

This Privacy Policy is applicable only for the purpose of the Annual General Meeting of Vapiano SE and the processing of personal data in this context.



Privacy policy for shareholders of Vapiano SE

The protection of your personal data and their legally compliant processing are very important to us. For this reason, we would like to inform you about the collection, processing and use of your personal data by Vapiano SE (*Company*) and the rights to which you are entitled under the data protection provisions of the General Data Protection Regulation (*GDPR*) and the Federal Data Protection Act (*BDSG*).

1. Who is responsible for data processing?

Responsible for the processing of your personal data is:

Vapiano SE
Im Zollhafen 2-4
50678 Köln
Fax: +49 221 67001-205
E-Mail: info@vapiano.eu

If you have any questions about this Privacy Policy, please contact the Company's Data Protection Officer by mail or e-mail at the following address:

datenschutz süd GmbH
Wörthstraße 15
97082 Würzburg
Tel.: +49 931 3049-760

E-Mail: office@datenschutz-sued.de

2. When and from where does Vapiano receive the personal data? What personal data do we process?

- In connection with the Annual General Meeting, we receive personal data on our shareholders at least once a year during the applicable registration period
- We receive the data of the authorized proxies from our registration office service provider
- Personal data (for example, first and last name, title, gender, address)
- Shareholder information (number of shares, class of shares, type of ownership of shares and number of the ticket for the Annual General Meeting, etc.)
- If applicable, the name and address of the shareholder representative authorized by you
- If you wish to contact us or subscribe to a newsletter and enter your e-mail address at <http://ir.vapiano.com/websites/vapiano/English/9000/contact.html>, we will also process this address.

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3. For what purposes and on what legal basis is your data processed? From whom do we receive which data?

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

Our shares are bearer shares.

When using your personal data, we comply with the purposes set out in the SE Regulation and the Stock Corporation Act. These include, in particular, communication with the shareholders and various processes in connection with the management of general meetings. The processing of personal data in connection with general meetings is for the purpose of processing the registration and participation of shareholders in the general meeting (e.g. examination of eligibility, compilation of the list of participants) and the shareholders exercising their rights at the general meeting (including grant and revocation of powers of attorney). The legal basis for processing your personal data here is the Stock Corporation Act in conjunction with Art. 6 para. 1 lit. c) GDPR.

In addition, we process data that is transmitted to us by you or other notifiers in accordance with voting rights notifications under the Securities Trading Act. The legal basis for the processing in these cases is also the respective statutory provisions and Art. 6 para. 1 lit. c) GDPR.

In addition, the processing of your personal data may also be required to fulfill other legal obligations, such as regulatory requirements as well as stock, commercial and tax-related retention requirements. For example, we are obliged to verifiably record the power of attorney for the proxy authorization of the proxies named by us for the Annual General Meeting and to keep it accessible for three years. In these cases too, art. 6 para. 1 lit. c) GDPR is the relevant legal basis.

In addition, we are entitled to process your data for the protection of our legitimate interests or the legitimate interests of a third-party according to art. 6 para. 1 lit. f) GDPR. For example, such a case involves creating analytics and statistics (e.g., a shareholder ID analysis for the presentation of shareholder structure and performance, trading volumes or an overview of the largest shareholders) or, in the case of capital increases, exemption of individual shareholders or groups of shareholders by virtue of their nationality or place of residence, in order to prevent the breach of certain countries' legislation. Since our shares are bearer shares, most of these analyses are not personalized and only serve internal purposes. There is also a legitimate interest in preventing or exposing illegal activities, fraud or similar threats, to protect us from harm. Before we process your data on the basis of our legitimate interests, we will examine in each individual case whether our interests prevail in the context of a weighing up against your interests.

Should we collect further personal data or process collected personal data for a previously unmentioned purpose, we will inform you in advance in the context of the legal provisions.

If you wish to contact us and enter your e-mail address on our website at <http://ir.vapiano.com/websites/vapiano/English/9000/contact.html>, we will also process this address for the purpose of contacting you. Depending on the purpose of your request, the processing of your e-mail address is justified pursuant to Art. 6 Para. 1 S. 1 lit. b) GDPR (requests in connection with initiating / performing a contract) or pursuant to Art. 6 Para. 1 S. 1 lit. f) GDPR (other requests).

If you wish to receive our press releases and publications automatically, we will process your e-mail address on the basis of Art. 6 Para. 1 S. 1 lit. a) GDPR (consent).

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4. To which categories of recipients do we transfer your data to?

