

SMART M-AIR SERVICE MOBILE APP PRIVACY POLICY (EEA/UK Version)

1. INTRODUCTION

Mitsubishi Heavy Industries Thermal Systems, Ltd. (hereinafter “MTH” “we”, “us” or “our”) recognises that all personal data managed and used in its business must be handled and protected with the utmost care. This Privacy Policy sets out how MTH will use personal data obtained in relation to the Smart M-Air Service mobile app (“App”).

You can control Smart M-Air Service compatible MTH air-conditioning units remotely using the App. To do this, MTH needs to collect and process certain personal data about you. This Privacy Policy explains how and why your personal data (including your login details, preferences, settings, usage data as well as technical information about your device and air conditioner) will be used.

We take your privacy and the protection of your personal data very seriously and have prepared this Privacy Policy in order to be as transparent as possible about how your personal data will be used. This Privacy Notice is aimed at users who are in the European Economic Area (“EEA”) and in the United Kingdom (“UK”). It is intended to meet the information notice requirements in (for the EEA) the EU General Data Protection Regulation 2016/679 (“GDPR”) and (for the UK) the UK Data Protection Act 2018 and UK GDPR (together “Data Protection Laws”).

This Privacy Policy should be read in conjunction with the Smart M-Air Service Terms of Use, which govern your use of the App and the Smart M-Air Service, and the terms of (for iOS users) the Apple Appstore or (for Android users) the Google Play Store.

2. ABOUT MITSUBISHI HEAVY INDUSTRIES THERMAL SYSTEMS, LTD.

MTH is part of the Mitsubishi Heavy Industries group of companies. We specialise in providing hi-tech heating and cooling systems, including the Smart M-Air Service. You can find further information about MTH on our website: <https://www.mhi-mth.co.jp/en/>.

MTH will be a "controller" of your personal data (which includes any information relating to you as an identified or identifiable individual). As a controller, we are responsible for deciding how and why your information is used in connection with the Smart M-Air Service. Although MTH is based in Japan, we have representatives in the EEA and in the UK which can assist you with data protection enquiries. Our contact details and those of our representatives are set out in Section 14 below.

Our approach to your personal data is that we will:

- not acquire any personal data through false or other improper means;
- only use personal data to the extent necessary and for specified purposes which have been notified to you;
- endeavour to keep personal data accurate and up-to-date;
- implement necessary and appropriate measures to maintain the security of personal data;
- ensure employees and contractors who handle personal data are subject to necessary and appropriate guidance and supervision; and
- regularly review and update all rules and procedures regarding the handling of personal data, including this Privacy Policy.

3. WHAT INFORMATION WE COLLECT

When you use the Smart M-Air Service, we will collect, store and process the following different kinds of personal data about you:

- **Login and Contact Information:** your email address and password which you use to log on.

- **Mobile Device Information:** we collect a device's unique ANDROID_ID (for Android devices) and identifierForVendor (for iOS devices). These are strings of alphanumeric characters that identify a mobile device. The App also uses geo-location data, though this will remain on your mobile device and will not be sent to us.
- **Preferences:** including personalised air-conditioner names/descriptions, favourites and scheduled settings.
- **Air-Conditioner Information:** including the type of air-conditioner you use, its settings, operation history, power consumption, faults, ambient temperature and humidity, and other usage information, together with your unit's MAC address which is used to distinguish it from other units.
- **Smart M-Air Service Information:** including App usage and access details, together with push notifications sent to your device, for example if an air conditioner is still running when you leave the house.

Details of the purposes for which we use each type of data can be found in Section 5 below.

We also combine your personal data with other individuals' data and anonymise it in order to create aggregated data that will not reveal your identity directly or indirectly. Aggregated data provides us with useful information about how the Smart M-Air Service is used and helps us to maintain and improve it.

We do not collect any special categories of personal data about you (such as details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

4. HOW IS YOUR PERSONAL DATA COLLECTED?

We will collect and process the following data about you:

- **Information you give us.** This includes information you provide when you register for the Smart M-Air Service (being your email address and password). We will also be provided with details of any personalised air-conditioning unit designations, favourite settings and, if you correspond with us (for example, by email), then we will process that data.
- **Information we collect about your device and your air-conditioning unit.** We automatically collect some information about your mobile device (including your device identifier) and your air-conditioning unit (for example, its MAC address, which helps us differentiate it from other devices). Although the App uses location data, this information is only stored on your device and we do not receive it and cannot access it (although details of push notifications sent to your device if you leave the air conditioner on will be processed by us as these are sent to your device via our AWS servers).
- **Information generated by your use of the Smart M-Air Service.** We collect and process information about how you use the App and the Smart M-Air Service (including your air-conditioning unit's operating history, usage and energy consumption and any faults).

5. PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We will only use your personal data for specific purposes when the law allows us to do so. Most commonly we will use your personal data in the following circumstances:

- Where you have consented to the processing.
- Where we need to perform a contract that we are about to enter, or have entered, into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Pursuant to a legal obligation.

Details of our lawful basis and purpose for processing each type of data we collect and use can be found in the table below:

Purpose/activity	Type of data	Legal basis for processing
To install the App and register you as a user	Login and Contact Information	Your consent
To enable you to personalise aspects of the Smart M-Air Service	Preferences	Your consent
To provide and deliver the Smart M-Air Service	Login and Contact Information Mobile Device Information Preferences Air-Conditioner Information Smart M-Air Service Information	In relation to technical data: performance of a contract with you In relation to preferences and personalised settings: your consent
To manage our relationship with you, including issuing notices regarding our products and services, and responding to enquiries	Login and Contact Information	Necessary for our legitimate interests (to keep records updated and to analyse how customers use the Smart M-Air Service) To comply with a legal obligation (for example, to contact you regarding any breaches affecting your personal data)
To administer and protect our business (including the App and the Smart M-Air Service) including troubleshooting, data analysis and system testing	Login and Contact Information Mobile Device Information Air-Conditioner Information Smart M-Air Service Information	Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security)
For aggregation and anonymisation in order to monitor and improve our services	Mobile Device Information Air-Conditioner Information Smart M-Air Service Information	Necessary for our legitimate interests (for running our business and improving and developing our products and services)

6. CONSENT

Data Protection Laws provide that, in some cases, we will need your consent in order to use your personal data. Consent means that you have signified your agreement by a statement or clear opt-in to processing for a specific purpose. Consent will only be valid if it is a freely given, specific, informed and unambiguous indication of what you want. You can withdraw your consent at any time by contacting us.

You will be asked to provide your consent to the installation of the App and its data onto your device, and the Login and Contact Information you provide when registering will be processed on the basis of your consent. Certain other personal data you voluntarily provide to us, including names you assign to air-conditioning units in your home and your favourite settings, will also be processed on the basis of your consent.

If information is processed on the basis of your consent, you can choose to refuse to provide consent or (once it has been provided) withdraw your consent at any time (which you can do by deleting the App from your device). However, if you do this then we will be unable to provide you with the Smart M-Air Service.

7. COMMUNICATIONS

We may contact you occasionally with emails relating to the Smart M-Air Service, for example to notify you of service interruptions or updates to this Privacy Policy or our Terms of Use. However, we will not use your contact details for marketing without your prior consent and we will not share them with any third parties.

8. DATA SHARING

MTH will not provide the personal data of any person to any third party without the relevant individual's consent, except in the following situations:

- If we are required to do so pursuant to a court order, request from a regulator or due to a legal obligation.
- Where we share data with a trusted third party with whom we have a confidentiality agreement. This includes service providers and professional advisers.
- Disclosure to third parties (including our group companies) to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them.

We will also share your personal data with Tokai Communications, a third-party communications services provider in Japan which processes your personal data on our behalf when providing us with services necessary to operate the Smart M-Air Service. However, this provider will only use your personal data in accordance with our strict instructions pursuant to a written contract which meets the requirements of Data Protection Laws.

9. INTERNATIONAL TRANSFERS

MTH and Tokai Communications (see Section 8 above) are both located in Japan. As a result, your data will be transferred outside of the UK and the EEA when using the Smart M-Air Service. However, Japan has its own laws to protect personal data, which are recognised under Data Protection Laws as providing adequate protection for personal data. For further information on this, you can consult the Factsheet on the EU-Japan Data Protection Adequacy Decision which is available on the Europa [website](#).

The Amazon Web Services (**AWS**) servers which we store your personal data on are located in AWS data centres in Ireland, with back-up AWS servers being located in Japan.

As set out in Section 8, we will not normally share your personal data with third parties. In the limited circumstances that we do so, we will take extra care, especially if the transfer involves sending your personal data outside of the EEA or of the UK (or if we need to transfer personal data from the EEA to the UK). In these situations, we will ensure a similar degree of protection is afforded to your personal data by making sure at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by (as applicable) the European Commission or the UK Government.
- Where we use certain service providers, we may use specific contracts approved by (as applicable) the European Commission or the UK Government that give personal data the same protection it has in the EEA/UK.
- There is an applicable derogation under Data Protection Laws which allows us to lawfully transfer your personal data.

Please contact us if you would like further information on the specific mechanism used by us when transferring your personal data out of the EEA or the UK.

10. DATA SECURITY

Once MTH has received your personal data and other information, we will take appropriate measures to ensure its security and to prevent it from being lost, destroyed or corrupted, disclosed, accessed or used without authorisation, or compromised in any other way.

