

## **Convenience Translation only**

### **Privacy notice for shareholders, shareholder representatives and guests with regard to data processing for the purpose of the virtual General Meeting of Mister Spex SE**

Protecting your personal data and processing it in compliance with the law is a matter of high priority for us. Therefore, this privacy notice contains information on the processing of your personal data by Mister Spex SE in connection with the preparation, conduct and follow-up of the virtual General Meeting as well as the rights to which you are entitled under the EU General Data Protection Regulation (**GDPR**) and the German Federal Data Protection Act (*Bundesdatenschutzgesetz*, **BDSG**).

We will hold the 2022 General Meeting as a remote meeting using means of distance communication (virtual General Meeting), with the option to participate by electronic connection (**Connection**). Shareholders and their authorised representatives can therefore not physically participate in the General Meeting. However, the entire General Meeting can be followed by video and audio transmission via a password-protected internet service (**AGM Portal**), which is also used for the electronic Connection to the meeting. In addition, the company is granting selected interested persons (**Guests**) the opportunity to register for guest access to the AGM Portal and to participate in the video and audio transmission of the General Meeting via this portal. The AGM Portal is operated by our service provider Link Market Services GmbH, Landshuter Allee 10, 80637 Munich, exclusively on our behalf and in accordance with our instructions. It can be accessed via the following internet address: <https://ir.misterspex.com/agm>.

#### **I. Who is the controller for the processing of your personal data?**

The controller for the processing of your personal data is:

Mister Spex SE  
Greifswalder Straße 156  
10409 Berlin  
Telephone: + 49 (0) 800 810 8090  
Email: [datenschutz@misterspex.de](mailto:datenschutz@misterspex.de)

You can contact the Mister Spex SE data protection officer by post or email via the following address:

Mister Spex SE  
FAO the data protection officer  
Greifswalder Straße 156  
10409 Berlin  
Email: [datenschutz@misterspex.de](mailto:datenschutz@misterspex.de)

Please note however that if you use this email address, your messages will not be read solely by our data protection officer. Therefore, if you wish to exchange confidential information with our data protection officer, please first request direct contact to our data protection officer via this email address.

## **Convenience Translation only**

### **II. What personal data do we process?**

We process the following personal data of shareholders and, if applicable, their authorised representatives:

- Shareholder personal data (e.g., first name and surname, title (if applicable), surname at birth (if applicable), gender, email address, address, and other contact details (e.g., your mailing address));
- Shareholder data and information on your shareholding (number of shares, class of shares, form of shareholding and your registration confirmation/voting card number, depository bank);
- The manner, date and form of your vote or that of your authorised representative(s), as well as information on motions, questions, election proposals and other requests submitted by shareholders or their authorised representatives in relation to the General Meeting;
- If applicable, name, address and email address of the relevant authorised representatives;
- If applicable, data on statements in text form (i.e., your name and the content of your statement);
- Individual access data for the AGM Portal of Mister Spex SE.

If you participate in our virtual General Meeting as a Guest, we process the following data about you: name, address, position/function (if applicable), company name and individual access data for the AGM Portal.

If you visit our AGM Portal on the internet, we process data on access to our AGM Portal. The following data and device information are logged in the web-server log files:

- Data retrieved or requested;
- Date and time of retrieval;
- Message whether the retrieval was successful;
- Type of web browser and operating system used;
- Referrer URL (the previously visited (web) page), if your browser sends this;
- IP address;
- The port used to access the data;
- Actions performed within the AGM Portal; and
- Individual access data and session ID.

Your browser automatically transmits this data to us when you visit our AGM Portal.

If you contact us, we also process the personal data required to process the request, such as the email address or telephone number.

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

We process your personal data in compliance with the provisions of the GDPR, the BDSG, Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) (**SE Regulation**), the German Stock Corporation Act (**Aktiengesetz, AktG**), the German Telecommunications and Telemedia Data Protection

## **Convenience Translation only**

Act (*Telekommunikation-Telemedien-Datenschutz-Gesetz, TTDSG*) as well as any other relevant legal provisions.

