

## **Information on data protection for shareholders of Epigenomics AG**

Compliance with the provisions of data protection law is very important to Epigenomics AG (hereinafter „we“ or „us“). In the following, we would like to inform our shareholders, shareholder representatives and participants attending our Shareholders' Meeting as a guest about the processing of its personal data and its rights under data protection law.

Further information regarding the processing of personal data by Epigenomics AG can be accessed online under <https://www.epigenomics.com/de/impressum/datenschutz/>.

### **Controller:**

The Controller of the processing of personal data is Epigenomics AG. You may reach Epigenomics AG at:

Epigenomics AG  
Geneststraße 5  
10829 Berlin  
Deutschland  
E-Mail: [contact@epigenomics.com](mailto:contact@epigenomics.com)

You may address your questions or comments on the processing of personal data to the data protection officer of Epigenomics AG at:

Dr. Uwe Schläger  
Date Protection Officer („*Datenschutzbeauftragter*“) of Epigenomics AG  
datenschutz nord GmbH  
Konsul-Smidt-Straße 88  
28217 Bremen  
E-Mail: [office@datenschutz-nord.de](mailto:office@datenschutz-nord.de)

### **Purposes and legal bases of the processing:**

We process your personal data in full compliance with the provisions of the EU General Data Protection Regulation (GDPR), the German Federal Data Protection Act (*Bundesdatenschutzgesetz*), the German Stock Corporation Act (*Aktiengesetz*, „AktG“) and all other applicable laws and regulations.

Shares of Epigenomics AG are registered shares („*Namensaktien*“). In the case of registered shares, Section 67 AktG provides that Epigenomics AG as a stock company is obliged to maintain a share register („*Aktienregister*“) of its shareholders including the name, date of birth and address of the shareholder and – in the case of no-par value shares („*Stückaktien*“) – the number of shares being held by a shareholder or the specific share number. In principle, the shareholder is obliged to inform the stock company of this information.

Epigenomics AG generally will receive the shareholders' personal data via the registration office of the custodian bank/credit institution (intermediaries) that the shareholders have entrusted with the safekeeping of their bearer shares (so-called depository bank, „*Depotbank*“). In some cases, Epigenomics AG may receive personal data directly from shareholders.

We use your personal data (e.g. last name and first name, address, email address, number and class of shares, type of ownership of shares, registration information for the online shareholders' portal) as well as personal data of your shareholder representatives, where applicable, for the purposes provided for in the AktG, for communicating with you as shareholder and for organizing Shareholders' Meetings. Processing of personal data for these purposes is a mandatory requirement under applicable law. The legal basis for the processing of your personal data is the AktG (in particular Sections 67, 118 et seqq. AktG) in conjunction with Article 6 (1)

sentence 1 lit. c) GDPR. If the Shareholders' Meeting takes place as a virtual Shareholders' Meeting ("*virtuelle Hauptversammlung*") within the meaning of Section 1 (2) of the Act Combating the Effects of the COVID 19 Pandemic as regards Companies, Cooperatives, Associations, Foundations and Home Ownership in Germany of 27 March 2020 ("Covid 19 Act")<sup>1</sup>, processing of personal data for such purposes is mandatory for the proper preparation and conduction of the virtual Shareholders' Meeting, for the exercise of voting rights and for virtual attendance through the online shareholders' portal. The legal basis for the processing is Article 6 (1) sentence 1 lit. c) GDPR in conjunction with Sections 118 et seqq. AktG and Section 1 Covid 19 Act.

In addition, data processing activities that are necessary for organisational purposes of our Shareholders' Meeting may be carried out on the basis of overriding legitimate interests (Article 6 (1) sentence 1 lit. f) GDPR).

Further, we use your personal data on the basis of Article 6 (1) sentence 1 lit c) and (4) GDPR for purposes that are compatible with the aforementioned purposes (in particular, for preparing statistics on, for instance, the changes in the shareholder structure, the number of transactions or overviews of major shareholders).

We also process your personal data, where necessary, to comply with other legal obligations, e.g. regulatory requirements, record retention requirements under stock corporation, commercial and tax laws. In the context of the authorization of company-named proxies for the Shareholders' Meeting, for example, we are obligated under the provisions of the German stock corporation law to keep a verifiable record of the data provided as proof of the authorization. In this case, the legal basis for the processing of personal data is the respective legal provisions and Article 6 (1) sentence 1 lit. c) GDPR.

In certain individual cases, we also process your personal data as necessary for the purposes of the legitimate interests pursued by Epigenomics AG (Article 6 (1) sentence 1 lit. f) GDPR). This occurs, inter alia, for statistical purposes, for the processing of contact and service requests, for visual and audio recordings at our Shareholders' Meetings, or for participating in our Shareholders' Meetings as a guest. The respective purpose constitutes our legitimate interest.

In our online shareholders' portal, in principle, we only use your personal data for the purpose for which you made the data available to us; for instance, in order to enable you to access the Shareholders' Meeting services including the possibility to attend a virtual Shareholders' Meeting through our online shareholders' portal, for an individual registration or electronic registration, for the documentation of your online registration for the Shareholders' Meeting, for the documentation of online orders (especially admission tickets), for the documentation of votes, for the documentation of your representation by an authorized proxy and any instructions you may have issued, for revocation of an authorization, for the casting of votes by postal voting (where offered), for the submission of questions in advance of a virtual Shareholders' Meeting, for communication in the context of contact and service requests in connection with the Shareholders' Meeting or in order to provide you with access to specific information.

