

## RAIL DATA GOVERNANCE STATEMENT

This Data Governance Statement describes the practices of Progress Rail Services Corporation and its subsidiaries (“Rail,” “we,” “us” or “our”) for collecting information relating to machines, products or other assets and their associated worksites (collectively “Assets”). We collect this information through online and offline means including: (1) applications and platforms for use on or through computers, APIs, and mobile devices, such as, but not limited to, Intellitrain and EMD Uptime (“Applications”); (2) telematics or other devices on Assets, whether manufactured by Rail or by other companies (“Devices” and, together with the Applications, “Digital Offerings”); and (3) component manufacturers, service providers, and customers.

By providing System Data or Personal Information (each as defined below) to us, you agree to the terms and conditions of this Data Governance Statement, including our collection, use and sharing of that information.

### WHAT INFORMATION WE MAY COLLECT

“System Data” is information that is ingested or used by or generated through Digital Offerings, which may include:

- **Device, Asset and Component Information**, including model number, serial number, order number, software and hardware version numbers, performance, and configuration, including work tools or other peripheral devices attached to Assets.
- **Electronic Data**, including sensor logs, trends, histograms, event data, other alerts, digital state data, fault codes, idle time, daily and cumulative fuel consumption, emissions data, service meter hours, electronic data files downloaded manually or automatically from an Asset, troubleshooting data, and other data, depending on the customer and Asset and communication channel used by a Device.
- **Inspection Data**, including results of inspections using a Rail or third-party inspection system.
- **Device Location Information**, including the physical location of an Asset (e.g., determined using satellite, GPS, cell phone tower, Bluetooth or WiFi signals).
- **Fluid Data**, including analysis results of fluid samples (such as oil, hydraulic and coolant fluids) obtained using Rail or third-party tools.
- **Event Recorder Data**, including location, speed, direction and associated video recordings, use of controls and Positive Train Control information.
- **Service and Maintenance History**, including work orders (records of all maintenance, repair, parts purchases, replacement and modification to an Asset), component life (history of usage and wear life of a component), maintenance schedule, planned maintenance, warranty coverage data, maintenance and repair contracts, service intervals (scheduled interval for planned maintenance of component replacement activities for an Asset), component lists (lists of parts that make up an Asset) and service letters (describing special service actions recommended by Rail to correct a known problem with an Asset).
- **Site and Environmental Conditions**, including the type of work being done, condition of tracks, altitude, climate and material tracking.
- **Patterns of Use**, including any user-defined information relating to a product you provide to us through a Digital Offering.

“Personal Information” is information that relates to an identified or identifiable individual, which may include:

- Name
- Postal address (including billing and shipping addresses)
- Telephone number
- Email address
- Identification information such as usernames and user IDs
- The employer or company with which an individual is associated and his or her role and title
- User Profile information

- Location information
- Information about any computer or mobile device with which you access Applications
- Information about your use of Applications
- Audiovisual data
- Physiological data such as eye movement, facial expressions, heart rate

Information collected by Rail may simultaneously constitute System Data and Personal Information, or a combination thereof. If you submit any System Data or Personal Information in connection with Digital Offerings, including System Data that may relate to Devices on Assets that are not manufactured by Rail, you represent that you have the authority to do so and to permit us to use the information in accordance with this Data Governance Statement.

## HOW WE MAY COLLECT INFORMATION

We and our service providers may collect information in a variety of ways, including:

