

– CONVENIENCE TRANSLATION –

**Data privacy information  
for shareholders and their proxies**

**for the virtual Annual General Meeting 2023  
of**

**Mutares SE & Co. KGaA  
Munich**

German Securities Identification Number (WKN): A2NB65  
ISIN: DE000A2NB650

Mutares SE & Co. KGaA processes personal data of shareholders and their proxies in connection with the virtual Annual General Meeting.

You will find below information on the party responsible under data protection law (“controller”) and the data protection officer (1.). We also provide you below with the information regarding the processing of personal data (2.) and the rights of data subjects in connection with this processing (3.).

**1. Controller and data protection officer**

**1.1. Controller**

Mutares SE & Co. KGaA  
Arnulfstraße 19  
80335 Munich  
Germany  
Tel.: +49-89-9292776-0  
Fax: +49-89-9292776-22  
E-Mail: [ir@mutares.com](mailto:ir@mutares.com)

The Company is represented by its General Partner Mutares Management SE, which in turn is represented by the members of its Management Board Robin Laik, Mark Friedrich and Johannes Laumann.

**1.2. Data protection officer**

Mutares SE & Co. KGaA  
Data protection officer  
Arnulfstraße 19  
80335 Munich  
Germany

Tel.: +49 2571 5402-308  
E-Mail: [datenschutz@mutares.de](mailto:datenschutz@mutares.de)

## **2. Processing of personal data**

### **2.1. Personal data and its sources**

Mutares SE & Co. KGaA will process the following personal data of shareholders and their proxies in connection with the virtual Annual General Meeting to enable shareholders and their proxies to exercise their shareholders' rights in relation to the virtual Annual General Meeting:

- surname and first name, address, e-mail address,
- number of shares, class of shares, type of ownership of the shares,
- the specific identifier given to the shareholder by the ultimate intermediary, account number of the securities account of the shareholder,
- the login details allocated to the shareholder for the Company's password-protected internet service,
- the IP address from which the shareholder or the proxy uses the Company's password-protected internet service,
- the electronic exercise of voting rights and the content of votes cast by electronic absentee ballot,
- the tracking of the complete transmission of the virtual Annual General Meeting in video and sound,
- the content of questions submitted by electronic communication and the content of their answers, as well as the content of statements submitted by electronic communication,
- the exercise of the right to speak and the right to obtain information as well as the submission of counter motions and nominations for election by way of video communication and the option to declare objections to resolutions of the Annual General Meeting by means of electronic communication,
- communication data of the shareholder to check the functionality of the video communication,

- if applicable, the surname, first name and address of the respective proxy, the granting of proxy authority, including any instructions issued to the proxy, and the proxy's specific identifier issued by the ultimate intermediary.

To the extent that this personal data was not provided by the shareholders in the context of the registration for the virtual Annual General Meeting or obtained from the share register for shares registered, the bank holding the securities account or the respective ultimate intermediary within the meaning of Section 67c(3) German Stock Corporation Act (*Aktiengesetz, AktG*) will transmit their personal data to Mutares SE & Co. KGaA. The login details assigned to the shareholder for the password-protected internet service of the Company as well as the IP address from which the shareholder or his proxy uses the password-protected internet service of the Company will be communicated to the Company by the service provider commissioned by the Company to conduct the virtual Annual General Meeting.

## **2.2. Purpose of processing and legal basis**

Mutares SE & Co. KGaA will process the personal data of the shareholders and their proxies to the extent necessary to process the shareholders' rights exercised by them in connection with the virtual Annual General Meeting and to keep the share register. The legal basis for this processing is Article 6(1)(c) General Data Protection Regulation ("**GDPR**") in conjunction with Section 67e(1) of the German Stock Corporation Act (*AktG*) (compliance with legal obligations).

