



## DATA PROTECTION NOTICE: CATERPILLAR FINANCIAL NEW ZEALAND LIMITED

Caterpillar Financial New Zealand Limited understands the importance of protecting the privacy of an individual's personal information.

This privacy notice sets out how CFNZ protects personal information, your rights in relation to personal information held by CFNZ and the way CFNZ collects, holds, uses and discloses personal information.

This privacy notice may be updated from time to time. All updates to this notice will be published on the website as well as being notified in writing, where required.

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<b>Contact us</b>	<p>If you have any questions regarding this privacy notice or if you wish to contact us to exercise the rights outlined below, please contact us at:</p> <p><b>CATERPILLAR FINANCIAL NEW ZEALAND LIMITED</b></p> <p>Address: c/o The Business Advisory Group, Level 9, 55 Shortland Street, Auckland 1010, New Zealand</p> <p>NZBN: 94290362400500</p> <p>Telephone: + 61 1800 010 808</p> <p>Email: CFNZ.CustomerService@cat.com</p> <p>In this privacy notice, references to "CFNZ" or "we", "us" or "our" mean Caterpillar Financial New Zealand Limited (or, if applicable, any of our associated entities that you interact with).</p>
<b>Type of data</b>  What personal information do we collect from you?	<p>The categories of personal information which we collect include:</p> <ul style="list-style-type: none"><li>• <i>contact and identification details</i> (e.g., name, address, email address, telephone number, digital signature, date and place of birth, proof of identity documents, tax file number)</li><li>• <i>financial information</i> about assets, occupation and income, time in business, account balances, payment history, payment of rates notices and transactions with CFNZ or a third party</li><li>• <i>credit information</i> regarding your existing financing with us, bank account information, tax documentation and proof of company ownership. Credit information also includes:<ul style="list-style-type: none"><li>- identification information (as described above);</li><li>- information about the types of commercial credit being sought from CFNZ and existing or previous credit accounts;</li><li>- other credit providers having accessed, or having made a request for, information in connection with an application for credit or individual;</li><li>- information about your commercial activities or credit worthiness (e.g. details of repayment of credit obligations as a guarantor of credit; payments no longer being overdue; or arrangements regarding credit having been varied or terminated);</li><li>- detail of pay-out amounts in relation to any equipment CFNZ has provided financing for;</li><li>- details of personal insolvency events or court proceedings;</li><li>- credit-related personal information from a credit reporting body, including credit reports, credit scores, assessment or records and default information regarding credit, including information sourced from other credit providers;</li><li>- publicly available information relating to credit worthiness;</li><li>- a credit provider's reasonable belief that an individual has committed a serious credit infringement; and</li></ul></li></ul>

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- information derived by CFNZ from anything above, including internally generated scores, ratings or other assessments; and
- *other information* required for CFNZ's functions and activities or provided to CFNZ in connection with the provision of its products and services.

We may collect personal information from:

1. *Direct sources*

- When you complete our forms or other documents as part of our credit application process (either online or hardcopy) or other exchanges with us (e.g. in person or via email, fax, telephone (including text messages) or post) or when you use our website.

2. *Indirectly from third party sources*

Generally, CFNZ will only collect personal information from indirect sources if it is unreasonable or impracticable to collect it from the individual directly or if CFNZ obtains your consent. *This includes:*

- The applicant to an application for finance (if that person is not the same as the individual), the applicant's legal or financial advisers, Caterpillar dealers or brokers, information services providers, a publicly maintained record, Caterpillar group companies or professional advisors, business partners, associates and family members of individuals, credit reporting bodies, any other guarantor or prospective guarantor in connection with an application for finance, any person who has provided, provides or is considering providing commercial credit to the individual, or who has taken or may take any form of security from the individual with regard to credit, any holder or valuer of an asset referred to in a finance application.
- A biometric services provider (ie, AplyID) utilised by CFNZ to comply with AML/KYC and other legal and regulatory obligations (refer to Primary Processing Purpose 7 below). As part of engaging with AplyID, you will be required to accept, and they will collect and manage your personal information in accordance with, their terms and conditions and privacy policy. AplyID may also provide us with a copy of the verification report which may include all the personal information you provide to AplyID and any other information that they collect or generate in the course of providing services to CFNZ.

## Origin of data

Where do we source the personal information?

