



INDUS Holding AG  
Bergisch Gladbach  
ISIN DE0006200108

## **Data protection information in accordance with Art. 13, 14 and 21 GDPR | Conducting the (virtual) Shareholders' Meeting**

### **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  
[Email: datenschutz@indus.de](mailto:datenschutz@indus.de)

Contact details of our Data Protection Officer:

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

### **2. Personal data involved in processing**

The shares of INDUS Holding AG (hereinafter referred to as the company) are bearer shares, in the context of which we have to process personal data of the shareholder, such as

- title,
- name,
- address (zip code, city, street no.),
- email address,
- volume of shares held by the shareholder,

for the purposes set forth in the German Stock Corporation Act (AktG), in particular for conducting the Shareholders' Meeting and maintaining the list of attendees.

If you grant a proxy to a third party, we will also process the following data of the third party:

- name, place of residence and zip code of the proxy;
- proxy granted and instructions, if applicable.

Where necessary, the names and contact details of guests at the virtual Shareholders' Meeting may also be processed.

In addition, we process data relating to how the virtual Shareholders' Meeting is conducted and how the corresponding online service is used, such as

- access card number and shipping information relating to the access card;
- access data to the online service (access card number and access code);
- functions used (such as granting a proxy, absentee voting, asking questions, submitting video messages related to the agenda, or filing an objection to resolutions with the notary) and the data associated with them or made available;
- usage data (including login timestamp, server log files with information on, for example, accessed files, web browser, referrer URL, IP address, etc.);
- in the event that video messages are submitted with reference to the agenda, the image/motion picture content contained in the respective video message.

### **3. Purposes and legal basis for 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 German 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 statutory provisions.

#### **Preparing and conducting the virtual Shareholders' Meeting**

In the context of the virtual Shareholders' Meeting, data is processed for the following purposes:

- provision of the online service (including access and use of the functions);
- participation in the live broadcast of the virtual Shareholders' Meeting via the online service;
- fulfillment of the requirements set forth in the German Stock Corporation Act (AktG) (e.g., communicating with shareholders, conducting a Shareholders' Meeting, maintaining a list of attendees in the company's Shareholders' Meeting or disclosure of the names of shareholders or proxies in the list of attendees following the virtual Shareholders' Meeting, preparation of

statistics, e.g., for the presentation of shareholder development);

- granting of a proxy to a third party or a proxy of the company and issuance of instructions to the proxy of the company;
- exercise of the voting right by the shareholder himself/herself, the proxy, a proxy of the company or by absentee voting;
- answering questions submitted via the online service as part of the virtual Shareholders' Meeting;
- submission of comments relating to the agenda in the form of video messages and their publication;
- recording of objections to resolutions;
- amendment or revocation of declarations made;
- documentation of proxies, questions, etc.

We process your data to fulfill a legal obligation, Art. 6 (1) (c) GDPR in conjunction with the German Stock Corporation Act (AktG) in conjunction with the German 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):

In the case of bearer shares, section 129 of the German Stock Corporation Act (AktG) provides in particular that personal data of the shareholder or, if applicable, of the proxy must be included in the list of attendees. In order to comply with the provisions of stock corporation law, when authority is granted to proxies nominated by the company or third parties for the Shareholders' Meeting, we must also record the data serving as proof of proxy in verifiable form. Furthermore, processing is legally mandatory for properly preparing and conducting the virtual Shareholders' Meeting via the online service, for exercising voting rights, answering etc. questions submitted, submitting comments relating to the agenda in the form of video messages and publishing them, filing or recording objections to resolution items, and participating or connecting via the online service.

In addition to processing based on legal provisions, we also process your data to protect our legitimate interests in accordance with Art. 6 (1) (f) GDPR:

This includes the legitimate interest in ensuring that the Shareholders' Meeting runs smoothly, organizing the virtual Shareholders' Meeting, allowing guests to participate in the Shareholders' Meeting, or preparing statistics.

### **Using the provided online service**

Furthermore, on the basis of our terms of use, we process your access and usage data for the online service

as well as your data collected via the online service to enable you to access the online service, use the functions provided there and participate in the virtual Shareholders' Meeting via the online service, for documentation purposes of the proxies granted or instructions issued via the online service, the votes cast, your questions or objections to resolutions, your amendments or revocations of declarations made, or also to answer any questions in connection with the online service as well as the comments in the form of video messages, Art. 6 (1) (b) GDPR or Art. 6 (1) (c) GDPR in conjunction with the German Stock Corporation Act (AktG) in conjunction with the the German 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).

For the purpose of technically providing the online service, usage data are automatically transmitted to the web server used without us having any influence on this. It is necessary for us to store your IP address temporarily to transmit data to you. In addition, these data are used to ensure the security of our information technology systems (e.g., attack detection).

We process your personal data to technically provide the online service based on Art. 6 (1) (b) GDPR in the context of the user relationship. In addition, we process the data to protect our legitimate interests pursuant to Art. 6 (1) (f) GDPR in order to be able to technically provide you with the online service. Our legitimate interest here is to be able to provide you with an appealing, technically functioning and user-friendly online service, to take measures to protect 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 fulfill other legal obligations that we have in connection with the performance of the user relationship, among other things. This includes, in particular, retention periods under commercial, trade or tax law. This is done in order to fulfill a legal obligation to which we are subject, pursuant to Art. 6 (1) (c) GDPR in conjunction with commercial, trade or tax law, to the extent that we are required to store and retain your data.

Furthermore, we may process your personal data in order to establish our rights, to enforce our legal claims if necessary or to be able to defend ourselves against legal claims. Finally, we process your personal data to the extent necessary to defend or pursue criminal offenses. This processing is carried out to protect our legitimate interests pursuant to Art. 6 (1) (f) GDPR, to the extent that we establish legal claims,

defend ourselves in legal disputes, or we prevent or investigate criminal offenses.

