



## **SAFE HARBOR PRIVACY POLICY**

### **I. Purpose**

The European Commission's Directive on Data Protection (October 1998) prohibits the transfer of "Personal Data" to non-European Union nations that do not meet the European "adequacy" standard for privacy protection. In order to bridge these different privacy approaches and provide a streamlined means for US organizations to comply with the Directive, the US Department of Commerce, in consultation with the European Commission, developed a "Safe Harbor" framework. The Safe Harbor—approved by the EU in July 2000—is a way for US companies to avoid experiencing difficulties with their dealings with the EU or potentially facing prosecution by EU authorities under European privacy laws.

### **II. Scope**

The scope of this Safe Harbor Privacy Policy applies to any "Personal Data" received by Mohawk in the US that was obtained in the EU, in any format including verbal, written, electronic or printed paper; or transferred from one format to another and stored by the Company or a Company Agent.

### **III. Safe Harbor Privacy Statement**

Mohawk values individual privacy and respects the privacy of its employees, customers, clients, vendors, partners and others. Mohawk endeavors to gather, use and disclose "Personal Data" in a manner consistent with the laws of the countries in which it does business and upholds the strictest ethical standards in its business practices. This Safe Harbor Privacy Policy sets forth the privacy principles that Mohawk follows with respect to private and "Personal Data" transferred from the European Union to the United States.

### **IV. Compliance with Safe Harbor**

The US Department of Commerce and the European Commission have agreed on a set of data protection principles and frequently asked questions (the "Safe Harbor Principles") to enable US companies to satisfy the "adequacy standard" requirement under EU law that protection be given to "Personal Data" transferred from the EU to the US. Mohawk commits to adhere to the privacy principles of the Safe Harbor Program administered by the U.S. Department of Commerce. Information on the Safe Harbor Program can be found at the program's website <http://export.gov/safeharbor>. Consistent with its commitment to protect personal privacy, Mohawk adheres to the following Safe Harbor Principles:

#### **A. Definitions**

For purposes of this Safe Harbor Privacy Policy, the following definitions shall apply:

**“Company”** means Mohawk, its predecessors, successors, subsidiaries, divisions, and groups. This includes the list of entities on Appendix B.

**“Agent” or “Vendor”** means any third party that collects or processes or otherwise uses “Personal Data” or “Sensitive Personal Data” solely on behalf or under the instruction of Mohawk.

**“Personal Data”** means any information or set of information that identifies or can reasonably be used to identify an individual. “Personal Data” does not include data that is encoded, encrypted or made anonymous in part or in whole, or publicly available information that has not been combined with non-public “Personal Data.”

**“Sensitive Personal Data”** means “Personal Data” that reveals race, ethnic origin, political opinions, religious or philosophical beliefs or trade union membership or that concerns an individual’s physical or mental health, marital status, family status or sexual orientation. Information is treated as “Sensitive Personal Data” when it is received from a user or third party that treats and identifies it as sensitive.

## **B. The Information Collected and How it is Used**

The following privacy principles apply to the collection, use, and disclosure of “Personal Data” by Mohawk activities:

### **Aggregate and Statistical Data**

Mohawk collects certain aggregate data from employees for the purpose of complying with US federal and state government reporting requirements. Similarly, information voluntarily given by employees of the Company’s European operations may be used collectively to provide statistical data as required by federal or regional governmental agencies.

Mohawk also collects certain aggregate data for general statistical information each time a Company web site is visited. This information is collected through the server web logs and may consist of dates and times of visits to our web site(s); the IP addresses of visitors to our web site(s); the operating system and browser version of the computers of visitors to our web site(s).

This data is not used individually to identify users of our web site(s). This data is used to analyze system performance, usage, peak usage and usage trends.

## **Cookies**

Mohawk's web sites employ the use of "cookies." Cookies are small data files (text) that are transferred from a standard web server to a user's browser. Cookies contain information that can be read by the Web server for record-keeping purposes. Use of cookies is a standard practice on the Internet and can improve the service a web site provides. The information stored in cookies is not used to personally identify an individual and does not contain "Personal" or "Sensitive Personal" data. Cookies may be rejected if a user's browser is set to reject or deny cookies; if a user has a third-party program installed that interferes or prevents cookies (i.e., certain firewalls, anti-virus or anti-spyware programs) or notifies the user whenever a cookie is sent to the user's computer. Cookies sent by Mohawk that are rejected may limit access to Mohawk's web sites or the web site may no longer function as intended or be accessible to the user.

