

Data Protection Notice

The processing of personal data is subject to the EU General Data Protection Regulation (GDPR). This data protection notice informs you how Fresenius SE & Co. KGaA („we“ or „Fresenius“) processes personal data about you as an employee of an entity of Fresenius Group¹ („you“) in the course of the employee share plan program „Fresenius Share“ and which data are involved.

"Personal data" means all information about you as an employee.

"Processing" means any operation performed on personal data, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

In this data protection notice, we explain to you in detail, in particular:

- who is responsible for the processing of your personal data and whom you can contact if you have questions or wish to make a complaint (section 1);
- how we collect your personal data, what personal data we collect, for what purposes we process these personal data and which legal bases we rely on in this regard (section 2);
- to whom we may transfer your personal data (sections 3 and 4);
- how long we store your personal data (section 5);
- whether you have to provide your personal data (section 6);
- how you can update, correct, or delete your personal data and exercise other rights in relation to your personal data (section 7) and
- in which other situations your personal data may be processed and how you can contact us (section 8).

1. Controller and contact details

The controller responsible for the processing of your personal data is:

Fresenius SE & Co. KGaA GmbH, Else-Kröner-Straße 1, 61352 Bad Homburg, Germany

Email: benefits@fresenius.com

According to the GDPR, we are obliged to provide you with the contact details of the data protection officer. You can contact the data protection officer by sending a letter to the postal address of the controller for the attention of the Data Protection Department or by e-mail via dataprotection@fresenius.com.

2. Processing of personal data

We process the following categories of your personal data: first name, last name, date of birth, personnel number, organizational data (e.g., employer, cost centre, department), contact data (e.g., telephone number and e-mail address), bank data (e.g., securities account and custodian bank), employment contract data (e.g., type, start, duration and end of employment), access data (e.g., username and password) and log files.

We process your personal data to enable you to participate in the employee share plan program "Fresenius Share". The legal basis for this data processing is Article 6 (1) (1) (b) GDPR.

Furthermore, we process your personal data in order to fulfil our statutory retention obligations. The legal basis for this data processing is Article 6 (1) (1) (c) GDPR in conjunction with Section 257 of the German Commercial Code (HGB) and Section 147 of the German Fiscal Code (AO).

In addition, we process your personal data within the scope of our legitimate interests for the establishment, exercise, and defence of legal claims in connection with the employee share plan program "Fresenius Share". Furthermore, data processing is carried out to ensure the IT security of data processing on the platform of the service provider Monidee B.V.. The legal basis for this data processing is Article 6 (1) (1) (f) GDPR.

The automated individual decision-making according to Article 22 GDPR does not take place.

3. Possible recipients of personal data

In order to fulfil the aforementioned purposes, we may share your personal data in whole or in part with other group companies and/or service providers.

We transfer your personal data to the service provider Monidee B.V.. This service provider makes available the platform through which you can participate in the employee share plan program "Fresenius Share".

In addition, we transfer your personal data to Commerzbank AG. This bank carries out the booking or transfer of the shares into your securities account.

In addition, the following categories of recipients may receive your personal data:

- Your employer;

¹ All references to persons in this document apply equally to all genders, even if the masculine form has been used for reasons of better readability.

- Authorities, courts, parties to a legal dispute or their designees to whom we are required to provide your personal data by applicable law, regulation, legal process or enforceable governmental order;
- auditors or external consultants such as lawyers, tax advisors, and
- another company in the event of a change of ownership, merger, acquisition, or disposal of assets.

4. International data transfers

In order to fulfil the aforementioned purpose, we may transfer your personal data to recipients outside Germany. Transfers within the European Economic Area (EEA) always take place in accordance with the uniform EU data protection level.

Transfers to third countries are always carried out in compliance with the supplementary requirements of Article 44 et seq. GDPR.

Your personal data may be transferred to certain third countries for which an adequacy decision of the EU Commission determines that an adequate level of protection exists in accordance with the uniform EU level of data protection. The full list of these countries is available here (<https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions>).

As a rule, EU standard contractual clauses (“SCC”) are concluded with the recipient for transfers to other third countries. These have been issued by the EU Commission to safeguard such international data transfers.

To transfer personal data outside the EEA among group companies of the business segments Fresenius Kabi (Fresenius Kabi AG and its affiliated companies) and Fresenius Corporate, we implemented binding corporate rules (“BCR”) approved by the data protection authorities in accordance with Article 47 GDPR. A copy of the SCC and the BCR can be requested via dataprotection@fresenius.com.

Ultimately, personal data may be transferred on the basis of an exceptional circumstance under Article 49 GDPR.

5. How long we store personal data

After the successful booking or transfer of the shares into your securities account, your personal data will be deleted from the platform of the service provider Monidee B.V..

In addition, we store your personal data outside the platform of the service provider Monidee B.V. for the duration of the retention periods under tax and commercial law in accordance with Section 257 of the German Commercial Code (HGB) and Section 147 of the German Fiscal Code (AO). The retention period is 10 years.

6. Provision of your personal data

We need your personal data to enable your participation in the employee share plan program "Fresenius Share". If you do not provide us with your personal data, your participation will not be possible.

7. Your rights

According to the GDPR you are entitled to various rights. You have the right to access your personal data (Article 15 GDPR, section 34 et seq. German Federal Data Protection Act (BDSG), to correct incorrect personal data (Article 16 GDPR), to delete your personal data under certain circumstances (Article 17 GDPR, section 34 et seq. BDSG) and to restrict the processing of your personal data under certain circumstances (Article 18 GDPR).

If the processing is based on a contract and carried out by automated means, you have the right to receive personal data you provided to us in a structured, commonly used, machine-readable format and to transmit your personal data to another controller (Article 20 GDPR).

Right to object

In case the processing is based on Article 6 (1) (1) (f) GDPR including profiling based on those provisions, you have the right to object to the processing of your personal data on grounds relating to your particular situation (Article 21 (1) GDPR).

You also have the right to lodge a complaint with a supervisory authority, in particular, in the Member State of your habitual residence, place of work or of an alleged infringement of the GDPR (Article 77 GDPR in conjunction with section 19 BDSG). The competent data protection authority for Fresenius is "Der Hessische Beauftragte für Datenschutz und Informationsfreiheit", Postfach 3163, 65021 Wiesbaden. The right of appeal is without prejudice to any other administrative or judicial remedy.

8. Further information on data processing in other contexts and our contact details

We may process your personal data in various other contexts, for example, when you visit our websites. For the processing of your personal data in these situations, please refer to the specific information in each case.

If you have any questions about data protection at Fresenius, please contact the responsible data protection officer, see section 1.