

NAEDA PEER TO PEER GROUP DATA POLICY

Effective September 20, 2022

The North American Equipment Dealers Association (identified herein as “NAEDA” or “we,” or related terms) respects your dealership’s need for confidentiality in order to facilitate full and open participation in the Peer to Peer Groups by each participating equipment dealer (including any successor owner of a dealership business, each a “Dealer”). This Data Policy describes NAEDA’s data practices related to collecting, using, maintaining, protecting, and disclosing covered Data from each Dealer.

Covered Data and How Data is Collected

A Dealer may provide NAEDA written data related to their business operations and performance as part of participating in a Peer to Peer Group (the “Data”). The Data may contain sensitive and confidential material, including financial data, cost and financial performance data, and other sensitive information. This policy applies to any Data provided previously to Friend Management, Inc., the prior facilitator of the Peer to Peer Groups, as well as any Data provided directly to NAEDA as facilitator of the Peer to Peer Groups. This policy does not apply to (a) any information or data provided to NAEDA outside of the Peer to Peer Groups or (b) any Data which is de-identified so that it is not capable of being identified with a Dealer or if combined with Data from one or more other Dealers in aggregate form and does not personally identify any particular Dealer.

Access, Sharing and Use of Data

Access to, and use of, your Data will be limited to the facilitator(s) for the Peer to Peer Groups and certain other parties, individuals or service providers with a need to know in order to support the Groups’ activities (such as benchmarking preparation, data analysis, and other activities related to the Group). We will not provide any of your Data to a third party in a form that is capable of being identified with a Dealer except as follows: (i) as necessary or advisable to comply with or enforce legal or contractual requirements (or based upon our good-faith belief that disclosure is necessary to comply with such legal or contractual requirements); and (ii) as authorized, requested or approved by the Dealer. Notwithstanding the foregoing, NAEDA may restrict or authorize any use or dissemination of any Data to the extent necessary to comply with any applicable laws (including antitrust laws or other laws regarding restraint of trade or competition).

We may transfer your Data to third parties in the case of a sale or transfer of substantially all of our business or assets or the business or assets related to the Peer to Peer Groups (provided that any transferor agrees to restrictions substantially equivalent to those provided herein with respect to any Data prior to such transfers).

Confidentiality, Security and Storage of Data

We use a variety of commercially reasonable security technologies to help protect your Data from unauthorized access, use, or disclosure. However, the use of such security technologies is not, and should not be considered to be, any type of guarantee or warranty that your Data will not be accessed by third parties, or that we will use all available security technologies to prevent unauthorized access to, use, or disclosure of your Data. While we use commercially reasonable efforts to safeguard your Data while it is being transmitted or used by third parties, we do not warrant that your Data will be transmitted without unauthorized interception or modification or that your Data will not be accessed or compromised by unauthorized third parties. Any transmission of Data is at your own risk. We may permanently delete or destroy any and all Data at any time. The safety and security of your Data also depends on you. Where you have a password for access to any account or restricted website provided by NAEDA, you are responsible for keeping this password confidential. You should not share your password with anyone.

Changes to this Data Policy

We reserve the right to add to, change, update, or modify this Policy from to time. Any material changes will only affect Data provided prior to such change(s) unless an affected Dealer consents to retroactive application of the change(s).

Contact Information

To ask questions or comment about this data policy, contact us at info@naeda.com or U.S. (800) 762-5616 and Canada (800) 661-2452.