## **"Personal Data" Submitted to Mohawk**

All personally identifiable information received by Mohawk is voluntarily submitted by employees or by others on the employees' behalf with their explicit or implicit consent. Those providing the information may include affiliates of Mohawk, individuals providing references; third parties responding to authorized background checks; workplace monitoring mechanisms; third parties sending email, mail or other deliveries to employees; other employees completing performance appraisals, and colleagues providing comments with respect to an employee's performance; where appropriate, from medical professionals; individuals conducting investigations in support of allegations of unlawful or inappropriate activity; and otherwise as required or permitted by law.

This information is only used for the specific purposes of internal record keeping or for the purposes of sharing the data with vendor partners from whom the employee has voluntarily agreed to receive products or services. All "Personal Data" that is voluntarily collected by Mohawk is to provide services or is used to improve the service that Mohawk and/or its vendor/partners provide. The purposes for which we may use employee personal data it are specified in greater detail below in Appendix A.

## **V. Mohawk Safe Harbor Privacy Principles**

The privacy principles in this policy are based on the Safe Harbor Principles:

### **A. Notice**

Where Mohawk collects "Personal Data" directly from individuals in the EU, it will inform them about the type of "Personal Data" collected, the purposes for which it collects and uses the "Personal Data," and the types of third parties to which Mohawk discloses or may disclose that information, and the choices and means, if any, Mohawk offers individuals for limiting the use and disclosure of their "Personal Data." Notice will be provided in clear and conspicuous language

when individuals are first asked to provide “Personal Data” to Mohawk, or as soon as practicable thereafter, and in any event before Mohawk uses or discloses the information for a purpose other than that for which it was originally collected. Where Mohawk receives “Personal Data” from the company’s subsidiaries, affiliates or other entities in the EU, the Company will use and disclose such information in accordance with the notices provided by such entities and the choices made by the individuals to whom such “Personal Data” relates.

**B. Choice**

Mohawk will offer individuals the opportunity to choose (“opt out”) whether their “Personal Data” is (a) to be disclosed to a non-agent third party, or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.

For “Sensitive Personal Data,” Mohawk will give individuals the opportunity to affirmatively and explicitly consent (“opt in”) to the disclosure of the information to a non-agent third party or the use of the information for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.

Mohawk will provide individuals with reasonable mechanisms to exercise their choices.

**C. Integrity of Data**

Mohawk will use “Personal Data” only in ways that are compatible with the purposes for which it was collected or subsequently authorized by the individual. Mohawk will take reasonable steps to ensure that Personal Data is relevant to its intended use, accurate, complete, and current.

**D. Transfers to Vendor Partners**

On occasion, Mohawk will provide information stored on our servers to vendor partners, for the purpose of integrating with that vendor’s product or service offerings, e.g., to providers of insurance products that Mohawk employees have voluntarily requested and agreed to purchase via payroll deduction. This integration is performed at the request of our vendor partner to further their business needs and to provide services or to improve those services. Data that is shared may include name, e-mail address, employee ID, address, Social Security Number, date of birth and other information; but Mohawk only transmits to these vendors data that is essential to the fulfillment of the product or service that the employee has voluntarily agreed to purchase. Contractual agreements are made between Mohawk and the vendor to whom the data is being transferred. Mohawk’s vendor partners are assumed to hold similar privacy standards as Mohawk. When Mohawk becomes aware that a vendor is using or disclosing “Personal Data” or “Sensitive Personal Data” in a manner that is improper or that is contrary to this Safe Harbor Policy, Mohawk will take all reasonable measures to stop or prevent the use or disclosure of such data.

**E. Access and Correction**

Information that is stored about the users of Mohawk's web site(s) is accessible and editable directly from within our web site(s). Mohawk permits users to edit, correct, or delete any information that they feel is inaccurate or incomplete. Should an individual not be able to access or correct this information, he or she should contact the Safe Harbor Officer listed at the bottom of this policy to obtain information about how to access and edit "Personal Data" or "Sensitive Personal Data" within the site. In the event that the individual still cannot access or correct their Personal Data, they may contact Mohawk through one of the communication methods described below.

**F. Security of Information**

Mohawk is committed to protecting the privacy of all of its employees and to ensuring the security and safety of employee information. Mohawk will take all reasonable precautions to protect all "Personal" and "Sensitive Personal" data in its possession from unauthorized access, loss, or misuse. This includes, but is not limited to, the use of 128-bit encryption technology, regularly scheduled backups of data, secured storage of all Sensitive Personal information and access limitations and restrictions to the servers and computers that contain such data.