Via the AGM Portal, you can, among other things, follow the video and audio transmission of the virtual General Meeting, exercise your voting rights, grant powers of attorney, submit questions and statements in text form, or submit objections to the notary's minutes. To be able to use the AGM Portal, you must log in with your individual access data. The various options for exercising your rights then appear in the form of buttons and menus on the AGM Portal user interface. As a Guest, only the webcast of the virtual General Meeting is available to you in the AGM portal.

Shareholders receive their individual access data to the AGM portal following proper registration for the virtual General Meeting and proper proof of shareholding. Third parties authorised by the shareholder receive their individual access data either directly from the company or from the principal. Guests receive their individual access data directly from the company.

### **1. Operation of the AGM Portal**

Processing the above-mentioned access data and device information in web-server log files is technically necessary for the AGM Portal as well as for detecting misuse, troubleshooting and ensuring the smooth operation of the virtual General Meeting. In this respect, we have a legitimate interest in providing you with the AGM Portal as a service for shareholders and their authorised representatives in order for you to exercise your shareholder rights in a user-friendly manner and to be able to participate in the virtual General Meeting by means of electronic Connection. With regard to Guests, we also have a legitimate interest in making the AGM Portal available to them to enable them to follow the webcast of our virtual General Meeting. With regard to shareholders and their representatives, the legal basis for these processing operations is Article 6(1)(c) GDPR in connection with Article 9(1)(c)(ii) SE Regulation and section 67e(1) AktG and, with regard to Guests, Article 6(1)(f) GDPR.

### **2. Identity verification**

When you register on the AGM Portal as a shareholder or authorised representative, we will process your registration information and access data in order to verify your authorisation to connect to the virtual General Meeting as a shareholder or authorised representative or to take preparatory measures. This processing is required to fulfil our obligations under stock corporation law pursuant to Article 53 SE Regulation in connection with sections 118 et seqq. AktG. The legal basis for this processing is Article 6(1)(c) GDPR in conjunction with Article 9(1)(c)(ii) SE Regulation and section 67e(1) AktG.

If you log in to the AGM Portal as a Guest, we process your log-in information in order to be able to verify your authorisation to watch the webcast of the virtual General Meeting via the AGM Portal as a Guest and to ensure that only those authorised to do so can exercise participation rights. The legal basis for this processing is Article 6(1)(f) GDPR. Our legitimate interest is to be able to make the AGM Portal and the webcast of the virtual General Meeting technically available to selected Guests, and to protect our shareholders' voting rights.

## **Convenience Translation only**

### **3. Preparing, conducting and following up on the virtual General Meeting**

We process your personal data in order to prepare, conduct and follow up on the virtual General Meeting, in particular to process the registration and Connection of the shareholders or their authorised representatives in relation to the virtual General Meeting (e.g., checking attendance entitlement, sending access data) and to enable the shareholders or their authorised representatives to exercise their rights during or in connection with the virtual General Meeting (including granting and revoking powers of attorney and instructions).

In particular, we also process your voting behaviour if shareholders or their authorised representatives exercise their voting rights before or during the virtual General Meeting by electronic postal vote or by issuing a power of attorney and instructions to the company's proxies via the AGM Portal in order to ensure the proper adoption of resolutions and valuation of votes at the virtual General Meeting. In addition, we process information about your objection to General Meeting resolutions as a shareholder or authorised representative if you declare such an objection during the virtual General Meeting via the corresponding function of the AGM Portal. Furthermore, we process your personal data in order to fulfil our obligations to shareholders and their authorised representatives (e.g., sending an electronic confirmation of the votes exercised by way of electronic postal voting).

