Annual General Meeting of Schaeffler AG on May 8, 2020

Information on Data Protection for Shareholders

The company, as the responsible body within the meaning of Article 4 no. 7 of the General Data Protection Regulation, processes personal data (last name, address, email address, number of shares, class of shares, type of ownership of shares and access card number) based on applicable data protection laws. In addition, the company also processes personal data of a proxy holder authorized by a shareholder, if any (in particular, such proxy holder’s name and place of residence). If a shareholder or proxy holder makes use of the opportunity to ask questions pursuant to article 2 section 1 para. 2 no. 3 COVID-19-Mitigation Act or otherwise contacts the company, the company also processes the personal data required or conductive to respond to any inquiries (such as the contact information provided by the shareholder or proxy holder, e.g., telephone numbers).

Depending on individual cases, this may also apply to additional personal data. For example, the company processes information on questions and motions to supplement the agenda from shareholders at the general meeting. In the event of countermotions, election proposals or motions to supplement the agenda, which must be made available, the company will also publish such proposals together with the shareholder’s name, online at http://www.schaeffler.com/agm.

The processing of personal data of shareholders is required pursuant to Sections 118 et seq. AktG in order to prepare, carry out and perform follow-up work on the Virtual Annual General Meeting, as well as to enable shareholders to exercise their rights in connection with the general meeting. Without the provision of such personal data, a participation of shareholders in Virtual Annual General Meeting and the exercise of voting rights and other rights would not be possible. The AktG in conjunction with Article 6 para. 1 c) of the General Data Protection Regulation, form the legal basis for the processing. Given that all shares in the company are bearer shares, the company does, however, point out that shareholders may be represented by an intermediary (Section 135 para. 5 AktG), a shareholders’ association, a proxy advisor or any other equivalent person or institution pursuant to Section 135 AktG, while maintaining their anonymity and without providing personal data, respectively. The company may also process personal data to fulfil other legal obligations, such as regulatory requirements as well as obligations to retain data under stock corporation laws, securities laws,
commercial laws and tax laws. The relevant statutory provisions in conjunction with Article 6 para. 1 sentence 1 c) of the General Data Protection Regulation form the legal basis for such processing.

The company’s service providers that are commissioned for the purpose of holding the general meeting receive personal data from the company only to the extent such data is required to provide the requested services and only process the data in accordance with instructions from the company.

Furthermore, personal data is made available to the shareholders and shareholder representatives in accordance with applicable laws, notably in the form of the list of participants. Shareholders and shareholder representatives may inspect the list of participants for a period of up to two years after the Virtual Annual General Meeting (Section 129 para. 4 sentence 2 AktG). The company does not use personal data recorded in connection with the general meeting for any decision based on automated processing and does not engage in any profiling.

The company and its service providers, respectively, generally receive personal data of shareholders via the registration office of the financial institutions such shareholders have commissioned to hold their shares in the company (so-called custodian banks).

The storage period for the data recorded in connection with the general meeting regularly amounts to up to three years, unless the company is legally required to provide evidence and retain data for a longer period of time or where the company has a legitimate interest in further retention, for example in case of judicial and extrajudicial disputes in connection with the general meeting. After the expiration of the relevant period, personal data will be deleted.

If certain statutory requirements are met, shareholders have information, correction, limitation, objection and deletion rights with respect to their personal data and the processing thereof. If personal data of shareholders is inaccurate or incomplete, such shareholders have the right to request a correction and supplement. Shareholders may at any time request the deletion of their personal data, unless the company is legally required or entitled to further process their data. Furthermore, shareholders have a right to data portability pursuant to Article 20 of the General Data Protection Regulation.
Shareholders can assert these rights vis-à-vis the company free of charge via the following contact details, which also allow shareholders to contact the company with respect to questions on data protection:

Schaeffler AG
Industriestraße 1-3
91074 Herzogenaurach
Fax: +49 9132 82-5901
E-Mail: Datenschutz@schaeffler.com

Moreover, shareholders have the right to file a complaint with the data protection supervisory authorities pursuant to Article 77 of the General Data Protection Regulation.

The data protection supervisory authority responsible for the company is:

Bayerisches Landesamt für Datenschutzaufsicht
Promenade 27
91522 Ansbach
Tel.: +49 981 53-1300
Fax: + 49 981 53-5300
Email: poststelle@lda.bayern.de

The company’s data protection officer can be contacted at:

Schaeffler AG
Data Protection Officer
Industriestraße 1-3
91074 Herzogenaurach
Fax: +49 9132 82-5901