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Information about data protection for shareholders pursuant to the EU GDPR

Who is responsible for data processing?

BRAIN Biotech AG (the “Company”)

Darmstädter Strasse 34–36, 64673 Zwingenberg, Germany

You can reach the Company’s data protection officer at

privacy@brain-biotech.com or our postal address, marked for the attention of the “Data Protection Officer”

The company HV AG, Ursensollen, has been engaged to maintain the Company’s share register.

For what purposes and on what legal basis will your data be processed? From where does the Company obtain your data?

The Company processes your personal data in compliance with the EU General Data Protection Regulation (GDPR), the German Federal Data Protection Act (BDSG), the German Stock Corporation Act (AktG), and all further relevant legal provisions.

The Company’s shares are no-par-value registered shares. In the case of such registered shares, Section 67 of the German Stock Corporation Act (AktG) stipulates that these shares be entered in the Company’s share register, stating the name, date of birth, and address of the shareholder, as well as the number of shares. The shareholder is obligated, as a matter of principle, to provide the Company with this information. The banks involved in the purchase, custody, or sale of your BRAIN Biotech AG shares regularly forward to the share register this and further information relevant to maintaining the share register (e.g. nationality, gender, and submitting bank). This occurs through Clearstream Banking Frankfurt, which acts as the central depository for the technical settlement of securities transactions and the custody of shares for banks.

The Company utilizes your personal data for the purposes specified in the German Stock Corporation Act (AktG). These include, in particular, the maintenance of the share register and processing of shareholders’ general meetings. In addition, your data can be utilized to generate statistics, such as for the analysis of trends. The German Stock Corporation Act (AktG) in conjunction with Article 6 (1c) and (4) of the EU General Data Protection Regulation (GDPR) forms the legal basis for processing your personal data.

In addition, your personal data might also be processed to fulfill further legal obligations, such as regulatory requirements and obligations under stock corporation law, commercial law, and legislation relating to the maintenance of records for tax purposes. For example, when authorizing a Company’s designated proxy for the AGM, it is mandatory that the data utilized to prove the authorization be verifiably recorded and stored for three years with access protection (Section 134 (3) Sentence 5 AktG). The respective statutory provisions in conjunction with Article 6 (1c) EU General Data Protection Regulation (GDPR) form the legal basis for processing in this case.

In individual cases, the Company will also process your data to safeguard legitimate interests in accordance with Article 6 (1f) GDPR. This is the case if, for example, in the case of capital increases, individual shareholders must be excluded from information on subscription offers due to their nationality or place of residence in order to comply with securities regulations in the countries concerned.

Should the intention exist to process your personal data for another purpose, you will be informed in advance within the scope of the statutory provisions.

To which categories of recipients might your data be transmitted?

External service providers: The Company utilizes external service providers to maintain the share register and for the technical processing of the AGM.

Further recipients: In addition, it may be necessary to transfer your personal data to further recipients, insofar as this is necessary to comply with legal obligations. If you participate in the AGM, other shareholders may view the personal data recorded in the list of attendees required under stock corporation law pursuant to Section 129 AktG.

For how long is your data stored?

For the data collected in connection with AGMs, the retention period is regularly up to three years. The data stored in the share register are regularly archived for a period of ten years following the sale of the shares. Moreover, the Company stores personal data only if this is necessary in connection with claims asserted against the Company (statutory limitation period of up to 30 years). In principle, your personal data will be deleted or rendered anonymous as soon as they are no longer required for the aforementioned purposes, and legislation relating to the maintenance of evidence and archiving does not require us to continue to store them.

What are your rights?

You can request information about all data archived about your person at the aforementioned address for the Data Protection Officer. Furthermore, if your personal data is incorrect, you can request that it be corrected and, under certain circumstances, that your data be deleted or that its processing be restricted.

Right to object:

If your data are processed to protect legitimate interests, you can object to such processing at any time at the aforementioned address of the Data Protection Officer, provided that your particular situation gives rise to reasons that conflict with such data processing. Data processing will then be terminated unless the Company can provide evidence of compelling protection-based grounds for processing which outweigh the interests, rights, and freedoms of the person concerned, or if the processing serves the assertion, exercise, or defense of legal claims.

You also have the option of contacting the aforementioned Data Protection Officer or a data protection regulator with comments or complaints. The data protection regulator responsible for the Company is:

The Hessian Commissioner for Data Protection and Freedom of Information
Postfach 3163
65021 Wiesbaden, Germany
<https://datenschutz.hessen.de/über-uns/kontakt>