

## Delivery Hero SE // Ordinary Annual General Meeting 2022

### Data protection information for shareholders of Delivery Hero SE

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Our shareholders' data privacy matters to us.

The following information serves to elucidate you on the processing of your personal data by Delivery Hero SE (the "Company") and the rights to which you are entitled under data protection law.

#### 1. Who is responsible for data processing?

Delivery Hero SE  
Oranienburger Str. 70  
10117 Berlin

If you have any questions regarding the information contained herein, please contact our data protection officer, Mr. Benedikt Schweinfurth. He can be contacted by e-mail (dpo@deliveryhero.com) or mail at the Company's abovementioned address (please add "Data Protection Officer" to the address details).

#### 2. What is the purpose and legal basis for processing your data? From whom does the Company receive what kind of data?

We process your personal data in compliance with the GDPR, the Federal Data Protection Act (BDSG), the German Stock Corporation Act (Aktengesetz – AktG), the Act on Measures in Corporate, Cooperative, Association, Foundation and Condominium Law to Combat the Effects of the COVID-19 Pandemic as amended by the Act on the Further Shortening of the Residual Debt Relief Procedure and on the Adjustment of Pandemic-Related Provisions in Company, Cooperative, Association and Foundation Law and in Tenancy and Lease Law and the Act on the Establishment of a Special Fund "Aufbauhilfe 2021" and on the Temporary Suspension of the Obligation to File an Insolvency Application Due to Heavy Rainfall and Floods in July 2021 and on the Amendment of Other Laws (COVID-19 Mitigation Act) and all other relevant legal provisions.

The Company's shares are registered shares. As far as registered shares are concerned, section 67 of the German Stock Corporation Act (AktG) provides that these must be entered in the Company's share register, indicating the shareholder's name, date of birth, address, and the number of shares or share number. The shareholder is generally obliged to provide the company with this information. The banks involved in the acquisition or custody of your registered shares in the Company regularly forward to the share register the information that is relevant for the keeping of the share register on your behalf (this for example also includes nationality, gender, and submitting bank). This is handled via Clearstream Banking AG, Frankfurt, which as the central depository performs the technical processing of securities transactions and the safekeeping of the shares on behalf of the banks. If your shares are sold, we will also be notified of this by Clearstream Banking AG, Frankfurt.

The Company uses your personal data for the purposes laid down in the German Stock Corporation Act. These include in particular the keeping of the share register, communication with custodian banks and shareholders, as well as various operations in connection with the organisation of Annual General Meetings (for instance, registration for the Annual General Meeting, documentation of the shareholders' right of attendance, and compiling the list of participants).

Section 67 (6) sentence 4 German Stock Corporation Act (AktG) stipulates that the data entered in the share register may only be used for advertising the Company insofar as the shareholder does not object to this being done. Shareholders are to be appropriately

informed on their right to lodge an objection (section 67 (6) sentence 5 AktG). The Company complies with this obligation, among other things, by providing information on the right to object in section 7 of this document. In the event that the data entered in the share register is used to advertise the Company, data processing is performed on the basis of Art. 6 (1) f) GDPR.

In addition, we may use your data for purposes that are compatible with these purposes (in particular for the production of statistics, for instance, for the presentation of shareholder development, number of transactions, or overviews of the largest shareholders). Furthermore, we also process your personal data to fulfil other legal obligations, for example regulatory requirements and obligations to preserve records as laid down in stock corporation, commercial and tax legislation.

The legal basis for the processing of your personal data by the Company is the German Stock Corporation Act (AktG) in conjunction with Art. 6 (1) (c) GDPR.

In individual cases, the Company may also process your data in order to safeguard the legitimate interests of the Company or a third party in accordance with Art. 6 (1) f) GDPR. A legitimate interest of the Company exists if, for example, in the event of a capital increase, we have to exclude individual shareholders or groups of shareholders on the basis of their nationality or place of residence from information on subscription offers in order to avoid infringing the laws of certain countries or if the processing is necessary to produce statistics, e.g. for the presentation of shareholder development, number of transactions and overview of the largest shareholders. Please refer to section 7 below for information on the right to object to the processing of data to safeguard legitimate interests.

In connection with the organisation of Annual General Meetings, the Company processes personal data (in particular the shareholder's name, date of birth, address and other contact details, number of shares, type of share ownership, access data for the password-protected AGM portal, and, if applicable, the name and address of the shareholder's proxy representative) on the basis of the applicable data privacy regulations. In addition to the personal data of shareholders stored in the Company's share register, the Company processes data that is provided by shareholders when they register for the Annual General Meeting, or is transmitted to the Company by their depositary banks on behalf of shareholders for this purpose.