Furthermore, Mutares SE & Co. KGaA will store personal data of its shareholders and their proxies to the extent that this is necessary to comply with statutory obligations to retain data. The legal basis for this processing is Article 6(1)(c) GDPR (compliance with legal obligations) in conjunction with the respective statutory obligations to retain data.

Moreover, Mutares SE & Co. KGaA will possibly continue to store personal data of its shareholders and their proxies to the extent that this is necessary to establish, exercise or defend legal claims. The legal basis for this processing is Article 6(1)(f) GDPR (balancing of interests). Mutares SE & Co. KGaA's legitimate interest is to establish, exercise or defend legal claims.

## **2.3. Duration of storage of personal data**

Mutares SE & Co. KGaA will store this personal data for the above purposes only for as long as this is necessary for the above purposes.

The storage period is normally up to three years for the data collected for the above purposes.

If a shareholder is no longer a shareholder of the Company, Mutares SE & Co. KGaA will only, subject to other statutory provisions, store his personal data for a maximum of twelve months on the basis of Section 67e(2) sentence 1 German Stock Corporation Act (AktG).

Data will only be stored for a longer period on the basis of Section 67e(2) sentence 2 German Stock Corporation Act (AktG), subject to other statutory provisions, as long as this is necessary for any possible legal proceedings to establish, exercise or defend legal claims. In this case, Mutares SE & Co. KGaA will store the data until the end of the legal proceedings.

#### **2.4. Recipients of personal data**

The following service provider will process the above data for the above purposes (as “processors”) on behalf of Mutares SE & Co. KGaA:

Better Orange IR & HV AG  
Haidelweg 48  
81241 Munich  
Germany

The service provider will only receive personal data from Mutares SE & Co. KGaA that is required to perform the commissioned service and will process the data exclusively in accordance with the instructions of Mutares SE & Co. KGaA.

Otherwise, Mutares SE & Co. KGaA will only make the personal data available to shareholders and their proxies as well as to third parties in connection with the virtual Annual General Meeting within the framework of the statutory provisions. In particular, if shareholders and their proxies are to be represented at the virtual Annual General Meeting by voting proxies appointed by the Company disclosing their name, Mutares SE & Co. KGaA will enter their names, place of residence, number of shares and type of ownership in the list of attendees of the virtual Annual General Meeting to be drawn up pursuant to Section 129(1) sentence 2 German Stock Corporation Act (AktG). Shareholders and their proxies may inspect this data in the password-protected internet service during the virtual Annual General Meeting and shareholders may also inspect it for up to two years later pursuant to Section 129(4) sentence 2 German Stock Corporation Act (AktG). With regard to the transfer of personal data to third parties in connection with the announcement of shareholder requests for additions to the agenda, submission of questions and comments as well as countermotions and nominations for election by shareholders, please refer to the explanations in section III.8. of the invitation to the virtual Annual General Meeting of the Company on 10 July 2023.

If shareholders or their proxies make use of their right to obtain information pursuant to Section 131(1) German Stock Corporation Act (AktG), their right to ask follow-up questions pursuant to Section 131(1d) German Stock Corporation Act (AktG) and their right to ask questions pursuant to Section 131(1e) German Stock Corporation Act (AktG) or otherwise speak, this may be done by stating the name and, if applicable, the place of residence or registered office of the shareholder and/or proxy asking the question. Follow-up questions and questions on new matters dealt with during the virtual Annual General Meeting can only be noted by the other shareholder and their proxies connected electronically to the meeting. Questions submitted pursuant to Section 131(1c) German Stock Corporation Act (AktG) and comments submitted pursuant to Section 130a(3) German Stock Corporation Act (AktG) will be made publicly available to all shareholders, as described in the invitation under section III.8. In the case of requests for additions to the agenda pursuant to Section 122(2) German Stock Corporation Act (AktG) and in the case of counterproposals and nominations for election pursuant to Sections 126 (1), 127 German Stock Corporation Act (AktG), these will be made publicly available as described in more detail in the invitation under section III.8 and, if necessary, put to the vote at the virtual Annual General Meeting.

