

PRIVACY STATEMENT

The Climate Corporation, 201 Third Street, Suite 1100, San Francisco, CA 94103, USA (“Climate,” “we”, “us” or “our”) is an affiliate of the Bayer group (“Bayer group” or “Bayer”) and values your privacy. As we are the responsible controller for the processing of information relating to you (your “personal data” or “information”) in connection with your use of Climate products (such as FieldView), websites or other digital services (collectively, the “Climate Services”), we wish to provide you with the necessary information on this data processing. Our aim is to help you make informed choices about your personal data.

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What is the legal basis for processing your information

Unless specified otherwise in any of the below sections, the legal basis for processing your personal data results from the fact that such processing is necessary for the performance of a contract to which you are a party or to take the necessary steps at your request to enter into a contract with you, section 11(1) (b) of the Protection of Personal Information Act 4 of 2013 (“POPIA”) (and, to the extent applicable, Art. 6(1)(b) General Data Protection Regulation (“GDPR”).

Why we process your information

We may process your personal data for the following purposes:

- **To deliver, operate and maintain the Climate Services and provide related support to you**, such as to make available the functionalities of the Climate Services and enabling you to use them.
- **To manage and respond to your inquiries concerning Climate Services**
- **To make agronomic recommendations to you or alert you to potential risks to your crops**, such as trends associated with weather patterns, pests or planting locations, and providing product tips and other agronomic recommendations.
- **For our general administrative purposes**. For example, we may need your information to tell you about important changes to the Climate Services, create and administer your registered account, provide customer service to you, or perform internal financial activities like auditing or billing.

- **Where necessary for compliance with our statutory legal obligations**, based on section 11(1)(c) of POPIA (and, to the extent applicable, Art. 6(1)(c) GDPR).
- **For advertising and marketing purposes.** This could include sending you information and communicating with you about Climate and its affiliates from the Bayer Group and their products, services, promotions, surveys and events, enhancing and personalizing the content we provide to you when using Climate Services, and enhancing and personalizing our communications with you about our products and services, including advertising and marketing communications. We may also need your information to administer promotions or programs we offer. However, unrequested sending or providing of advertising and marketing material via e-mail or other electronic communication is subject to your prior consent, section 11 (1)(a) of POPIA (and, to the extent applicable, Art. 6(1)(a) GDPR). Moreover, we will NOT use your personal data to price seed products to you or others, other than to offer you product discounts or make you aware of other offers or programs for which you may qualify, and we will not share your personal data with any non-affiliated third-party vendor or website owner for their own marketing purposes, without your consent.

To pursue the legitimate interests described in the following, where the interest is not overridden by your rights and interests, we process your data, based on section 11(1)(f) of POPIA (and, to the extent applicable, Art. 6(1)(f) GDPR):

- **for research and development purposes**, such as to improve Climate and Bayer's agronomic or scientific knowledge, develop and improve our products and services, assess and compare product performance, or analyze customer behaviors and market trends.
- **for our internal efforts to operate and improve Climate's and Bayer's businesses**, such as making product advancement, production deployment and distribution decisions, improving the quality of our products and services, forecasting, and identifying ways we can operate more efficiently or expand our business.
- **for engaging with you through social-media.** Climate and Bayer use social-media accounts (including Facebook, Twitter, YouTube, Pinterest, and Instagram) to build online awareness about our companies and our products; collect aggregated information about interactions with our content; analyze trends; identify and profile brand advocates and key influencers; and conduct social-media listening of conversations about our company and our products. When you engage with us through our social-media channels, the platform providers will also process information about you. For further information, please consult the privacy policy of the platform provider.
- **to create anonymous information** (i.e. information that does not relate to an identifiable individual), to be used in cases where other purposes can be fulfilled by processing anonymous information instead of personal data.
- **for security purposes**, as necessary to help protect against injury to rights or property of us, Bayer or our users and identify, or investigate fraud or other criminal activity.
- **to pursue or defend against legal claims.**
- **to prepare for and carry out any acquisition, merger or any other type of corporate transaction** involving a change of ownership or control concerning us or Climate Services.