In connection with Annual General Meetings, personal data is processed for the purpose of handling the registration and participation of shareholders in the Annual General Meeting (for instance, for verifying eligibility to attend) and for enabling shareholders to exercise their rights in connection with the Annual General Meeting (including registration and the granting and withdrawal of proxies).

When authorising the proxy representatives nominated by the Company for the Annual General Meeting, the Company is to keep a verifiable record of the proxy declaration for three years with no third-party access (section 134 (3) sentence 5 AktG).

We have a legitimate interest in ensuring the orderly conduct of the Annual General Meeting. If, pursuant to Article 2 section 1 (2) of the COVID-19 Mitigation Act in conjunction with the provisions laid down in the invitation to the Annual General Meeting, you submit questions via the AGM Portal prior to the Annual General Meeting or raise an objection to resolutions of the Annual General Meeting at the AGM, we therefore process the shareholder's name, date of birth and address, the shareholder number as well as your e-mail address (if provided) for the purpose of processing these questions. In these cases, too, the pertinent legal provisions in conjunction with Art. 6 para 1 c) GDPR serve as the legal basis for data processing. Furthermore, we will only use your data if you have given us your consent (e.g. to use electronic means of communication). The legal basis for the processing of your personal data in these cases is Art. 6 para. 1 lit. a) GDPR.

In case we plan to process your personal data for a purpose not mentioned above, we shall inform you of this beforehand in compliance with the statutory provisions.

**3. Is your data transferred to a third country?**

In order to adhere to the aforementioned purposes, it may be necessary for your personal data to be transferred outside the European Economic Area (EEA) for one of the aforementioned purposes. If we transfer personal data to service providers or Group companies outside the EEA, the transfer will only be performed if the third country has been confirmed by the EU Commission as offering an adequate level of data protection, or if other appropriate data privacy guarantees (for instance, binding internal company data protection regulations or EU standard contract clauses) are in place. Detailed information can be requested using the contact information mentioned above.

**4. To which recipient categories will we pass on your data, if necessary?**

We rely on professional services from so-called processors. These are natural or legal persons, public authorities, other bodies, offices or agencies that process personal data on behalf of the controller. The Company will pass on to service providers only those personal data that is necessary for performing the service commissioned, and will process this data exclusively in line with the Company's instructions.

Since the selection of our contract processors can change regularly, we provide you with an overview of the categories of potential recipients below. If you would like a complete list of our contract processors at the time your personal data is processed, you can contact our Data Protection Officer at [dpo@deliveryhero.com](mailto:dpo@deliveryhero.com).

***External service providers:***

For the administration and technical management of the share register as well as for the handling of the general meetings, we partly use external service providers (such as share register service company, IT service provider and AGM service provider). Our external service providers process your personal data exclusively on our behalf and in accordance with our instructions and are contractually bound to the applicable data protection law in accordance with Article 28 paragraph 3 GDPR.

***Further recipients:***

In addition, we may transfer your personal data to other recipients, such as public authorities, in order to comply with statutory notification obligations (e.g. when legally prescribed voting rights thresholds are exceeded). If you participate in the Annual General Meeting, we are obliged according to section 129 (1) sentence 2 German Stock Corporation Act (AktG) to include you in the list of participants, stating your name, place of residence and the number of shares represented. This data can be viewed by other shareholders and AGM participants during the meeting, and by shareholders for up to two years thereafter (section 129 (4) AktG). Furthermore, personal data may be made available to the public at large in connection with an announcement of shareholder requests for additions to the agenda as well as countermotions and election proposals by shareholders.

If a shareholder requests that items be added to the agenda (section 122 (2) AktG), the Company will publish these items pursuant to the provisions of the German Stock Corporation Act if the relevant requirements are met, stating the shareholder's name. Similarly, the Company will publish countermotions and nominations from shareholders on the internet, if the relevant requirements are met, in accordance with the provisions of German stock corporation law, stating the shareholder's name (sections 126 (1), 127 AktG). We may, moreover, be obliged to transmit your personal data to other recipients, such as public authorities to adhere to statutory notification obligations (for example, in the case of voting right notifications).

**5. How long will your data be stored?**

As a matter of principle, we anonymize your personal data or delete it when and to the extent that it is no longer required for the purposes stated herein, unless we are obliged to continue to store it on the basis of statutory proof and/or retention obligations (under the

German Stock Corporation Act, the German Commercial Code, the German Fiscal Code or other legal provisions). The retention period for data recorded in connection with Annual General Meetings usually is up to three years.