## **2.5. No transfer of personal data to third countries**

Mutares SE & Co. KGaA will not transfer the personal data processed in the context of the virtual Annual General Meeting to countries outside the European Union or the European Economic Area (“third countries”).

## **2.6. Obligation to provide the data**

Pursuant to Section 67(1) sentence 2 and Section 67(4) sentence 1 German Stock Corporation Act (AktG) respectively, shareholders and intermediaries respectively are obliged to provide Mutares SE & Co. KGaA the data required to keep the share register for registered shares (name, date of birth, postal address and electronic address of the shareholder as well as the number of shares or share number and, in the case of par value shares, the amount), which will also be used to conduct the virtual Annual General Meeting.

Otherwise, shareholders and their proxies are not obliged to provide Mutares SE & Co. KGaA with the abovementioned data in connection with the virtual Annual General Meeting. Provision of the data is not required by law or by contract. The data is also not required for the conclusion of a contract. However, the provision of personal data is absolutely necessary to exercise shareholders' rights with respect to the virtual Annual General Meeting. Insofar, if shareholders and their proxies do not provide the data, Mutares SE & Co. KGaA will not be able to enable them to exercise shareholders' rights in relation to the Annual General Meeting.

## **2.7. No automated individual decision-making, including profiling**

Mutares SE & Co. KGaA will not carry out any automated individual decision-making, including profiling, pursuant to Article 22(1) and (4) GDPR on the basis of the personal data.

## **2.8. Use of technically necessary Cookies**

In order to ensure the secure operation of the password-protected internet service and to enable the use of certain functions, technically necessary cookies are used. These are small text files that are stored on the device of the shareholders or their proxies. Shareholders and their proxies can prevent the use of cookies via their browser settings. However, completely blocking all cookies may mean that the password-protected internet service cannot be used in certain circumstances.

## **3. Rights of data subjects in relation to the processing**

The shareholders and their proxies have the following rights with respect to the processing of their personal data as data subjects:

- right of access (Article 15 GDPR)
- right to rectification (Article 16 GDPR)
- right to erasure (“right to be forgotten”) (Article 17 GDPR)
- right to restriction of processing (Article 18 GDPR)
- right to data portability (Article 20 GDPR)
- right to object (Article 21 GDPR)
- right to withdraw consent (Article 7(3) GDPR)

The following right to object under Article 21(1) GDPR is especially highlighted:

**Right to object on grounds relating to the data subject's particular situation (Article 21 Abs. 1 GDPR)**

At any time Shareholders and their proxies as data subjects have the right pursuant to Article 21(1) GDPR to object, on grounds relating to their particular situation, to processing of personal data concerning them which is based on Article 6(1)(f) GDPR (see clause 2.2).

If an objection is raised, Mutares SE & Co. KGaA will no longer process the personal data unless Mutares SE & Co. KGaA demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the shareholders and their proxies as data subject or the processing serves the establishment, exercise or defense of legal claims.

Data subjects can contact Mutares SE & Co. KGaA or its data protection officer using the contact details referred to above in order to exercise their rights. In addition, shareholders and their proxies as data subjects have a right to lodge a complaint with a data protection supervisory authority (Article 77 GDPR). Data subjects can assert this right to lodge a complaint in particular to the supervisory authority of the (federal) state in which they have their domicile or permanent residence or the data protection supervisory authority for the nonpublic sector of the federal state of Bavaria (Bavarian Data Protection Authority (*Bayerisches Landesamt für Datenschutzaufsicht, BayLDA*)), where Mutares SE & Co. KGaA has its registered office.

For more information on the General Data Protection Regulation and the rights of data subjects in relation to the processing of their personal data, please refer to the online available [information brochure \(in German only\) of the Federal Commissioner for Data Protection and Freedom of Information \(Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit, BfDI\)](#).

