

# Privacy Addendum for Residents of Canada

**Effective Date:** January 3, 2024

CNH Industrial Capital Ltd. (collectively, “Company,” “we,” “our,” or “us”) adopts this Canada Privacy Addendum (the “Canada Privacy Addendum”) to comply with the Personal Information Protection and Electronic Documents Act (the “PIPEDA”) and applicable Canadian provincial privacy acts (each, a “PIPA”), as they may be amended or superseded from time to time. This Canada Privacy Addendum supplements the information contained in the Privacy Notice for CNH Industrial America LLC and CNH Industrial Canada Ltd. and applies solely to customers and others who reside in Canada (“you”). Any terms defined in the PIPEDA or a PIPA have the same meaning when used in this Canada Privacy Addendum. In the event of a conflict between the provisions of the Privacy Notice and the provisions of this Canada Privacy Addendum, the provisions of this Canada Privacy Addendum shall govern and control.

## 1. SCOPE OF THIS CANADA PRIVACY ADDENDUM

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This Canada Privacy Addendum applies to information that we collect on our Websites that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with you or your device (“**Personal Information**”).

Personal Information does not include publicly available information from government records, deidentified or aggregated Consumer information, or other similar information excluded from the scope of the PIPEDA.

This Canada Privacy Addendum also does not apply to certain Personal Information that is excluded from the scope of PIPEDA, like Personal Information covered by certain sector-specific privacy laws, including *Bank Act* and laws governing credit unions. We may collect this type of Personal Information when you apply for our credit cards or apply for a loan from us, and our collection and use of such Personal Information are governed by our obligations under the applicable law.

This Canada Privacy Addendum does not apply to employment-related Personal Information collected from our Canada-based employees, job applicants, contractors, or similar individuals (“**Personnel**”). Please contact your local human resources department if you are part of our Personnel and would like additional information about how we process your Personal Information.

## 2. CONSENT

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WE WILL ONLY COLLECT, USE OR DISCLOSE YOUR PERSONAL INFORMATION WITH YOUR CONSENT, EXCEPT IN LIMITED CIRCUMSTANCES. BY YOUR RECEIPT OF OUR PRIVACY NOTICE AND THIS CANADA PRIVACY ADDENDUM, WE WILL ASSUME, UNLESS WE HEAR FROM YOU OTHERWISE, THAT YOU CONSENT TO THE COLLECTION, USE AND DISCLOSURE OF YOUR PERSONAL INFORMATION BY OUR COMPANY IN ACCORDANCE WITH THE TYPES OF INFORMATION, COLLECTION METHODS AND PURPOSES OF USE AND DISCLOSURE DESCRIBED IN THE [INFORMATION WE COLLECT ABOUT YOU AND HOW WE COLLECT IT](#) AND [HOW WE USE YOUR INFORMATION](#) PRIVACY NOTICE AND THIS CANADA ADDENDUM.

WE WILL NOT USE OR DISCLOSE YOUR PERSONAL INFORMATION AT ANY TIME, SUBJECT TO ANY LEGAL OR CONTRACTUAL RESTRICTION AND REASONABLE NOTICE. WE WILL NOT USE YOUR PERSONAL INFORMATION WITHOUT YOUR CONSENT EXCEPT IN THE FOLLOWING CIRCUMSTANCES:

- WHEN REQUIRED BY LAW OR LAW ENFORCEMENT PURPOSES
- FOR AN EMERGENCY THAT THREATENS LIFE, HEALTH OR SECURITY
- FOR THE PURPOSE OF COLLECTING ON A DEBT OWED TO OUR COMPANY
- IF THE INFORMATION IS PUBLICLY AVAILABLE

## 3. Responsible Person for Protecting Personal Information

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CNH Industrial Canada Ltd. is primarily responsible for processing your Personal Information, but may use the other subsidiaries and affiliates within the Company to carry out the purpose described in the Privacy Notice. Company has appointed the North America Data Privacy Manager to be responsible for protecting Personal Information in Company’s possession in compliance with PIPEDA and/or the applicable PIPAs. Company and/or this responsible person may be contacted in any manner set forth below in the “Contact Information” Section of this Canada Privacy Addendum.

