

## **Information on data protection for the shareholders of Elmos Semiconductor SE – Annual General Meeting 2023**

The protection of your personal data is of great importance to Elmos Semiconductor SE (hereinafter also: Elmos, we, the Company). We would therefore like to inform you in the following about our processing of your personal data and your rights under data protection law in connection with our Annual General Meeting, including InvestorPortal.

If you authorize another person to exercise the related rights, you shall inform the authorized person about the data processing of his/her personal data by Elmos Semiconductor SE in accordance with this privacy notice.

### **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 within the meaning of 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, 118a et seq. AktG.

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 InvestorPortal and process your data through InvestorPortal in order to facilitate the exercise of shareholders' rights and the transmission of the Annual General Meeting or to the extent technically necessary for the operation and security of InvestorPortal. Therefore, cookies are also set. Cookies are small data packets that are stored as text files by the web browser on the hard drive of the end device (Section 25 (2) no. 2 of the Telecommunications Telemedia Data Protection Act).

In addition, we will broadcast part of the virtual Annual General Meeting, probably up to the end of the speech by the Management Board on the situation of the Company, via a generally accessible stream on our website. We will record this public part of the Annual General Meeting (image and sound) and publish this recording on our website for download for two weeks after the end of the Annual General Meeting. Only representatives of Elmos (e.g., members of the Management Board and Supervisory Board, employees of the Company) and, if applicable, the notary public recording the minutes are included in this recording; personal data of other participants of the Annual General Meeting, shareholders, or shareholder proxies are generally not included in this recording (neither in image nor sound) unless it is required by law or advisable in this part of the Annual General Meeting to name or show shareholders, shareholder proxies, and participants.

If you use this stream or access the aforementioned recording, 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?"), or in the assertion, exercise or defense of legal claims.

#### **How do we get your personal data? Which categories of personal data do we process? Is there an obligation to provide us with personal data? Profiling and automated decision-making**

We process the personal data we receive from you, your depository 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 (name, email address, mail address and login data as well as authentication token and session data for InvestorPortal, ticket admission number, number of shares, shareholder status), administrative data (e.g., data with respect to shareholdings, voting instructions, admission ticket number) and data on the exercise of rights (e.g., registration for the Annual General Meeting, exercise of voting rights, exercise of the right to information, speeches, submission of countermotion, election proposals or comments, etc.) as well as the content of your contributions (motions, questions, etc.), as well as technical data transmitted by your web browser when you access InvestorPortal (e.g., the IP address of your browser accessing InvestorPortal, referrer URL (the previously visited website), and the type of the browser used, session data, name of the file accessed as well as the date and time of access and notification of whether the access was successful). For speeches, our streaming service provider (concert media GmbH & Co KG incl. sub-contractors) uses the name, shareholder number and the content of your speech through InvestorPortal.

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 phone 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.

In case of requests for supplements to the agenda and motions or election proposals, they are made accessible and put to the vote at the Annual General Meeting if applicable (including the personal data of the shareholder / authorized proxy (e.g., name, residence or place of business)).

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, and concert media GmbH & Co KG incl. sub-contractors, the streaming provider for InvestorPortal, those are particularly service providers in the fields of legal advice, print and distribution.

If you or the authorized proxy wish to address the audience by way of video communication, we will request you or rather the authorized proxy to start with stating your name. We will transmit the speech in image and sound, i.e., visibly and audibly for all persons following the Annual General Meeting.

Your comments received in due time and due form to be made accessible will be made public through InvestorPortal for all shareholders registered for the Annual General Meeting and their proxies to view.

The recording of the public part of the Annual General Meeting (i.e., up to the end of the speech by the Management Board on the situation of the Company) will be available on our website for anyone to download for two weeks after the end of the Annual General Meeting.

In addition, we keep a register of attendees at the Annual General Meeting in which the shareholders electronically connected to or represented at the meeting and the authorized proxies electronically connected to the meeting (including their personal data (e.g. name, place of residence, number of shares)) are to be recorded.

Moreover, we may be legally obligated under the AktG to announce your name and, if applicable, your place of residence or business on our website, on InvestorPortal and in the Federal Gazette if you make use of certain shareholder rights (e.g., requests for supplements 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 store your personal data if required within the assertion, exercise or defense of legal claims.

If we know for a fact that a shareholder is actually no longer a shareholder of the Company, we will store 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

**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 may 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?").