

Data Protection Information for Whistleblower System of RAFI GmbH & Co. KG

With this data protection information, we would like to inform you about the processing of your personal data and the rights to which you are entitled under the Data Protection Act in connection with our whistleblower system in accordance with Art. 13, 14 GDPR (DSGVO).

Personal data is any information relating to an identified or identifiable natural person. A natural person is considered as identifiable if they can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data or an online identifier.

1. Who is covered by the data protection information?

This data protection information applies to all natural persons who submit information about breaches via the specified reporting channels or who are the subject of such a report or otherwise affected by it.

2. Who is responsible for the processing of personal data?

The responsible party for the processing of personal data is:

RAFI GmbH & Co. KG
Ravensburger Straße 128-134
88276 Berg
Germany
Phone: +49 751 89-0
Fax: +49 751 89-1300
E-mail: compliance@rafi-group.com

3. Who is the data protection officer?

You may contact our data protection officer at the following address:

Mr. Ioannis Dimas, c/o ETES GmbH
Talstraße 106
70188 Stuttgart
datenschutz@rafi-group.com

4. What are the purposes for which we process personal data and what is the legal basis?

Directive (EU) 2019/1937 ("EU Whistleblower Directive") and the German Whistleblower Protection Act (Hinweisgeberschutzgesetz, HinSchG) require the establishment of a whistleblower system in order to give employees and third parties the opportunity to report legal violations within the company in a protected manner.

Reports may be submitted either anonymously or non-anonymously.

The processing of personal data in the case of an anonymous report for the purpose of fulfilling the tasks under the Whistleblower Protection Act (including receiving, reviewing and documenting reports) is based on Art. 6 para. 1 lit. c) GDPR in conjunction with Sections 10 and 16 to 18 Whistleblower Protection Act. When submitting the report, the identity of the reporting person shall remain unknown to the reporting office. If it is necessary to disclose the identity of the whistleblower in order to remedy the violation, the consent of the whistleblower shall be obtained.

The processing of personal data in the case of a non-anonymous report for the purpose of fulfilling the tasks under the Whistleblower Protection Act (including receiving, reviewing and documenting the reports) is based on Art. 6 para. 1 lit. c) GDPR or, in the case of an employment relationship, also on Art. 6 para. 1 lit. b) GDPR [more on this below] in conjunction with Sections 10 and 16 to 18 Whistleblower Protection Act

Under certain circumstances, special categories of personal data may be processed if this is necessary to fulfill the tasks under the Whistleblower Protection Act. In this case, the legal basis is Art. 9 para. 2 lit. g) GDPR in conjunction with Section 10 sentence 2 Whistleblower Protection Act. Further details on the categories of data processing in this regard can be found in section 5.

Pursuant to the Whistleblower Protection Act, we shall not be obliged to accept reports from persons who are not covered by the Whistleblower Protection Act. These may be, for example, external third parties such as suppliers and business partners and other persons who do not report violations to us in connection with their

professional activity or in advance of a professional activity in accordance with Section 1 (1) of the Whistleblower Protection Act. If we nevertheless decide to process reports from such persons, we may base the data processing on Art. 6 para. 1 lit. f) GDPR. The processing of the personal data of the persons named in the report shall also serve to safeguard the legitimate interests of RAFI GmbH & Co. KG (Art. 6 para. 1 sentence 1 lit. f) GDPR). This constitutes a legitimate interest in detecting, stopping and sanctioning violations of the law and serious breaches of duty at all locations effectively and with a high degree of confidentiality and in preventing associated damage and liability risks for RAFI GmbH & Co. KG (Sections 30, 130 Administrative Offences Act (Ordnungswidrigkeitengesetz, OWiG)).

The necessary forwarding of personal data in the case of non-anonymous reporting of the whistleblower and the other persons named in the report from the internal reporting office to the responsible office at our company is based on Art. 6 para. 1 lit. c) GDPR and Sections 10, 12, 13, 18 no. 4 lit. a) and 9 para. 3 and 4 no. 2 Whistleblower Protection Act.

If, in the course of internal investigations, the data collected is used for other purposes, e.g. to conduct further investigations in the event of a substantiated report or to take labor law measures against the persons proven to have committed a violation, the personal data may be processed on a corresponding legal basis outside the Whistleblower Protection Act.

Therefore, we may rely on the following legal bases:

We may process personal data on the basis of Art. 6 para. 1 lit. b) GDPR in order to detect breaches of duty under employment contracts and to initiate appropriate follow-up measures. Furthermore, data processing may be justified in the context of the employment relationship for the detection of possible criminal offenses. When investigating criminal offenses, the legal basis is Art. 88 para. 1 GDPR in conjunction with Section 26 para. 1 sentence 2 Federal Data Protection Act (Bundesdatenschutzgesetz, BDSG).

We are subject to comprehensive legal obligations. If we process data for the purpose of fulfilling and/or implementing legal obligations, the legal basis is Art. 6 para. 1 lit. c) GDPR.