## 4. COLLECTION OF PERSONAL INFORMATION

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The type of Personal Information we collect may vary depending on your relationship with us. We may collect the following categories of Personal Information about you:

A real name; alias, postal address; unique personal identifier; online identifier; Internet Protocol address; email address; account name; A name; address; telephone number; Records of personal property, products, or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies; Browsing history; search history; information on a Consumer’s interaction with a website, application, or advertisement; information on a Consumer’s interaction with a website, application, or advertisement; IP based physical location or movements that may identify your general geographic location to town, city, and state.

The Company will not collect other categories of Personal Information without providing you notice at or before the time the information is collected.

## **5. SOURCES OF PERSONAL INFORMATION**

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We have obtained the categories of Personal Information listed above from the same categories of sources described in the [Information We Collect About You and How We Collect It](#) section of our Privacy Notice.

## **6. USE OF PERSONAL INFORMATION**

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We use the Personal Information we collect for one or more of the business or commercial purposes listed in the [How We Use Your Information](#) section of our Privacy Notice.

We will not use the Personal Information we collected for additional purposes without providing you notice.

## **7. THIRD PARTIES TO WHOM WE DISCLOSE YOUR PERSONAL INFORMATION**

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### **Disclosures of Personal Information for a Business Purpose**

Company may disclose your Personal Information to third parties for one or more business purposes. When we disclose Personal Information to non-affiliated third parties for a business purpose, we enter a contract that describes the purpose, requires the recipient to both keep that Personal Information confidential and not use it for any purpose except for the purposes for which the Personal Information was disclosed and requires the recipient to otherwise comply with the requirements of the PIPEDA. The PIPEDA prohibits third parties who purchase the Personal Information we hold from reselling it unless you have received explicit notice and an opportunity to opt-out of further sales.

The Company may disclose your Personal Information to third parties for one or more of the following business purposes:

- Auditing related to counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this Canada Privacy Addendum and other standards.
- Helping to ensure security and integrity of our products, services, and IT infrastructure to the extent the use of the Personal Information is reasonably necessary and proportionate for these purposes.
- Debugging to identify and repair errors that impair existing intended functionality on the Websites.
- Short-term, transient use, including, but not limited to, nonpersonalized advertising shown as part of your current interaction with us. Our agreements with third parties prohibit your Personal Information from disclosure to another third-party and from using your Personal Information to build a profile about the you or otherwise alter your experience outside your current interaction with us.
- Performing services on behalf of us, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing storage, or providing similar services on behalf of us.
- Undertaking internal research for technological development and demonstration.
- Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us.

In addition to the above, we may disclose any or all categories of Personal Information to any third-party (including government entities and/or law enforcement entities) as necessary to:

- comply with federal, state, or local laws, or to comply with a court order or subpoena to provide information;
- comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, or local authorities;
- cooperate with law enforcement agencies concerning conduct or activities that we (or one of our service providers') believe may violate federal, state, or local law;
- comply with certain government agency requests for emergency access to your Personal Information if you are at risk or danger of death or serious physical injury; or
- exercise or defend legal claims.

When we disclose Personal Information to non-affiliated third parties for business purposes, we enter into 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 for performing under the contract or to otherwise comply with the requirements of the PIPEDA.

## 8. YOUR RIGHTS AND CHOICES

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The PIPEDA and the PIPA's provides you with specific rights regarding your Personal Information. This section describes your PIPEDA rights and explains how to exercise those rights.

If you are a resident of Canada, you have the following rights regarding your Personal Information: (1) the right to request access to the Personal Information we hold about you; (2) the right to challenge the accuracy and completeness of such information; (3) the right to have such information deleted and (4) right to withdraw your consent of processing.

