

## **Information regarding data protection for the shareholders of K+S Aktiengesellschaft**

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Ordinary Annual General Meeting of K+S Aktiengesellschaft

on Wednesday, 15 May 2019, 10:00 a.m.,  
in the Kongress Palais Kassel – Stadthalle,  
Holger-Börner-Platz 1, 34119 Kassel, Germany



Dear Shareholders,

With this document, we would like to inform you about the processing of your personal data by K+S Aktiengesellschaft and the rights to which you are entitled under the applicable data protection laws.

### **Who is responsible for data processing?**

K+S Aktiengesellschaft processes your personal data in compliance with the General Data Protection Regulation (GDPR), the Federal Data Protection Act (BDSG), the German Stock Corporation Act (AktG), and all other relevant legal regulations.

### **For what purpose and on what legal basis will your data be processed?**

We use your personal data for the purposes specified in the German Stock Corporation Act. This includes, in particular, keeping the share register, communicating with you as a shareholder and handling Annual General Meetings. The processing of your personal data is mandatory, in particular for your participation in the Annual General Meeting. K+S shares are registered shares. In the case of registered shares, Section 67 of the German Stock Corporation Act stipulates that these must 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 or the share number. The shareholder is generally obliged to provide the Company with this information. The credit institutions involved in the acquisition or safekeeping of your K+S registered shares regularly forward us the information relevant to the management of the share register. If you sell your shares, this will also be reported to us. In addition, your data can be used to compile statistics (e.g. to show the development of shareholders or overviews of the largest shareholders). The legal basis for the processing of your personal data is the German Stock Corporation Act in conjunction with article 6 paragraph 1 c) and paragraph 4 of the GDPR.

In addition, we may process your personal data to fulfill other legal obligations such as regulatory requirements, stock corporation, commercial and tax retention obligations. For example, the proxy nominated by the company for the Annual General Meeting is required to keep verifiable records of the data that serve as proof of authorization and to keep them protected against access for three years. The legal basis for the processing in this case is the respective statutory provisions in conjunction with article 6 paragraph 1 c) of the GDPR.

### **What kind of data will be passed on?**

The service providers of K+S Aktiengesellschaft who are commissioned for the purpose of organizing the Annual General Meeting and keeping the share register receive only such personal data from K+S Aktiengesellschaft as are required for the execution of the commissioned service and process the data exclusively in accordance with the instructions of K+S Aktiengesellschaft.

In addition, it may be necessary to transfer your personal data to other recipients, insofar as this is necessary to fulfil legal obligations (e.g. if legally prescribed voting rights thresholds are exceeded). If you attend the Annual General Meeting, other K+S shareholders may, in

accordance with Section 129 of the German Stock Corporation Act (AktG), inspect the personal data recorded in the list of participants prescribed by stock corporation law.

### How long do we retain the data?

The data recorded in connection with the Annual General Meeting is normally kept for up to three years. The data stored in the share register is normally kept for ten years after the sale of the shares. Furthermore, K+S Aktiengesellschaft only retains personal data 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 made anonymous as soon as they are no longer required for the aforementioned purposes and as soon as we are not obliged by law to provide evidence and to retain them.

### What are your rights?

You can access the personal data recorded in the share register via the K+S shareholder portal on the K+S Aktiengesellschaft website or via the "BetterSmart" shareholder app. You can also request information about the personal data stored about you at the address below. Under certain circumstances, you may also request that your data be deleted or that processing be restricted.

Right of objection: If we process your data to safeguard legitimate interests, you can object to this processing at the address given below, provided that your particular situation gives rise to reasons which oppose this data processing. We will then terminate this processing unless it serves overriding compelling interests worthy of protection on our part.

You can assert your rights in relation to K+S Aktiengesellschaft free of charge via the e-mail address **datenschutz@k-plus-s.com** or via the following contact data:

K+S Aktiengesellschaft  
Bertha-von-Suttner-Straße 7  
34131 Kassel  
Tel: +49 561-9301-0

You can reach our corporate data protection officer at:

K+S Aktiengesellschaft  
Data Protection Officer  
P.O. Box 10 20 29  
34111 Kassel  
E-mail: [datenschutz@k-plus-s.com](mailto:datenschutz@k-plus-s.com)

You also have the right to appeal to the data protection supervisory authorities in accordance with article 77 of the GDPR. The data protection supervisory authority responsible for K+S Aktiengesellschaft is:

Der Hessische Datenschutzbeauftragte  
P.O. Box 31 63  
65021 Wiesbaden

COURTESY TRANSLATION  
NOT LEGALLY BINDING – FOR INFORMATION PURPOSES ONLY

Gustav-Stresemann-Ring 1  
65189 Wiesbaden  
E-Mail: [poststelle@datenschutz.hessen.de](mailto:poststelle@datenschutz.hessen.de)

Kassel, March 2019

The Board of Executive Directors  
K+S Aktiengesellschaft  
with registered seat in Kassel