We may also process personal data on the basis of Art. 6 (1) (f) GDPR in order to protect our legitimate interests or those of third parties. The legitimate interests within the meaning of Art. 6 para. 1 lit. f) GDPR may include in particular the detection, prosecution, restriction and prevention of violations as well as the collection of evidence, criminal prosecution or enforcement of civil law claims in the context of official and/or judicial proceedings (outside the employment relationship). The legitimate interest consists of the clarification and sanctioning of misconduct that has been committed.

If we intend to process your personal data for a purpose not mentioned above, we shall inform you separately in advance.

5. Categories of Data Processing under the Whistleblower System

- Information about the whistleblower (unless they wish to remain anonymous) and the person who is the subject of a report, such as
 - First name and surname
 - Function/title
 - Contact details
 - If applicable, special categories of personal data (Art. 9 GDPR)
 - If applicable, other personal data relating to the employment relationship
 - If applicable, other categories of personal data that whistleblowers provide of their own initiative
- Personal information identified in the reports of the investigation team, including details of the allegations made and supporting evidence
- Date and time of the report
- Any other information identified in the investigation findings and in the further procedure following the report, e.g. information on criminal behavior or data on illegal or improper behavior, if reported

6. Who will your data be shared with?

All personal data collected in this context shall only be made accessible to those persons who have a legitimate need to process this data due to their function.

As part of the fulfillment of our obligations under the Whistleblower Protection Act, the following recipients outside the company may receive personal data, e. g. as part of the clarification of the facts and further investigations:

- External lawyers;
- Auditors;
- Other professionals bound by professional secrecy;
- Government agencies such as the police, public prosecutor's office or courts;
- Public authorities.

Within our company, these shall be:

- The manager of an affected person;
- The human resources department;
- Committee for the internal investigation and clarification of the report.

If personal data is processed by external service providers, this shall always be based on order processing contracts in accordance with Art. 28 GDPR. In these cases, we shall ensure that the processing of personal data is carried out in accordance with the provisions of the GDPR and that all persons authorized to process personal data have undertaken to maintain confidentiality or are subject to an appropriate statutory duty of confidentiality.

7. How long will your data be stored?

Submitted reports shall be deleted three (3) years after the conclusion of a procedure.

Documentation may be retained longer to comply with the requirements of the Whistleblower Protection Act or other legislation, as long as this is necessary and reasonable. Inaccurate information shall be corrected or deleted immediately.

8. Will your data be transferred to a third country?

Your personal data shall only be transferred if and insofar as this is necessary to clarify a matter. This may be the case if the facts of the case relate to a third country.

9. Are you obliged to provide your data?

You are not obliged to provide your personal data. Please note that conclusions about your person may also be drawn from the circumstances of the facts you have reported.

10. Are there automated individual case decisions or profiling measures?

Automated individual case decisions or profiling measures do not take place.

11. What are your rights as an affected person?

You have the following rights in connection with the processing of personal data:

- Pursuant to Art. 7 GDPR, you have the right to withdraw your consent to data processing at any time. The withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal;
- In accordance with Art. 14 GDPR, if the data is collected without your knowledge (e.g. because you are involved as an accused person in the proceedings to investigate the report), you have the right to be informed about the storage, the type of data, the purpose of the processing and the identity of the person responsible and, if applicable, the person making the report (unless the report was made anonymously);
- The right to information about the personal data stored about you in accordance with Art. 15 GDPR. Information that is subject to special confidentiality within the meaning of Section 29 (1) Federal Data Protection Act is excluded from this;
- The right to rectification or completion of incorrect or incomplete stored data in accordance with Art. 16 GDPR;
- The right to erasure in accordance with Art. 17 GDPR, provided there is no legal reason for further storage;

- The right to restrict the processing of your data in accordance with Art. 18 GDPR. In this case, your data may still be stored but shall only be processed under certain conditions (e.g. with your consent or to defend against legal claims).
- The right pursuant to Art. 20 GDPR to receive the data you have provided to us in a structured, commonly used and machine-readable format and to transmit those data to another controller (right to data portability), provided that the other requirements of Art. 20 GDPR are met.

Right to object

If we process your data to protect legitimate interests in accordance with Art. 6 (1) (f) GDPR, you may object to this processing for reasons arising from your particular situation in accordance with Art. 21 GDPR. Thereupon, we shall no longer process your personal data unless we are able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing serves the establishment, exercise or defense of legal claims.

To exercise your rights as an affected person, please contact us or our data protection officer. You may find the contact details under point 2.

12. Where can you file a complaint?

You also have the option under Art. 77 GDPR to file a complaint with a data protection supervisory authority. The data protection supervisory authority responsible for us is:

The State Commissioner for Data Protection and Freedom of Information Baden-Wuerttemberg

Postal address:

P.O. Box 10 29 32

70025 Stuttgart

Phone: 0711/615541-0

FAX: 0711/615541-15

E-mail: poststelle@lfdi.bwl.de