CFNZ collects, holds, uses and discloses personal information where it is reasonably necessary for the following purposes:

1. To execute and administer finance contracts (i.e. to provide commercial financing for the lease, hire or acquisition of equipment which may include the collection, handling, use and disclosure of personal information of an employee of the commercial entity or the personal information of an individual otherwise connected with the commercial entity).

Certain processing of personal information is necessary for the management of finance contracts and conducting pre-contractual measures applicable to the financial product selected, including:

- For issuing financing offers;
- For conducting credit evaluation and making lending decisions;
  - Credit checks involving consultation of external credit agency files can be conducted to assess creditworthiness prior to entering into the finance contract, in conjunction with the modification of an existing contract or following a default in payment;

## Primary Processing Purposes

How do we use your personal information?

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- Credit evaluation involves the use of statistical risk models and credit scoring tools; however decisions are never made solely on the basis of these systems;
  - For conducting contractual administrative procedures, and financial and accounting management relevant to the financial product selected.
2. To administer additional services requested in conjunction with the finance contract (e.g. insurance or servicing and maintenance of machines).
  3. To respond to your enquiries or complaints and provide customer support.
  4. For accounting, billing and other internal administrative purposes.
  5. To support the recovery of deficiencies (i.e. to collect or seek to collect payments that are overdue in respect of which the individual is a guarantor) and enforce our rights in the case of customer default under the finance contract, including initiating legal proceedings.
  6. To assist other credit providers in assessing credit worthiness.
  7. To comply with legal and regulatory obligations applicable to our operations, including:
    - Fulfilment of customer identification requirements under the prevention of money laundering and financing of terrorism laws and sanctions regulations (**AML Regulations**) (see further detail above);
    - Identification and prevention of unlawful activities, including fraudulent conduct;
    - Document additional legal and regulatory obligations e.g. disclosing of data to banking supervisory authorities, tax authorities, other reporting requirements.
  8. To secure and protect our interests/assets, including:
    - To monitor and assess our global credit risk exposure;
    - To deploy and maintain technical and organizational security measures;
    - To conduct internal audits and investigations.
  9. To conduct surveys, including through electronic means, to ascertain your satisfaction with our products and services.
  10. To research or develop CFNZ's products and services, and maintain and develop CFNZ's business systems and infrastructure.
  11. To contact you with details of products and services offered by us or selected third parties.
  12. To identify, develop and facilitate business opportunities and relationships.

Where CFNZ requests personal information from an individual, there is no obligation on that individual to provide the personal information to CFNZ. However, the failure to provide personal information would in some cases have the consequence that the finance contract could not be concluded, including:

- Where processing is necessary to the administration of the contract or the conducting of pre-contractual measures;
- Where processing is necessary to fulfil our legal and regulatory obligations or to exercise our legal rights.

In addition to the purposes outlined above, information may be de-identified, in which case it is no longer personal information, and may be used and disclosed for other purposes.

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In handling personal information, CFNZ will comply with the Privacy Act 2020 (or any successor legislation) and all other applicable laws. This privacy notice applies in addition to, and does not limit, the rights and obligations under the Privacy Act and other applicable laws.

In order to be able to process your personal information, we rely on different legal bases, including:

### Legitimation

Legal basis for processing personal information

1. The necessity for completion of pre-contractual measures, executing and administering a finance contract, and exercising our rights thereunder.
2. The necessity for us to comply with legal obligations.
3. The necessity to pursue our legitimate interests, including:
  - To manage the risk and exposure of CFNZ;
  - To ensure that our networks and information are secure;
  - To administer and generally conduct business within the enterprise;
  - To improve the products and services that we offer to you; and
  - To provide you with information about the products and services that we offer.
4. Your consent.

### Retention

How long do we retain your personal information for?

The personal information shall be retained in personal form for the duration of the business relationship and, once terminated, during the term applicable by law or regulations to which we are subject for the retention of the specific information.

CFNZ discloses personal information for the purpose for which CFNZ collects it (as described above). This may include disclosing personal information to:

### Data recipients

With whom do we share your personal information?