The legal basis for these processing operations is Article 6(1)(c) GDPR in conjunction with Article 9(1)(c)(ii) SE Regulation, section 67e(1) AktG and our obligations under stock corporation law pursuant to Article 53 SE Regulation in conjunction with sections 118 et seqq. AktG and, where applicable, in conjunction with section 1(2) sentence 1 nos. 2 - 4 of the German Act on Measures in Corporate, Co-operative, Association, Foundation and Home Ownership Law to Combat the Effects of the COVID-19 Pandemic (**COVID-19 Act**).

The processing of your personal data is necessary to properly conduct the virtual General Meeting. If you do not provide us with the necessary personal data, we may not be able to connect you to the virtual General Meeting.

In addition, we process the above-mentioned data of Guests to ensure that only selected Guests can follow the video and audio broadcast of the virtual General Meeting. In particular, we prepare a guest list and send out guest tickets or access data for the AGM Portal, via which Guests can only follow the webcast of the virtual General Meeting. The legal basis for this processing is Article 6(1)(f) GDPR. Our legitimate interest is to control access to our virtual General Meeting and to admit only selected Guests. Without such processing of your data, Guests cannot follow the video and audio broadcast of the virtual General Meeting.

In connection with preparing, conducting and following up on the virtual General Meeting, we may also transmit your data to our legal advisers, tax advisers or auditors, as we have a legitimate interest in organising the virtual General Meeting in accordance with the relevant legal provisions and in obtaining external advice for this purpose. The legal basis for this processing is Article 6 (1)(f) GDPR.

#### **4. Exercising the right to ask questions**

If you as a shareholder or authorised representative make use of the opportunity to submit questions in advance of the virtual General Meeting via our AGM Portal, we will process your questions and the personal data provided together with your questions in order to check how your questions are to be answered during the virtual General Meeting. The legal basis for this is Article 6(1)(c) GDPR in conjunction with Article 9(1)(c)(ii) SE Regulation, section 67e(1) AktG and section 1(2) sentence 1 no. 3 and sentence 2 COVID-19 Act. You may be named when your questions are dealt with at the virtual General Meeting, provided that you have indicated when submitting the question that you wish to be named. Your name may then be noted by other participants in the virtual General Meeting. This data processing is necessary in order to safeguard our legitimate interest in bringing the course of the virtual General Meeting as close as possible to that of a physical general meeting and the legitimate interest of the other General Meeting attendees in finding out the name of the person asking the question. The legal basis for this processing is Article 6 (1)(f) GDPR.

#### **5. Statements in text form**

If you as a shareholder or authorised representative make use of the option to submit a statement in text form via our AGM Portal in advance of the virtual General Meeting, we will process this statement and the personal data you provide when submitting it in order to check whether the statement you have submitted meets our admission criteria and to make your statement accessible on the AGM Portal under your name. Your statements are not made freely accessible on the internet and can only be noted by other users of the AGM Portal. After the end of the General Meeting, all statements will be deleted from the AGM Portal. This data processing is necessary to protect our legitimate interest in making the virtual General Meeting as similar as possible to a physical General Meeting and to enable our shareholders or their authorised representatives to make a statement. The legal basis for this processing is Article 6 (1)(f) GDPR.

#### **6. Compliance with statutory reporting and publication obligations as well as further legal obligations, in particular retention obligations**

Furthermore, we process your data insofar as this is necessary to fulfil legal reporting and publication obligations. This also includes data transferred to us by you or other parties subject to notification obligations (notifying persons) as part of voting rights notifications under the German Securities Trading Act (*Wertpapierhandelsgesetz*). The relevant statutory provisions and Article 6(1)(c) GDPR serve as the legal basis for processing data in these cases.

In addition, your personal data may also be processed for meeting further legal obligations such as regulatory requirements as well as retention obligations under stock corporation law, commercial law and tax law. We are required, for example, to record the power of attorney granted to the proxies designated by us for the General Meeting so that it can be verified for a period of three years (Article 53 SE Regulation in conjunction with section 134(3) sentence 5 AktG). In such instances the legal basis also is Article 6(1)(c) GDPR in conjunction with the relevant statutory provisions.

