

– CONVENIENCE TRANSLATION ONLY –

**Data Privacy Information
for Shareholders and their Proxies**

**for the Annual General Meeting 2023
of**

**Cherry SE
Munich**

German Securities Identification Number (WKN): A3CRRN
ISIN: DE000A3CRRN9

Cherry SE processes personal data of shareholders and their proxies in connection with the Annual General Meeting.

You will find below information on the party responsible under data protection law (“controller”) and the data protection officer (1.). We also provide you below with the information regarding the processing of personal data (2.) and the rights of data subjects in connection with this processing (3.).

1. Controller and data protection officer

1.1. Controller

Cherry SE
Rosental 7, c/o Mindspace
81677 München
Tel.: +49 9643 2061-0
E-Mail: dsb@cherry.de

Cherry SE is represented by the members of its Management Board, Oliver Kaltner and Dr. Udo Streller.

1.2. Data protection officer

Mr Christian Volkmer
Ostengasse 14
93047 Regensburg
Tel.: +49 941 29 86 93 0
E-Mail: dsb@cherry.de

2. Processing of personal data

2.1. Personal data and its sources

Cherry SE will process the following personal data of shareholders and their proxies in connection with the Annual General Meeting to enable shareholders and their proxies to exercise their shareholder rights in relation to the Annual General Meeting:

- surname and first name, address, e-mail address,
- number of shares, class of shares, type of ownership of the shares,
- the specific identifier given to the shareholder by the ultimate intermediary, account number of the custody account of the shareholder,
- number of the entry card,
- where the shareholder is also a member of the Supervisory Board, the participation of this shareholder as a member of the Supervisory Board by way of video and audio transmission,
- the voting in the Annual General Meeting,
- the contents of the questions submitted by the shareholder and the contents of the answers as well as any speech and, if applicable an objection raised against resolutions of the Annual General Meeting,
- if applicable, the surname, first name and address of the proxy appointed by the relevant shareholder, the granting of power of attorney to the proxy, including any voting instructions, and their specific identifier given by the ultimate intermediary,
- and any objection to resolutions of the Annual General Meeting.

If this personal data has not been provided by the shareholders when registering for the Annual General Meeting or received during conducting the Annual General Meeting, their depository bank or their ultimate intermediary within the meaning of section 67c(3) of the German Stock Corporation Act (Aktiengesetz, AktG) ("German Stock Corporation Act") will send their personal data to Cherry SE.

2.2. Purpose of processing and legal basis

Cherry SE will process the data of the shareholders and their proxies to the extent necessary to process the shareholder rights exercised by them in

connection with the Annual General Meeting. The legal basis for this processing is point (c) of the first sentence of Article 6(1) GDPR in conjunction with section 67e(1) of the German Stock Corporation Act (compliance with legal obligations).

Furthermore, Cherry SE will store personal data of its shareholders and proxies to the extent that this is necessary to comply with statutory obligations to retain data. The legal basis for this processing is Article 6 (1)(c) GDPR in conjunction with section 67e(2) of the German Stock Corporation Act (compliance with legal obligations) in connection with the respective statutory obligations to retain data.

Moreover, Cherry SE will possibly continue to store personal data of its shareholders and proxies to the extent that this is necessary to establish, exercise or defend legal claims. The legal basis for this processing is Article 6 (1)(f) GDPR (balancing of interests). Cherry AG's legitimate interest is to establish, exercise or defend legal claims.

2.3. How long do we keep your personal data?

Cherry SE will store this personal data for the above purposes only for as long as this is necessary for the above purposes.

The storage period is normally up to three years for the data collected for the above purposes.

If a shareholder is no longer a shareholder of the Company, Cherry SE will only store his or her personal data for a maximum of twelve months on the basis of the first sentence of section 67e(2) of the German Stock Corporation Act and subject to other statutory provisions.

Data will only be stored for a longer period on the basis of the second sentence of section 67e(2) of the German Stock Corporation Act and subject to other statutory provisions as long as this is necessary for any possible legal proceedings to establish, exercise or defend legal claims. In this case, Cherry SE will store the data until the end of the legal proceedings.

2.4. Who else receives your personal data?

The following service provider will process the above data for the above purposes on behalf of Cherry SE (as "processors"):

Computershare Deutschland GmbH & Co. KG
Elsenheimerstr. 61
80687 München

The service provider will only receive personal data from Cherry SE that is required to perform the commissioned service and will process the data exclusively in accordance with the Cherry SE's instructions.

