



INDUS Holding AG  
Bergisch Gladbach  
ISIN DE0006200108

## Data protection information pursuant to Art. 13, 14 and 21 GDPR

### 1. Data processing controller and contact details

Controller within the meaning of the General Data Protection Regulation

INDUS Holding AG  
Kölner Straße 32  
51429 Bergisch Gladbach  
Germany  
[Email: datenschutz@indus.de](mailto:datenschutz@indus.de)

Contact details of our Data Protection Officers:

fox-on Datenschutz GmbH  
Pollerhofstr. 33a  
51789 Lindlar  
Germany  
Tel.: +49(0)2266/90 15 920  
[Email: dsb@fox-on.com](mailto:dsb@fox-on.com)

### 2. Processing of personal data

The shares of INDUS Holding AG (hereinafter also referred to as the “company”) are bearer shares. In this context, we must process the personal data of the shareholder such as

- title,
- name,
- address (postcode, place, street no.),
- email address,
- number of shares held by the shareholder,

for the purposes provided for in the German Stock Corporation Act (AktG), especially to organize the Shareholders’ Meeting and for the keeping of the list of participants.

Should you authorize a third party, we will additionally process the following data of the third party:

- name, address and postcode of the person authorized;
- authorization and, if applicable, instructions.

As far as guests attending the virtual Shareholders’ Meeting are concerned, their name and contact details may be processed.

We also process data relating to the execution of the virtual Shareholders’ Meeting and the use of the corresponding online service, such as

- access card number and shipping information regarding the access card;
- access data for the online service (access card number and access code);
- functions used (e.g. authorization, postal vote, asking questions or objection filed with the notary) and the data associated with them or provided;
- usage data (including login time stamp, server log files with information e.g. on files accessed, web browser, referrer URL, IP address, etc.).

### 3. Purposes and legal basis of the processing

We process personal data in accordance with the provisions of the General Data Protection Regulation (“GDPR”), the German Federal Data Protection Act (“BDSG”), the German Stock Corporation Act (“AktG”), the Act Concerning Measures Under the Law of Companies, Cooperative Societies, Associations, Foundations and Commonhold Property to Combat the Effects of the COVID-19 Pandemic (“COVID-19 Act”) and other applicable relevant legal provisions.

#### Preparation and execution of the virtual Shareholders’ Meeting

The processing of data within the framework of the virtual Shareholders’ Meeting is carried out for the following purposes:

- provision of the online service (including access and use of the functions);
- participation in the live transmission of the virtual Shareholders’ Meeting via the online service;
- compliance with the requirements provided for in the German Stock Corporation Act (e.g. communication with shareholders, execution of a Shareholders’ Meeting, keeping a list of participants in the company’s Shareholders’ Meeting or disclosure of the names of shareholders or proxies in the list of participants following the virtual Shareholders’ Meeting, compilation of statistics, e.g. for the presentation of changes in the shareholder structure);
- authorization of a third party or a proxy of the company and issuing instructions to the proxy;

- exercise of voting rights by the shareholder, an authorized representative, a proxy of the company or by means of a postal vote;
- answering questions submitted via the online service during the virtual Shareholders' Meeting;
- logging of objections;
- amendment or revocation of declarations made;
- documentation of authorizations, questions, etc.

We process your data to comply with a legal obligation, Art. 6 (1) lit. c) GDPR in conjunction with the German Stock Corporation Act in conjunction with the Covid-19 Act:

Where bearer shares are concerned, section 129 of the German Stock Corporation Act (AktG) stipulates, in particular, that personal data of the shareholder or, where applicable, of the authorized representative must be registered in the list of participants. To comply with the provisions of the German Data Protection Act, we must also keep the data that serve to prove the authorization of the company's designated proxies or third parties for the Shareholders' Meeting in a verifiable form. Furthermore, the processing is legally mandatory for the proper preparation and execution of the virtual Shareholders' Meeting via the online service, for the exercise of voting rights, the answering etc. of questions submitted, the filing or recording of objections to resolution items as well as the participation or connection via the online service.

Besides the processing of data on the basis of legal regulations, we also process your data to protect our legitimate interests pursuant to Art. 6 (1) lit. f) GDPR:

This includes the legitimate interest in ensuring the orderly conduct of the Shareholders' Meeting, organizing the virtual Shareholders' Meeting, allowing guests to participate in the Shareholders' Meeting, or compiling statistics.

#### **Use of the online service provider**

On the basis of our Terms of Use, we process your access and usage data for the online service and the data collected via the online service to enable you to access the online service, use the functions provided and participate in the virtual Shareholders' Meeting via the online service, to document the authorizations granted or instructions issued in this regard, the votes cast, your questions or objections, your amendments or revocations of declarations made or to answer any questions you may have in connection with the online service, Art. 6 (1) lit. b) GDPR and/or Art. 6 (1) lit. c) GDPR in conjunction with

the German Stock Corporation Act in conjunction with the Covid-19 Act.

For the purpose of the technical provision of the online service, usage data are automatically transferred to the web server used, which is something we cannot influence. The temporary storage of your IP address is necessary to transmit data to you. Moreover, these data serve to ensure the security of our IT systems (e.g. detection of attacks).

We process your personal data for the technical provision of the online service on the basis of Art. 6 (1) lit. b) GDPR within the framework of the user relationship. We also process the data to protect our legitimate interests pursuant to Art. 6 (1) letter f) GDPR in order to make the online service technically available to you. Our legitimate interest is to provide you with an attractive, technically functional and user-friendly online service, to take protective measures against cyber risks and to prevent the online service from posing cyber risks to third parties.

