

## **Brenntag AG**

### **Data Protection Notice for Shareholders and other participants to the General Shareholders' Meeting**

On May 25, 2018 Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, "**GDPR**") and came into force. The GDPR contains i.a. informational duties in relation to collecting personal data (transparency of data processing). We take data protection for our shareholders and other participants to the General Shareholders' Meeting very seriously. With the subsequent notice we aim to inform you about the processing of your personal data by Brenntag AG (the "**Company**") and the rights you are vested with under data protection law.

#### **1. Who is responsible for the processing?**

Brenntag AG  
Messeallee 11  
45131 Essen  
Tel.: +49 (0) 201 6496-0  
Email: [gdpo@brenntag.de](mailto:gdpo@brenntag.de)

Shall you have questions about the information provided in this notice, you may contact our Group Data Protection Officer. She is available by phone, e-mail or by post under the postal address of the aforementioned corporation (by adding "Group Data Protection Officer").

#### **2. For what purposes and on which legal grounds is your data being processed? By whom is the Company receiving what sort of data?**

We process your personal data in compliance with the GDPR, the Federal Data Protection Act (BDSG), the German Stock Corporation Act (AktG), the Act on Measures in Corporate, Cooperative, Association, Foundation and Condominium Law to Combat the Effects of the COVID-19 Pandemic (COVID-19 Act), as well as any other applicable law.

The shares of the Company are registered shares. Under Sec. 67 AktG registered shares must be listed in the Company's share register stating the name, date of birth and the address of the shareholder as well as the number of shares held or the share number. The shareholder is obligated to provide the Company with these details. The credit institutes involved in the acquisition or holding of your registered shares will transfer the relevant data on your behalf (in addition to further details, such as nationality, gender and submitting bank) to the share register. This process is taking place via Clearstream Banking AG, Frankfurt, which is acting as a central securities depository for carrying out all technical aspects relating to security transactions and for holding the shares for the credit institutes. Should your shares be sold, Clearstream Banking AG, Frankfurt will notify us accordingly.

The Company is using your personal data in accordance with the purposes as envisaged by the German Stock Corporation Act. In particular, these purposes include keeping of the share register, communication with custodian banks and shareholders as well as various processes regarding the administration of the General Shareholders' Meeting (such as the registration for the General Shareholders' Meeting, the documentation of participation rights and the creation of the list of participants).

According to Sec. 67 para. 6, sentence 4 AktG data recorded in the share register may solely be used for advertising the Company, if the shareholder does not object. The shareholders have to be informed about their right to object in a proper form (Sec. 67 para. 6, sentence 5 AktG). The Company complies with this obligation e.g. by way of instructing shareholders about the right to object in section 5 of this document. In case the data recorded in the share register is used for advertising of the Company, processing shall be carried out on the legal base of article 6 para. 1 f) GDPR.

In addition, we may possibly 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). Furthermore, 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.

The German Stock Corporation Act in conjunction with article 6 para. 1 c) GDPR serves as the legal basis for the Company processing your personal data. 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).

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 connection with the organisation of General Shareholders' Meetings, the Company processes personal data (in particular the shareholder's name, date of birth, address and other contact details, number of shares, type of share ownership, access data for the password-protected GSM-Portal, and, if applicable, the name and address of the shareholder's proxy representative) on the basis of the applicable data privacy regulations. In addition to the personal data of shareholders stored in the Company's share register, the Company processes data that is provided by shareholders when they register for the General Shareholders' Meeting, or is transmitted to the Company by their depositary banks on behalf of shareholders for this purpose.

In connection with General Shareholders' Meetings, personal data is processed for the purpose of handling the registration and participation of shareholders in the General Shareholders' Meeting (for instance, for verifying eligibility to attend) and for enabling shareholders to exercise their rights in connection with the General Shareholders' Meeting (including granting and withdrawal of proxies), in particular with regards to the registration for the General Shareholders' Meeting and granting and revocation of powers of attorney via GSM-Portal for the General Shareholders' Meeting ([www.brenntag.com/hauptversammlung](http://www.brenntag.com/hauptversammlung)).

When authorising the proxy representatives nominated by the Company for the General Shareholders' Meeting, the Company is to keep a verifiable record of the proxy declaration for three years with no third-party access (Sec. 134 para. 3 sentence 5 AktG).

If, pursuant to section 1 (2) of the COVID-19 Act in conjunction with the provisions laid down in the invitation to the General Shareholders' Meeting, you submit questions via the GSM-Portal prior to the General Shareholders' Meeting or raise an objection to resolutions of the General Shareholders' Meeting at the General Shareholders' Meeting, we therefore process the shareholder's name, date of birth and address, the shareholder number as well as your e-mail address (if provided) for the purpose of processing these questions. In case of authorising a third person as proxy, his / her name, address and e-mail address, if provided, will also be processed. The legal grounds for the processing are also in these cases the respective legal provisions in conjunction with article 6 para. 1 c) GDPR.

Should we wish to process your personal data for a purpose that has not been named before, we will inform you in accordance with the governing legal provisions.

### **3. Will your data be transferred to third country?**

In order to comply with the above purposes, it may be necessary that your personal data will be transferred outside the European Economic Area (EEA) for one of the above purposes. If we transfer personal data to service providers or group companies outside the EEA, the transfer will only take place if the third country has been confirmed by the EU Commission to have an adequate level of data protection or if other appropriate data protection guarantees (e.g. binding corporate rules or EU standard contractual clauses) are in place.

