

PRIVACY POLICY

Last Updated: February 22, 2022

Foley, Inc. (“Foley,” “we,” “us,” or “our”) welcomes you. This privacy policy (“Privacy Policy”) describes how we collect and use your information when you access and use our Services (including when you order Equipment through us). By accessing or using the Services (including when you make a purchase through us), or otherwise manifesting your assent to this Privacy Policy, you agree to be bound by this Privacy Policy and our Terms of Use, which are collectively referred to as the Agreement. If you do not agree to (or cannot comply with) all of the terms of this Privacy Policy, do not access or use the Services.

If you accept or agree to this Privacy Policy on behalf of a company or other legal entity, you represent and warrant that you have the authority to bind that company or other legal entity to the Privacy Policy and, in such event, “you” and “your” will refer and apply to that company or other legal entity.

Capitalized terms not defined in this Privacy Policy shall have the meaning set forth in our Terms of Use.

Any information you provide to Caterpillar, Inc., its subsidiaries, affiliates, and other entities controlled by Caterpillar Inc. (collectively, “Caterpillar”) through their respective websites shall be processed by Caterpillar in accordance with Caterpillar's Global Privacy Statement available at <http://www.caterpillar.com/dataprivacy>.

THE INFORMATION WE COLLECT AND HOW WE USE IT

In the course of operating the Services, Foley collects or receives the following types of information, which may include personal information.

Contact Information

We collect contact information through our Services; contact information typically includes your name, job title, company, email address, phone number, company and jobsite address, and any information you provide in messages to us. We use such contact information for purposes such as providing you with information about the Services, responding to your inquiries, sending you alerts (including marketing emails), sending you the Equipment you ordered, or providing you the Services.

Payment Information

If you order Equipment through us, we require that you provide us and our third-party payment vendors, including Priority Payment Processors, with certain billing information, which may include your credit card number, expiration date, bank account information, billing address, activation code, and similar information (collectively, “Payment Information”). You authorize our third-party payment vendors to collect, process, and store your Payment Information in accordance with their respective privacy policies. We reserve the right to change our payment vendor at any time, or to use additional payment vendors, at our discretion, and will update this Privacy Policy from time to time accordingly.

Server Log Information

Our servers keep log files that record data each time a device accesses those servers. The log files contain data about the nature of such access, including the device’s IP address, user agent string (e.g., operating system and browser type/version), and the pages you’ve clicked on while on our Website, and details

regarding your activity on the Website such as time spent on the Website and other performance and usage data. We may use these log files for purposes such as assisting in monitoring and troubleshooting errors and incidents, analyzing traffic, or optimizing the user experience.

Cookies

We may collect information using “cookie” and other similar technologies. Cookies are small packets of data that a website stores on your computer’s or mobile device’s hard drive (or other storage medium) so that your computer will “remember” information about your use. We use both 1st and 3rd-party session cookies and persistent cookies. Below is a general primer on session and persistent cookies; information collected by cookies depends on its particular purpose. For more information, please see the information regarding analytics providers discussed further below.

- **Session Cookies:** We use session cookies to make it easier for you to navigate our Services. A session ID cookie expires when you close the Website.
- **Persistent Cookies:** A persistent cookie remains on your device for an extended period of time or until you delete them. You can remove persistent cookies by following directions provided in your web browser’s “help” file. Persistent cookies also enable us to track and target the interests of our visitors to personalize the experience on our Website.

If you do not want us to place a cookie on your device, you may be able to turn that feature off on your device. Please consult your browser’s documentation for information on how to do this and how to delete persistent cookies. However, if you decide not to accept cookies from us, certain aspects of the Website may not function properly or as intended.

