

## Privacy information pursuant to Art 13 and Art 14 GDPR

When attending the Annual General Meeting of Kapsch TrafficCom AG (hereinafter referred to as “**Kapsch**” or “**we**”) and exercising shareholder rights during the Annual General Meeting, your personal data must be electronically processed. The term ‘personal data’ encompasses any information relating either directly or indirectly to natural persons.

We will process your personal data always in compliance with the provisions of the European General Data Protection Regulation (GDPR), the Datenschutzgesetz (*Austrian Data Protection Act*) and the Aktiengesetz (*Austrian Stock Corporation Act*), and any other relevant legal regulations.

The following information outlines how we process your personal data in connection with Kapsch’s Annual General Meeting.

### 1. Processing

#### 1.1. Purpose of data processing

Shareholders wanting to participate in the Annual General Meeting and to exercise shareholder rights must prove to the company their share ownership as per the record date (*Nachweisstichtag*); this is done by having confirmation provided by the custodian bank (deposit confirmation, *Depotbestätigung*).

This means we process your data from the deposit confirmation as proof of share ownership so you can participate in the Annual General Meeting and exercise your rights as a shareholder.

Personal data are specifically processed for the following purposes with respect to the Annual General Meeting:

- > Managing registration for the Annual General Meeting (keeping a record of persons having registered);
- > Verifying entitlement to participate as a shareholder or proxy;
- > Recording powers of attorney that have been granted and revocation of powers of attorney (keeping a record of powers of attorney);
- > Organising attendance of the Annual General Meeting by keeping a record of attendees (shareholders, proxies);
- > Exercising shareholder rights during the Annual General Meeting;
- > Determining how votes are cast and recording voting results;
- > Preparing the minutes of the Annual General Meeting;
- > Meeting compliance obligations, including duties to take records, to provide information, and reporting obligations.

## **1.2. Scope of data processing**

### **1.2.1. Data from the deposit confirmation**

We take the following information from the deposit confirmation issued by the custodian bank:

Name, company name, address, date of birth, registered seat (for legal entities), companies register number or other register number (for legal entities), issuer of the deposit confirmation, deposit account number, number and, if applicable, the nominal amount of the shares, designation of the class or the internationally used securities identification number, date or period to which the deposit confirmation relates.

### **1.2.2. Data from power of attorney and power of attorney revocation forms and questions/question forms**

Each shareholder entitled to participate in the Annual General Meeting has the right to appoint a natural person or legal entity to serve as a proxy; such a power of attorney is revocable. Shareholders also have the option of sending their questions beforehand to Kapsch; they may use therefor a question form.

The following information is obtained from the aforementioned forms (or otherwise submitted questions) to be completed by the shareholders:

Name, company name, address, date of birth, companies register number or other register number (for legal entities), telephone number, e-mail address, credit institution that holds the custody account, deposit account number, number of shares, signature, voting instructions to representative, questions.

### **1.2.3. Data of the proxy**

We also need to process proxy data.

In case you are represented at the Annual General Meeting by a proxy, we collect your proxy's data, including their name, company name, address, date of birth, companies register number or other register number (for legal entities), credit institution that holds the custody account, deposit account number, e-mail address, telephone number, scope of the power of representation.

### **1.2.4. Data for submitting agenda items or proposed resolutions**

If a shareholder asks for items to be added to the agenda (Section 109 AktG) or resolutions to be proposed (Section 110 AktG), these items will be published on Kapsch's website with the name and shareholding if the conditions are met under the relevant laws and regulations.

### **1.2.5. Data for physically accessing the Annual General Meeting**

Official photo ID of each participant (driving license, passport, ID card) must be presented for identification purposes when entering the Annual General Meeting.

We will collect the relevant data here, namely your first name, last name, date of birth and ID number.

We will also record the number of your voting card in the event that you are attending as a shareholder or proxy.

Furthermore, you can only physically attend the Annual General Meeting if you comply with the rules in place at the time to prevent the spread of COVID-19. Evidence may need to be provided that you are at a low epidemiological risk. As the applicable rules may change at short notice, the company will publish the requirements for physically attending the Annual General Meeting on [www.kapsch.net/en/ktc/ir](http://www.kapsch.net/en/ktc/ir) or [www.kapsch.net/en/ir/annual-general-meeting](http://www.kapsch.net/en/ir/annual-general-meeting), 2022; any subsequent changes will be announced. We will also inform you here about the specific extent to which your data are processed and also update this privacy information where necessary.

### **1.2.6. Audio recording and video transmission**

We would like to point out that an audio recording of the Annual General Meeting will be made for the purpose of preparing the minutes by the notary pursuant to Section 120 AktG.

The entire Annual General Meeting will also be transmitted via video to Kapsch's back office so as to streamline the handling of the Annual General Meeting, especially as regards the answering of questions. There will be no video recording made and therefore no video recording stored.

### **1.3. Lawful basis for data processing**

Within the scope of the purposes set out in item 1.1, shareholder data as well as proxy data are processed to meet legal obligations (point c of Art 6 (1) GDPR), in particular compliance with the legal obligations of a stock corporation listed in Austria and the transmission of data to fulfil certain legal reporting and documentation obligations. Data are also processed in order to protect the legitimate interests of Kapsch or third parties, in particular to hold an orderly and legally compliant Annual General Meeting (point f of Art 6 (1) GDPR). Processing of these data may further be necessary in individual cases for the establishment, exercise or defence of legal claims in judicial, administrative or out-of-court proceedings.