- **Through Devices:** We may receive information via cellular or satellite link, or radio or Ethernet connection from Assets equipped with a Device, which may include System Data (such as information relating to the Device or Asset) or Personal Information (such as from information generated by fatigue monitoring devices, on-board camera and proximity detection systems, and in-cab monitoring technology). Some information may be collected automatically, such as fault codes, hours of operation, location, speed, cell or WiFi signal strength, and battery voltage.
- **Through Applications and Online:** We may collect information through Applications (e.g., when you enter maintenance information) or when you use our websites, online services or platforms. We may also receive information through other online means, such as when you initiate a data transmission through on-site servers or email inspection information to us. We may also collect information typically collected through websites and mobile applications, such as browser and device information, application usage data, information collected through cookies, pixel tags and other technologies, IP addresses and location information.
- **Offline:** We may collect information when you interact with us, attend one of our trade shows, place an order or contact customer service.
- **From Component Manufacturers and OEMs:** We may obtain System Data from manufacturers of the components in your Assets or of non-Rail Assets you use. This information may be provided to us automatically.
- **Through Wearable Technology:** We may collect information through wearable technology, such as fatigue monitoring devices or RFID tags embedded in hardhats or safety vests.
- **From Asset Owners and Others:** We may receive additional information from Asset owners, operators and other persons who have management responsibility for an Asset.
- **From Other Sources:** We may receive your information from other sources, such as public databases, joint marketing partners, social media platforms (including from people with whom you are friends or are otherwise connected) and from other third parties. We may collect or generate information from troubleshooting data, from your service providers (such as fluid analysts and equipment inspectors) or from maintenance, inspection or warranty records.

## HOW WE MAY USE INFORMATION

We may use information for the following purposes:

- **To Provide Services to You and Others:**
  - To allow you to monitor the status of Assets, to provide you use of Applications, to complete and fulfill purchases, and to communicate with you regarding your purchase and provide you with related customer service.
  - To fulfill customer support agreements, perform maintenance and repairs and deliver Assets or parts.

- To make recommendations regarding safety, Asset health, maintenance, worksite efficiency and productivity training for operators.
- To enhance the safety of machine operations, including by tracking proximity to Assets, other objects or humans.
- To enable remote technician services, such as remote troubleshooting, and remote tuning.
- To provide you with location-based services and content.
- **To Enable Communications:**
  - To manage the connection to the Asset or Device.
  - To allow you and other users of Applications to communicate with each other through Applications.
  - To send administrative or contractual information, for example, information regarding the terms and conditions of using Digital Offerings, warranty policies or service contracts.
- **For General Business Purposes:**
  - To conduct market research or to evaluate Rail.
  - To perform data analytics, audits, improving products, developing new products, enhancing, improving or modifying our Digital Offerings, identifying usage trends and operating and expanding our business activities and for statistical analysis based on aggregated and de-identified data, such as benchmarking reports.
  - To provide services to customers, manage work flow, monitor repairs, project future maintenance and service, troubleshoot issues.
  - To validate effectiveness of recommendations, resolve complaints, and fulfill orders.
  - To manage inventory in order to provide you with parts and services, manage a fleet of Assets and maximize the efficiency of operations and increase sales.
  - To develop digital applications.
- **Other Uses:**
  - For additional uses as agreed by you and us.

With respect to audiovisual data that identifies an individual or physiological data for an identifiable individual, we will use that data only to provide products and services to our customers, including to make recommendations regarding safety, Asset health, maintenance, worksite efficiency and productivity training for operators, and to improve our products and services.

## HOW WE MAY DISCLOSE INFORMATION

We may disclose information:

- To our subsidiaries and affiliates for the purposes described in this Data Governance Statement. A recent list of subsidiaries and affiliates can be found at [https://www.sec.gov/Archives/edgar/data/18230/000001823016000410/cat\\_exx21x12x31x15.htm](https://www.sec.gov/Archives/edgar/data/18230/000001823016000410/cat_exx21x12x31x15.htm).
- To Asset owners, to permit them to manage their use of their Asset.
- To our service providers who provide services such as data analytics, information technology and related infrastructure provision, application development, platform hosting, customer service, product development, auditing, advisory and other services.
- To component manufacturers, to permit them to study the use of their products, to improve their products and to develop new products.
- To agents, service providers or other third parties contracted by or engaged in business with Asset owners, who have management responsibility for the Asset.
- To a third party in the event of any reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of our or any of our affiliate's business, Assets or stock (including in connection with any bankruptcy or similar proceedings).
- To additional recipients as agreed by you and us.

**Location Data:** We may share location information with our affiliates to enable them to provide you with localized content and services. In some instances, you may be permitted to allow or deny such uses and/or sharing of your

Device's location, but if you do, we and/or our affiliates may not be able to provide you with the applicable services and content.

We may use or disclose information, as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to lawful requests from public and government authorities, including public and government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, and/or that of our affiliates, you or others, including for purposes of information security; and (g) to allow us to pursue available remedies or limit the damages that we may sustain.