Third-Party Analytics Providers

We use one or more third-party analytics services to evaluate your use of the Services, as the case may be, by compiling reports on activity (based on their collection of IP addresses, Internet service provider, browser type, operating system and language, referring and exit pages and URLs, data and time, amount of time spent on particular pages, what sections of the Services you visit, number of links clicked, search terms and other similar usage data) and analyzing performance metrics. These third parties use cookies and other technologies to help collect, analyze, and provide us reports or other data.

By accessing and using the Services, you consent to the processing of data about you by our analytics providers, in the manner and for the purposes set out in this Privacy Policy. For more information on these third parties, including how to opt out from certain data collection, please visit the sites below. Please be advised that if you opt out of any service, you may not be able to use the full functionality of the Services.

For Google Analytics, please visit <https://www.google.com/analytics>

Third-Party Advertisers/Remarketers

We may share or receive information about you with/from third parties, including, but not limited to, advertising and remarketing providers, or similar partners, for purposes of personalizing or otherwise understanding how you engage with ads or other content. These third parties may use cookies, pixel tags, or other technologies to collect information in furtherance of such purposes, including to tailor, target (i.e., behavioral, contextual, retargeting, and remarketing), analyze, report on, and/or manage advertising campaigns or other initiatives. For example, when a browser visits a site, pixel tags enable us and these

third-parties to recognize certain cookies stored within the browser to learn which ads or other content bring a user to a given site. Information that we may receive from these third parties, including through their service providers, may include advertising identifiers, IP addresses, reports, and campaign data.

By accessing and using the Services, you consent to the processing of data about you by our advertisers/remarketing providers in the manner and for the purposes set out in this Privacy Policy. For more information about digital targeting and advertising, and how you can opt out, you can visit the sites below, and <http://optout.aboutads.info> and www.networkadvertising.org/consumer/opt_out.asp.

Geolocation Information

We may automatically collect geolocation information from your device via your browser's location services. You may provide permission for this collection on the device level (e.g., you have consented to location services generally through your browser's settings) or by accepting our request for geolocation access on the Services. Please consult your browser's documentation regarding how to turn off location services. If you disable location services, you may not be able to use the full array of features and functionalities available through our Website.

Aggregate Data

In an ongoing effort to better understand our Services and users of the Services, we might analyze your information in aggregate form to operate, maintain, manage, and improve the Services. This aggregate information does not identify you personally. We may share this aggregate data with service providers, and our affiliates, agents, and business partners. We may also disclose aggregated user statistics to describe the Services to current and prospective business partners and to other third parties for other lawful purposes.

Onward Transfer to Third Parties

- Like many businesses, we hire other companies to perform certain business-related services. We may disclose personal information to certain types of third party companies but only to the extent needed to enable them to provide such services. The types of companies that may receive personal information and their functions are: technical assistance, database management/back-up services, use analytics, email marketing platforms, customer service, and payment processing.
- To provide our Services and administer promotional programs, we may share your personal information with our third-party promotional and marketing partners, including, without limitation, businesses participating in our various programs.
- We may, from time to time, share and/or license personal information to other companies who may provide you information about the products and services they or their partners offer. However, to the extent required by law, you will be given the opportunity to opt out of such sharing.
- We may also disclose personal information to our parent companies, subsidiaries, affiliates, joint ventures, or other companies under common control to support the marketing of the Services and Equipment.

Business Transfers

In the event of a merger, dissolution, reorganization or similar corporate event, or the sale of all or substantially all of our assets, we expect that the information that we have collected, including personal information, would be transferred to the surviving entity in a merger or the acquiring entity. All such transfers shall be subject to our commitments with respect to the privacy and confidentiality of such personal information as set forth in this Privacy Policy. This policy shall be binding upon Foley and our legal successors in interest.

Disclosure to Public Authorities

We are required to disclose personal information in response to lawful requests by public authorities, including for the purpose of meeting national security or law enforcement requirements. We may also disclose personal information to other third parties when compelled to do so by government authorities or required by law or regulation including, but not limited to, in response to court orders and subpoenas.

