

**INSTONE REAL ESTATE GROUP SE**

# **Data Protection Notice for Shareholders**

With the subsequent notices, we aim to inform you about the processing of your personal data by Instone Real Estate Group SE (the “Company”) in connection with the General Shareholders’ Meeting 2022 and the rights you are vested with under data protection law.

### **1. WHO IS RESPONSIBLE FOR THE PROCESSING?**

Instone Real Estate Group SE  
Grugaplatz 2-4  
45131 Essen  
phone: +49 (0) 201 45355-0  
E-Mail: [datenschutzbeauftragter@instone.de](mailto:datenschutzbeauftragter@instone.de)

Should you have questions about the information provided in this notice, you may contact our Data Protection Officer available under the e-mail address:

E-Mail: [datenschutzbeauftragter@instone.de](mailto:datenschutzbeauftragter@instone.de)

### **2. WHOSE DATA DO WE PROCESS IN THE DATA PROCESSING OPERATIONS DESCRIBED HERE?**

In the data processing operations described in this information, we process personal data relating to current and former shareholders of the Company and their statutory and contractually designated representatives.

### **3. FOR WHAT PURPOSES AND ON WHICH LEGAL GROUNDS IS YOUR DATA BEING PROCESSED? BY WHOM IS THE COMPANY RECEIVING WHAT SORT OF DATA?**

#### **Purposes of processing**

The Company is processing your personal data in accordance with the purposes as envisaged by the German Stock Corporation Act (Aktiengesetz – AktG). In particular, these purposes include communication with the shareholders as well as various processes regarding the administration of the General Shareholders’ Meeting (such as the registration for the General Shareholders’ Meeting and the documentation of participation rights).

In 2022, the Company will conduct its General Shareholders’ Meeting as a virtual general meeting without the physical presence of shareholders or their proxies. Shareholders and shareholder representatives can participate in the General Shareholders’ Meeting via video and audio transmission via our online InvestorPortal (“**General Meeting Portal**”). We process your personal data for the preparation, execution and handling of the virtual General Shareholders’ Meeting, in particular for communication with shareholders, to enable electronic voting at the General Meeting Portal, to ensure that resolutions are passed properly and to prepare the minutes of the General Shareholders’ Meeting and to enable you to exercise your rights at the General Shareholders’ Meeting, in particular your voting rights.

When you register for the virtual General Shareholders’ Meeting via the General Meeting Portal, we process your registration information to verify your entitlement to attend the General Shareholders’ Meeting.

If you make use of your right to ask questions in accordance with section 1 para. 2 sentence 1 no. 3 of the Act Concerning Measures Under the Law of Companies, Cooperative Societies, Associations, Foundations and Commonhold Property to Combat the Effects of the COVID 19 Pandemic (Gesetz über Maßnahmen im Gesellschafts-, Genossenschafts-, Vereins-, Stiftungs- und Wohnungseigentumsrechts zur Bekämpfung der Auswirkungen der COVID-19-Pandemie - C19-AuswBekG) and submit questions in advance of the virtual General Shareholders’ Meeting by electronic communication via the General Meeting Portal, we will save the contents of the questions you have voluntarily submitted together with your name. The Company will answer the questions with your name and, as applicable, with your place of residence or seat during the virtual General Shareholders’ Meeting or publish the questions together with the answers on the Company’s website in advance. We will not disclose if you have expressly objected to this disclosure.

Outside of the (virtual) General Shareholders' Meeting, we also process your personal data in order to fulfill further legal obligations, e.g. supervisory requirements as well as retention obligations under stock corporation, commercial and tax law.

We further process your personal data if it is necessary to meet legal obligations we are subject to in countries outside the EU/ the EEA. Such is the case, for example, if we have to exempt individual shareholders or a group of shareholders from information regarding preemptive rights offering on grounds of their nationality or domicile during a capital increase in order not to violate the legal requirements of certain countries.

In addition, we may, when appropriate, use your data for purposes that are compatible with these purposes (in particular with regards to creating statistics, e.g. for depicting the development of shareholders, number of transactions or for overviews about the largest shareholders).

Finally, we may, when appropriate, also process your personal data if and to the extent necessary to exercise and defend our rights, e.g. to defend against shareholder actions and claims.

We will inform you within the framework of the statutory provisions should we process your personal data for a purpose not named before.

#### Legal basis

The German Stock Corporation Act in conjunction with article 6 para. 1 lit. c) of Regulation (EU) 2016/679 (General Data Protection Regulation – GDPR) as well as article 6 para 1 lit. f) GDPR serve as the legal basis for the Company processing your personal data. The realization of the aforementioned purposes, in particular the preparation, proper execution and evaluation of the General Shareholders' Meeting, represents a legitimate interest in the processing of your personal data pursuant to article 6 para. 1 lit. f) GDPR. Data processing in connection with the execution of the virtual General Shareholders' Meeting including the submission of questions is based on article 6 para. 1 c) GDPR in conjunction with sections 118 et seq. of the German Stock Corporation Act and, if applicable, in conjunction with section 1 of the COVID-19 Act or article 6 para. 1 f) GDPR. As explicitly laid down in the GDPR, the processing of personal data is also justified on grounds of special legal obligations (meaning outside the scope of the GDPR itself).

#### Process to safeguard the legitimate interests of the Company

In certain cases, the Company may also process your data in order to safeguard the legitimate interests of the Company or of those of a third party pursuant to article 6 para. 1 f) GDPR. In particular, when using the General Meeting Portal, personal data is processed in our legitimate interest in enabling our shareholders and shareholder representatives to exercise their shareholder rights in a user-friendly manner. Data processing also serves to eliminate faults, ensure smooth operation, guarantee the security of the virtual General Shareholders' Meeting and to detect and prevent abuse.

