

# (Virtual) Extraordinary General Meeting of HELLA GmbH & Co. KGaA on April 29, 2022



## Information on the processing of personal data for shareholders and shareholder representatives regarding the virtual Extraordinary General Meeting of HELLA GmbH & Co. KGaA

Compliance with the provisions of data protection law is very important to HELLA GmbH & Co. KGaA (hereinafter „we“ or „us“). In the following, we would like to inform the shareholders and shareholder representatives about the processing of their personal data and their rights under data protection law. Please see <https://www.hella.com/hella-com/en/Data-Protection-65.html> for more information on data protection.

### **Controller:**

The Controller of the processing of personal data is HELLA GmbH & Co. KGaA.  
You may reach HELLA GmbH & Co. KGaA at:

HELLA GmbH & Co. KGaA  
Rixbecker Straße 75  
59552 Lippstadt  
Telefax: +49 (0) 2941 38 71 33

Shareholders may address their comments or questions on the processing of personal data to the data protection officer of HELLA GmbH & Co. KGaA at:

HELLA GmbH & Co. KGaA  
– Data Protection Officer –  
Rixbecker Straße 75  
59552 Lippstadt,  
E-mail address: [dataprivacy@hella.com](mailto:dataprivacy@hella.com)

### **Processing of shareholders' personal data:**

In its function as the Controller of personal data, HELLA GmbH & Co. KGaA processes personal data of shareholders (in particular, their name, address, e-mail address, number of shares, type of ownership of shares and number of the registration confirmation) as well as personal data of the shareholder representatives, if any, in compliance with the General Data Protection Regulation (GDPR), the German Federal Data Protection Act (Bundesdatenschutzgesetz – „BDSG“), the German Stock Corporation Act and with all other relevant legal requirements. Additionally, where a shareholder or shareholder representative contacts HELLA GmbH & Co. KGaA, the company will process those personal data that are necessary to answer any requests or queries (e.g. the contact data of that shareholder or shareholder representative, such as e-mail address or telephone number). Where necessary, the company will also process personal data in connection with motions, questions, election proposals and requests of the shareholders or shareholder representatives in connection with the virtual Extraordinary General Meeting.

If the shareholders do not provide their personal data themselves, we will obtain such data via the registration office of the credit institution that the shareholders have entrusted with the safekeeping of their shares (so-called depository bank).

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## **Purposes and legal bases of the processing:**

The processing of personal data of shareholders and shareholder representatives is a mandatory requirement under applicable law for the proper preparation and conduct of the virtual Extraordinary General Meeting of HELLA GmbH & Co. KGaA, for the exercise of voting rights and for tuning into and following the virtual Extraordinary General Meeting electronically. The legal basis for the processing is Article 6 (1) sentence 1 lit. c of the GDPR in conjunction with §§ 118 et seqq. AktG and § 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 of March 27, 2020 (Gesetz über Maßnahmen im Gesellschafts-, Genossenschafts-, Vereins-, Stiftungs- und Wohnungseigentumsrecht zur Bekämpfung der Auswirkungen der COVID-19-Pandemie, Federal Law Gazette I 2020, p. 569, 570), as last amended by Article 15 of the Act of September 10, 2021 (Federal Law Gazette I 2021, p. 4147) (hereinafter the „COVID 19 Act“).

In addition, to the extent it is required to organize the virtual Extraordinary General Meeting, data may be processed on the basis of prevailing legitimate interests of HELLA GmbH & Co. KGaA (Article 6 (1) sentence 1 lit. f GDPR).

In our password-protected shareholders' portal, we will generally use a shareholder's personal data exclusively for the purpose for which it was made available to us, i.e., for example, to enable a shareholder to access the general meeting services as well as to tune into and follow the virtual Extraordinary General Meeting electronically, in order to document a shareholder's online registration for the virtual Extraordinary General Meeting, to document the votes cast by a shareholder by postal voting, to document the fact that a shareholder will be represented by a company-nominated proxy under a power of attorney and to document the instructions, if any, given by a shareholder, to document any objection lodged by a shareholder to a resolution of the virtual Extraordinary General Meeting, to submit any questions asked in advance, to contact a shareholder upon a contact request or service inquiry by the shareholder or to enable a shareholder to access certain information.