During our Shareholders' Meeting, visual and audio recordings may be taken. Shareholders, shareholder representatives and other participants could be subject to these recordings. The recordings are stored, processed and published for documentation purposes and as part of our public relations work. Both the recording and its publication constitute a legitimate interest of Epigenomics AG within the meaning of Article 6 (1) sentence 1 lit. f) GDPR. If you do not wish to be recorded, please contact the photographer directly at our Shareholders' Meeting so

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<sup>1</sup> In German: „*Gesetz über Maßnahmen im Gesellschafts-, Genossenschafts-, Vereins-, Stiftungs- und Wohnungseigentumsrecht zur Bekämpfung der Auswirkungen der COVID-19-Pandemie vom 27. März 2020*“

that your request can be taken care of. We would like to point out that information available on the Internet can be accessed worldwide, be found by search engines and be linked to further information, which may be used to create personality profiles. Information being available on the Internet, including photographs, can be easily copied and shared, and there are specialised archiving services documenting the state of certain websites on a permanent basis. Thus, information disclosed on the Internet may still be found online even after it has been deleted from the original website.

In the event that we intend to process your personal data for a purpose that was not previously mentioned, we will inform you in advance in accordance with and subject to applicable statutory provisions.

**Recipient(s) of your data:**

For the organization of the Shareholders' Meeting (e.g. for printing and sending of the invitation documents or for conducting the Shareholders' Meeting), we commission, to some extent, third-party service providers as well as group-affiliated companies that will be granted access to your personal data in the context of the tasks assigned to them. In the context of commissioned data processing, our partners are carefully selected and are obligated pursuant to Article 28 GDPR to observe the data protection standards of Epigenomics AG. The service providers and group affiliated companies commissioned by us will process your personal data exclusively as instructed by us and only to the extent that this is necessary for the performance of the services commissioned. All employees of Epigenomics AG, the group of companies as well as all staff of commissioned service providers who have access to and/or process your personal data have committed to treat such data confidentially.

Furthermore, we may be obligated to transmit your personal data to further recipients such as, for instance, public authorities in order to comply with statutory reporting obligations.

If you participate in the Shareholders' Meeting, other shareholders of Epigenomics AG may access, pursuant to Section 129 AktG (in conjunction with Article 6 (1) sentence 1 lit. c) GDPR), the data relating to you that is contained in the list of participants, if any, for up to two years following the Shareholders' Meeting. If you wish to submit a motion for including additional items in the agenda, counter-motions or nominations for election, we may be obligated, under certain conditions, to publish your name. If the Shareholders' Meeting takes place as a virtual Shareholders' Meeting within the meaning of Section 1 (2) Covid 19 Act, personal data of shareholders or shareholder representatives exercising their voting rights will be made available to other shareholders and shareholder representatives as required by law (in particular the list of participants, Section 129 AktG). This also applies to questions that shareholders or shareholder representatives may have submitted in advance of the Shareholders' Meeting (cf. Section 1 (2) No. 3 Covid 19 Act) and in connection with a motion submitted in advance to include additional items in the agenda, counter-motions or nominations for elections. The legal basis for such processing is Article 6 (1) sentence 1 lit. c) GDPR in conjunction with Sections 118 et seqq. AktG and Section 1 Covid 19 Act.

Under certain circumstances, we may provide visual and audio recordings taken at our Shareholders' Meeting on the basis of Article 6 (1) sentence 1 lit. f), Article. 85 GDPR in conjunction with Section 22 et seq. German Act on the Protection of Copyright in Works of Art and Photographs (*Kunsturhebergesetz*) to press representatives who may process these recordings for journalistic purposes.

**Transfer of data to third countries:**

In the event that we transfer personal data to service providers located outside the European Economic Area (EEA), the transfer will only take place to the extent that the EU Commission

has confirmed that the third country offers an adequate level of protection or that other adequate data protection safeguards exist (e.g. binding corporate rules on data protection or an agreement on the EU Commission's standard contractual clauses).

You may request detailed information in this regard as well as on the level of data protection offered by individual service providers located in third countries using the above indicated contact information.

**Storage period:**

We will anonymize or erase your personal data as soon as they are no longer required for the aforementioned purposes, the personal data is no longer required for any administrative or court proceedings, if any, and no other statutory obligations to furnish evidence or record retention requirements (e.g. under the AktG, under the German Commercial Code (*Handelsgesetzbuch*) or under the German Tax Code (*Abgabenordnung*)) apply or any reasons justifying the storage exist.

The data stored in the share register must be stored, as a rule, for a further ten years after the shares were sold. Beyond that period of time, we will only retain personal data in individual cases to the extent that this is necessary, for instance, in order to manage claims, if any.

In the event that we record our Shareholders' Meeting, the recording will be retained for one year.

**Rights of the data subjects:**

Subject to the statutory requirements, you have the right to access information (Article 15 GDPR) about your processed personal data and to require rectification (Article 16 GDPR) or erasure (Article 17 GDPR) of your personal data or the restriction of processing (Article 18 GDPR) using the above stated contact information.

Furthermore, you may also contact the competent supervisory authority.

Right to object (Article 21 GDPR): If we process your data for the purposes of the legitimate interests pursued by us (Article 6 (1) sentence 1 lit f) GDPR), you may object to such processing on grounds relating to your particular situation that oppose such data processing. Please submit your objection to the contact address indicated above.

Right to withdraw consent (Article 7 (3) GDPR): If we process your personal data in an individual case on the basis of your consent (Article 6 (1) sentence 1 lit. a) GDPR), you may withdraw your consent at any time (Article 7 (3) GDPR). Please submit your objection to the contact address indicated above.

If we process your personal data on the basis of your consent (Article 6 (1) sentence 1 lit- a) GDPR), you are further entitled to receive the personal data concerning you in a structured, commonly used and machine-readable format (Article 20 GDPR).

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