**F. Enforcement of Policy**

Mohawk will conduct periodic audits of its relevant privacy practices to verify its compliance and adherence to this Safe Harbor Policy. Any employee or agent that Mohawk determines is in violation of this policy will be subject to corrective action including, but not limited to, fines, sanctions, criminal prosecution, revocation of contract and/or termination of employment.

**G. Resolution of Disputes**

Any questions or concerns regarding the use or disclosure of Personal Data should be directed to Mohawk's Safe Harbor Officer at the address given below. Mohawk will investigate and attempt to resolve complaints and disputes regarding use and disclosure of Personal Data in accordance with the principles contained in this policy. For complaints that cannot be resolved between Mohawk and the complainant, Mohawk has agreed to participate in the dispute resolution procedures of the panel established by the European Data Protection Authorities to resolve disputes pursuant to the Safe Harbor Principles.

**H. Limitations on Application**

Mohawk's adherence to these Safe Harbor Principles may be limited (a) to the extent required to respond to a legal or ethical obligation; and (b) to the extent expressly permitted by an applicable law, rule, or regulation. Web sites created by Mohawk may contain links to other Web sites. Please be aware that Mohawk is not responsible for the privacy practices of these web sites. Mohawk does not endorse them or make any representations about them or any information, services, products, or materials found on them. Users are strongly encouraged to read the privacy policies of any third-party sites accessed through links.

## **VI. Contact Information**

Questions, comments or concerns regarding the Safe Harbor Policy may be directed to Barbara Goetz, Esq., via e-mail at [barbara\\_goetz@mohawkind.com](mailto:barbara_goetz@mohawkind.com) or to the following Safe Harbor Officer by mail:

**Barbara Goetz, Esq.**  
**Corporate Secretary**  
**Mohawk Industries, Inc.**  
**Post Office Box 12069**  
**160 South Industrial Boulevard**  
**Calhoun, GA 30701**  
**USA**

## **VII. Changes to this Safe Harbor Agreement**

The practices described in this Safe Harbor Policy are current as of 4 October 2006. Mohawk reserves the right to modify or amend this policy at any time consistent with the requirements of the Safe Harbor Principles. Appropriate public notice will be given concerning such amendments. This policy may be changed periodically in accordance with the requirements of the Safe Harbor Principles. Changes to the Safe Harbor policy will be posted on Mohawk's corporate web site—[www.mohawkind.com](http://www.mohawkind.com)—or concerned parties may request notification of updates via e-mail.

## **VIII. Effective Date**

This policy takes effect on 4 October 2006.

## Appendix A: Uses of Employee Information

We collect, use and disclose identifiable employee personal information with expressed or implied consent of the employee, as described in this Statement, and as required or permitted by law. We may in the future and may have already collected, used and disclosed identifiable employee personal information for the purposes of:

- evaluating and selecting prospective employees, or for determining an employee's suitability for advancement, or transfer or promotion to another position, and for obtaining and providing references;
- identifying employees generally and for security purposes;
- paying employees all forms of remuneration and making changes to compensation, administering tax and other withholdings and deductions from wages;
- assessing and monitoring employees' attendance, performance and training requirements, and leave requests, and responding to employee absences, illness or injury;
- recognising employees' special occasions and offering condolences where appropriate;
- maintaining records of employee acknowledgements of our policies and codes of conduct;
- administering employee benefits and insurance plans, pension plans, professional indemnity insurance plans and professional memberships, and maintaining records relating to those plans, programs and memberships;
- administering and processing employees' work-related expenses or personal expenses;
- resolving any disputes arising between employees or between an employee and our clients, suppliers or other third parties;
- facilitating inter-office and inter-departmental communication;
- contacting an employee or an emergency contact in the event of a work query or emergency;
- administering charitable campaigns and charitable donations in which the employee chooses to participate;
- maintaining the safety and security of and appropriate use of our premises, workplace computer systems, network, email, and Internet access;
- conducting investigations into suspected unlawful or inappropriate activity;
- conducting any due diligence reviews in connection with any potential merger, sale or purchase of Mohawk or all or part of its business; and
- complying with any federal or provincial statute or other legal requirement.