**De-identified or Aggregated Information:** De-identified or Aggregated Personal Information or System Data does not personally identify you or any other user of Digital Offerings (for example, we may aggregate Personal Information to calculate the percentage of our users who have a particular telephone area code, or we may aggregate System Data to calculate component wear rates). We may use and disclose de-identified or aggregated information for any purpose, except where we are required to do otherwise under applicable law.

## REMOTE SERVICES AND UPDATES

**Device Software Maintenance:** From time to time, we use System Data to remotely examine and update Devices that we manufacture or otherwise provide (e.g., to update system settings or to manage the communications carriers used to connect to Rail or our affiliates). In doing so, we may change the volume or granularity of System Data that we collect in order to improve the utility of Digital Offerings to you, as well as to improve our products and services, among other purposes. If the change in data we collect materially changes the scope of System Data, we will update this Data Governance Statement as described in *"Updates to This Data Governance Statement"* below.

**Asset Software Maintenance:** In addition, we offer Asset owners the option to participate in our automatic update service for Asset software. If you participate in this service, we will use System Data to remotely update software that controls machine operations for your Rail Asset, and we may push the software update files to the Asset in preparation for an update.

## SECURITY

We use reasonable organizational, technical and administrative measures designed to protect information within our organization. Unfortunately, no data transmission or storage system can be guaranteed to be 100% secure. If you have reason to believe that your interaction with us is no longer secure (for example, if you feel that the security of your account has been compromised), please immediately notify us in accordance with the *"Contacting Us"* section below.

## CHOICES AND ACCESS

If you would like to review, correct, update, suppress or delete Personal Information that you have previously provided to us, or exercise choice regarding marketing communications, you may contact us by sending an email to: [datagovernance@progressrail.com](mailto:datagovernance@progressrail.com). With respect to requests regarding Personal Information, please make clear what Personal Information you would like to have changed or suppressed from our database. For your protection, we may only implement requests with respect to the Personal Information associated with the particular email address that you use to send us your request, and we may need to verify your identity before implementing your request. We will process your request as soon as reasonably practicable. Please note that we may need to retain certain information for recordkeeping purposes or in accordance with agreements we may have with a third party (e.g., a Railroad that employs you). There may also be residual information that will remain within our databases and other records, which will not be removed.

## OTHER IMPORTANT INFORMATION

**Third Party Content:** This Data Governance Statement does not address, and we are not responsible for (i) the privacy, information or other practices of any third party operating any website or online service to which a Digital Offerings links (e.g., our Applications may include, for your convenience, a hyperlink to local weather information

provided by a third party with whom we have no business relationship) and (ii) Personal Information controlled by a third party, such as a supplier, service provider, or customer, even if such Personal Information is collected or otherwise processed by Rail. Further, the inclusion of a link in a Digital Offering does not imply endorsement of the linked site or service by us or by our affiliates.

**Retention Period:** We will retain your Personal Information for the period necessary to fulfill the purposes outlined in this Data Governance Statement unless a longer retention period is required or permitted by law.

**Cross Border Transfers:** Your information may be stored and processed in any country where we operate or where our service providers operate, and by using a Digital Offering you expressly consent to the transfer of information to countries outside of your country of residence, including, but not limited to, the United States and Australia, which may have data protection rules that are different from those of your country.

**Sensitive Information:** Our Digital Offerings are not designed for you to send us sensitive Personal Information such as social security numbers, information related to racial or ethnic origin, political opinions, religion or other beliefs, or genetic characteristics, criminal background or trade union membership. We request that you refrain from sending such information on or through Digital Offerings or otherwise to us.

### **UPDATES TO THIS DATA GOVERNANCE STATEMENT**

We may change this Data Governance Statement. The “*LAST UPDATED*” legend at the top of this page indicates when this Data Governance Statement was last revised. Any changes will become effective when we post the revised Data Governance Statement. Your use of Digital Offerings following these changes means that you accept the revised Data Governance Statement.

### **CONTACTING US**

If you have any questions about this Data Governance Statement, please contact us at [datagovernance@progressrail.com](mailto:datagovernance@progressrail.com).