### **1.4. Length of data storage**

The above mentioned data in connection with the participation in the Annual General Meeting are generally stored for a period of seven years and longer in case they are of relevance for pending court or administrative proceedings Kapsch is a party to. This length of data storage follows in particular from company and stock corporation law, from tax law and from anti-money laundering regulations. Where legal claims are brought against us by shareholders or by us against shareholders, the storage of data serves to resolve and enforce claims. This means that such storage periods may be extended if court or administrative proceedings are pending.

### **1.5. Recipients of data**

Your data will be forwarded to the following third parties where required by law:

- > Firmbuch (*Companies Register*) held at the Handelsgericht Wien (*Vienna Commercial Court*);
- > Wiener Börse (*Vienna Stock Exchange*) (as required);
- > Finanzmarktaufsicht (*Financial Market Authority*) (as required);
- > Österreichische Kontrollbank (as required);
- > Österreichische Übernahmekommission (*Austrian Takeover Commission*) (as required).

We also transmit your data to a notary commissioned by us to draw up the deeds documenting the Annual General Meeting for the companies register and, if necessary, to attorneys who give us legal advice in connection with the Annual General Meeting.

All participants with a legal right to participate have the right to view the record of attendees on site. The record of attendees contains the information specified in Section 117 AktG: Name (company name), place of residence (seat) and the number of shares. The record of attendees is also attached to the minutes of the Annual General Meeting as required by law, and these must be included in the publicly accessible collection of documents kept in the companies register at Vienna Commercial Court.

We publish certain data on our website [www.kapsch.net/en/ktc/ir](http://www.kapsch.net/en/ktc/ir) or [www.kapsch.net/en/ir/annual-general-meeting](http://www.kapsch.net/en/ir/annual-general-meeting), as required by law.

We use the IT service provider K-Businesscom AG (formally Kapsch BusinessCom AG) to store and host personal data so that the IT services in question can be provided. This company may potentially have access to personal data as a result of our assignment and in accordance with our instructions. In this case, K-Businesscom AG acts as a processor and is contractually required to comply with the relevant provisions of data protection law.

We have also commissioned a service provider specialising in the organization of general meetings of shareholders, HV-Veranstaltungsservice GmbH, for the purposes of registering attendees for the Annual General Meeting, processing identity checks, managing deposit confirmations, managing powers of attorney and revocations as well as the record of attendees, recording questions and recording votes. HV-Veranstaltungsservice GmbH acts as a processor and is contractually required to comply with the relevant provisions of data protection law.

Data will not be passed on to any other third parties without your consent.

## **2. Rights of the data subject**

You may exercise the following rights with respect to the processing of your data under the GDPR and Datenschutzgesetz:

> **Right of access**

You are entitled to request information from us about whether and, if so, which personal data we process and to what extent.

> **Right to rectification**

If we process personal data of yours that are incomplete or incorrect, you are entitled to request that we rectify and/or complete them at any time.

> Right to data portability

You are entitled to request that Kapsch send you or – if technically feasible - a third party designated by you a copy of your data in a structured, commonly used and machine-readable format, provided that

- we process these data as a result of you having given revocable consent or to fulfil a contract between us, and
- said processing is carried out by automated means.

> Right to restriction of processing

You are entitled to request from us restriction of processing of your data if

- you contest the accuracy of the data, for the period of time enabling us to verify the accuracy of the data;
- the processing of the data is unlawful, yet you oppose the erasure, but instead request for use of the data to be restricted;
- we no longer need the data for the intended purpose, but you still need these data for the establishment, exercise or defence of legal claims, or
- if you have objected to processing of the data.

> Right to erasure

You are entitled to request from us erasure of your data if

- we process them unlawfully;
- processing disproportionately interferes with a need to protect your legitimate interests;
- the personal data are no longer needed for the purposes for which they were originally collected;
- you have withdrawn your consent, and there is no other legal basis for processing the data, or
- if erasure is required to fulfil a legal obligation.

Please note that there may be reasons preventing immediate erasure, e.g. where there are statutory retention obligations.

> Right to object

You are generally entitled to object, on grounds relating to your particular situation, to your personal data being processed by us, which is required to protect our legitimate interests or those of a third party. If you do so, your data will no longer be processed, unless there are compelling legitimate grounds for such processing that take priority over your interests, rights and freedoms, or for the establishment, exercise or defence of legal claims.

> Right of withdrawal

You have the right to withdraw your consent under data protection law at any time. The withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal.

> Right to lodge a complaint

If you believe that we are in violation of Austrian or European data protection laws by processing your data, please contact us to resolve any issues. You also have the right to contact the data protection authority as the competent regulator ([www.dsb.gv.at](http://www.dsb.gv.at)).

> Assertion of rights

If you wish to assert any of the above mentioned rights against us, please contact us at Kapsch TrafficCom AG, Am Europlatz 2, 1120 Vienna, Austria, or by sending an e-mail to: [datenschutz@kapsch.net](mailto:datenschutz@kapsch.net).

While asserting your rights, we may request additional information to confirm your identity (e.g. official photo ID). The purpose of this is to protect your rights and privacy and prevents information about your personal data being obtained by a third party.

We will respond to all reasonable requests as quickly as possible in accordance with the relevant laws.

### **3. Data controller and data protection officer**

The data controller responsible for processing your personal data is Kapsch TrafficCom AG, FN 223805a, Am Europlatz 2, A-1120 Vienna, Austria.

The data controller's data protection officer is Mr. Günter Wildmann, c/o Kapsch TrafficCom AG, e- mail: [datenschutz@kapsch.net](mailto:datenschutz@kapsch.net).