#### **Retention obligations and law enforcement**

We also process your data in order to comply with other legal obligations to which we are subject in connection with the implementation of the user relationship, for instance. This includes, in particular, retention periods under commercial, trade or tax law. This is done to comply with a legal obligation to which we are subject pursuant to Art. 6 (1) lit. c) GDPR in conjunction with commercial, trade or tax law, insofar as we are obliged to store and retain your data.

Furthermore, we may process your personal data in order to assert our rights, enforce our legal claims or defend ourselves against legal claims. Finally, we process your personal data to the extent that this is necessary to prevent or prosecute criminal offences. This processing is carried out to protect our legitimate interests pursuant to Art. 6 (1) lit. f) GDPR, insofar as we assert legal claims, defend ourselves in legal disputes or prevent or investigate criminal offences.

#### **4. Data categories processed by us where the data are not received from you and their origin**

The credit institutions will regularly pass on to us the data that are relevant for the keeping of the list of participants in the context of the Shareholders' Meeting. The same applies to your data concerning the ordering of access data (registration) for the virtual Shareholders' Meeting.

## 5. Recipients or categories of recipients of your data

We partly use external service providers to handle the Shareholders' Meeting. Your data will be passed on only to the following external parties:

- IT service providers;
- service providers for the Shareholders' Meeting who process the data as our processors;
- service providers for printing and sending the shareholder notifications.

If you attend the virtual Shareholders' Meeting, other shareholders of the company may inspect your personal data in the list of participants (i.e. title, name, place of residence, number of shares held or represented) in accordance with section 129 AktG. If you submit questions to be answered during the virtual Shareholders' Meeting and you expressly agree to this, your name will be disclosed to the other participants in the virtual Shareholders' Meeting when they are answered.

We do not transfer your personal data to countries outside the EU or the EEA ("third countries") or to international organizations.

**We will not pass on your data to any other third parties.**

## 6. Duration of the storage of your data

We process your data as long as is necessary to comply with our legal obligations and the other purposes mentioned.

Moreover, we are subject to various retention and documentation obligations that arise, among other things but not exclusively, from the German Stock Corporation Act (AktG), the German Commercial Code (HGB) and the Fiscal Code (AO).

The regular storage period for data collected in conjunction with virtual shareholders' meetings is up to three (3) years.

Usage data, such as your IP address or data collected for the technical provision of the online service, are stored for the duration of the respective use.

## 7. Your data protection rights

Under certain conditions you can assert your data protection rights against us:

- Right of access: Pursuant to Art. 15 GDPR, you have the right to obtain from us, at any time, confirmation as to whether or not personal data concerning you are being processed, and, where

that is the case, access to these personal data and certain further information and obtain a copy of your personal data.

- Right to rectification: Pursuant to Art. 16 GDPR, you have the right to obtain from us the rectification of incorrect or inaccurate personal data.
- Right to erasure: Subject to the conditions laid down in Art. 17 GDPR, you have the right to obtain from us the erasure of personal data concerning you without undue delay. The right to erasure does not apply to the extent that processing is necessary (i) for exercising the right of freedom of expression and information; (ii) for compliance with a legal obligation to which we are subject (e.g. legal retention obligations) or (iii) for the establishment, exercise or defense of legal claims.
- Right to restriction of processing: Subject to the conditions laid down in Art. 18 GDPR, you have the right to obtain from us restriction of processing of your personal data.
- Right to data portability: Subject to the conditions laid down in Art. 20 GDPR, you have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format.
- Right to object: Subject to the conditions laid down in Art. 21 GDPR, you have the right to object to the processing of your personal data, so that we must stop processing your personal data. The right to object applies only within the limits defined in Art. 21 GDPR. Moreover, our interests may contradict the termination of the processing so that we are entitled to process your personal data in spite of your objection.
- Right to lodge a complaint with a supervisory authority: Subject to the conditions laid down in Art. 77 GDPR and without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of your personal data infringes this GDPR. The right to lodge a complaint may be exercised without prejudice to any other administrative or judicial remedy.

The competent supervisory authority for INDUS Holding AG is:

Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen  
Kavalleriestr. 2 – 4  
40213 Düsseldorf  
[www.ldi.nrw.de/index.php](http://www.ldi.nrw.de/index.php)

Your requests about exercising your rights should be addressed in writing, if possible, to the person responsible under point 1. or directly to our data protection officer.

#### **8. Automated individual decision-making (including profiling)**

We do not use purely automated decision-making as defined in Art. 22 GDPR or profiling. Should we use such a process in individual cases in the future, you will be informed separately.

#### **9. Scope of your obligations to provide data**

As a general rule, you are not obliged to provide us with your personal data. If you fail to do so, however, you will not be able to participate in the virtual Shareholders' Meeting and/or you will not be able to use the online service or will not be able to use all of its functions

#### **Information regarding your right to object pursuant to Art. 21 GDPR**

##### **Individual right to object**

**You have the right to object, on grounds relating to your particular situation, at any time to processing of your data which are processed based on Art 6. paragraph 1 f GDPR (data processing on the basis of a balancing of interests).**

**If you object, we will no longer process your personal data, unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or unless the data are processed for the establishment, exercise or defense of legal claims.**

**The objection does not require any special form and should be sent to [datenschutz@indus.de](mailto:datenschutz@indus.de)**

**April 2021**