

H&R GmbH & Co. KGaA

Information for shareholders regarding data protection

European (EU) Regulation 2016/679 of the European Parliament and of the Council (the General Data Protection Regulation, or “**GDPR**”) of 27 April 2016 will come into force on 25 May 2018. It is designed to offer individuals protection with regard to the processing of personal data and the free movement of such data. It supersedes Data Protection Directive 95/46/EC, as new provisions of German data-protection law likewise come into force. The GDPR governs, among other items, the obligation to provide information concerning the collection of personal data (transparency of data processing). We take the privacy of our shareholders very seriously. The points set out below reflect our policy of keeping you informed about the processing of your personal data by H&R GmbH & Co. KGaA (hereinafter “**the company**”) and of notifying you of your rights under the terms of existing data protection law.

1. Who is responsible for data processing?

H&R GmbH & Co. KGaA
– Datenschutz (Data protection) –
Neuenkirchener Str. 8
48499 Salzbergen
Germany
e-mail: datenschutz@hur.com

If you have any questions about the information contained in this document, you can also contact our external data-protection officer, who can be reached via the above-mentioned postal mail or e-mail addresses of the company, or by directly contacting the following address:

HUBIT e.K.
Mr. Haye Hösel
Bergiusstr. 4
28816 Stuhr
Germany
Tel.: +49 (0)421 89 83 02 94
e-mail: info@hubit.de
Postal address:
Postfach / PO box 610120
28261 Bremen
Germany

2. What are your processed data used for, and on what legal basis? What data does the company receive, and from whom?

We process your personal data in accordance with the GDPR, along with the German federal law on data protection (BDSG), the German law governing joint-stock corporations (AktG) and other relevant legislation.

The company’s shares are bearer shares, so there is no register of shareholders. We nevertheless receive shareholder data, above all in connection with the organizing of the annual general meeting. These data consist of information that the company obtains from shareholders when they register for the annual general meeting, appoint proxies or issue voting instructions; or of information transferred from shareholders’ custodian banks to the company on this occasion. The details concerned include in particular the name, date of birth, address and oth-

er contact details of the shareholder, the number of shares held, the type of shareholding and, if applicable, the name and address of each shareholder's authorized representative.

We will use your personal data for the purposes laid down in the AktG. These include in particular various procedures connected with the organizing of general meetings (e.g. registration for the annual general meeting, documenting of eligibility and the drafting of a list of participants), as well as – to the extent permitted by law – communication with shareholders.

We also use your information as necessary for purposes compatible with those stated above (including in particular the preparation of statistics, e.g. for the tracking of shareholder developments or the number of transactions, or to give an overview of major shareholders). We likewise process your personal data in order to fulfil other legal provisions, such as regulatory requirements concerning equity, commercial and tax-related legal retention obligations, insofar as such provisions are applicable.

The legal basis for the processing of your personal data by the company is the above-mentioned AktG law, applied in conjunction with article 6, section 1, subsection 1, paragraph c) and section 4 of the GDPR. The GDPR also envisages to this extent the processing of personal data on the grounds of special legal obligations (other than the GDPR).

The company may also in individual cases process your data in order to protect the legitimate interests of the company or a third party within the meaning of article 6, sect. 1, subsection 1, paragraph f) of the GDPR. Please refer to section 5 for details of how to object to the processing of your data in fulfilment of these legitimate interests.

In addition to processing for shareholder meetings, the company handles personal data (with particular reference to name, date of birth, address and other contact details of the shareholder concerned, the number of shares held, the type of shareholding and, if applicable, the name and address of each shareholder's authorized representative) on the basis of the applicable data-protection regulations. The company processes in this respect information that it obtains from shareholders when they register for the annual general meeting, or information transferred from shareholders' custodian banks to the company for this purpose.

The processing of personal data in relation to general meetings is carried out for the purpose of managing the registration and participation of shareholders at the general meeting concerned (e.g. verification of eligibility), and to allow shareholders to exercise their rights at that meeting (including the granting and revocation of powers of attorney and instructions to proxies).

In the case of authorized proxy voters nominated for the company's annual general meeting, the company must provide verifiable evidence of and three years' protected access to the corresponding declarations (see article 134, sect. 3, subsection 5 and article 278, sect. 3 of the AktG)

The corresponding legislative regulations and, in particular, article 6, sect. 1, subsection 1, paragraph c) of the GDPR provide the legal basis of this processing.

