

Privacy Statement

SANY BENELUX B.V. (hereinafter also referred to as “we”, “us” or “our”) collects data solely in relation to its customers, which are legal entities. This privacy statement is intended to apply only to any personal data that may be collected.

Welcome to the privacy statement of SANY BENELUX B.V.

SANY BENELUX B.V. respects your privacy and is committed to protecting your personal data. This privacy statement informs you about how we handle your personal data and explains your privacy rights and how the law protects you.

SANY BENELUX B.V. pays due attention to the privacy of its users with regard to the protection of their personal data as a controller as defined by applicable legislation, i.e. EU Regulation 2016/679 (the “GDPR”).

1. Important information and who we are

Purpose of this privacy statement

This privacy statement is intended to provide you with information on how SANY BENELUX B.V. collects and processes your personal data through your use of the EVI System EVision App (hereinafter: the “**App**”) or the Fleet Management System (FMS) web portal (hereinafter: the “**FMS Portal**”).

It is important that you read this privacy statement together with any other privacy statements we may provide on specific occasions when we collect or process personal data about you, so that you are fully aware of how and why we use your data. This privacy statement supplements other notices and is not intended to override them.

SANY BENELUX B.V. attaches great importance to privacy in the processing of personal data. Through this statement, we inform you, as a representative of our customer, about the processing of personal data by SANY BENELUX B.V. in connection with the use of the App or the FMS Portal.

2. Who is the data controller?

SANY BENELUX B.V. acts as the data controller for the processing of personal data associated with the primary provision of the App and the FMS Portal (the “**Controller**”).

SANY BENELUX B.V. is the provider of the App and the FMS Portal and grants you the opportunity to use the App or the FMS Portal. Should you have any questions, suggestions or complaints regarding data protection, please contact:

SANY BENELUX B.V.

Treubstraat 1, 2288 EG
Rijswijk, The Netherlands
Telephone: +31 633 251 691

Our Data Protection Officer: GARY JIA (LI JIA)

SANY BENELUX B.V. may collect your data (as defined below) via its dealers, duly authorised by SANY and/or any other cooperating dealer, by means of online transmission or any other method. SANY BENELUX B.V. is in all cases responsible for the storage of the information and may, in circumstances compliant with the law, transfer it for processing to a third-party service provider (for example for verifying and confirming the identity and credit status of the customer, issuing electronic invoices or conducting market research, etc.).

3. Which categories of data are processed and where do they come from?

The categories of personal data processed by us may include in particular the following:

- Email address
- Password
- Company name
- Name
- App or FMS Portal account name
- Company location
- Data commonly collected in log files (e.g. browser type, date and time, etc.)

In general, your personal data is collected directly from you during the registration process for the App or the FMS Portal and/or during your use of the App or the FMS Portal by us as the provider.

In some cases, personal data may also be collected from other sources on the basis of statutory provisions, provided that there is a legal basis for collecting such personal data. In that case, we will inform you separately about the data collection.

We may, for example, collect your data through cookies. A cookie is a small file, often encrypted, that is stored by your browser on your device's hard drive when you use the App or the FMS Portal in order to recognise your device, provided that you have given consent where required.

4. For what purposes is data processed and on what legal basis?

We process your data primarily for the initiation, conclusion and performance of the user agreement relating to the App or the FMS Portal with our customer (End User Licence Terms). This processing is based on Article 6(1)(b) GDPR.

Where necessary, we will request your consent. In such cases, the legal basis is Article 6(1)(a) and Article 7 GDPR. Consent may be withdrawn at any time with effect for the future by contacting us at the address stated above.

We may also process data in order to comply with our legal obligations. This processing is based on Article 6(1)(c) GDPR.

Where necessary, we also process data on the basis of Article 6(1)(f) GDPR in order to safeguard our legitimate interests. Personal data is processed in the context of legitimate interests, including to ensure IT security and IT operations or to provide voluntary services. In all cases, the existence of a legitimate interest is carefully weighed against whether your interests requiring protection outweigh such interests.

In addition, we may process your data to verify and confirm your identity, where required, and/or your credit status, issue electronic invoices, etc., based on the performance of our contract pursuant to Article 6(1)(b) GDPR.

Furthermore, within three months after the purchase of products, we may process your data in order to conduct market research relating to satisfaction with the purchase (carried out by SANY or a third party of our choosing), by means of telephone calls, emails, questionnaires and other appropriate methods. We may also conduct market research regarding satisfaction with services or appoint a third party for this purpose on the same legal basis.

If we intend to process your personal data for a purpose not mentioned above, we will inform you in advance.

5. What rights do you have?

To the extent that we process your personal data, you are a “data subject” within the meaning of the GDPR. As a data subject, you have the following rights under the GDPR.

