

# **Information on data protection for shareholders and their representatives**

## **Controller, background to this 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 referred to as the “GDPR”), KWS SAAT SE & Co. KGaA (hereinafter referred to as the “Company”) processes personal data of shareholders and, if applicable, their legal representatives or persons authorized to represent them in legal transactions (hereinafter referred to as “shareholder representatives”) on the basis of prevailing data protection regulations in connection with 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. Felix Büchting, Dr. Peter Hofmann, Mr. Nicolás Wielandt and Ms. Eva Kienle.

The contact data for the Company as the controller is:

KWS SAAT SE & Co. KGaA,  
Grimsehlstr. 31,  
37574 Einbeck, Germany  
E-mail address: [datenschutz@kws.com](mailto:datenschutz@kws.com)

## **Type of personal data processed, purpose of processing**

The personal data processed in connection with the Annual Shareholders’ Meeting includes in particular a person’s surname and first name, form of address and title, address and other contact data, data on the shares, such as the number of shares, the type of ownership of them and the custodial institute, administrative data and, if applicable, data relating to the exercise of shareholder rights, including audio and visual data if video communication is used. The data is processed for the purpose of preparing, holding and handling the Annual Shareholders’ Meeting in a proper manner, in particular to identify and communicate with shareholders and shareholder representatives, draw up the minutes on the Annual Shareholders’ Meeting and enable the shareholders and shareholder representatives to exercise rights related to the meeting, including the right to obtain confirmation of receipt of votes and whether and how votes have been counted, in connection with the Annual Shareholders’ Meeting.

The rights related to the meeting include in particular voting rights. In this respect, data on the casting of votes, the granting of power of attorney to proxies, the issue of instructions, and changes to or revocation of them may be processed. Personal data in relation to requests for additions to the agenda, countermotions and nominations submitted before the Annual Shareholders’ Meeting, as well as in relation to submitted questions or objections to resolutions adopted by the Annual Shareholders’ Meeting and in relation to requests for confirmation of receipt of votes and whether and how votes have been counted, may also be processed.

If you use our Annual Shareholders’ Meeting portal in 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 further 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, and to conduct legal proceedings, if applicable.

### **Origin of the personal data**

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

### **Legal grounds for processing the data**

The Company is legally obliged to hold the Annual Shareholders' Meeting in accordance with the provisions of the German Stock Corporation Act (AktG), in particular its Sections 118 et seq., and to enable shareholders to exercise their rights related to the meeting as defined in said act. It is absolutely necessary for the personal data of shareholders to be processed so that they can exercise their rights as part of the 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 Annual Shareholders' Meeting portal are met, as well as to ensure that the virtual Annual Shareholders' Meeting is staged smoothly and that the virtual options offered in this regard can be used by means of the Annual Shareholders' Meeting portal.

The legal basis for processing personal data to fulfill statutory obligations is the respective laws, in particular the German Stock Corporation Act (AktG), especially its Sections 118 et seq., in conjunction with the GDPR's Article 6 (1) point (c) of the first subparagraph. In addition, Section 67e (1) of the German Stock Corporation Act (AktG) explicitly allows companies to process shareholders' personal data for specific purposes, such as to identify and communicate with shareholders, enable shareholders to exercise their rights, and cooperate with shareholders.

If personal data is processed to safeguard the Company's legitimate interests, namely for statistical purposes and, if applicable, as part of legal proceedings, that is done on the basis of Article 6 (1) point (f) of the first subparagraph and (4) GDPR. Legitimate interests in this regard are to ensure that the Annual Shareholders' Meeting is prepared ideally and held smoothly, to improve the relationship between the Company and investors, and to safeguard the Company's interests in legal proceedings. 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.

If we have been given consent, in particular to disclose the name of a person who has submitted a question at the Annual Shareholders' Meeting, the data is processed on the basis of that consent in accordance with the GDPR's Article 6 (1) point (a) of the first subparagraph.

### **Recipients or categories of recipients of personal data**

Within our Company, personal data can be accessed only by those departments and the employees working there that absolutely need to access the personal data so as to discharge their functions or tasks.

We disclose personal data to external recipients only if there is a legal justification or we have been given consent to do so.

External recipients are processors who are commissioned with helping to stage the Annual General Meeting and operate the Annual Shareholders' Meeting portal. They 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.