For commercial and tax law reasons, the data stored in the share register must regularly be retained by us for ten years after the shares have been sold. Furthermore, we only retain personal data in individual cases if this is necessary in connection with claims asserted against our enterprise (statutory limitation periods of up to thirty years).

## 6. Cookies

Any data collected by cookies, device IDs and similar procedures is always used by us in an anonymous form and is not merged with any customer or profile data stored by us.

Whenever you visit our AGM-Portal, we temporarily save the IP address of your internet access and the pages you call up, so that basic services such as authorization assignment work.

We use the latest security standard (256-bit encryption) in our entire offer. Your data is encrypted directly during transmission, and all information relevant to data privacy is stored in encrypted form in a protected database. In order to be able to manage your access, we need a session cookie (which is deleted once the browser is closed).

### Cookies used for the AGM-Portal

Cookie	Description	Duration of storage	Classification
PHPSessionID	Standard session identification for PHP	Deleted once the browser is closed	Necessary
cookieaccepted	Cookie used to store consent to the cookie bar function, and thus to its being concealed in the respective view.	10 days	Necessary

### Browser settings

You can refuse to accept the storage of cookies by websites and applications on your terminal devices or adjust your browser settings. In the latter case, users receive a warning before cookies are stored. Users may also adjust their settings so that their browser either rejects all cookies or only those of third parties. Users can also delete cookies that were stored at an earlier point in time. Please note that the settings must be adjusted separately for each browser and on each device used. In the event that users do not wish cookies to be used, we would like to point out that we regret not to be able to guarantee that our AGM Portal will work properly without the use of cookies. Users can go directly to the manual by clicking on one of the following links.

[Chrome](#)

[Firefox](#)

[Microsoft Edge](#)

[Safari](#)

## 7. What are your rights under data protection law?

You may exercise the following rights free-of-charge at the address of the Data Protection Officer mentioned in Section 1:

### Art. 15 GDPR: Right of access by the data subject

You have the right to receive information from us about which of your personal data we process.

### Art. 16 GDPR: Right to rectification

If your personal data is incorrect or incomplete, you are entitled to have any incorrect information rectified, or to have incomplete personal data completed.

**Art. 17 GDPR: Right to erasure**

Under the conditions of Art. 17 GDPR, you can request the erasure of your personal data. Your right to request erasure depends, among other things, on whether or not your personal data is still required by us to fulfil our legal or contractual obligations.

**Art. 18 GDPR: Right to restriction of processing**

Under the conditions of Art.18 GDPR, you can request that the processing of your personal data be restricted.

**Art. 20 GDPR: Right to data portability**

Under the conditions of Art.20 GDPR, you have the right to receive personal data concerning you in a structured, common and machine-readable format.

**Art. 21 GDPR: Right to object**

You have the right to object to the processing of your data to safeguard the legitimate interests of the Company or of a third party:

Delivery Hero SE  
Oranienburger Str. 70  
10117 Berlin  
e-mail: [dpo@deliveryhero.com](mailto:dpo@deliveryhero.com)

We shall cease this type of processing if we cannot prove that there are compelling reasons for processing that are worthy of protection and that outweigh the data subjects' interests, rights, and freedoms; or if processing serves to assert, exercise, or defend legal claims.

**Art. 7 para 3 GDPR: Right to withdraw consent**

You have the right to withdraw at any time your consent to the processing of your personal data. The withdrawal of consent shall not affect the lawfulness of data processing carried out on the basis of the consent until the point in time it was withdrawn.

**8. Do you have any complaints with regard to the handling of your data?**

If you have any complaints regarding the processing of your personal data, you can contact the Company's Data Protection Officer, using the contact details provided at the beginning of this document in order to seek immediate clarification from the Company. Notwithstanding the above, you have the right to lodge a complaint with a competent data protection supervisory authority. The supervisory authority in charge of data protection is:

Berliner Beauftragte für Datenschutz und Informationsfreiheit  
Friedrichstr. 219  
10969 Berlin  
Deutschland

e-mail: [mailbox@datenschutz-berlin.de](mailto:mailbox@datenschutz-berlin.de)

**The information included in this document was last amended in: April 2022**

If there are relevant changes, we shall update this information and make it available on our website. In addition, we shall check whether in individual cases there is an obligation to notification in the event of any changes to this data protection information and comply with any such notification obligation accordingly.