

# Privacy Policy for Shareholders of Gigaset AG

Version: 04/2022

One of the key concerns of the EU General Data Protection Regulation (GDPR) is the transparency of data processing. Protecting your personal data is particularly important to us. For this reason, we also take protecting the data of our shareholders, their representatives and the visitors to the Company's annual general meeting very seriously. The following information is intended to inform you about the processing of your personal data by Gigaset AG and your rights under data protection law.

## 1. Who is the controller of the data processing?

Gigaset AG, Frankenstrasse 2, 46395 Bocholt, Germany

Email: [datenschutz@gigaset.com](mailto:datenschutz@gigaset.com)

Tel.: +49 (2871) 912 912\*

\* Your provider's fixed-line rate applies.

For any questions about data privacy, also in relation to the virtual general meeting and the use of our website, feel free to contact our Data Protection Officer at any time. He can be reached at the above postal address, as well as at the above email address (heading: 'Attn: Data Protection Officer').

## 2. For what purposes and on what legal basis are your data processed? What data do we obtain, and from whom?

We process your personal data in compliance with the EU General Data Protection Regulation (GDPR), the *Bundesdatenschutzgesetz* (Federal Data Protection Act, BDSG), the *Aktiengesetz* (Joint Stock Companies Act, AktG), as well as all other applicable regulations.

As the shares of Gigaset AG are bearer shares, Gigaset AG does not keep a share register pursuant to AktG Art. 67 that would indicate the name or other personal data of the shareholder. Gigaset AG obtains personal data (e.g. name, address, e-mail address if applicable, number of shares, ownership type of shareholding, admission ticket number and the issuance of proxies or instructions, as applicable) from shareholders when they register for the virtual general meeting or from the custodian banks via providers engaged for this purpose.

We process your personal data (including but not limited to your name, address, email address, number of shares, admission ticket number and the issuance of proxies or instructions, as applicable) in order to enable you, as a shareholder, to attend and exercise your rights at the virtual general meeting, particularly by following the video and audio transmission of the meeting. The processing of your personal data is vital to the preparation, conduct and follow-up work and your attendance at the virtual general meeting in accordance with AktG Section 129(1), sentence 2. Unless the relevant data are provided, you cannot attend the virtual general meeting or exercise your voting or other meeting-related rights. The data processing includes procedures related to registering a shareholder for the virtual

general meeting, his participation in the virtual general meeting through an authorised representative or named proxy, as applicable, the list of attendees, as well as requests to add items to the agenda, counter motions and election proposals, as applicable.

If a shareholder's authorised representative attends the general meeting by following the video and audio transmission of the entire general meeting, we process the shareholder's personal data provided in the proxy issued, as well as the first and last name and residence or address of the authorised representative. If a proxy and instructions have been issued to the voting representatives, the issued instructions are also processed, and the Company keeps a verifiable record of the written proxy for three years.

In the general meeting, a list of attendees is kept pursuant to AktG Section 129, along with the following data: admission ticket number, first and last name and residence of the represented shareholder or shareholder representative and the Company's voting representative, number of shares, class of shares, number of voting rights and ownership type of shareholding.

If a shareholder requests that items be placed on the agenda, Gigaset AG will make these items known along with the shareholder's name if the requirements have been met as specified by joint stock company legislation. Gigaset AG will also make counter motions and election proposals of shareholders, along with the respective shareholder's name, available on the website of Gigaset AG if the requirements specified by joint stock company legislation have been met (AktG Sections 122(2), 126(1) and 127).

The legal basis for the processing of personal data in relation to the processing activities described above is AktG Section 67e in conjunction with GDPR Art. 6(1)(c).

Furthermore, we may also process your personal data in order to fulfil other statutory obligations, e.g., regulatory requirements, as well as tax, commercial, securities and stock market duties of safekeeping. The legal basis for the processing is comprised by the respective statutory rules in conjunction with GDPR Art. 6(1), sentence 1(c).

Your questions will only be answered in the virtual general meeting by mentioning your name if you declare your consent to the disclosure of your name when submitting the question (GDPR Art. 6 (1)(a)). If you as a shareholder make use of the option to submit a comment for publication, this comment will be published via the password-protected shareholders' portal at <https://gigaset.hvanmeldung.de>, along with your name, provided you declare your consent to this in accordance with GDPR Art. 6 (1)(a); the comment may also be read out at the general meeting. This consent is voluntary and can be revoked at any time with effect for the future. Please address the revocation of consent to the above contact details. Should it be intended to process your personal data for another purpose, you will be informed of this in advance within the framework of the statutory provisions.