What information we process about you

Information you provide. We collect and process information about you that you voluntarily provide to us through communications with us or through the Climate Services (including when you create an account; register or subscribe for a service; upload information using the Climate Services; subscribe to a mailing list; join a rewards program; enter a contest, sweepstakes, or other promotion; request a rebate; order a product; comment on a blog post or contact us for any reason) or through third party sources (such as FieldView Platform Partners) that you actively allow to share your data with us. Such information may include:

- Identification information (such as your name, address, telephone number, email address or national identification or other government-issued identification numbers);
- Account information (such as your username and password);

- Information about your farming operations and field location (such as the size of your farming area, crops planted or yield data);
- Information about your farm (such as soil type, satellite imagery or topography);
- Information about your farming equipment and inputs (such as your equipment type, and diagnostics or type of seed or fertilizer used); and
- Credit and financial information for order processing and payment (such as your bank account details or credit card information).

You are not obligated by law or contract to provide your personal data. However, where we indicate that the provision of information is required, we will not be able to provide the requested service if you decide not to share this information with us.

Information gathered automatically. When you use the Climate Services, we automatically collect information which may include:

- Your IP address
- Your device identifier
- Your internet-service provider's name
- Browser type and language
- Operating system
- Session identification number
- Search terms, search results
- Online browsing data or "clickstream data" (e.g., date and time of access to the Climate Services, referring website address, pages viewed, features used, links clicked, and other actions you take in connection with the website)

We may collect this information directly from your browser interacting with our Climate Services. We may also collect it through cookies and similar technologies (see below "Setting of cookies").

Location-based information. When you use the Climate Services, we may also collect and process the geographical location of the device(s) associated with your account, through your device(s) GPS, Wi-Fi or Bluetooth, to provide you with personalized location-based services and content. You may prevent sharing your location by disabling location-based services or turning off your GPS, Wi-Fi, or Bluetooth. However, if you do so, you may not be able to use certain features of the Climate Services.

Information you provide to or was gathered automatically by our affiliates from the Bayer Group. Our affiliates from the Bayer Group may share with us, to the extent permitted by law, information about you that you provide to them or that they gathered automatically from your browser, through cookies and similar technologies. Such information may include the same categories of personal data already mentioned above.

Setting of cookies

What are cookies? We use with our Climate Services so-called "cookies" and similar technologies, which typically work by placing a small file (like a text file or graphic) on your computer or mobile device. The file stores certain information (e.g. your preferred language or site settings) which may be (depending on the lifespan of the cookie) retransmitted to us upon your next use of the Climate Services. In this Privacy Statement, we use the term "cookies" in general to refer to these technologies. We may to some extent also permit third-party social media sites and advertising partners to use their cookies to facilitate login and/or collect information about your browsing activities over time and across different websites when you use the Climate Services.

What cookies are used? We differentiate between two main-categories of cookies: (1) strictly necessary cookies, without which the functionality of our Climate Services would be reduced, and (2) optional cookies (such as analytic cookies, targeting cookies and functional cookies) used for e.g. website analysis, website personalization and marketing purposes. For a full overview and detailed description of all optional cookies that we or permitted third parties may use, please view our [Cookie List](#).

Subject to your consent. We only use - or permit third parties to use - optional cookies if we have obtained your prior consent, section 11(1)(a) of POPIA (and, to the extent applicable, Art. 6(1)(a) GDPR). Upon your first access to Climate Services, a banner will appear, asking you to give us your consent to the setting of optional cookies. If your consent is given, we will place a cookie on your computer or mobile device and the banner will not appear again as long as the cookie is active. After expiration of the cookie's lifespan, or if you actively delete the cookie, the banner will reappear upon your next access and again ask for your consent.