- **Right to Know.** You have the right to request that the Company disclose certain information to you about our collection and use of your Personal Information (a **"Right to Know"** Privacy Request). This includes details about: (a) the collected Personal Information; (b) the categories of people within the organization with access. The amount of time that we will retain your Personal Information and the contact information for the person within the Company who is responsible for protecting Personal Information are each described below.
- **Access to Specific Pieces of Information.** You have the right to request that the Company confirm that we have collected Personal Information concerning you and provide you with a copy of the specific pieces of such Personal Information that we have collected (a **"Data Portability"** Privacy Request). You may also request that we provide you a copy of this Personal Information in a structured, commonly used, and machine-readable format. We may not comply with a Data Portability Privacy Request when the disclosure would be likely to reveal personal information about a third person (unless the third person consents or in the case of emergency that threatens the life, health, or safety of the person concerned).
- **Correction.** You have the right to request that we correct any incorrect Personal Information about you to ensure that it is complete, accurate, and as current as possible. You may review and correct some Personal Information about yourself by logging into the Websites and visiting your "Account" page. You may also request that we correct the Personal Information we have about you as described below under [Exercising Your Canadian Privacy Laws Privacy Rights](#). In some cases, we may require you to provide reasonable documentation to show that the Personal Information we have about you is incorrect and what the correct Personal Information may be. We may also not be able to accommodate your request if we believe it would violate any law or legal requirement or cause the information to be incorrect or if the Personal Information is subject to another exception under the Canadian Privacy Laws.
- **Deletion.** You have the right to request that the Company delete any of your Personal Information that we collected from you and retained, subject to certain exceptions. This includes the right to request that we stop disseminating your Personal Information or de-index any hyperlink attached to your name that gives access to your Personal Information if such dissemination causes you harm or contravenes the law or a court order. Once we receive and confirm your Privacy Request (see [Exercising Your Canadian Privacy Laws Privacy Rights](#)), we will delete (and direct our service providers to delete) your Personal Information from our records, unless an exception applies pursuant to PIPEDA or an applicable PIPA. However, we cannot delete all of your Personal Data except by also deleting your user account when there is no current balance. We may not accommodate a request to change or delete your Personal Data if we believe the change or deletion would violate any law or legal requirement or cause the information to be incorrect or impede our ability to service or collect on any account you currently have or guarantee. In addition, we cannot completely delete your Personal Information as some data may rest in previous backups. These will be retained for the periods set forth in our disaster recovery policies..
- **Withdrawal of Consent.** To the extent that our processing of your Personal Information is based on your consent, you may withdraw your consent at any time by closing your account. Withdrawing your consent will not, however, affect the lawfulness of the processing based on your consent before its withdrawal, and will not affect the lawfulness of our continued processing that is based on any other lawful basis for processing your Personal Information.

### **Exercising Your Canadian Privacy Laws Privacy Rights**

To access, delete, update or correct inaccuracies in your Personal Information or if you have a question or complaint about the manner in which we treat your Personal Information, please submit a Privacy Request (a **"Privacy Request"**) to us by

- Filling the online form available [here](#); or
- Writing an email to [Privacy-NA@cnhind.com](mailto:Privacy-NA@cnhind.com).

If you fail to make your submission in accordance with the ways described above, we may either treat your request as if it had been submitted with our methods described above or provide you with information on how to submit the request or remedy any deficiencies with your request.

Only you, or your representative, heir, successor, liquidator of your estate, or a beneficiary of your life insurance or death benefit may make a Privacy Request related to your Personal Information. We may request additional information so we may confirm any Privacy Request related to your Personal Information.

Your Privacy Request must:

- Provide sufficient information that allows us to reasonably verify that you are the person about whom we collected Personal Information.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We are unable to fulfill your request or provide you with Personal Information if we cannot verify your identity or authority to make such request and confirm the Personal Information relates to you. Making a Privacy Request does not require you to create an account with us. We will only use Personal Information provided in a Privacy Request to verify the requester's identity or authority to make the request

#### **Verifying Your Identity**

Before completing your request to exercise your rights, we will verify that the request came from you by comparing the identifying information provided by you in your request with any Personal Information we maintain about you at that time. For all requests, we will need the Consumer's (i) name; (ii) postal address, and (iii) telephone number.