Otherwise, Cherry SE will only make the personal data available to shareholders and their proxies as well as to third parties in connection with the Annual General Meeting within the framework of the statutory provisions. In particular, if shareholders and their proxies are to be represented at the Annual General Meeting by a proxy appointed by the Company disclosing their name, Cherry SE will enter their names, place of residence, number of shares and type of ownership in the list of attendees of the Annual General Meeting to be drawn up in accordance with the second sentence of section 129(1) of the German Stock Corporation Act. Shareholders and their proxies may inspect this data during the Annual General Meeting and shareholders may also inspect it up to two years later pursuant to the second sentence of section 129(4) of the German Stock Corporation Act. With regard to the transfer of personal data to third parties in connection with the announcement of shareholder requests for additions to the agenda as well as counter motions and nominations by shareholders, please refer to the explanations in Part III.no. 6.1 and no. 6.2 of the invitation to the Annual General Meeting on 17 Mai 2023.

If shareholders or their proxies make use of their right to request information pursuant to section 131(1) of the German Stock Corporation Act or section 293g(3) of the German Stock Corporation Act or otherwise speak, this might be done by stating the name and, if applicable, the place of residence or registered office of the shareholder asking the question and/or his proxy. Questions dealt with during the Annual General Meeting may only be acknowledged by the other shareholders present and their proxies as well as participants who participate in the Annual General Meeting by way of video and audio transmission. In case of requests for additions pursuant to section 122(2) of the German Stock Corporation Act and in case of counter motions and nominations for election pursuant to sections 126(1), 127 of the German Stock Corporation Act, such requests, counter motions and nominations for election will be made publicly available as described in detail in Part III.no. 6.1 and no. 6.2 of the invitation to the Annual General Meeting and may be proposed for voting in the Annual General Meeting.

2.5. No transfer of personal data to third countries

Cherry SE will not transfer the personal data processed in the context of the Annual General Meeting to countries outside the European Union or the European Economic Area ("third countries").

2.6. No obligation to provide the data

Shareholders and their proxies are not obliged to provide Cherry SE with the abovementioned data in connection with the Annual General Meeting. Provision of the data is not required by law or by contract. The data is also

not required for the conclusion of a contract. However, the provision of personal data is absolutely necessary to exercise shareholder rights with respect to the Annual General Meeting.

Insofar, if shareholders and their proxies do not provide the data, Cherry SE will not be able to enable them to exercise shareholder rights in relation to the Annual General Meeting.

2.7. No automated decision-making, including profiling

Cherry SE will not carry out any automated decision-making, including profiling, on the basis of the personal data pursuant to Article 22(1) and (4) GDPR.

3. Rights of data subjects in relation to the processing

The shareholders and their proxies have the following rights with respect to the processing of their personal data:

- right of access (Article 15 GDPR)
- right to rectification (Article 16 GDPR)
- right to erasure (“right to be forgotten”) (Article 17 GDPR)
- right to restriction of processing (Article 18 GDPR)
- right to data portability (Article 20 GDPR)
- right to object (Article 21 GDPR)
- right to withdraw consent (Article 7(3) GDPR)

The following right to object under Article 21(1) GDPR is especially highlighted:

Right to object on grounds relating to the data subject’s particular situation (Article 21(1) GDPR)

Shareholders and their proxies have the right as data subjects pursuant to Article 21 (1) GDPR to object, on grounds relating to their particular situation, at any time to processing of personal data concerning them which is based on point (f) of Article 6 (1) GDPR (see clause 2.2.).

If an objection is raised, Cherry SE will no longer process the personal data unless Cherry SE demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the shareholders and their proxies as data subject or for the establishment, exercise or defense of legal claims.

Data subjects can contact Cherry SE or its data protection officer using the contact details referred to above in order to exercise their rights. In addition, shareholders and their proxies have a right to appeal to a data protection supervisory authority (Article 77 GDPR). Data subjects can assert this right to appeal in particular to the supervisory authority of the (federal) state in which they have their domicile or permanent residence or the data protection supervisory authority for the nonpublic sector of the federal state of Bavaria (Bavarian Data Protection Authority (Bayerisches Landesamt für Datenschutzaufsicht, BayLDA)), where Cherry SE has its registered office.

For more information on the General Data Protection Regulation and the rights of data subjects in relation to the processing of their personal data, please refer to the online [information brochure \(in German only\) of the Federal Commissioner for Data Protection and Freedom of Information](#) (*Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit, BfDI*).

