitive personal information that we collect include (1) social security number, driver's license, state identification number, and passport number, (2) racial or ethnic origin, (3) contents of mail, email, or text messages, and (4) internal account log-in credentials.

II. **Data Collection Sources**

We collect the majority of your personal information directly from you. In limited circumstances, we may collect your personal information from third parties, such as former employers and background check providers, or indirectly from you (e.g., through the use of automatic data collection technologies on our intranet or internet sites). This Notice applies to all of your personal information collected by us in the context of your workforce relationship with the Company, regardless of the source of the personal information.

III. **General Use of Information**

We do not sell the personal information, including any sensitive personal information, we collect about our workforce members for employment purposes or share it with third parties for cross-context behavioral advertising. However, we do share personal information with service providers as described below.

To the extent permitted by applicable law, the Company may use or disclose to service providers, contractors, or third parties any of the foregoing personal information in order to facilitate administrative functions and internal business operations and for legal reasons and corporate transactions. These functions include, but are not limited to, the following:

- To enforce the Company's legal rights, detect or prevent fraud or security concerns, or protect public safety;
- To satisfy a legal or regulatory requirement, including responding to a lawful government request for information;
- To manage and administer employee benefit programs, including healthcare, dental, and vision benefits and advanced pay/earned wage access and financial well-being programs;
- In connection with evaluating or consummating a corporate transaction, sale, or assignment of assets, merger, divestiture, or other changes of control or financial status of the Company or any of its subsidiaries or affiliates;
- To seek and process independent contractor arrangements and maintain and administer payments to independent contractors;
- To communicate with workforce members;
- To manage an employee's employment relationship with the Company, including for: hiring and onboarding processes; compensation, timekeeping, payroll, and expense report administration; employee benefits administration; employee training and development; the creation, maintenance, and security of online employee accounts; reaching an employee's emergency contacts when needed, such as when an employee is not reachable or is injured or ill; workers' compensation claims management; employee job performance, including goals and performance reviews, promotions, discipline, and termination; and other human resources purposes;
- To manage and monitor workforce member access to Company facilities, equipment, and systems;
- To conduct internal research, audits, and workplace investigations;
- To investigate and enforce compliance with and potential breaches of Company policies and procedures;
- To fulfill or meet the reason for which the information is provided (for example, if an employee provides the Company with bank account information for the purpose of setting up a direct deposit payment option, the Company will use that information to initiate the electronic transfer of the employee's pay directly to the employee's bank account);
- To provide, support, and develop the Company's human resources and personnel functions;
- To create, maintain, and secure personnel files; and
- For other purposes as described herein or to workforce members when collecting their personal information.

IV. **Additional Use of Personal Information**

In addition to these general uses, the Company may use or disclose (and in the past 12 months has used or disclosed) to service providers, contractors, or third parties certain categories of personal information for specific uses in evaluating the applicant's suitability for employment with the Company or in connection with an employee or independent contractor's working relationship with the Company, as further described below.

Category A, Category I, and Category L: Identifiers, Professional or Employment-Related Information, and Sensitive Personal Information

The Company uses identifiers, professional or employment-related information, and sensitive personal information for the following purposes:

- Recruitment and retention of employees;
- To evaluate applicants' qualifications for employment with the Company;
- To evaluate employees' qualifications for promotion within the Company;
- To create a talent pool for future job openings;
- For recordkeeping purposes;
- To demonstrate applicants' or employees' agreement to, or acceptance of, documents presented to them, e.g., acknowledgement of employment application, offer letter, or nondisclosure agreement; and
- To evaluate and improve the recruiting process.

Category B: Personal Information Categories Listed in Cal. Civ. Code §1798.80(e)

The Company may collect the following categories of personal information listed in Cal. Civ. Code §1798.80(e) (other than those already listed in "Identifiers," above) as follows for the purposes listed below:

- Financial information:** for direct deposit and benefit administration.
- Photograph and physical description:** for security and internal identification purposes.
- Medical information:** (a) for occupational health surveillance; (b) for occupational health and safety compliance and record-keeping, e.g., vaccination status; and (c) to respond to an applicant's or employee's medical emergency.

Category C: Characteristics of Protected Classifications Under California or Federal Law

The Company may collect information about race, national origin, disability, sex, and veteran status as necessary to comply with legal obligations, including the reporting requirements of the federal Equal Employment Opportunity Act and other applicable local, state and federal laws, and the contractual requirements of the Company.