We also use temporary cookies in our password-protected shareholders' portal in order to ensure the functionality of the website. Cookies are small text files that store information on the user behavior when visiting a website and that are placed on the user's computer and held available for further visits to the website. The data collected via cookies, device IDs and similar processes during a shareholder's use of the shareholders' portal will be anonymized and will not be added to any customer data or profile data. The legal basis for this data processing is stipulated in Article 6 (1) sentence 1 lit. f. GDPR.

HELLA GmbH & Co. KGaA processes personal data of shareholders, if necessary, in order to comply with additional statutory duties, such as regulatory requirements or record retention requirements under the German Stock Corporation Act, the German Commercial Code and/or German tax law. In the context of the authorization of the company-named proxies for the Extraordinary General Meeting, for example, we are obligated under the provisions of the German Stock Corporation Act to keep a verifiable record of the data provided as proof of the authorization. In this case, the legal basis for the processing of personal data is the respective legal provisions in conjunction with Article 6 (1) sentence 1 lit. c GDPR.

In the event that we intend to process your personal data for a purpose that was not previously mentioned, we will inform you in advance in accordance with and subject to applicable statutory provisions.

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### **Recipient(s) of your data:**

HELLA GmbH & Co. KGaA will commission external service providers for maintaining the technical organization of the virtual Extraordinary General Meeting. In the context of commissioned data processing, our partners are carefully selected and are obligated pursuant to Article 28 GDPR to observe the data protection standards of HELLA GmbH & Co. KGaA. The external service providers commissioned by HELLA GmbH & Co. KGaA for the purpose of organizing the virtual Extraordinary General Meeting will process the personal data of the shareholders and the shareholder representatives exclusively as instructed by HELLA GmbH & Co. KGaA and only to the extent this is necessary for the performance of the services commissioned. Each of the employees of HELLA GmbH & Co. KGaA as well as all staff of commissioned service providers who have access to and/or process the personal data of the shareholders or shareholder representatives, as the case may be, are obligated to treat such data confidentially.

Moreover, within HELLA GmbH & Co. KGaA, the persons and bodies will only receive access to personal data to the extent that this is necessary for the fulfilment of their duties (need-to-know principle).

Moreover, personal data of shareholders and shareholder representatives may be viewed by other shareholders and shareholder representatives (in particular personal data included in the list of participants) and, in specific cases, also by the general public (in particular in the context of an announcement of shareholder requests to amend the agenda and of counter motions and election proposals), in each case within the scope of applicable law. As regards the answering of questions submitted by the shareholders or shareholder representatives in advance (§ 1 (2) sentence 1 no. 3 Covid 19 Act), the General Partner reserves the right to mention the name of the shareholder or shareholder representative in the virtual Extraordinary General Meeting.

Furthermore, we may be obligated to transmit your personal data to further recipients such as, for instance, public authorities in order to comply with statutory reporting obligations.

### **Data transfers to third countries:**

In the event that personal data is transferred to service providers located outside the European Economic Area (EEA), the transfer will only take place to the extent that the EU Commission has confirmed that the third country offers an adequate level of protection or that other adequate data protection safeguards exist (e. g. binding corporate rules on data protection or an agreement on the EU Commission's standard contractual clauses).

You may request detailed information in this regard as well as on the level of data protection offered by individual service providers located in third countries using the contact information provided above.



**Storage period:**

HELLA GmbH & Co. KGaA will erase or anonymize the personal data of the shareholders and shareholder representatives in accordance with the statutory provisions as soon as and to the extent that the two-year inspection period in accordance with § 129 (4) AktG or any other statutory storage periods have expired, the personal data is no longer required for the original purpose of collection or processing, the data is no longer required in connection with administrative or court proceedings, if any, and no statutory record retention requirements apply.

**Rights of the data subjects:**

Subject to the statutory requirements, shareholders and shareholder representatives have the right to access information (Article 15 GDPR) about their processed personal data and to require rectification (Article 16 GDPR) or erasure (Article 17 GDPR) of their personal data or the restriction of processing (Article 18 GDPR) using the contact information provided above. Furthermore, they have the right to lodge a complaint with a supervisory authority for data protection as well as the right to receive their personal data in a structured, common and machine-readable format (data portability).

Right to object (Article 21 GDPR): If personal data is processed on the basis of Article 6 (1) sentence 1 lit. f GDPR, the shareholders and the shareholder representatives will also have a right to object to the processing of their personal data subject to the statutory requirements, the fulfilment of which must be assessed on a case-by-case basis.

You can assert these rights free of charge by using the e-mail address [dataprivacy@hella.com](mailto:dataprivacy@hella.com) or by using the contact information provided above.