

Notice to Australian Consumers

If you acquired Hitachi Vantara, Ltd. ("HITACHI VANTARA") software as a consumer within the meaning of the 'Australian Consumer Law' under the Australian *Competition and Consumer Act* 2010 (Cth) then despite any other provision of this Agreement:

- a. the software comes with guarantees that cannot be excluded under the Australian Consumer Law, including that goods will be of acceptable quality and services will be supplied with due care and skill. If HITACHI VANTARA fails to comply with any such consumer guarantee, HITACHI VANTARA's liability is limited to the following:
 - (1) in connection with the provision of warranty and support services for the software, to any one or more of the following (at HITACHI VANTARA's discretion):
 - the supplying of the services again; or
 - the payment of the costs of having the services supplied again; and
 - (2) in connection with the provision of the software, to any one or more of the following (at HITACHI VANTARA's discretion):
 - the replacement of the software or the supply of equivalent software;
 - the repair of the software;
 - the payment of the costs of replacing the software or of acquiring equivalent software; or
 - the payment of the costs of having the software repaired; and
 - (3) otherwise, to the maximum extent permitted by law.
- b. nothing in this Agreement excludes, restricts or modifies any right or remedy, or any guarantee warranty or other term or condition implied or imposed by the Australian Consumer Law which cannot be lawfully excluded or limited; and
- c. the benefits provided to you by the warranties in this Agreement are in addition to other rights and remedies available to you under a law in relation to the goods or services to which the warranty relates.
- d. The software may be capable of retaining user-generated data. HITACHI VANTARA hereby provides you with notice that if HITACHI VANTARA repairs your software, that repair may result in the loss of that data. To the full extent permitted by law, the limitations and exclusions of HITACHI VANTARA's liability in this Agreement apply in respect of any such loss of data.