5.1 Right of access

Within the scope of statutory provisions (Article 15 GDPR), you may at any time request information from us as to whether personal data relating to you is being processed. If this is the case, you have the right to request information about the scope of such processing.

5.2 Right to rectification

You have the right to request rectification and/or completion of personal data relating to you if such data is inaccurate or incomplete (Article 16 GDPR).

5.3 Right to restriction of processing

You may request restriction of the processing of your personal data provided that the statutory requirements are met (Article 18 GDPR).

5.4 Right to erasure

You may request the immediate erasure of personal data relating to you, provided that the statutory requirements are met (Article 17 GDPR). The right to erasure does not apply insofar as processing is mandatory due to contractual obligations or statutory provisions.

5.5 Right to notification

If you have exercised your right to rectification, erasure or restriction of processing against us, we are obliged to notify all recipients to whom personal data relating to you has been disclosed of such rectification, erasure or restriction of processing. This does not apply if it proves impossible or involves disproportionate effort (Article 19 GDPR). If you so request, we will inform you of such recipients.

5.6 Right to data portability

You have the right to receive the personal data relating to you that you have actively provided to us in a structured, commonly used and machine-readable format (Article 20 GDPR). You also have the right to transmit those data to another company without hindrance from us, provided that the statutory requirements are met.

5.7 Right to object

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data relating to you that is carried out on the basis of Article 6(1)(f) GDPR. In such a case, we will no longer process the personal data relating to you unless we can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms, or where the processing serves the establishment, exercise or defence of legal claims.

You may notify us or our Data Protection Officer directly of your objection.

5.8 Right to withdraw consent

If you have given consent, you may withdraw it at any time (Article 7 GDPR). Please note that the withdrawal takes effect for the future. Withdrawal of consent does not affect the lawfulness of processing carried out on the basis of consent prior to withdrawal.

5.9 Right to lodge a complaint with a supervisory authority

You also have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your residence, place of work or place of the alleged infringement, if you consider that the processing of your personal data infringes the GDPR (Article 77 GDPR). Jurisdiction depends on where you reside, work or where the alleged infringement occurred. For the Netherlands, please consult:

<https://autoriteitpersoonsgegevens.nl/een-tip-of-klacht-indienen-bij-de-ap>

This right is without prejudice to any other administrative or judicial remedy.

6. Disclosure of data to third parties

Personal data is processed exclusively by authorised employees who are bound by non-disclosure obligations and who receive regular training regarding applicable regulations and key GDPR principles (security, confidentiality) in order to comply with contractual and legal obligations or to safeguard our legitimate interests.

We generally only disclose your personal data to recipients belonging to the SANY Group, service providers, business partners and other third parties in accordance with applicable data protection legislation. Where relevant and necessary or required by law, we may disclose or share your personal data with the following recipients:

- IT service providers
- Other companies belonging to the SANY Group within and outside the EU/EEA
- Accountants
- Tax advisers
- Lawyers and patent attorneys

Competent authorities, insofar as required by law or applicable regulations, at the request of an authority or where the SANY Group considers this necessary for the prevention, detection or prosecution of criminal acts and/or fraud

Certain recipients process personal data on our behalf ("**Processors**"), such as IT service providers who may have access to your personal data. These Processors may process personal data only in accordance with our instructions (Article 28 GDPR) and may not process such data for their own purposes. They are subject to strict contractual obligations regarding the processing of personal data.

Finally, we may transfer certain information to specialised service providers for the purpose of conducting customer satisfaction market research.

6.1 Amazon Web Services

The App or the FMS Portal, and thus your data, are hosted by us using Amazon Web Services, a cloud computing service. Amazon Web Services provides access to IT resources such as computing power, storage and databases without the need for us to acquire physical data centres or servers. This enables us to provide the App or the FMS Portal without maintaining our own physical infrastructure.

You can view Amazon Web Services' privacy notice here:

https://aws.amazon.com/privacy/?nc1=f_pr

Processing company: Amazon Web Services Inc., 410 Terry Avenue North, Seattle, WA 98109-5210, USA

Purpose of processing:

- Cloud computing
- Hosting

Data location: Frankfurt, Germany

Retention period: Data is deleted once it is no longer required for the processing purposes.

Recipients of the data:

- Amazon Web Services Inc.
- Amazon Web Services EMEA SARL

A list of other potential data recipients can be found here:

<https://aws.amazon.com/de/compliance/sub-processors/>

Transfer to third countries: United States of America (transfer to other third countries worldwide may occur, for example in connection with support services).

