

Convenience translation

Annual Shareholders' Meeting of KWS SAAT SE & Co. KGaA on December 16, 2020

Information on data protection

As the controller within the meaning of Article 4 (7) of Regulation (EU) 2016/679 of 27 April 2016 ("General Data Protection Regulation"; hereinafter "GDPR"), KWS SAAT SE & Co. KGaA (the "Company") processes personal data of shareholders and shareholder representatives on the basis of prevailing data protection regulations as part of the Company's Annual Shareholders' Meeting. The Company is legally represented by its personally liable partner KWS SE, which in turn is represented by its Executive Board, namely Dr. Hagen Duenbostel, Dr. Léon Broers, Dr. Felix Büchting, Dr. Peter Hofmann and Ms. Eva Kienle.

The contact data for the Company as the controller is:

KWS SAAT SE & Co. KGaA,
Vorstand der persönlich haftenden Gesellschafterin KWS SE,
Grimsehlstr. 31,
37574 Einbeck.
E-mail address: datenschutz@kws.com

The Company's Annual Shareholders' Meeting in 2020 will be held as a virtual Annual Shareholders' Meeting without shareholders or their authorized agents being physically present. Shareholders who have properly registered and submitted proof of their shareholding can follow the entire Annual Shareholders' Meeting, which is broadcast by means of audio and video transmission on our Annual Shareholders' Meeting portal, on which their rights related to the meeting, in particular their voting rights, can also be exercised.

Their personal data (in particular name, address, e-mail address, the number of shares, their class, type of ownership of them and, if applicable, the votes cast by (electronic) absentee ballot, whether any proxies have been issued and the name of the shareholder representative authorized by the shareholder in question) will be processed for the purpose of preparing, holding and handling related to this virtual Annual Shareholders' Meeting, in particular to communicate with shareholders, draw up the minutes on the Annual Shareholders' Meeting and enable the shareholders and shareholder representatives to exercise their rights related to the meeting, in particular their voting rights, as part of the virtual Annual Shareholders' Meeting. The Company may also process personal data in relation to questions submitted before the Annual Shareholders' Meeting, submitted motions, nominations and requests by shareholders or shareholder representatives in connection with the Annual Shareholders' Meeting, as well as in relation to objections to resolutions adopted by the Annual Shareholders' Meeting. If you visit our Annual Shareholders' Meeting portal on the Internet, we also collect data on access to and use of that portal (in particular data that is retrieved or requested, any questions or objections submitted using the Annual Shareholders' Meeting portal, the date and time data was retrieved or questions or objections were submitted, notification that the data was retrieved successfully, the type of web browser used, the IP address, access card number, password, consent to our terms of use, your login and the time stamp for when you logged in and out) which your browser sends to us. If shareholders or shareholder representatives contact the Company, the Company also processes personal data required to handle any requests (such as the contact data, e.g. e-mail address or phone number, given by the shareholder or shareholder representative). In addition, personal data is processed pursuant to statutory obligations, such as retention obligations under stock corporation, commercial and tax law, as well as for statistical purposes, such as to present the changes in shareholder structure or trading volumes.

If the personal data is not provided by the shareholders and shareholder representatives (in particular as part of registration for the Annual Shareholders' Meeting), the custodian bank or a third party involved in registration will send the personal data of the shareholders or shareholder representatives to the Company.

The Company is legally obliged to hold the Annual Shareholders' Meeting in accordance with the provisions of the German Stock Corporation Act (AktG) in conjunction with Section 1 of 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 (GesRueCOVBekG) (Article 2 of the Act to Mitigate the Consequences of the COVID-19 Pandemic under Civil, Insolvency and Criminal Procedure Law, Official Federal Gazette I 2020, p. 569). It is absolutely necessary for the personal data of shareholders to be processed so that they can exercise their rights as part of the virtual Annual Shareholders' Meeting. It is also necessary for the personal data of shareholders and shareholder representatives to be processed as part of use of the Annual Shareholders' Meeting portal so that the technical requirements for delivering the portal are met and to ensure that the virtual Annual Shareholders' Meeting is staged smoothly. The Company is the controller, i.e. responsible for processing the data.

