

## HORIBA Americas - Privacy Statement

Last Revised: March 13, 2020

### I. INTRODUCTION

HORIBA Instruments Incorporated and its subsidiaries in North America ("HORIBA Americas," "we," "our" or "us") appreciate your interest in our websites, products and services. We are committed to protecting the privacy of your personal information that we may collect and/or you share with us, such as via our websites or other electronic means, through direct or indirect ordering or inquiries about our products and services, or from information provided at conferences, trade shows, or at our location entry points. This Privacy Statement describes how we collect, use, and share your personal information.

Our business primarily involves collection or solicitation of information between employees of companies for business purposes ("B2B"), not for personal, family or household purposes.

This Privacy Statement does not cover information collected from our employees, job applicants, contractors, or similar individuals, and where noted may exempt other personal information.

If you have questions about our Privacy practices, please contact us at [privacy.US@horiba.com](mailto:privacy.US@horiba.com).

#### **NOTICE: WEBSITE USERS**

PLEASE REVIEW CAREFULLY; BY USING OUR WEBSITE AND/OR BY SUBMITTING INFORMATION TO US THROUGH OUR WEBSITE, YOU CONSENT TO THE PRACTICES DESCRIBED IN OUR PRIVACY STATEMENT.

Our Privacy Statement, as to websites, only applies to those websites managed by HORIBA Americas ("Websites"), and does not apply to any other website operated by our affiliates or by a third party (including links to any third party websites), and we are not responsible for what they do in connection with their websites, or how they handle your personal information. We recommend that you consult the privacy policies on each website for further information.

HORIBA Americas is part of a worldwide group of companies under and with HORIBA, Ltd., our global parent in Kyoto, Japan ("HORIBA Group"). A particular HORIBA website you may visit may be managed through HORIBA, Ltd. and/or other HORIBA Group companies as detailed on the particular website. For more information with regard to general processing of personal information managed by the HORIBA Group, please see the privacy notice(s) located at: <https://www.horiba.com/privacy-notice/>.

#### **ATTENTION: CALIFORNIA RESIDENTS**

If you are a resident of the state of California, you may have additional privacy rights with the scope of the California Consumer Privacy Act of 2018 ("CCPA"), see below *Privacy Statement for California Residents*.

#### **PRIVACY OF INFORMATION ON MINORS**

Our Websites, products and services are not intended for anyone under 18 years old, and we do not knowingly collect or solicit any information from minors. In the event we learn that we have inadvertently collected personal information from a minor, we will delete or otherwise address the information in accordance with applicable law.

## II. WHAT IS PERSONAL INFORMATION?

Unless otherwise noted, for purposes of this Privacy Statement:

**“Personal Information”** means personally identifying information or information which relates to an identified or identifiable natural person.

As further discussed below, your personal information refers to such identifying information such as your name, email or IP address, etc., but for our purposes, does not include publicly available information from government records, or de-identified or aggregated or anonymized consumer information.

HORIBA Americas will collect, use and protect personal information in accordance with applicable laws and regulations and this Privacy Statement. We will reasonably give notice as to the purpose and use of personal information collected by us, and will take necessary and appropriate action and supervision for the security control of personal information, including measures to prevent its leak, loss or damage.

## III. WHAT INFORMATION WE COLLECT

We obtain the categories of personal information listed above from the following categories of sources:

- Directly from you. For example, when you visit our Website, or disclose information through our Website (such as when you complete a form, via a message, question, comment or response) or from products and services you purchase.
- Indirectly from you. For example, from observing your actions on our Website or through information we collect from you in the course of providing products and services to you.
- From third-parties that interact with us in connection with the products and services we perform. For example, from distributors of our products, or providers of our computer programs.

HORIBA Americas may collect information, such as for example:

- Your name, organization, e-mail address, business address or telephone number, job function, product and service interests, and information on your inquiries, requests and orders, as you may choose to provide.
- Account names or numbers, or other identification or card numbers or other similar identifiers, financial and insurance information, such as when setting up an account or making a payment.
- Information on your Website usage, computer or internet connection such as browsing or search history, website interaction, IP addresses, URL links, and similar information through the use of cookies and related technologies. **For more detail on our use of COOKIES and related technologies, please visit: [https://www.horiba.com/en\\_en/legal/cookies/](https://www.horiba.com/en_en/legal/cookies/).**
- From time-to-time, in relation to entry protocols to our locations, we may collect certain specific personal information such as nationality and citizenship related to our decision to allow entry, and such information may include legal, background, export or other entry clearance information that is explained at the time of collection.
- Non-personal information such as, anonymous, pseudonymized, or aggregate demographic information, which is not unique to you, such as for example your postal code, age, gender, preferences, to be used for statistical, historic, scientific or other purposes.