#### **4. The categories of data we process if we do not receive data directly from you and their origin**

The credit institutions regularly pass on to us the information relevant to you in connection with the Shareholders' Meeting for the purpose of maintaining the list of attendees. The same applies to your data concerning the order of access data (registration) for the virtual Shareholders' Meeting.

#### **5. Recipients or categories of recipients of your data, international data transfers**

We use external service providers in some cases to conduct the Shareholders' Meeting. Your data will only be passed on to the following external parties:

- IT services providers;
- Shareholders' Meeting service providers that process the data as our processors;
- service providers for printing and mailing shareholder communications.

In addition, we may grant our advisors (e.g., lawyers, notaries, auditors, tax advisors), who are bound by contract or by law to maintain confidentiality, access to your data for the purpose of preparing, conducting or following up the Shareholders' Meeting.

If you participate in the virtual Shareholders' Meeting, other shareholders of the company may see the data recorded about you in the list of attendees (i.e. title, name, place of residence, number of no-par value shares held or represented) in accordance with section 129 of the German Stock Corporation Act (AktG). If you or your proxy submit(s) questions to be answered in the context of the virtual Shareholders' Meeting and you or your proxy expressly agree to this, your name or your proxy's name may be disclosed to the other participants in the virtual Shareholders' Meeting when they are being answered.

If you submit comments in the form of video messages, we will give you or your proxy the opportunity to give consent to the comment's publication as well as your name or your proxy's name in the password-protected online service and in the video and audio broadcast of the Shareholders' Meeting before you submit the respective comment. If this consent is not given, the aforementioned publication is not possible; the same applies to the revocation of consent given.

We will also not pass on your data to third parties, unless we are legally required to do so – in particular due to statutory provisions.

If we do use external service providers and in this context transmit personal data to countries outside the EU or the EEA (so-called third countries) or if personal data can be accessed from third countries for which the European Commission has not issued an adequacy decision, we will implement the statutory provisions to ensure an adequate level of data protection (such as the so-called EU standard contractual clauses). We are happy to provide information on these guarantees on request if you contact us using the contact details provided in clause 1.

#### **6. Duration of the storage of your data**

We process your data as long as it is necessary to fulfill our legal obligations and for the other purposes mentioned.

In addition, we are subject to various retention and documentation obligations arising from, but not limited to, the German Stock Corporation Act (AktG), the German Commercial Code (HGB) and the German Fiscal Code (AO).

For the data collected in connection with virtual Shareholders' Meetings, the storage period is usually up to three (3) years.

Usage data, such as your IP address or data collected for technically providing the online service, is stored for the duration of the respective use.

#### **7. Your data protection rights**

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

- Right of access: You will have the right to obtain confirmation from us at any time within the scope of Art. 15 GDPR as to whether we are processing personal data concerning you; where that is the case, you will also have the right within the scope of Art. 15 GDPR to obtain access to the personal data as well as certain other information and a copy of your data.
- Right to rectification: In accordance with Art. 16 GDPR, you will have the right to request that we rectify the personal data stored about you if it is inaccurate or incorrect.
- Right to erasure: You will have the right, under the conditions of Art. 17 GDPR, to request that we erase personal data concerning you without undue delay.

The right to erasure does not exist, among other things, if the processing of the personal data is necessary for (i) exercising the right of freedom of expression and information, (ii) compliance with a legal obligation to which we are subject (e.g. legal

obligations to retain data) or (iii) the establishment, exercise, or defense of legal claims.

- Right to restriction of processing: You will have the right, under the conditions of Art. 18 GDPR, to request that we restrict processing of your personal data.
- Right to data portability: You will have the right, under the conditions of Art. 20 GDPR, to request that we hand over the personal data concerning you that you have provided to us in a structured, commonly used, and machine-readable format.
- Right to object: You will have the right, under the conditions of Art. 21 GDPR, to object to the processing of your personal data, meaning that we must stop processing your personal data. The right to object exists only within the boundaries provided for in Art. 21 GDPR. In addition, our interests may conflict with stopping processing, meaning that we will have the right to process your personal data despite your objection.
- Right to lodge a complaint with a supervisory authority: You will have the right, under the conditions of Art. 77 GDPR, 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 personal data relating to you infringes the GDPR. The right to lodge a complaint is without prejudice to any other administrative or judicial remedy.

The data protection supervisory authority responsible for INDUS Holding AG is:

Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen  
Kavalleriestr. 2 – 4  
40213 Düsseldorf

Your requests about exercising your rights should be addressed in writing, if possible, to the controller mentioned under 1. or directly to our Data Protection Officer.

## **8. Existence of automated decision-making in individual cases (including profiling)**

We do not use purely automated decision-making processes pursuant to Art. 22 GDPR or profiling. If we should use such a procedure in individual cases in the future, we will inform you separately.

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

In principle, you are not required to provide us with your personal data. However, if you do not do this, you will not be able to participate in the virtual Shareholders' Meeting and you will not be able to use the

online service to its full extent or not be able to use the online service at all.

## **Information on your right to object – Art. 21 GDPR**

### **Right to object in the individual case**

**You have the right to object at any time to the processing of your data processed on the basis of Art. 6 (1) (f) GDPR (data processing on the basis of a weighing of interests) if there are grounds for doing so that arise from your particular situation.**

**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 the processing serves the purpose of establishing, exercising or defending against legal claims.**

**The objection can be made without any form requirements and should preferably be addressed to:**  
[datenschutz@indus.de](mailto:datenschutz@indus.de)

**April 2022**