All personal data and other information you provide to us is stored on our secure servers and only those individuals who need to access it will be able to do so. As explained above, we use AWS servers in Ireland (with back up AWS servers in Japan) for hosting the Smart M-Air Service, which ensures industry-leading security measures are implemented. Access to information is restricted to those persons who need it. Your password will be stored in a securely encrypted format, though you must also ensure that you keep it confidential and select a unique password (that you do not use for other apps or websites) that cannot be easily guessed.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator when we are legally required, or otherwise consider it appropriate, to do so.

11. DATA RETENTION

Your personal data will usually only be stored for as long as you continue to use the App and until you reset your account (which is done by initializing it using the 'Application Initialization' option) or switch to 'Home Use Only' . Once you do this we will arrange for the information being stored on our servers to also be deleted using appropriate methods. The information we will delete includes Login and Contact Information, Mobile Device Information and Air-Conditioner Information. We delete this information because it is processed either on the basis of your consent (which we will deem to have been withdrawn) or because it is necessary for us to perform a contract to provide the Smart M-Air Service. Please note, if you uninstall the App without Initializing it or switching to Home Use Only, your information will remain on our servers until you ask us to delete it or your account has been inactive for a period of two years.

Further details of retention periods for different aspects of your personal data are available in our retention policy, which you can request by contacting us.

In some circumstances you can ask us to delete your personal data: please see Section 12 below for further information.

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

In the event that you do not use the Smart M-Air Service to connect to any of your air conditioners for two years, we will treat your account as having expired due to inactivity and your personal data may be deleted.

12. YOUR LEGAL RIGHTS

Data Protection Laws provide you with certain legal rights in relation to your personal data. These are as follows:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data that we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data that we hold about you corrected.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us to continue to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always

be able to comply with your request of erasure for specific legal reasons and these will be notified to you, if applicable, at the time of your request.

- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation that makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have a legal right to object to processing for direct marketing. In some cases, we may demonstrate that we have compelling legitimate grounds to continue to process your information that override your rights and freedoms.
- **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
 - (a) if you want us to establish the data's accuracy;
 - (b) where our use of the data is unlawful but you do not want us to erase it;
 - (c) where you need us to hold the data, even if we no longer require it, as you need it to establish, exercise or defend legal claims; or
 - (d) you have objected to our use of your personal data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party. We will provide to you, or to a third party you have chosen, your personal data in a structured, commonly-used, machine-readable format. Note that this right only applies to automated information that you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we will not be able to provide the Smart M-Air Service to you. We will advise you if this is the case at the time you withdraw your consent.

You can exercise any of these rights at any time by contacting us using the details in Section 14 below.

13. COMPLAINTS

If you have any concerns or complaints regarding the use of your personal data, please contact us using the details set out in Section 14 below. You also have the right to make a complaint at any time to a supervisory authority (in the UK this is the Information Commissioner's Office (**ICO**)). Individuals in EEA Member States should contact the competent supervisory authority in their jurisdiction, details of which can be found here: https://edpb.europa.eu/about-edpb/board/members_en.

14. CONTACT DETAILS

Our full details are:

- Controller Name: Mitsubishi Heavy Industries Thermal Systems, Ltd.
- Contact Details: 3-1, Asahi, Nishi-biwajima-cho, kiyosu, Aichi, 452-8561, Japan
- Email Address: smart_m_air_privacy_policy@mhi.com

You can also contact our UK or EEA representatives whose details are as follows:

(a) UK representative

- Controller Name: Mitsubishi Heavy Industries Air-Conditioning Europe, Ltd.

- Contact Details: 5 The Square, Stockley Park, Uxbridge, Middlesex, United Kingdom, UB11 1ET
- Email Address: GDPR-Enquiries-MHIAE@mhi.com
- Phone: +44 (0) 333 207 4072

(b) EEA representative

- Controller Name: MHIAE Services B.V.
- Contact Details: Herikerbergweg 238 Luna ArenA, Amsterdam, 1101CM, the Netherlands
- Email Address: GDPR-Enquiries@mhiaeservices.com
- Phone: +31 20 40 64 535

15. CHANGES TO THE PRIVACY POLICY AND YOUR DUTY TO INFORM US OF CHANGES

We keep this Privacy Policy under regular review, and it was last updated on 31 July 2021. We may revise this Privacy Policy from time to time and, if we do, then we will issue an updated version of the App which includes the new Privacy Policy.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during our relationship with you.

16. OTHERS

The Smart M-Air Service may obtain or use each user's location information for some functions for the purpose of informing a user that the air conditioner is running when the user's smartphone is a certain distance away from the air conditioner.