How to prevent the setting of cookies. Of course, you may use our websites without any cookies being set. In your browser, you can at any time configure or completely deactivate the use of cookies. This may, however, lead to a restriction of the functions or have adverse effects on the user-friendliness of our websites. You may at any time object to the setting of optional cookies by using the respective objection option [here](#)

How we share your information

We may share your personal data:

- **With our affiliates from the Bayer Group**, where necessary for the purposes described above.
- **With contractors who act as our data processors.** We will to some extent use specialized service contractors that process your personal data on our behalf (e.g. for IT support, sending communications for us or executing marketing programs and promotions). Such service contractors are carefully selected and regularly monitored by us. They will only process personal data in accordance with our instructions and on the basis of an appropriate data processing agreement.
- **With other third parties, where you consent (section 11(1)(a) of POPIA and, to the extent applicable, Art. 6(1)(a) GDPR).** For example, you may agree to a Climate request to share your name and picture or other information about you on social-media or you may authorize through your settings within the Climate Services other FieldView users to access your account or you agree to share your data between Climate and our FieldView Platform Partners that offer integrated services with Climate Services. We are not responsible on how such third party uses your personal data after it was shared. If you have any questions about the processing of your personal data by such third party, please contact them directly.
- **With law enforcement agencies or other authorities and governmental organizations**, if legally required or necessary for other purposes described above.
- **With external lawyers, where necessary to pursue or defend against legal claims**
- **With a prospective buyer** in case of an acquisition, merger or any other type of corporate transaction involving a change of ownership or control concerning us or Climate Services.

We will *not* share information about you with any non-affiliated third-party vendor or website owner for their own marketing purposes without your consent.

Processing of personal data outside South Africa

Your personal data will be processed in countries outside South Africa. We will ensure that a sufficient level of protection is provided for your personal data which will effectively uphold the principles of POPIA in the processing of that data by us or third parties to whom we may transfer the data in terms of this privacy statement, or we will ask for your explicit consent to such processing.

Processing of personal data outside the EU / the EEA

Your personal data will in part also be processed in countries outside the European Union (“EU”) or the European Economic Area (“EEA”) for which the European Commission has not issued a decision that the country would ensure an adequate level of data protection. In such cases, we will ensure that a sufficient level of protection is provided for your personal data, e.g. by making use of the Standard Contractual Clauses adopted by the European Commission (copy available on request), or we will ask for your explicit consent to such processing.)

How long we keep your personal data

In general, we keep your personal data for as long as we need it to carry out the purposes described above. If you have an account for Climate Services, your personal data will regularly be stored no longer than for 3 years after you closed your account, unless a longer period may be required by applicable laws. An exception applies for your agronomic and geographical location data that is needed for the research and development purposes described above and cannot fulfill these purposes in anonymous form. Such agronomic and geographical location data will be stored for 10 years after you closed your account.

Your rights and how you can contact us

The following rights are in general available to you according to applicable data privacy laws:

- Right of information about your personal data stored by us;
- Right to request the correction, deletion or restricted processing of your personal data;
- (and, to the extent the GDPR is applicable: Right to object to a processing for reasons of our own legitimate interest or public interest, unless we are able to prove that compelling, warranted reasons superseding your interests, rights and freedom exist, or that such processing is done for purposes of the assertion, exercise or defense of legal claims);
- Right to data portability;
- Right to file a complaint with a data protection authority;
- Where you have provided your consent, you may at any time withdraw your consent with future effect. Such a withdrawal will not affect the lawfulness of the processing prior to the consent withdrawal. If you wish to withdraw your consent, you can do so via your settings within the Climate Services, or by sending a notice to the contact details below.

For any questions you may have with respect to data privacy, or if you wish to exercise your rights, please contact:

The Climate Corporation
Director of Data Privacy
4 CityPlace Drive, suite 100
Saint Louis, MO 63141

[Email](#)

You may also reach out to our representative in the European Union (Art. 27 GDPR):

Bayer AG
Group Data Protection Officer
51368 Leverkusen, Germany
Email: data.privacy@bayer.com

How we protect your information

We have implemented technical, administrative, and physical security measures designed to protect your personal data from unauthorized access, disclosure, use, and modification. Although we strive to keep your personal data secure, no security measures are absolute. Use caution when transmitting personal data over the Internet.

Changes to this Privacy Statement

From time to time, we may update this Privacy Statement. When we do, we will post it on the Climate Services and include the effective date of the update. Any amendments become effective upon publication on the Climate Services. If there are material changes to our Privacy Statement, we will post a prominent notice on the Climate Services.

Last updated: June 10, 2021.