We may also disclose identifiable personal information to the following parties: to third parties for the purpose of providing references; to financial institutions for the purpose of confirming employee salary and/or employment where the employee requests or consents; to third parties connected with the contemplated or actual financing, insuring, sale, merger, transfer, or assignment of all or part of our business or assets; to regulatory or governmental authorities as requested or required for the purpose of fulfilling their mandates or responsibilities; to third parties connected with workplace safety/workers' compensation insurance plans for the purposes of managing and administering any claims or complaints; to third parties for emergency and

disaster management purposes; to any other third party authorized by the employee; and to any other person as may be permitted or required by law.

We collect, use and disclose sensitive, identifiable personal information with explicit oral or written consent of the employee or as required or permitted by law. We may in the future and may have already collected, used and disclosed employee personal information for the purposes of:

- ensuring health and safety in the work place;
- complying with non-discrimination requirements;
- carrying out services on behalf of the employee, such as handling disability, medical, dental, or life insurance claims on their behalf;
- in connection with actual or prospective legal proceedings; and
- considering reasonable adjustments to the workplace to accommodate workers with disabilities.

## Appendix B: List of Entities

MOHAWK INDUSTRIES, INC.  
ALADDIN MANUFACTURING CORPORATION  
ALADDIN OF TEXAS HOLDING, LLC  
ALADDIN TEXAS, LLC  
HORIZON EUROPE, INC.  
LEES MOHAWK (UK) LIMITED  
MOHAWK BRANDS, INC.  
MOHAWK CANADA CORPORATION  
MOHAWK CARPET CORPORATION  
MOHAWK CARPET DISTRIBUTION, L.P.  
MOHAWK CARPET TRANSPORTATION OF GEORGIA, LLC  
MOHAWK COMMERCIAL, INC.  
MOHAWK ESV, INC.  
MOHAWK FACTORING, INC.  
MOHAWK INTERNATIONAL (CHINA) LTD.  
MOHAWK INTERNATIONAL FSC, INC.  
MOHAWK INTERNATIONAL (INDIA) LTD.  
MOHAWK MILLS, INC.  
MOHAWK RESOURCES, INC.  
MOHAWK SERVICING, INC.  
WAYN-TEX LLC  
WORLD INTERNATIONAL, INC.

DAL-TILE INTERNATIONAL, INC.  
DAL- ELIT, L.P.  
DAL ITALIA LLC  
DAL-TILE CORPORATION  
DAL-TILE GROUP, INC.  
DAL-TILE I, LLC  
DAL-TILE INDUSTRIAS, S. de R.L. de C.V.  
DAL-TILE MEXICO S.A. de C.V.  
DAL-TILE OF CANADA INC.  
DAL-TILE OPERACIONES MEXICO S. de R.L. de C.V.  
DAL-TILE PUERTO RICO, INC.  
DAL- TILE RECUBRIMIENTOS, S. de R.L. de C.V.  
DAL-TILE SERVICES, INC.  
DAL-TILE SSC EAST, INC.  
DAL-TILE SSC WEST, INC.  
DTG TILE, LLC  
DTL TILE, LLC  
DTM / CM HOLDINGS INC.  
RECUBRIMENTOS INTERCERAMIC, S.A. de C.V.

UNILIN FLOORING BVBA  
CEVOTRANS BV  
FLOORING INDUSTRIES LTD.  
MOHAWK GLOBAL INVESTMENTS S.à.r.l.  
MOHAWK INTERNATIONAL (EUROPE) S.à.r.l.  
MOHAWK INTERNATIONAL HOLDINGS (DE) CORPORATION  
MOHAWK INTERNATIONAL HOLDINGS S.à.r.l.  
MOHAWK ROCK HOLDINGS LIMITED  
OPSTALAN BV  
OPSTALAN HOLDING BV  
OPSTALAN TIMMERFABRIEKEN BV  
TIMBER TECHNIQUE FINANCE LTD.  
TIMBER TECHNIQUE SERVICES LTD.  
UNILIN BEHEER BV  
UNILIN DÉCOR BVBA  
UNILIN FLOORING NC LLC  
UNILIN GmbH  
UNILIN HOLDING, INC.  
UNILIN HOLDING BVBA  
UNILIN HOLDING SAS  
UNILIN IMMO BVBA  
UNILIN INDUSTRIES BVBA  
UNILIN/MULTIPRÈ BV  
UNILIN BVBA  
UNILIN SAS  
UNILIN SYSTEMS BV  
UNILIN SYSTEMS BVBA  
UNILIN SYSTEMS SAS  
UNILIN SYSTEMS SUD SAS  
UNILIN UK LTD  
UNILIN US MDF