To protect the privacy and security of your Personal Information, we may also request additional information from you to help us verify your identity and process your request. This information may include your driver's license or other government-issued identification number. We may also contact you to ask you for further information in relation to your request to speed up our response. We may also ask you to complete and provide a signed declaration under penalty of perjury that you are the Consumer who is the subject of the request in certain circumstances. We will only use Personal Information provided in a Privacy Request to verify the requester's identity or authority to make the request.

#### **Response Timing and Format**

We will respond to a Privacy Request within thirty (30) days of its receipt.

We do not charge fees to process or respond to your Privacy Request.

### **9. Storage of Your Personal Information; Consent to Processing of Personal Information in Other Countries outside of Canada**

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We may store your Personal Information on servers and computing systems that are under our possession, custody, or control, or that we otherwise license.

In order to carry our purposes as described in the Privacy Notice, we may send and store your Personal Information outside of Canada, including to the United States. Accordingly, your Personal Information may be transferred outside Canada and the province where you reside or are located, including to countries that may not or do not provide an equivalent level of protection for your Personal Information. Your information may be processed and stored in the United States and United States federal, state, and local governments, courts, or law enforcement or regulatory agencies may be able to obtain disclosure of your information through the laws of the United States. By using the Website, you represent that you have read and understood the above and hereby consent to the storage and processing of Personal Information outside the country where you reside or are located, including in the United States. To ensure your Personal Information is treated in accordance with our Privacy Notice and this Canada Privacy Addendum when we transfer your Personal Information to a third-party, Company uses written data protection agreements between Company and all other recipients of your data in other countries to mitigate the risks identified in the PIA.

The purposes for which we have authorized the third-party service providers outside of Canada to collect, use, or disclose your Personal Information on our behalf are:

- Auditing related to counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this Canada Privacy Addendum and other standards.
- Helping to ensure security and integrity of our products, services, and IT infrastructure to the extent the use of the Personal Information is reasonably necessary and proportionate for these purposes.
- Debugging to identify and repair errors that impair existing intended functionality on the Websites.
- Short-term, transient use, including, but not limited to, nonpersonalized advertising shown as part of your current interaction with us. Our agreements with third parties prohibit your Personal Information from disclosure to another third-party and from using your Personal Information to build a profile about the you or otherwise alter your experience outside your current interaction with us.
- Performing services on behalf of us, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing storage, or providing similar services on behalf of us.
- Undertaking internal research for technological development and demonstration.
- Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us.

In addition to the above, we may disclose any or all categories of Personal Information to third-party service providers outside of Canada (including government entities and/or law enforcement entities) as necessary to:

- comply with federal, state, or local laws, or to comply with a court order or subpoena to provide information;
- comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, or local authorities;
- cooperate with law enforcement agencies concerning conduct or activities that we (or one of our service providers') believe may violate federal, state, or local law;

- comply with certain government agency requests for emergency access to your Personal Information if you are at risk or danger of death or serious physical injury; or
- exercise or defend legal claims.

## **10. CHANGES TO OUR CANADA PRIVACY ADDENDUM**

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We reserve the right to amend this Canada Addendum from time to time. When we make material changes to this Canada Privacy Addendum, we will notify you by email to the email address we have on file for you. The date this Canada Addendum was last revised is identified at the top of this Canada Privacy Addendum. You are responsible for ensuring that we have an up-to-date active and deliverable email address for you.

## **11. CONTACT INFORMATION**

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If you have any questions or comments about this Canada Privacy Addendum, the ways in which the Company collects and uses your information described in this Canada Privacy Addendum or Company's Privacy Notice, your choices and rights regarding such use, or wish to exercise your rights under the laws of Canada, please do not hesitate to contact us at:

### **To Contact the Company**

CNH Industrial America LLC  
Attn: North America Data Privacy Manager  
711 Jorie Blvd  
Oak Brook, IL 60523  
[Privacy-NA@cnhind.com](mailto:Privacy-NA@cnhind.com)

### **To Contact the Person Responsible for our Privacy Program**

CNH Industrial America LLC  
Attn: North America Data Privacy Manager  
711 Jorie Blvd  
Oak Brook, IL 60523  
[Privacy-NA@cnhind.com](mailto:Privacy-NA@cnhind.com)