OPT-OUT FOR DIRECT MARKETING; EMAIL MANAGEMENT

You may opt out at any time from the use of your personal information for direct marketing purposes by emailing the instructions to info@foleyinc.com or by clicking on the “Unsubscribe” link located on the bottom of any Foley marketing email and following the instructions found on the page to which the link takes you. Please allow us a reasonable time to process your request. You cannot opt out of receiving transactional e-mails related to the Services or your orders.

HOW WE PROTECT YOUR INFORMATION

We implement reasonable security measures designed to protect your personal information from loss, misuse and unauthorized access, disclosure, alteration and destruction, taking into account the risks involved in processing and the nature of such data, and to comply with applicable laws and regulations. Please understand, however, that no security system is impenetrable. We cannot guarantee the security of our databases or the databases of the third parties with which we may share your information (as permitted herein), nor can we guarantee that the information you supply will not be intercepted while being transmitted over the Internet. In particular, e-mail sent to us may not be secure, and you should therefore take special care in deciding what information you send to us via e-mail.

CHILDREN

We do not knowingly collect personal information from children under the age of 13 through the Services. If you are under 13, please do not give us any personal information. We encourage parents and legal guardians to monitor their children’s Internet usage and to help enforce our Privacy Policy by instructing their children to never provide personal information without their permission. If you have reason to believe that a child under the age of 13 has provided personal information to us, please contact us at info@foleyinc.com, and we will endeavor to delete that information from our databases.

IMPORTANT NOTICE TO ALL NON-US RESIDENTS

Our servers are located in the United States. Please be aware that your information may be transferred to, processed, maintained, and used on computers, servers, and systems located outside of your state, province, country, or other governmental jurisdiction where the privacy laws may not be as protective as those in your country of origin. If you are located outside the United States and choose to use the Services, you do so at your own risk.

NOTICE TO CALIFORNIA RESIDENTS

Pursuant to Section 1798.83 of the California Civil Code, residents of California have the right to obtain certain information about the types of personal information that companies with whom they have an established business relationship (and that are not otherwise exempt) have shared with third parties for direct marketing purposes during the preceding calendar year, including the names and addresses of those third parties, and examples of the types of services or products marketed by those third parties. If you wish to submit a request pursuant to Section 1798.83, please contact Foley via email at info@foleyinc.com.

If you are a resident of California you have additional rights under the California Consumer Privacy Act (the “CCPA”). For more information about your rights under the CCPA, please visit our CCPA Privacy Notice to California Residents.

DO NOT TRACK

Foley does not respond to “Do Not Track” settings or other related mechanisms at this time.

NEVADA PRIVACY RIGHTS

If you are a resident of Nevada, you have the right to opt-out of the sale of certain personal information to third parties. You can exercise this right by contacting us at info@foleyinc.com with the subject line “Nevada Do Not Sell Request” and providing us with your name and the email address associated with your account. Please note that we do not currently sell your personal information as sales are defined in Nevada Revised Statutes Chapter 603A.

LINKS TO EXTERNAL WEBSITES

The Website may contain links to third-party websites (“External Sites”). Foley has no control over the privacy practices or the content of any such External Sites. As such, we are not responsible for the content or the privacy policies of such External Sites. You should check the applicable privacy policy and terms of service when visiting any such External Sites.

CHANGES TO THIS PRIVACY POLICY

This Privacy Policy is effective as of the last updated date stated at the top of this Privacy Policy. We may change this Privacy Policy from time to time with or without notice to you. By accessing the Services after we make any such changes to this Privacy Policy, you are deemed to have accepted such changes. Please be aware that, to the extent permitted by applicable law, our use of the information collected is governed by the Privacy Policy in effect at the time we collect the information. Please refer back to this Privacy Policy on a regular basis.

HOW TO CONTACT US

If you have questions about this Privacy Policy, please contact us by e-mail at info@foleyinc.com with “Privacy Policy” in the subject.