

## **Information on data protection for shareholders and proxies in connection with the preparation, execution and follow-up of the virtual annual general meeting**

HOCHTIEF Aktiengesellschaft places high importance on protecting your data and your privacy. In this data protection declaration, we inform you about the personal data we process from you as our shareholder or from a legal or authorized representative in connection with the preparation, execution and follow-up of our virtual annual general meeting and about the rights you are entitled to in accordance with Regulation (EU) 2016/679 (General Data Protection Regulation - GDPR) and the German Federal Data Protection Act (BDSG) with regard to the processing of your data.

We will conduct the annual general meeting in 2020 as a meeting without presence, using means of remote communication (virtual annual general meeting) with the option of attending by electronic connection (attendance). Shareholders and their proxies will therefore not be able to physically attend the annual general meeting. They can, however, follow the entire annual general meeting via video and audio transmission on the shareholder portal, which is also used for electronic connection. The shareholder portal is operated by our service provider Computershare Deutschland GmbH & Co. KG, Elsenheimerstr. 61, 80687 Munich, Germany, which operates the shareholder portal exclusively on our behalf and in accordance with our instructions.

### **I. Responsible person**

Responsible for processing your personal data is

**HOCHTIEF Aktiengesellschaft**  
**Alfredstraße 236**  
**45133 Essen, Germany**  
**[datenschutz@hochtief.de](mailto:datenschutz@hochtief.de)**

### **II. Categories of processed data**

In connection with the holding of our virtual annual general meeting, we process the following personal data of our shareholders:

- Name and first name, title
- Date of birth
- Address
- Number of shares, class of shares, type of ownership
- Number of the voting rights card, access data for the shareholder portal (shareholder number and password)
- Other data provided in connection with registration for the annual general meeting (e.g. e-mail address or mobile phone number)

We also process the name, address and, if applicable, the e-mail address of the proxy authorized by the shareholder.

If you contact us, we also process those personal data that are necessary to answer the respective request, such as the e-mail address or the telephone number.

If you visit our shareholder portal on the Internet, we collect data on access to our shareholder portal. The following data and device information are stored in the web server log files:

- Retrieved or requested data;
- Date and time of the retrieval;
- Report whether the retrieval was successful;
- Type of web browser used;
- Referrer URL (the previously visited webpage);
- IP address;
- Shareholder number and session ID; and
- Login.

Your browser automatically transfers this data to us when you visit our shareholder portal.

We also use so-called web storage functions. For this purpose, small text files are stored in your browser's local memory on your device and saved there. As part of the session storage technology, we collect information about the respective authentication token (i.e. your "virtual" admission ticket) and your session information (so-called session data) after your login, including your consent to our terms and conditions of use. This enables us to recognize you as a user if you need to switch to another page of the shareholder portal during an active session, return to our website or reload the website. In addition, we use the so-called local storage function to store the timestamp of your login, which for security reasons allows an automatic logout after 30 minutes of inactivity. This data is automatically deleted when you close your browser. In your browser menu you will find information on how to technically prevent web storage objects from being allowed and which setting your browser uses to inform you about the placement of a new web storage object. Please note that some functions of our website may no longer be available if web storage objects are deactivated.

Finally, we also process information on motions, questions, election proposals and other requests by shareholders or their proxies that are submitted in relation to the annual general meeting and on your voting behaviour.

### **III. Purposes and legal basis of the processing**

We process your personal data in compliance with the provisions of the GDPR, the BDSG, the German Stock Corporation Act (AktG) and other relevant legal regulations.

Via the shareholder portal, you can – among other things – exercise your voting rights, grant authorizations, submit questions or declare objections for the minutes. To use the shareholder portal, you must log in with your access data (shareholder number and

password), which you will receive with your voting rights card. The various options for exercising your rights then appear in the form of buttons and menus on the user interface of the shareholder portal. Use of the shareholder portal is subject to the terms and conditions of use available there.

## **1. Operation of the shareholder portal**

The processing of the above-mentioned access data and device information in web server log files and the use of the web storage elements is necessary to make the shareholder portal technically available, to detect misuse, to eliminate faults and to ensure that the virtual annual general meeting runs smoothly. In this respect, we have a legitimate interest in making the shareholder portal available to you as a service for shareholders and proxies so that you can exercise your shareholder rights in a user-friendly manner and participate in the virtual annual general meeting. The legal basis for these processing operations is Article 6 (1) lit. f) GDPR.

## **2. Identity verification**

When you register in the shareholder portal, we process your registration information (shareholder number and password) in order to verify your entitlement to attend the virtual annual general meeting as a shareholder or proxy or to take preparatory measures.

The processing is necessary to fulfil our obligations under stock corporation law pursuant to Sections 118 et seq. AktG. The legal basis for the processing is Article 6 (1) lit. c) GDPR.

## **3. Preparation, implementation and follow-up of the virtual annual general meeting**

We process your personal data in order to handle the registration and participation of shareholders and proxies in the virtual annual general meeting (e.g., verification of entitlement to attend, compilation of the attendance list, dispatch of voting rights cards) and to enable shareholders and proxies to exercise their rights in the virtual annual general meeting (including granting and revoking authorizations and instructions).

In particular, we also process data on your voting behaviour, provided that you or your proxy exercise your voting rights during the virtual annual general meeting or by postal vote via the voting function in the shareholder portal, in order to ensure that resolutions are properly passed and votes are properly counted at the annual general meeting. In addition, we process information about your objection to resolutions of the annual general meeting, provided that you declare such objection during the annual general meeting using the respective function of the shareholder portal.