In individual cases, Gigaset AG may also process your data for the legitimate purposes of the Company or a third party in accordance with GDPR Art. 6(1)(f). This applies, for instance, if, in accordance with *COVID-19-Gesetz* (COVID-19 Act) Section 1(2) in conjunction with the requirements concerning convocation prior to the virtual general meeting, you electronically submit questions or electronically object to resolutions of the virtual general meeting during

the same. In this case, we will process your personal data (name, address and admission ticket number and details) based on our legitimate interest in handling your question or objection. This also applies if, e.g., in connection with capital increases, we have to exclude certain shareholders or groups of shareholders - based on their nationality or place of residence - from being informed of subscription offerings so that we do not infringe the legislation of certain countries. For information on the right to object to data processing to safeguard legitimate interests, please see Section 5.

We do not engage in any purely automated decision-making, as referred to in GDPR Art. 22, or profiling.

### **3. What recipient categories may we disclose your data to?**

External service providers and consultants:

At times, we engage the services of external providers to manage and conduct our virtual general meetings (GM service providers, providers for printing and sending out shareholder communications). Where necessary, your personal data are processed in accordance with GDPR Art. 28. As appropriate, for the purpose of the virtual general meeting, we also engage consultants and attorneys to whom personal data may be available.

Other recipients:

If you as a shareholder or your representative attends the virtual general meeting, other Gigaset shareholders or their representatives may, pursuant to AktG Section 129, access the data about you that are stored in the list of attendees. Insofar as the voting representatives are so authorised by the shareholder or his proxy, they will receive personal data required for exercising the voting rights in accordance with their instructions. We publish requests to add items to the agenda pursuant to AktG Section 122(2) and countermotions and election proposals pursuant to AktG Sections 126(1) and 127 as specified by law.

Furthermore, we may be required to transmit personal data to other recipients, e.g., shareholder data to government agencies, in order to fulfil our statutory disclosure requirements.

We do not plan to transmit personal data to any recipient in a third country (i.e., a country outside the European Union or the European Economic Area, as applicable).

### **4. How long do we store your data?**

We generally anonymise or delete your personal data as soon as they are no longer required for the above-mentioned purposes and in so far as statutory evidentiary and safekeeping obligations (e.g., in the AktG, *Handelsgesetzbuch* (Commercial Code) and *Abgabenordnung* (Tax Code) do not require us to continue storing them. For data recorded in relation to virtual general meetings, the storage period is normally up to three years. Unless otherwise specified by law, as soon as we are informed that your shares have been sold, we will continue to store your personal data for up to an additional 12 months. Apart from this, we retain personal data only in exceptional cases if and for as long as this is necessary regarding claims brought against our Company (statute of limitations of up to 30 years).

## 5. What rights do you have as a data subject?

In so far as we process personal data about you, you have the following rights as required by law.

- Right of access to the data we have stored regarding you (GDPR Art. 15);
- Right to rectification of inaccurate data we have stored regarding you (GDPR Art. 16);
- Right to erasure of your data, particularly if they are no longer necessary for the purposes for which they were originally collected (GDPR Art. 17);
- Right to restriction of processing (blocking), particularly if the processing of your data is unlawful or you contest the accuracy of your data (GDPR Art. 18)

Under GDPR Art. 21, you have the right to object to the processing of your data for purposes of the legitimate interests of the Company or a third party:

**Right to object:** If we process your data for the purposes of safeguarding legitimate interests, you can object to this processing at our address indicated in Section 1 if, based on your particular situation, grounds exist which are incompatible with this data processing. We will then cease this processing unless the Company can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or if the processing is conducive to the establishment, exercise or defence of legal claims.

## 6. Would you like to lodge a complaint regarding the handling of your data?

You have the option to contact our Data Protection Officer (see Section 1 above). You also have the right to lodge a complaint with the data protection regulatory authorities. The authority having jurisdiction over Gigaset AG is:

North Rhine-Westphalia State Commissioner for Data Protection and Freedom of Information  
PO Box 20 04 44  
40102 Düsseldorf, Germany

Tel.: +49 (211) 38424-0  
Fax: +49 (211) 38424-999  
Email: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de)

\* This Privacy Policy is addressed to men and women equally. However, to facilitate reading, it uses only male pronouns.