The legal basis for processing the personal data is Article 6 (1) subparagraph 1 point (c), Article 6 (1) subparagraph 1 point (f) and Article 6 (4) GDPR. Data will be processed on the basis of Article 6 (1) subparagraph 1 point (f) GDPR for the above purposes and interests, in particular for organizing the Annual Shareholders' Meeting and staging it properly, as well as for statistical purposes and interests. Personal data is also processed as part of use of the Annual Shareholders' Meeting portal so as to enable our shareholders and shareholder representatives to exercise their shareholder rights in a user-friendly way.

In principle, personal data is not transferred to third parties by the Company. By way of exception, third parties commissioned with helping to stage the Annual Shareholders' Meeting and operate the Annual Shareholders' Meeting portal are provided by the Company with personal data that is required for the commissioned service to be performed. They process the data solely in accordance with the Company's instructions. Such third parties are, for example, service providers for annual shareholders' meetings, such as annual shareholders' meeting agencies, attorneys or auditors. All employees of the Company and employees of the engaged service providers who have access to and/or process personal data are obligated to treat that data confidentially. Apart from that, personal data of shareholders and shareholder representatives who are represented by proxies named by us can be viewed in the list of participants in accordance with statutory regulations. The Company may also be obliged to transmit personal data of shareholders and shareholder representatives to further recipients, such as public authorities in order to fulfill statutory reporting obligations. Reference is made to the explanations in the section "Rights of shareholders" as regards the transmission of personal data to third parties as part of the announcement of shareholders' requests for additions to the agenda and countermotions and nominations by shareholders.

The personal data is stored in accordance with statutory obligations and so as to avoid any risks of liability, and is then erased in compliance with statutory regulations, in particular if the personal data is no longer necessary for the original purposes for which it was collected or processed, the data is no longer needed in connection with any administrative procedures or court proceedings, and there are no statutory obligations to retain it. Subject to any statutory regulations that come into effect after the Annual Shareholders' Meeting, the Company stores the personal data in accordance with current statutory retention obligations for a period of ten years, starting at the end of the year in which the Annual Shareholders' Meeting was held. The personal data may be stored longer in individual cases if the data must still be processed further in order to handle motions, decisions or legal proceedings related to the Annual Shareholders' Meeting.

As data subjects, the shareholders and shareholder representatives have, subject to the statutory conditions specified in Chapter III of the GDPR being met, a right to access the data and obtain information, as well as the right to demand rectification, erasure or restriction of processing of their personal data; data subjects also have, subject to the statutory conditions specified in Chapter III of the GDPR being met, a right to object and the right to receive the personal data in a format complying with statutory requirements and to transmit that data to another controller without hindrance (right to data portability).

You can exercise these rights via-à-vis the Company free of charge by contacting it at:

KWS SAAT SE & Co. KGaA,
Vorstand der persönlich haftenden Gesellschafterin KWS SE,
Grimsehlstr. 31,
Postfach 1463,

37555 Einbeck.
E-mail address: datenschutz@kws.com

In addition, shareholders and shareholder representatives have a right under Article 77 GDPR to lodge a complaint, in particular with the data protection supervisory authority responsible for the domicile or permanent residence of the shareholder or shareholder representative or for the federal state in which the alleged infringement has been committed.

You can contact our company Data Protection Officer at:

KWS SAAT SE & Co. KGaA,
Data Protection Officer,
Grimsehlstr. 31,
Postfach 1463,
37555 Einbeck.
E-mail address: datenschutz@kws.com

Encrypted contact form: <http://www.scheja-partner.de/kontakt/kontakt.html>
Addressee: Boris Reibach

You can find additional information on data protection in connection with use of our Annual Shareholders' Meeting portal that can be accessed at www.kws.com/shareholders-meeting on the Annual Shareholders' Meeting portal itself.