The legal basis for such processing is Article 6 (1) lit. c) GDPR in conjunction with our obligations under stock corporation law pursuant to Sections 118 et seq. AktG and, if applicable, in conjunction with Section 1 (2) no. 2 and 4 of the Act on measures in

corporate, cooperative, association, foundation and residential property law to reduce the effects of the COVID 19 pandemic (C-19 AuswBekG).

The processing of your personal data is necessary for the proper conduct of the annual general meeting. If you do not provide us with the necessary personal data, we may not be able to offer you the possibility to participate in the annual general meeting.

#### **4. Exercise of the right to ask questions**

If you as a shareholder make use of the opportunity to submit questions in advance of the virtual annual general meeting via our shareholder portal or, if permitted, to ask such questions during the virtual annual general meeting and your questions will be answered, this will – in general – be done by stating your name. Other participants in the virtual annual general meeting may take notice of your name. This data processing is necessary in order to safeguard our legitimate interest in aligning the course of the virtual annual general meeting as closely as possible to a physical annual general meeting and the legitimate interest of the other participants in the annual general meeting to know the name of a questioner. The legal basis for this processing is Article 6 (1) lit. f) GDPR.

#### **5. Processing of voting rights notifications**

Furthermore, we process data that is transferred to us by you or other parties obliged to notify us in the context of voting rights notifications in accordance with the Securities Trading Act (WpHG). The legal basis for the processing in these cases are also the respective legal regulations and Article 6 (1) lit. c) GDPR.

#### **6. Processing for the fulfilment of legal storage obligations**

In addition, your personal data may also be processed in order to fulfil other legal obligations, such as regulatory requirements and storage obligations under stock corporation, commercial and tax law. We are obliged, for example, to record the authorization granted to the proxy appointed by us for the annual general meeting in a verifiable manner and to store it access-protected for three years. The legal basis for this processing is also Article 6 (1) lit. c) GDPR.

### **IV. Sources of data**

As a rule, HOCHTIEF Aktiengesellschaft receives the personal data of shareholders either directly from the respective shareholder or, via the registration office, from the bank which shareholders have appointed to hold their shares in safekeeping (so-called custodian bank).

If you act as a proxy, we receive your personal data from the shareholder who has granted you authorization and directly from you if your conduct at the annual general meeting is affected.

### **V. Receiver of data**

The service providers commissioned by HOCHTIEF Aktiengesellschaft for the purpose of hosting the annual general meeting process your personal data exclusively in accordance with the instructions of HOCHTIEF Aktiengesellschaft and only to the extent

necessary for the performance of the commissioned service. All employees of HOCHTIEF Aktiengesellschaft and the employees of commissioned service providers who have access to and/or process your personal data are obliged to treat this data confidentially.

In case a shareholder requests that items be placed on the agenda, the company will disclose these items, stating the name of the shareholder, if the requirements under German stock corporation law are met. Likewise, the company will make available countermotions and election proposals of shareholders on the company's website, stating the name of the shareholder, if the requirements under German stock corporation law are met.

If you as a shareholder make use of the opportunity to submit questions and your questions are answered during the annual general meeting, this will – in general – be done by stating your name. Other participants in the annual general meeting may take notice of your name.

If you participate in the annual general meeting, we are obliged under Section 129 (1) sentence 2 AktG to enter you in the list of participants indicating your name, place of residence, number of shares and type of ownership. This data can be viewed by other shareholders and meeting participants during the annual general meeting and by shareholders up to two years afterwards.

Finally, we may be required to disclose your personal data to other recipients, such as when publishing voting rights notifications in accordance with the provisions of the German Securities Trading Act, or to authorities to comply with statutory reporting obligations (e.g., to financial or law enforcement authorities).

## **VI. Data storage and data erasure**

HOCHTIEF Aktiengesellschaft deletes the personal data of shareholders and proxies in accordance with the statutory provisions, in particular if the personal data is no longer necessary for the original purposes of collecting or processing, the data is no longer required in connection with any administrative or legal proceedings and no statutory retention obligations apply.

## **VII. Your Rights**

As a data subject, you can contact our data protection officer to exercise your legal rights under the GDPR. If the legal requirements are met, you may be entitled to the following rights:

The right,

- to receive information on data processing and a copy of the processed data (right of access, Article 15 GDPR),
- to demand the correction of incorrect data or the completion of incomplete data (right of rectification, Article 16 GDPR),

- to demand the immediate erasure of personal data (right to erasure, Article 17 GDPR),
- to demand the restriction of data processing (right to restrict processing, Article 18 GDPR),
- as well as to receive the personal data concerning you that you have provided to a responsible person in a structured, common and machine-readable format, and also to transmit this data to another responsible person without hindrance by the responsible person (right to data portability, Article 20 GDPR).

**If we process your data to protect the legitimate interests of HOCHTIEF Aktiengesellschaft or a third party, you have the right to object to the processing of personal data concerning you at any time for reasons arising from your particular situation (right to object, Article 21 GDPR). The data processing will then be terminated unless we can prove compelling and protect worthy reasons for processing which outweigh your interests, rights and freedoms, or if the processing serves to assert, exercise or defend legal claims.**

- Irrespective of this, each shareholder and proxy has the right of complaint to a competent data protection supervisory authority pursuant to Article 77 GDPR.

## **VIII. Your contact**

For comments and questions regarding the processing of personal data, shareholders and proxies can contact the data protection officer of HOCHTIEF Aktiengesellschaft at:

HOCHTIEF Aktiengesellschaft

Alfredstraße 236

45133 Essen, Germany

[datenschutz@hochtief.de](mailto:datenschutz@hochtief.de)