### **4. To which categories of recipients may we disclose your data?**

#### ***Third-party service providers:***

We are employing third-party service providers (e.g. share register management, IT service providers, service providers for the management of shareholders' meetings, service providers for printing and sending the shareholders' correspondence as well as legal consultants) for the administration and technical maintenance of the share register as well as for preparing and holding the shareholders' meetings. Said third parties only receive personal data that is essential to the fulfillment of the ordered service and they process such data solely upon the Company's instructions.

#### ***Further recipients:***

Should you participate at the General Shareholders' Meeting, we are obligated to include you as a participant stating your name and residence as well as the shares held in the list of participants pursuant to Sec. 129 para. 1 sentence 2 AktG. Such information from the proxies of the Company as the only participants actually physically present at the General Shareholders' Meeting can be accessed by the proxies of the Company during the General Shareholders' Meeting, and by all other shareholders up to two years after the General Shareholders' Meeting (Sec. 129 para. 4 AktG). Moreover, 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 nominations.

Should a shareholder request that specific items be added to the agenda (Sec. 122 para. 2 AktG), the Company will publish said items given the conditions as laid down in the German Stock Corporation Act stating the name of the respective shareholder. The Company will likewise publish counter motions and nominations of shareholders on the internet given the conditions pursuant to the AktG stating the name of the respective shareholder (Sec. 126 para. 1, 127 AktG). Furthermore, we may be obligat-

ed to disclose your personal data to further recipients, as per example to state authorities in order to fulfill our legal notification obligations (e.g. voting rights notification).

## 5. 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.

We are obligated under the German commercial law as well as the German tax law to maintain storage of data stored in the share register for another ten years after the sale of the respective shares. 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).

## 6. Cookies

Due to the importance of data privacy and our commitment to transparency, you will find below information about cookies, how we use them on our website, and what options you have if you prefer to disable these cookies - despite their benefits. If you neither disable cookies nor use the opt-out function as described below, we assume that you accept the use of cookies.

We store, process and use your data exclusively in accordance with the applicable regulations. Of course we maintain data secrecy. We treat your data confidentially and do not pass it on to any third parties, except to service providers who perform services on our behalf. These service providers are obliged to use data only for the contractually intended purpose and in no case to pass on data themselves.

Any data collected by cookies, device IDs and similar procedures is always used by us in an anonymous form and is not merged with any customer or profile data stored by us.

Whenever you visit our website, we temporarily save the IP address of your internet access and the pages you call up, or if you use our apps, the device number if applicable, so that basic services such as authorization assignment work. However, we will never identify you personally on the basis of this data.

We use the latest security standard (256-bit encryption) in our entire portal. Your data is encrypted directly during transmission, and all information relevant to data privacy is stored in encrypted form in a protected database. In order to be able to manage your access, we need a session cookie (which is deleted once the browser is closed).

### Types of cookies

**Cookies required from a technical point of view:** Data that must be stored include cookies, which are absolutely necessary for the features of a website to work. For example, this refers to the storage of log-in data or language selection by so-called session cookies (which are deleted once the browser is closed).

**Necessary cookies** may be set from the start, i.e. **even without the user's prior consent**. The legal basis is Art. 6 para. 1 lit b) GDPR, these cookies are mandatory for the functions of the website. In contrast, website visitors must give their consent before the cookies store unnecessary data. These are only set when the user agrees.

### **Cookies used**

<b>Cookie</b>	<b>Description</b>	<b>Duration of storage</b>	<b>Classification</b>
PHPSessionID	Standard session identification for PHP	Deleted once the browser is closed	Necessary
cookieaccepted	Cookie used to store consent to the cookie bar function, and thus to its being concealed in the respective view.	10 days	Necessary

### **Browser settings**

You can refuse to accept the storage of cookies by websites and applications on your terminal devices or adjust your browser settings. In the latter case, users receive a warning before cookies are stored. Users may also adjust their settings so that their browser either rejects all cookies or only those of third parties. Users can also delete cookies that were stored at an earlier point in time. Please note that the settings must be adjusted separately for each browser and on each device used.

Disabling cookies may limit your use of the website.

## **7. What are your rights under Data Protection Law?**

You can contact the data protection officer at the address specified in section 1 in order to assert your rights.

### **Art. 15 GDPR: Right of access by the data subject**

You have the right to receive information from us about which of your personal data we process.

### **Art. 16 GDPR: Right to rectification**

If your personal data is incorrect or incomplete, you are entitled to have any incorrect information rectified, or to have incomplete personal data completed.

### **Art. 17 GDPR: Right to erasure**

Under the conditions of Art. 17 GDPR, you can request the erasure of your personal data. Your right to request erasure depends, among other things, on whether or not your personal data is still required by us to fulfil our legal or contractual obligations.

### **Art. 18 GDPR: Right to restriction of processing**

Under the conditions of Art.18 GDPR, you can request that the processing of your personal data be restricted.

### **Art. 21 GDPR: Right to object**

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

Brenntag AG  
Group Data Protection Officer  
Messeallee 11  
45131 Essen  
Tel.: +49 (0) 201 6496-0  
Email: gdpo@brenntag.de

on grounds relating to you or your particular situation. 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, exercise 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

*Address*

Kavalleriestr. 2-4  
40213 Düsseldorf  
Germany

*Correspondence*

P.O Box 20 04 44  
40102 Düsseldorf  
Germany

*Availability*

Tel.: +49 (0) 211 38424 0  
Fax: +49 (0) 211 38424 10  
Email: poststelle@ldi.nrw.de

**Last update of this document: April 2020**

If any relevant changes occur, we will update this notice and publish the updated version on our website. In addition, we will verify if changes to this data protection notice require in certain cases further notification and we will fulfill the notification obligation accordingly.

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