

## **Information on data protection for the shareholders of Elmos Semiconductor SE – Annual General Meeting 2022**

The protection of your personal data is of great importance to us. We would therefore like to inform you in the following about our processing of your personal data and your rights under data protection law. For further information on data protection, please refer to <https://www.elmos.com/english/privacy-statement>

### **Who is responsible for processing your data?**

Responsible for data processing is:

Elmos Semiconductor SE  
Heinrich-Hertz-Straße 1  
44227 Dortmund, Germany  
Phone: +49 (0) 231 - 7549 - 0

Email: [info@elmos.com](mailto:info@elmos.com)

You can contact our Data Protection Officer as follows:

Elmos Semiconductor SE  
- Data Protection Officer -  
Heinrich-Hertz-Straße 1  
44227 Dortmund, Germany  
Phone: +49 (0) 231 - 7549 - 0  
Email: [datenschutzbeauftragter@elmos.com](mailto:datenschutzbeauftragter@elmos.com)

### **For what purposes and on what legal basis will your data be processed?**

We process your personal data (Art. 4 no. 1 EU General Data Protection Regulation (GDPR)) based on Art. 6 (1) lit. c) GDPR for the purposes provided for by the German Stock Corporation Act (**AktG**) within the scope of holding a virtual Annual General Meeting, particularly according to Sections 67, 67e, 118 et seq. AktG in conjunction with Section 1 (2) of the Act on Mitigating the Consequences of the COVID-19 Pandemic in Corporate, Cooperative, Association, Foundation and Residential Property Law (Federal Law Gazette I 2020, pp. 570 et seq.), last amended by Article 15 of the Act for the Establishment of a Special Fund "2021 Reconstruction Aid" and Temporary Suspension of the Obligation to File for Insolvency due to Heavy Rain and Floods in July 2021 and Amending Other Laws (2021 Reconstruction Aid Act 2021; "AufbHG 2021") of September 10, 2021 (Federal Law Gazette I, pp. 4147 et seq., **COVID-19 Act**).

Your personal data will be processed for the purpose of holding the Annual General Meeting including compliance with the statutory provisions governing the Annual General Meeting, for the purposes of identification, communication with the shareholders, for implementing the shareholders' rights and facilitating their exercise and for working together with the shareholders.

We will also transmit the virtual Annual General Meeting online through the InvestorPortal and therefore process your data through the InvestorPortal in order to enable shareholders to exercise their rights and the transmission of the Annual General Meeting or to the extent which this is technically necessary for the operation and security of the InvestorPortal.

In addition, we broadcast the virtual Annual General Meeting in part via a generally accessible stream on our website. If you use this stream, you will find further information on the processing of your data on our website at <https://www.elmos.com/english/privacy-statement.html>

We also process your data for compliance with further legal obligations we are subject to. Among those are compliance with requirements stipulated under stock corporation law, trade law and tax law as well as regulatory law. The legal basis for these processing purposes derives from Art. 6 (1) sentence 1 lit. c) GDPR in conjunction

with the obligations for documentation and the retention of records according to the Stock Corporation Act (AktG), the Commercial Code (**HGB**) and the Fiscal Code (**AO**).

Furthermore, we process your personal data in accordance with Art. 6 (1) sentence 1 lit. f) GDPR, permitting processing insofar as is necessary for the purpose of protecting our legitimate interests or those of third parties unless such interests are overridden by your interests or basic rights and fundamental freedoms requiring the protection of your personal data. One such legitimate interest is the preparation of statistics in connection with the Annual General Meeting, e.g. for the analysis of trends, or the involvement of external service providers (cf. the section "Which categories of recipient are your personal data shared with?").

In case questions are submitted, the questioner's name might be disclosed at the Annual General Meeting (if questions are responded to individually) in responding to the question if prior consent to this disclosure has been given through the field "name mention requested" upon the submitting of questions (Art. 6 (1) lit. a) GDPR). You may revoke your consent anytime with effect for the future; revocation does not affect the validity of data processing until the time of revocation.

**Who gives us your personal data? Which categories of personal data do we process? Is there an obligation to provide us with personal data?**

We process the personal data we receive from you, your custodian bank (usually as forwarded by Clearstream Banking AG acting as central administrator for the banking institutions) and – in case of representation – by the authorizing or rather legally represented shareholder. Such data comprise particulars (e.g. name, email address, address, as well as the authentication token of the InvestorPortal), administrative data (e.g. data with respect to shareholdings, voting instructions, no. of the ticket of admission) and data on the exercise of your rights in connection with the virtual Annual General Meeting (e.g. registration for the Annual General Meeting, exercise of voting rights, asking of questions, submission of counter motions, etc.) as well as technical data that your web browser transmits when you access the InvestorPortal (e.g. the IP address of your browser you are using to access the InvestorPortal, Referrer URL and the type of browser you are using).