#### Categories of processed data

In connection with the General Shareholders' Meeting, the Company processes personal data (in particular name, date of birth, address and other contact details of the shareholder, number of shares, type of ownership of the share, access data for the access-protected online service for the General Shareholder's Meeting and, if applicable, name and address of the shareholder representative authorized by the respective shareholder). The Company hereby processes data, provided by the shareholders when registering for the General Shareholders' Meeting or transmitted by the custodian banks to the Company on behalf of the shareholders for this purpose.

When you visit our General Meeting Portal, we also collect and process data on access to and use of this portal (e.g. date and time of the access, if the access was successful, description and type of browser used and host name of the accessing computer (IP address)), which your browser sends to us.

Provision of personal data is required for registration and conducting of the General Shareholders' Meeting and collection of personal data is partially required under law.

#### **4. FROM WHICH SOURCES DOES YOUR DATA COME?**

As a rule, we receive your data directly from you, especially if you register for the General Shareholders' Meeting in person, use the General Meeting Portal, submit questions, participate in the virtual General Shareholders' Meeting or exercise your shareholder rights personally.

We may receive data about you from third parties such as the credit institution you have entrusted with the safekeeping of your shares or from publicly accessible data sources.

If you participate in the virtual General Shareholders' Meeting as a proxy, we may receive registration information and other information about you from the shareholder you represent.

#### **5. TO WHICH CATEGORIES OF RECIPIENTS MAY WE DISCLOSE YOUR DATA?**

##### **Third-party service providers and advisors**

We are employing third-party service providers (e.g. IT service providers, service providers for the management of the General Shareholders' Meetings including the service provider operating the General Meeting Portal, service providers for printing and sending the shareholders' correspondence as well as legal consultants) for preparing and holding the General Shareholders' Meetings.

##### **Other shareholders and participants at the General Shareholders' Meeting**

Personal data is being publicly disclosed under certain circumstances in connection with the disclosure of shareholders' requests regarding items on the agenda of the General Shareholders' Meeting and the shareholders' counter-motions as well as proposals for elections.

##### **Publication of certain information**

Should a shareholder request that specific items shall be added to the agenda (Art. 56 of Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European Company (SE) (SE-Verordnung - SE-VO), section 50 para. 2 of the SE Implementation Act (SE-Ausführungsgesetz – SEAG), section 122 para. 2 of the German Stock Corporation Act), the Company will publish said items stating the name of the respective shareholder subject to the requirements as laid down in the German Stock Corporation Act. The Company will likewise publish counter-motions and proposals for elections of shareholders stating the name of the respective shareholder on the internet subject to the requirements of the German Stock Corporation Act (sections 126 para. 1 and 127 of the German Stock Corporation Act).

##### **Public authorities and other recipients**

Furthermore, we may be obligated to disclose your personal data to further recipients, as per example to public authorities in order to fulfill our legal notification obligations (e.g. voting rights notification).

#### **6. HOW LONG IS YOUR DATA BEING STORED?**

Generally, we anonymize or erase your personal data as soon as and to the extent that it is no longer necessary for the above-mentioned purposes, unless we are obligated to prolong the storage due to legal requirements regarding the provision of evidence or retention obligations (pursuant to the German Stock Corporation Act, the Commercial Code, the Fiscal Code or other regulations). Data collected in connection with shareholders' meetings is regularly being stored for a time period of up to three years.

Server-log files or login data in conjunction with the execution of the General Shareholders' Meeting and the use of the General Meeting Portal are deleted after a maximum of 32 days.

Furthermore, we are solely storing personal data in certain cases if such storage is necessary in connection with claims brought against our Company (the legal limitation period amounts to up to thirty years).

## 7. WHAT ARE YOUR RIGHTS UNDER DATA PROTECTION LAW?

At the address of the Data Protection Officer in Section 1, you can request, free of charge, **information** about personal data stored according to article 15 GDPR, **correction** of personal data according to article 16 GDPR, **erasure** of personal data according to article 17 GDPR and **restriction of processing** of personal data (e.g. if your data is being processed unlawfully) according to article 18 GDPR. Requests for erasure or restriction of processing of personal data can under certain circumstances oppose with the Company's legal retention obligations.

Pursuant to article 21 para. 1 GDPR, you have the right to **object** the processing of your data for purposes of safeguarding the Company's legitimate interests or those of third parties:

### Right to object the data processing for purposes of safeguarding the Company's legitimate interests

If we are processing your data for purposes of safeguarding the Company's legitimate interests or those of third parties, you may object under the following address

Instone Real Estate Group SE  
Data Protection Officer  
E-Mail: [datenschutzbeauftragter@instone.de](mailto:datenschutzbeauftragter@instone.de)

if there are grounds stemming from your particular situation which oppose such data processing. We will then terminate such processing of your data, unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the parties concerned or the processing is used for exercise, assertion or defense of legal claims.

## 8. DO YOU HAVE ANY COMPLAINTS REGARDING THE PROCESSING OF YOUR DATA?

For complaints regarding the processing of your personal data you may contact the Company's Group Data Protection Officer in order to initiate an immediate clarification of the matter. Furthermore, you have the right to lodge a complaint with a competent **data protection authority**. The data protection authority competent to supervise the Company is the following:

Regional Commissioner for Data Protection and Freedom of Information Nordrhein-Westfalen  
Kavalleriestr. 2-4  
40213 Düsseldorf  
Germany  
phone.: +49 (0) 211 38424 0  
Fax: +49 (0) 211 38424 999  
E-Mail: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de)