Workforce members may have the opportunity (but not the obligation) to provide to the Company the following characteristics, which will be used solely for the purposes described below: (a) religion (includes dress practices and encompasses all aspects of religious belief, observance and practice); (b) sex (includes gender, sexual orientation, pregnancy, childbirth, breastfeeding, or related medical conditions); (c) disability; (d) national origin; (e) military and veteran status; (f) marital status; (g) age; and (h) familial status. The Company uses this personal information for purposes including: designing, implementing, and promoting our diversity, equity, and inclusion programs; identifying disability, familial status, marital status, and pregnancy, childbirth, breastfeeding, and related medical conditions as necessary to comply with the Family Medical Leave Act and other applicable laws; confirming military and veteran status as necessary to comply with leave requirements under applicable law and for tax purposes; designing and implementing affirmative action programs; using age or birthdate for identity verification; identifying religion and pregnancy, childbirth, breastfeeding, and related medical conditions as necessary for accommodations under applicable law; identifying national origin and immigration status as necessary to comply with immigration laws; and confirming marital status and familial status as necessary to provide benefits and for tax purposes. The Company collects the aforementioned types of personal information on a purely voluntary basis and uses the information in compliance with applicable laws and regulations.

Category F: Internet or Other Similar Network Activity

The Company may collect information about search history, browsing history, login information, and internet protocol (IP) addresses on the Company's information systems and networks to ensure compliance with Company protocol and protect the Company's systems. The Company may also collect information from publicly available social media, such as LinkedIn, for the purpose of identifying and recruiting candidates, evaluating an applicant's suitability for employment with the Company, or evaluating an employee's qualifications for promotion within the Company.

Category G: Geolocation Data

The Company may collect information regarding your physical location related to use of an internet website or device to prevent unauthorized access, use, or loss of Company property and to ensure employee productivity and adherence to Company policies.

Category J: Education Information

The Company may collect education information, including, without limitation, academic transcripts, educational discipline records, and academic counseling records, and may use such information to evaluate applicants' qualifications for employment with the Company or an employee's qualifications for promotion within the Company, and to conduct a pre-employment background check.

Category K: Profile Information

The Company may collect information from references and self-assessments or other questionnaires to determine an applicant or employee's characteristics, attitudes, skills, engagement, initiative and preferences in the context of employment with the Company.

V. **Disclosure of Personal Information**

We may disclose your personal information to our affiliates and to our service providers, contractors, and third parties for the purposes noted above. These recipients may include, but are not limited to, benefits administration providers (including, without limitations, advanced pay/earned wage access providers and financial well-being program providers), payroll processors, data storage or hosting providers, background check providers, existing or potential customers of the Company, our lawyers, accountants, or other professionals, and our insurance brokers or insurers.

VI. **Retention Period**

Except as otherwise permitted or required by applicable law or regulation, we will only retain your personal information for as long as reasonably necessary to fulfill the purposes we collected it for, as required to satisfy any legal, accounting, or reporting obligations, or as necessary to resolve disputes. To determine the appropriate retention period for personal information, we consider our statutory obligations, the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of your personal information, the purposes we process your personal information for, and whether we can achieve those purposes through other means. Once you are no longer an employee or independent contractor of the Company (or you are no longer under consideration for employment with the Company), we will retain and securely destroy your personal information in accordance with our document retention policy and applicable laws and regulations.

VII. **CCPA Rights**

The CCPA provides California residents with certain rights regarding our use of your personal information. Below is a brief description of these rights.

• **Right to Know/Access**

You have the right to request that the Company disclose certain information to you about our collection and use of your personal information over the past 12 months, including (a) the categories of personal information we have collected about you, (b) the categories of sources from which the personal information is collected, (c) the business or commercial purpose for collecting personal information, (d) the categories of third parties to whom we disclose personal information, and (e) the specific pieces of personal information that we have collected about you.

• **Right to Correct**

You have the right to request that we correct any inaccurate personal information that we may have about you. We will use commercially reasonable efforts to correct inaccurate personal information, taking into account the nature of the personal information and the purpose for our processing such information.

• **Right to Delete**

You have the right to request that we delete (and instruct our service providers, contractors, and third parties to delete) some or all of the personal information that we have collected from you, subject to certain exceptions.

• **Right to Non-Discrimination**

We will not discriminate against you for exercising any of your rights under the CCPA.

You may exercise your rights under the CCPA by sending an email to LAM-Privacy-Compliance@liebherr.com or by writing to us at 4800 Chestnut Avenue, Newport News, VA 23607, Attn: Privacy Compliance Department.

Only you, or someone legally authorized to act on your behalf, may make a request related to your personal information. You may also make a request on behalf of your minor child. We cannot respond to your request if we cannot verify your identity or if we do not receive proper document supporting/evidencing authorization to make request on your behalf. We will only use personal information provided to verify the requestor's identity or authority to make the request.

Applicable law may allow or require us to refuse your request. If we cannot comply with your request, we will inform you of the reasons why, subject to any legal or regulatory restrictions.

VIII. **Changes to this Notice**

We reserve the right to update this Notice at any time, and we will provide you with a new Notice when we make any updates. If we would like to use your previously collected personal information for purposes that are materially different from, unrelated to, or incompatible with the purposes described herein, we will notify you as required by the CCPA.

IX. **Contact Information**

If you have any questions about this Notice or the Company's privacy policies and procedures, you may contact us by email at LAM-Privacy-Compliance@liebherr.com or by writing to us at 4800 Chestnut Ave, Newport News, VA 23607, Attn: Privacy Compliance Department.