If you contact us by email, we also process your email address for handling your request. When contacting us via the hotline, we also process your personal data (such as your name or telephone number) in order to check your identity. In case of exercising your shareholder rights (e.g. exercise of voting rights), you are legally obligated to provide your personal data.

If you authorize a third person to exercise your rights, you are obligated to inform your authorized proxy about the processing of his or her personal data by Elmos Semiconductor SE according to this information on data protection.

In case of requests for supplements to the agenda and counter motions or election proposals, they are made available and put to the vote at the Annual General Meeting if applicable.

Measures for profiling or automatic case-by-case decisions have not been implemented and do not apply.

**Which categories of recipient are your personal data shared with?**

For pursuing aforementioned purposes (cf. the section "For what purposes and on what legal basis will your data be processed?") within the context of the Annual General Meeting, we retain the services of third-party service providers based in the European Economic Area (EEA). Apart from Computershare Deutschland GmbH & Co. KG, entrusted with the technical aspects of conducting the virtual Annual General Meeting, those are particularly service providers in the fields of legal advice, print and distribution.

Moreover, we may be legally obligated under the AktG to announce your name on our website if you make use of certain shareholder rights (e.g. requests for amendments to the agenda).

Apart from that, we may be obligated to transmit personal data to authorities, in particular the Federal Financial Supervisory Authority (BaFin), e.g. based on statutory reporting obligations upon exceeding legally defined voting right thresholds.

Insofar as necessary for establishing, exercising or defending legal claims, we will transmit personal data to courts of law, courts of arbitration or legal advisers.

#### **How long will your personal data be stored?**

We will delete your personal data as soon as they are no longer required for aforementioned purposes (cf. the section "For what purposes and on what legal basis will your data be processed?"). However, as mentioned above, it has to be taken into account that we are subject to statutory documentation and record-keeping requirements. For the data collected in connection with Annual General Meetings, retention periods usually are up to three years. Additional documentation and record-retention requirements are set out in the HGB and the AO, according to which retention periods may be as long as ten years. Apart from that, we may save your personal data if required within the context of legal claims asserted against us.

If we know for a fact that a shareholder is actually no longer a shareholder of the Company, we will save his or her personal data pursuant to Section 67e (2) AktG for no longer than twelve months, subject to other statutory provisions under e.g. AktG, Securities Trading Act (**WpHG**), HGB, or AO; data are retained for a longer period of time only if required for litigation.

#### **What data protection rights do you have?**

Pursuant to Art. 15 GDPR, you have the right to obtain information about the processing of your personal data. If your personal data are inaccurate, you have the right to rectification of such data pursuant to Art. 16 GDPR. If the respective statutory requirements are met, you may request the erasure of personal data or the restriction of processing as well as object (cf. the note at the bottom of this information sheet) to the processing of personal data (Art. 17, 18 and 21 GDPR). According to Art. 20 GDPR, you may assert your right to data portability with respect to data the processing of which is based on your consent or a contract with you and is carried out by automated means.

You may exercise these rights by contacting us at the aforementioned contact data (cf. the section "Who is responsible for processing your data?").

If you think that data processing is in violation of data protection law, you are welcome to contact our Data Protection Officer. Furthermore, you have the right to file a complaint with a data protection authority of your choice (Art. 77 GDPR in conjunction with Section 19 Federal Data Protection Act (BDSG)). Among those is the data protection authority responsible for us, to be contacted at the following address:

Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen  
Postfach 20 04 44  
40102 Düsseldorf, Germany  
Phone: 0211/38424-0  
Fax: 0211/38424-10  
Email: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de)

### **Information about your right to object pursuant to Art. 21 GDPR**

You have the right to object to the processing of your personal data based on Art. 6 (1) sentence 1 lit. f) GDPR (data processing based on legitimate interests and a balancing of interests) for reasons relating to your particular situation at any time.

If you object, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for processing that override your interests, rights and freedoms or the processing serves the purpose of establishing, exercising or defending legal claims.

The objection shall be brought to our attention orally, in writing or by electronic means by using the aforementioned contact data if possible (cf. the section "Who is responsible for processing your data?").