For the execution and execution of the general meetings we use external service providers, e.g. service provider for the organization of the general meeting, for the printing and dispatch of the shareholders' announcements, as well as for the execution of the general meeting (mainly the verification of attendance, technical infrastructure for voting and documentation of the general meetings) and legal adviser. However, the commissioned service providers only receive personal data from us that are necessary for the performance of the service ordered, and they process the data exclusively according to our instructions. Other Shareholders and Annual General Meeting Shareholders may view your data in the Participant Directory during the meeting and, if applicable, for up to two years thereafter.

If a shareholder requests that items be placed on the agenda, we shall issue a notice of these items stating the name of the shareholder if the requirements are met in accordance with the provisions of stock corporation law. We will also make counter motions and election proposals from shareholders available in accordance with the provisions of stock corporation law, stating the name of the shareholder, on the company's homepage, provided the conditions are met.

Furthermore, an external service provider is used for the purpose of planning and organizing the Annual General Meeting, and for dispatching the press release electronically. Other external service providers may also be used to carry out shareholder ID analyses. These service providers act strictly in accordance with instructions; contracts for processing data on behalf of a controller pursuant to Art. 28 GDPR have been entered into with them.

Finally, we may be required to provide your personal information to other recipients, such as the publication of voting notices under the Securities Trading Act, or to authorities to fulfil legal disclosure requirements (such as financial or law enforcement agencies).

5. How long do we save your data?

We delete or anonymise your personal data as soon as they are no longer required for the above purposes and unless statutory proof or retention obligations (for example under the Stock Corporation Act, the Commercial Code, the Tax Code or other legal provisions) oblige us to retain the data.

For the data collected in connection with general meetings, the period of storage regularly lasts up to three years.

In addition, we will only retain data in individual cases if this is necessary in connection with claims asserted against or by our Company or for the purpose of safeguarding our abovementioned legitimate interests. On the basis of the statutory limitation of legal bases this can lead to a storage of three to thirty years.

If you contact us via the options listed at <http://ir.vapiano.com/websites/vapiano/English/9000/contact.html>, we will process your data for at least the time it takes to process the request. Depending on the content of the request, the request will be stored until any legal / contractual retention periods have expired.

In the context of dispatching the newsletter we process your data until we receive your withdrawal of consent. The processing of your data is lawful until we receive your withdrawal of consent.

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6. How do we protect your data?

We maintain reasonable technical and organizational security measures to protect your personal information from unintentional, unlawful or unauthorized destruction, loss, alteration, disclosure or use.

7. What rights do you have under the data protection law?

Within the framework of the applicable data protection laws, you have the right to information about personal data stored about you, including information such as the origin and categories of the data, the purposes of the processing, the recipients (or categories thereof) and the respective retention period. In addition, you may request the rectification and, under certain circumstances, the deletion of your personal information. You may also have a right to restrict the processing of your personal information (for example, if your data is processed unlawfully) and you may disclose the information you provide in a structured, common and machinereadable format (and, where applicable, the transmission of that information to another person responsible).

Right of objection in data processing for the exercise of legitimate interests

Insofar as we process your data in order to safeguard the legitimate interests of the company or of a third party, you are entitled to object to this processing if your particular situation gives rise to reasons that prevent such data processing. In this case, we will stop processing unless we can prove that there are compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or that serve to assert, exercise or defend legal claims.

You can assert the above rights under the address of the Data Protection Officer listed in Section 1 above. Please note that legal exceptions (for example, continued retention requirements) may prevent you from exercising your rights.

The provision of your data is neither contractually nor legally required.

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8. Do you have complaints regarding the handling of your data?

If you have any queries regarding the processing of your personal data, please feel free to contact the responsible office listed under 1 or our Data Protection Officer.

Any data subject also has the right to lodge a complaint with a supervisory authority if he or she considers that the processing of data relating to him or her infringes data protection regulations. The right to lodge a complaint may be exercised in particular with a supervisory authority in the Member State of the data subject's habitual residence, place of work or place of alleged infringement.

The data protection supervisory authority responsible for us is the Country Representative for Data Protection and Freedom of Information North RhineWestphalia

Helga Block
P.O. Box 20 04 44
40102 Düsseldorf
Tel: +49 211 38424-0
Fax: +49 211 38424-10
E-Mail: poststelle@ldi.nrw.de.

Status of information in this document: July 2019

In case of relevant changes, we will update this information and make it available on our website <http://www.vapiano.eu>. In addition, we will examine whether in individual cases in the event of any change to this information, there is an obligation to provide another notification and, if necessary, to comply with the existing notification requirement.