If we need to use your personal data for any purpose not previously mentioned, we will notify you in accordance with the corresponding statutory provisions.

3. What categories of parties are likely to be supplied, if applicable, with your data?

External service providers:

We outsource certain services relating to the organization of annual general meetings. Those concerned include event organizers and suppliers engaged to print out and dispatch share-

holder notifications, along with legal advisers. The company only supplies these service providers with those personal data required for the delivery of the contracted services concerned. The data supplied are processed exclusively subject to the company's instructions.

Other recipients:

If you attend an annual general meeting, we are obliged under the terms of article 129, sect. 1, subsection 2 and article 278 sect. 3 of the AktG, to enter in the list of participants your name, address and the number and type of the shares that you hold. The details are accessible to other shareholders and attendees of annual general meetings during the meeting concerned. Shareholders can also access them for two years afterwards (article 129, sect. 4 and article 278, sect. 3 of the AktG).

If a shareholder requests that items be included in the meeting's agenda (article 122, sect. 2 and article 278, sect. 3 of the AktG), the company shall disclose such items along with the name of the shareholder concerned in accordance with the stipulations of German legislation governing joint-stock corporations. The company shall furthermore post on the Internet details of counter-motions and voting proposals, likewise in accordance with the corresponding legal stipulations (article 122, sect. 1, article 127 and article 278, sect. 3 of the AktG), along with the names of the shareholders concerned.

We may also be obliged to submit your personal data to other parties, such as official authorities, in order to fulfil statutory disclosure requirements (e.g. details of voting rights).

4. How long will your data remain on file?

We normally anonymize or delete your personal data as soon and insofar as they are no longer required for their intended purpose, unless there are disclosure and/or retention rules to the contrary which oblige us to keep them on file. These may derive from the AktG, the German Commercial Code (HGB), the German General Tax Code (AO) or other statutory provisions. We normally keep data relating to annual general meetings for up to three years (unless there are specific legal requirements to the contrary).

If the stipulations of commercial and tax law oblige us to keep the information concerned on file, the data are normally retained for another ten years. We otherwise only retain personal data in individual cases as required in the context of claims brought against our company (with statutory expiry periods of up to 30 years).

5. What are your rights under data protection law?

You can contact our external data-protection officer via our company address indicated in section 1, or at the address shown in section 1, to obtain details of the information that we hold on you, and to demand the correction, deletion or restriction on the processing of your personal data (if your data are being processed unlawfully, for example). A request to delete information or restrict its processing may under certain circumstances conflict with the company's statutory obligations to hold the information concerned on file.

According to article 21, sect. 1 of the GDPR, you are entitled to object to the processing of your data in order to protect the legitimate interests of the company or a third party:

Right of objection to data processing in the legitimate interests of another party:

If we process your data in order to safeguard the legitimate interests of the company or third parties, you may object to such processing by e-mailing

datenschutz@hur.com

or by writing to

H&R GmbH & Co. KGaA
- Data protection –
Neuenkirchener Str. 8
48499 Salzbergen
Germany

if your particular situation provides grounds for objecting to such data processing. We will then cease such processing, unless we are able to demonstrate that there are compelling and legitimate reasons for continuing, which outweigh the interests, rights and freedoms of the persons concerned; or if such processing is required to assert, exercise or defend legal claims.

6. Do you have complaints regarding the handling of your data?

If you have complaints regarding the processing of your personal data, please use the contact details provided above to get in touch with the company's data protection officer and clarify the matter with the company. You may also contact the competent data-protection authorities regardless of the above. The data-protection authority corresponding to the company is:

***Der Hamburgische Beauftragte für Datenschutz und Informationsfreiheit (Hamburg commissioner of data protection and freedom of information)
Prof. Dr. Johannes Caspar***

who can be reached at

Klosterwall 6 (Block C), 20095 Hamburg, Germany
Tel.: +49(0)40 / 428 54 – 4040
Fax: +49(0)40 / 428 54 – 4000
e-mail: mailbox@datenschutz.hamburg.de

The current version of this document dates from May 2018

Whenever relevant amendments occur, we will update the information with future effect by posting it on our website. We therefore recommend that you re-read this data-privacy statement at regular intervals. We shall also verify whether there are individual cases in which amendments to this data-protection information create an obligation to issue specific notification, and undertake to do so if this is the case.

This data protection information covers data protection matters connected with the role of shareholder. For details of data protection matters affecting the use of our website, please go to <https://www.hur.com/de/meta/datenschutz>.

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