- Other information with written notification beforehand or immediately upon submission detailing the purpose and use of personal information collected by and provided to us.

When you visit our Website(s), you may do so without disclosing any personal information, but some services, offers or information may not be available to you without providing basic personal information.

If express consent is required, you will have an opportunity to provide or withhold your consent.

#### **IV. HOW WE USE INFORMATION WE COLLECT ABOUT YOU**

Personal information acquired by us will be used to the extent necessary to perform our business activities and operations, including the supply of HORIBA Group products, parts, services, technologies, know-how and to respond to your requests and inquiries related to such products, services and/or information.

We may use personal information for the following purposes:

- To fulfill or meet the reason you provided the information.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To respond to or otherwise communicate as to information, products, services and/or technical support you request and/or we provide to you as a potential or existing customer;
- To provide, support, personalize, and develop our Website, products, and services.
- Sales activities such as introductions, promotions or proposals relating to products and services.
- For testing, research, analysis, and product development, such as for example, product trials, maintenance, training, R&D solutions, quality control and other areas of introducing technologies or know-how and other support relating to products and services to customers using them.
- Consulting activities such as to solutions for research and development, quality control and other areas introducing technologies or know-how held by the HORIBA Group.
- In relation to entry protocols to our locations, we may collect certain specific personal information related to our decision to allow entry, and such information may include legal, background or other entry clearance information that is explained at the time of collection.
- To help maintain the safety, security, and integrity of our Website, products and services, databases and other technology assets, and business.
- To improve our Website and to deliver content and interactive features relevant to your interests, including targeted offers and ads.
- To create, maintain, customize, and secure your account with us.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To provide you with email alerts, event registrations and other notices concerning our products or services, or events or news, that may be of interest to you.
- To respond to law enforcement requests and as required to comply with our legal obligations by applicable law, court order, or governmental regulations.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collections.
- Other purposes as expressly indicated, or for whatever reasons in which consent is received from you the time of submission or collection of personal information.

We will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

#### **V. HOW WE MAY SHARE INFORMATION WE COLLECT ABOUT YOU**

We may disclose your personal information with the following categories of third parties for a business purpose:

- Our affiliates in the HORIBA Group
- Service providers.
- Third parties to whom you or your agents authorize us to disclose your personal information in connection with products or services we provide to you, such as dealers, distributors or clients.

When we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract. In case of providing personal information of customers to a third party in foreign countries, HORIBA Americas takes necessary actions for protection of the personal information in accordance with applicable laws and regulations.

HORIBA Americas select parties who meet requirements in accordance with the internal rules of the HORIBA Group, and also exercise necessary and appropriate supervision over the said service providers and third parties in accordance with applicable laws and regulations.

Except as described above as to our uses or sharing of your personal information, and in cases under applicable law and regulations where your consent is not required, we will get your consent for any use.

We do not sell personal information to third parties.

#### **VI. OUR DATA SECURITY MEASURES**

HORIBA Americas has implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure. We make efforts to strengthen the level of our security through reasonable use of encryption based on the Secure Sockets Layer (SSL) schemes or other means to prevent illicit access by third parties.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Website.

Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

#### **VII. YOUR RIGHTS AS TO PERSONAL INFORMATION**

You may have certain rights under applicable law and regulations (which may be based on your place of residence) as to how your personal information in our possession is used and handled, and such rights may include the right to fix or update your personal information to be accurate and/or to object to direct marketing or advertising to you. If you have questions regarding access or handling of your personal information, your privacy rights or to lodge a complaint, please contact us at [privacy.US@horiba.com](mailto:privacy.US@horiba.com).

We may require that before we provide any responses to your inquiries and/or requests, that you or your representative provide information in a prescribed format and verify that the requester is entitled to the information and the subject request. If we determine we cannot respond, we will let you know the reason.