In addition, the notary entrusted with notarizing the Annual Shareholders' Meeting receives and processes personal data if that data has to be included in the notarial record (in particular in the case of resolutions proposed by shareholders as part of requests for additions to the agenda, or in the case of countermotions or nominations that are put to a vote, and objections to resolutions adopted by the Annual Shareholders' Meeting). The notarial record is publicly available, in particular in the commercial register.

Attorneys or auditors may also receive personal data.

Moreover, 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 (apart from in the case where voting rights are exercised on behalf of an undisclosed principal). 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.

Requests for additions to the agenda, countermotions and nominations will be made available as specified in section II. No. 7 of the Notice of the Annual Shareholders' Meeting and, if applicable, will be put to a vote at the Annual Shareholders' Meeting. In particular, the name of the shareholder who submits the request, countermotion or nomination will also be published in this regard. If questions are submitted in accordance with the procedure specified in sections II. No. 2 and II. No. 7 c) of the Notice of the Annual Shareholders' Meeting, the name of the persons who submitted them may be disclosed at the Annual Shareholders' Meeting if they gave their consent to that when submitting their question.

We transmit personal data to courts of law and legal advisers where that is necessary for the establishment, exercise or defense of legal claims.

### **Transmission of personal data to third countries**

Personal data processed by the Company as part of the processes described above may also be transmitted to recipients who process personal data outside the territory of the European Economic Area. In this regard, personal data may also be transmitted to and subsequently processed in third countries for which there is no adequacy decision by the European Commission.

Outside the exceptional cases permitted by law, the Company ensures prior to transmission that either an adequate level of data protection exists or suitable safeguards exist at the recipient. An overview of the recipients in third countries and a copy of the suitable or adequate safeguards can be obtained upon request. Please use the Company's contact data provided above for this purpose.

### **Period of storage**

The personal data of shareholders and shareholder representatives will be erased no later than three years after the day of the Annual Shareholders' Meeting, unless it must be stored for a longer period of time (usually for up to ten years) pursuant to statutory requirements, such as under the German Stock Corporation Act (AktG), the German Securities Trading Act (WpHG), the German Commercial Code (HGB) and the German Fiscal Code (AO), or due to the Company's overriding legitimate interests, namely for the establishment, exercise or defense of legal claims. If the Company learns that a shareholder is no longer a shareholder of the Company, it will continue to store the shareholder's personal data only for a maximum period of 12 months in accordance with Section 67e (2) of the German Stock Corporation Act (AktG), subject to other statutory regulations, such as under the German Stock Corporation Act (AktG), the German Securities Trading Act (WpHG), the German Commercial Code (HGB) and the German Fiscal Code (AO); the data will be stored for a longer period of time only if that is required for legal proceedings.

### **Your data subject rights as a shareholder or shareholder representative**

As a shareholder or shareholder representative, you have the following data subject rights, subject to the respective statutory conditions being met:

**Right to access the data and obtain information:** You have the right to obtain confirmation of whether or not personal data concerning you is being processed, and, where that is the case, access to the personal data and the information specified in Article 15 GDPR.

**Rectification:** You have the right to obtain without undue delay the rectification of inaccurate personal data concerning you and, if applicable, the right to have incomplete personal data completed (Article 16 GDPR).

**Erasure:** You have the right to obtain the erasure of personal data concerning you without undue delay where one of the grounds specified in Article 17 GDPR applies, such as if the data is no longer required for the purposes pursued, unless statutory obligations to retain and archive the data prevent its erasure.

**Restriction of processing:** You have the right to obtain restriction of processing where one of the requirements stipulated in Article 18 GDPR applies, such as if you have objected to processing, pending examination of whether the objection can be upheld.

**Data portability:** You have the right to data portability subject to the conditions specified in Article 20 GDPR.

**Objection: You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you that is based on the GDPR's Article 6 (1) point (f) of the first subparagraph, subject to the conditions specified in Article 21 (1) GDPR.**

You can withdraw consent you have given, in particular consent to disclosure of your name as part of submission of a question at the Annual Shareholders' Meeting, at any time with future effect, without this affecting the lawfulness of data processing based on your consent before its withdrawal. In particular, you can withdraw your consent by sending an e-mail to [hauptversammlung@kws.com](mailto:hauptversammlung@kws.com).

You can exercise these rights vis-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, Germany.  
E-mail address: datenschutz@kws.com

In addition, you have a right under Article 77 GDPR to lodge a complaint with a data protection supervisory authority.

You can contact our company Data Protection Officer at:

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

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