## Convenience Translation only

### **7. Other processing on the basis of legitimate interests, in particular for the compilation of statistics**

We are furthermore entitled to process your data for safeguarding our legitimate interests or the legitimate interests of a third party in accordance with Article 6(1)(f) GDPR. This is the case, for example, when we compile statistics in connection with the General Meeting. Furthermore, we have a legitimate interest when we wish to prevent or disclose illegal activities, fraud or similar threats in order to protect ourselves against any damage.

### **8. Providing corporate information and maintaining shareholder contact (investor relations)**

Personal data of shareholders may also be processed for the purpose of providing corporate information and maintaining contact with you (investor relations). The legal basis for such processing is Article 6(1)(c) GDPR in conjunction with Article 9(1)(c)(ii) SE Regulation and section 67e(1) AktG.

## **IV. Cookies**

We use the technically essential cookies described below for our AGM Portal.

<b>Cookie name</b>	<b>Description</b>	<b>Duration</b>
PHPSession ID	Standard session identifier for PHP	Deleted at the end of the session or when the browser is closed

Cookies are small files that are stored on your desktop, notebook or mobile device by a website you visit. From this we can see, for example, whether there has already been a connection between your device and our AGM Portal. Cookies can also contain personal data. You can set your browser so that you are informed about the setting of cookies and allow cookies only in individual cases, exclude the acceptance of cookies for certain cases or in general and activate the automatic deletion of cookies when closing the browser. If you decide not to use cookies, it is possible that not all functions of our AGM Portal will be available to you or that individual functions will only be available to a limited extent.

The necessary session cookies used by us are only used for the purpose of providing the AGM Portal and for the registration and identification of shareholders and their authorised representatives as well of the Guests. They are technically essential for the functions of the AGM Portal and are deleted when you close your browser.

The legal basis for the setting of the essential cookies, access to the data stored therein as well as the processing of personal data in connection therewith is section 25(2) no. 2 TTDSG, as this is necessary to provide the AGM Portal requested by you. The further processing of the personal data collected via the essential cookies is necessary to safeguard our legitimate interest in enabling our shareholders, their authorised representatives and selected Guests to visit our AGM Portal. With regard to shareholders and their representatives, the legal basis for this processing is Article 6(1)(c) GDPR in connection with Article 9(1)(c)(ii) SE Regulation and section 67e(1) AktG and, with regard to Guests, Article 6(1)(f) GDPR.

## **Convenience Translation only**

To the extent that we want to use cookies in the provision of the AGM Portal that are not essential for the operation of the AGM Portal, such as function or performance cookies, we will only do so if you have given your consent. In this case, we will inform you about our cookies and related data processing before using them and ask for your voluntary consent when you visit the AGM Portal.

### **V. Which recipients do we share your data with?**

For handling our general meetings, we engage external service providers, e.g. service providers for the organisation of general meetings and for conducting general meetings (e.g. for checking attendance entitlement, providing and operating technical infrastructure and preparing documentation of the General Meeting). However, the commissioned service providers only receive personal data from us as necessary for the provision of the requested service, and they process the data exclusively on our behalf and according to our instructions. In connection with preparing, conducting and following up on the General Meeting, we may also transfer your personal data to our legal advisers, tax advisers or auditors.

If shareholders request any items be included on the agenda, we will announce such items by indicating the name of the relevant shareholder, provided that the requirements under stock corporation law are met. We will publish shareholders' countermotions and election proposals on the company's website by indicating the name of the relevant shareholder in accordance with stock corporation law, provided the requirements are met.

If you as a shareholder or an authorised representative make use of the opportunity to submit questions, and your questions are dealt with during the virtual General Meeting, you will generally be named in the process, provided you indicated when submitting the question that you wish to be named. Your name may then be noted by other General Meeting participants (including our Guests).