1. Caterpillar equipment dealers involved in transactions connected with a finance contract;
2. External service providers performing functions on our behalf such as providers of IT maintenance, data storage, customer survey administration, collection activities, or IT software;
3. Professional advisors and consultants such as law firms, tax consultants, auditors and accountants;
4. Agents, consultants, auditors, contractors and other third parties engaged by CFNZ to perform administrative or business management functions;
5. Other guarantors or prospective guarantors of any credit application provided by CFNZ in connection with a finance application;
6. Insurance companies and brokers for the purposes of assuring the assets and credit;
7. Courts and tribunals in cases of legal action;
8. Caterpillar group companies for legitimate business purposes (whether in New Zealand or overseas);
9. National credit reference agencies or fraud prevention agencies;
10. Credit-reporting bodies, credit providers and debt collection agencies. The information may be shared by such parties with creditors and financial institutions involved in commercial lending to support evaluation of their own credit risk and all information that we share with credit reporting bodies (including default information) may be retained by them and used to provide their credit reporting services;

11. Governmental and regulatory authorities and other organisations where required by law or obligations applicable to our business;
12. Banks and savings institutions for financial transactions deriving from the contract;
13. Public notaries for the purposes of raising a public deed, where relevant to the contractual method chosen;
14. Organisations involved, or interested, in a transfer or sale of all or part of CFNZ's assets or business (including accounts and trade receivables);
15. Authorised representatives, legal advisers or accountants of an individual or entity with which an individual is connected;
16. Any organisations that are engaged to verify the identity of an individual; and

Such disclosures are always on a confidential basis or otherwise in accordance with law. CFNZ may also disclose personal information with the individual's consent or if disclosure is required or authorised by law.

#### **International data transfers**

When do we transfer your personal information overseas?

CFNZ may disclose personal information to overseas recipients in order to provide its services and/or products and for administrative or other business management purposes. It is not practicable to list every country in which recipients may be located, however it will include Caterpillar group companies, located in North America, Latin America, Europe and the Asia Pacific and otherwise listed on CFNZ's website.

Before disclosing any Personal Information to an overseas recipient, CFNZ takes steps reasonable in the circumstances to ensure the overseas recipient complies with the information privacy principles set out in the Privacy Act or is bound by a substantially similar privacy scheme (unless CFNZ obtains consent for the overseas disclosure or it is otherwise required or permitted by law).

#### **Rights of interested parties**

Exercising your rights

CFNZ takes steps reasonable in the circumstances to ensure personal information it holds is accurate, up-to-date, complete, relevant and not misleading.

You can access and seek correction of your personal information that is collected and held by CFNZ, or otherwise request more information on CFNZ's approach to privacy, by contacting CFNZ via the contact details set out above.

CFNZ will grant access to the extent required or authorised by the Privacy Act or other law and take steps reasonable in the circumstances to correct personal information where necessary and appropriate. To provide access to personal information, CFNZ:

- requests proof of identity to ensure that personal information is provided only to the correct individuals and that the privacy of others is protected;
- requests reasonably specific details about the information required; and
- may charge a reasonable administration fee, which reflects the cost to CFNZ, for providing access in accordance with a request.

If CFNZ refuses a request for access to, or correction of, personal information, CFNZ will provide written reasons for the refusal and details of complaint mechanisms. CFNZ will also take steps reasonable in the circumstance to provide access in a manner that meets the needs of the individual and the needs of CFNZ.

CFNZ will endeavour to respond to a request for access to, or correction of, personal information within 20 working days from the request.

CFNZ may collect, hold, use and disclose personal information in order to inform interested persons or entities of products and services offered by CFNZ or to facilitate business relationships. Individuals can opt-out of receiving such communications by contacting CFNZ on the contact details set out above or through any opt-out mechanism contained in a marketing communication.

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Revocation of consent for marketing offers shall not impact our ability to offer financing to you.

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Privacy complaints should be directed to CFNZ's Privacy Officer. At all times, privacy complaints:

- will be treated seriously;
- will be dealt with promptly;
- will be dealt with in a confidential manner; and
- will not affect any existing obligations to, or commercial arrangements with, CFNZ.

CFNZ's Privacy Officer will commence an investigation into a complaint and inform the complainant of the outcome. In the event a complainant is dissatisfied with the outcome, the complaint can be referred to the New Zealand Office of the Privacy Commissioner.

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**Additional  
Information**

For additional information on the corporate approach to the protection of customer data adopted by companies within the Caterpillar group please visit our website: [www.Caterpillar.com/dataprivacy](http://www.Caterpillar.com/dataprivacy).

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