To ensure an adequate level of data protection within Europe, we have concluded a Data Processing Addendum (DPA) and Standard Contractual Clauses with the service provider. The DPA is available here:

https://d1.awsstatic.com/legal/aws-gdpr/AWS_GDPR_DPA.pdf

These transfers are also based on the European Commission's adequacy decision of 10 July 2023 regarding the EU-US Data Privacy Framework. Further information is available here:

https://commission.europa.eu/system/files/2023-07/Adequacy%20decision%20EU-US%20Data%20Privacy%20Framework_en.pdf

6.2 Transfer of your data to affiliated companies

Some of your data is transferred to other companies within the SANY Group in order to process technical support requests and to provide you with the App or the FMS Portal.

The legal basis for this data processing is Article 6(1)(b) and (f) GDPR or a data processing agreement.

Where no contractual performance is owed to you and no specific data processing agreement exists, we have a legitimate interest in transferring data for internal administrative purposes within the SANY Group and the responsible business units. This enables us to provide the App or the FMS Portal to you as efficiently as possible.

An overview of companies belonging to the "SANY Group" can be found here:

https://www.sanyglobal.com/company_overview/

7. How long is my data retained and when is it deleted?

We delete personal data as soon as it is no longer required for the purposes described above and there are no statutory obligations to retain such data. After termination of the user agreement relating to the App or the FMS Portal, personal data is retained for as long as required by statutory retention obligations under Dutch law. Generally, this means that business (contractual) information is retained for a minimum of seven years after the end of the financial year to which it relates.

Information not subject to a statutory retention obligation will, in principle, be deleted earlier. In addition, personal data may be retained for the duration in which claims may be asserted against us or due to another specific necessity identified at that time.

8. Is your data transferred to a third country?

If we transfer your personal data to a country outside the EU/EEA that does not provide the same level of protection as within the EU/EEA, we ensure that such transfers are carried out in accordance with applicable data protection legislation, including the GDPR.

Such transfers may only take place where an adequate level of data protection can be ensured, for example through transfers to countries recognised by the European Commission as providing an adequate level of protection or through other appropriate safeguards (such as binding corporate rules or standard contractual clauses).

The technical implementation, operation and support of the App or the FMS Portal are carried out by Sany Heavy Machinery Co., Ltd., Jiangsu Kunshan Development Zone, postcode 215334, People's Republic of China, a company belonging to the SANY Group. While Sany Heavy Machinery Co., Ltd. operates the App or the FMS Portal at a technical level, it is likely to have access to personal data.

We have concluded Module 2 of the European Commission's Standard Contractual Clauses as a safeguard and have carried out a Transfer Impact Assessment to ensure an adequate level of data protection. If you have complaints regarding the processing of personal data by Sany Heavy Machinery Co., Ltd., please contact us by mail or email at: evicloud_service@sany.com.cn

In exceptional cases, pursuant to Article 49(1) GDPR, transfers without adequate safeguards may also take place, for example where you have explicitly consented or where the transfer is necessary for the performance of the user agreement relating to the App or the FMS Portal.

We also inform you that data transferred to China is hosted by TENCENT CLOUD, with whom we have concluded a data processing agreement. We have conducted due diligence to verify compliance with the GDPR. Further information is available at:
<https://www.tencentcloud.com/products/csc>

Please note in this regard that:

- Transfers to countries outside the European Economic Area require additional safeguards and involve certain risks, particularly due to potential access by Chinese public authorities.
- We have conducted an analysis of the impact of these transfers on your privacy. Given the purpose of the processing (provision of services related to the App and the Portal), the limited amount of data collected, the limited relevance to national security, and the security measures implemented by our hosts during data transmission and storage, we have concluded that these transfers present a relatively low risk.
- Please do not hesitate to contact our Data Protection Officer should you require further information.

9. Am I obliged to provide personal data?

Providing personal data for the registration for the App or the FMS Portal and the conclusion of a corresponding user agreement is neither legally nor contractually required. You are therefore not obliged to provide personal data.

However, please note that certain personal data is required to enter into a user agreement with us and to use the App or the FMS Portal. If you do not provide personal data, we will not be able to grant you access to the App or the FMS Portal.

10. Is automated decision-making used?

We do not carry out automated decision-making in connection with the conclusion, performance or termination of your user agreement relating to the App or the FMS Portal within the meaning of Article 22 GDPR.

11. Changes to this privacy statement

This privacy statement may be updated from time to time for any reason, including but not limited to changes in the nature of data processing, the purposes of such processing or data retention periods, or to comply with legal obligations.

No reduction of your rights or our obligations will be enforced without your explicit consent.

Any applicable changes will be published on the relevant page. For any material changes, you will be notified by a prominent notice (for example via email or directly on the first page of the App or the FMS Portal).

Last updated on 20 January 2026