If you as a shareholder or authorised representative make use of the option to submit statements in text form and they are published on the AGM Portal, your name will be included. Statements published in text form on the AGM portal may be noted by the other shareholders and their authorised representatives.

Finally, we may be required to transfer your personal data to further recipients, e.g. when publishing notifications of voting rights in accordance with the provisions of the German Securities Trading Act, or to authorities in order to comply with statutory notification requirements (e.g. to tax authorities or law enforcement authorities).

Your data is principally processed in the European Union. Insofar as persons who are domiciled in countries outside the European Union or the European Economic Area (third countries) hold shares in our company, we will also send information to those shareholders (e.g., invitations to General Meetings). If such communications also contain personal data (e.g., applications in General Meetings stating the applicant's name), this data will thus also be transferred to third countries. In third countries, the provisions of the GDPR do not apply directly. In the absence of an adequacy decision by the European

## **Convenience Translation only**

Commission, a lower level of protection for your personal data may apply in such third countries. Nevertheless, a transfer is necessary in order to inform all shareholders equally, as we are not allowed to deprive shareholders from third countries of our information. The legal basis for the transfer is Article 49(1)(b) GDPR.

### **VI. Where do we get your data from?**

To the extent that the personal data is not stated by shareholders or by their authorised representatives in the context of the registration process for the General Meeting or is collected directly when they use the AGM Portal, the personal data of the shareholders or their authorised representatives will be communicated to the company by the custodian bank or by a third party involved in the registration process.

If you follow the virtual General Meeting as a Guest, we will receive your data either directly from you, in particular if you yourself have applied for admission as a Guest with us (e.g. as a representative of a public authority or the media), from one of our shareholders who applies for your admission as a Guest, or, as the case may be, in the context of our business activities from internal or external sources, some of which are also publicly accessible.

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

We will erase or anonymise your personal data once it is no longer needed for the aforementioned purposes and we are no longer required to continue storing such data in compliance with statutory obligations of documentation and retention (e.g. under the German Stock Corporation Act, the German Commercial Code, the German Fiscal Code or other legal provisions).

In addition, we also retain data if required in relation to claims asserted by or against our company or for safeguarding our aforementioned legitimate interests.

If you have specific questions concerning the storage period, please contact our data protection officer.

### **VIII. What rights do you have under data protection law?**

Where the legal requirements are met, shareholders and their authorised representatives as well as Guests as data subjects have the right

- to obtain information about the data processing as well as a copy of the processed data (right of access, Article 15 GDPR),
- to obtain the rectification of inaccurate data or the completion of incomplete data (right to rectification, Article 16 GDPR),
- to obtain the erasure of personal data without undue delay (right to erasure, Article 17 GDPR),
- to obtain the restriction of data processing (right to restriction of processing, Article 18 GDPR),
- as well as to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and in addition to transmit those data to another controller without hindrance from the controller (right to data portability)



## **Convenience Translation only**

Article 20 GDPR).

### **Right to object to the processing of data for safeguarding legitimate interests**

**Insofar as we process your data to protect the legitimate interests of Mister Spex SE or a third party, you are entitled to object to this processing for reasons that arise from your particular situation. In this case, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms or if the processing serves the purpose of asserting, exercising or defending legal claims.**

You can assert the aforementioned rights by contacting our data protection officer at the address specified under section I. above. Please note that there may be statutory exceptions (e.g. continuing retention obligations) that may limit the exercise of your rights.

Irrespective thereof, you also have the right to lodge a complaint with a data protection authority pursuant to Article 77 GDPR. The data protection supervisory authority responsible for Mister Spex SE is:

Berliner Beauftragte für Datenschutz und Informationsfreiheit  
Friedrichstr. 219  
10969 Berlin  
Phone: 030 13889-0  
Email: [mailbox@datenschutz-berlin.de](mailto:mailbox@datenschutz-berlin.de)

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