Remember, if you do not want us to use your personal information as we have outlined in this Statement, (a) do not use or submit information to us via our Website or by other communications, (b) check certain boxes and do not opt-in when we ask for your consent where we collect information, or (c) unsubscribe by sending your request to [privacy.US@horiba.com](mailto:privacy.US@horiba.com). You can also always ask us not to, or revoke your earlier consent to, receive emails or process your personal data for marketing purposes by adjusting your communication preferences or contact us to opt-out by sending your request to [privacy.US@horiba.com](mailto:privacy.US@horiba.com).

## VIII. ATTENTION CALIFORNIA RESIDENTS

### Privacy Statement for California Residents

This Privacy Statement for California Residents (“CA Statement”) supplements the information contained in our Privacy Statement and applies solely to all visitors, users, and others who reside in the State of California (“CA Residents”). As a CA Resident, you have additional rights as to your personal information within the scope of the California Consumer Privacy Act of 2018 (CCPA).

When we use the term “personal information” in this supplemental CA Statement, we are using that term as defined in the CCPA, which is **“information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.”** However, personal information does not include publicly available, de-identified, or aggregate consumer information as defined in CCPA. *Also, the definition of “personal information” does not apply to the collection of personal information from job applicants, employees, contractors – whether you are our employee or any employee of the entity arranging access to our services for you.*

For purposes of this CA Statement, the following is excluded from CA Resident definition:

- job applicant, employee/contractor, or contractor interacting with us.

For purposes of this CA Statement, the following information is excluded from the CCPA's scope:

- health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data;
- personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FRCA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.

In the preceding 12 months, we have disclosed all the categories of personal information as set forth in our Privacy Statement – What Information We Collect About You, but primarily share the following to the extent necessary to achieve the business purpose: name, contact details (addresses, telephone and fax numbers, e-mail addresses, etc.), place of employment, departmental affiliation, job position, information concerning purchased products or services, inquiry histories and other required personal information to the extent necessary to achieve the business purposes stated in our Privacy Statement.

## **Your Rights and Choices**

The CCPA provides CA Residents with specific rights regarding their personal information. This CA Statement describes those CCPA rights and explains how to exercise those rights.

### **Right to Know**

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, we will disclose to you:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we share that personal information.

We do not provide these access rights for B2B personal information.

### **Right to Delete**

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, we will delete your personal information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or a third party to:

- Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, or otherwise perform our contract with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- Debug products to identify and repair errors that impair existing intended functionality.
- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act.
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

We do not provide these deletion rights for B2B personal information.

### **Right against Discrimination**

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.

- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

However, we may offer you certain financial incentives permitted by the CCPA that can result in different prices, rates, or quality levels. Any CCPA-permitted financial incentive we offer will reasonably relate to your personal information's value and contain written terms that describe the program's material aspects. Participation in a financial incentive program requires your prior opt in consent, which you may revoke at any time.

### ***How to Exercise Your CCPA Rights***

To exercise the CCPA rights described above as to your personal information, please submit a verifiable CCPA request to us by emailing us at [privacy.US@horiba.com](mailto:privacy.US@horiba.com).

Only you, or someone legally authorized to act on your behalf, may make a verifiable CCPA request related to access to your personal information, and no more than twice within a 12-month period. Before responding to, or processing a request, we will first take reasonable steps to first verify your and/or your representative's identity or authority to make the request, which may include, at a minimum, verifying names, email addresses, account and other sufficient information, and sufficient detail that allows us to properly understand, evaluate, and respond to your request. Making a request does not require you to create an account with us. We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

We endeavor to respond to a verifiable CCPA request within forty-five (45) days of its receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing. We will deliver our written response by mail or electronically, in a format that is readily usable. Any disclosures we provide will only cover the 12-month period preceding the CCPA request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. We do not charge a fee to process or respond to your verifiable CCPA request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

## **IX. CHANGES TO PRIVACY STATEMENT**

HORIBA Americas reserves the right to make changes or other revisions to this Privacy Statement at our discretion and at any time. Any such changes will be posted on this Website, or will otherwise be given by notice in accordance with applicable law, as to the noted revision date. Your continued use of our Website(s) following the posting of changes constitutes your acceptance of such changes.

## **X. HORIBA AMERICAS - PRIVACY CONTACT INFORMATION**

For questions or concerns about this Privacy Statement, our CA Statement, the ways in which HORIBA Americas collects and uses your information described in our Privacy Statement, and your choices and rights regarding such use, you can contact us at:

HORIBA Americas – Privacy Policy Inquiries

- Email address: [privacy.US@horiba.com](mailto:privacy.US@horiba.com)