

## **Information on data privacy in the reporting system of KUHN HOLDING GESELLSCHAFT M.B.H.**

Below, we would like to explain the collection, processing, and use of personal data in the reporting system when you submit a report by email, telephone, mail, or show up in person at KUHN HOLDING GESELLSCHAFT M.B.H. Therefore, please carefully read through this data privacy statement before submitting a report.

### **I. Purpose of the reporting system and data processing**

The reporting system serves to receive and process reports of (suspected) legal or serious internal violations in a secure and confidential way.

The processing of personal data in the reporting system relies on the legitimate interest of KUHN HOLDING GESELLSCHAFT M.B.H. to expose and prevent abuse and thereby also avert damages and liability risks for KUHN HOLDING GESELLSCHAFT M.B.H. (art. 6 para. 1 lit. f GDPR). Additionally, the EU Whistleblower Directive requires establishing a reporting system to provide employees and third parties the opportunity to submit information in a suitable manner and secure way on legal breaches in the company.

If a submitted report concerns an employee of KUHN HOLDING GESELLSCHAFT M.B.H., the processing further serves to prevent offences or other legal breaches connected with employment.

The processing of your identification data occurs on the basis of consent to be given (art. 6 para. 1 lit. a GDPR), which is given in that the report can also be submitted anonymously. The revocation of consent can generally only occur within one month after the report is received, as KUHN HOLDING GESELLSCHAFT M.B.H. is obligated in certain cases, according to art. 14 para. 3 lit a GDPR, to inform the accused person of the charges raised and carried out investigations against them within one month. This also includes storage, data type, purpose of the processing, the identity of the responsible individuals and - as legally required - the informants, so that configuration of data processing or deletion of identification data is no longer possible. The revocation deadline can be shortened; e.g., if the report type requires direct intervention of an authority or a court; because as soon as information has been disclosed to the authority or court, the identification data is in the case files of KUHN HOLDING GESELLSCHAFT M.B.H. and of the authority or the court.

### **II. Processing of your personal data**

The use of the reporting system is voluntary. We collect the following personal data and information when you submit a report:

- your name, provided you disclose your identity,
- your contact information, provided you make this available to us,
- the fact that you submitted a report through the reporting system,
- if you are employed at KUHN HOLDING GESELLSCHAFT M.B.H. and
- possibly the names of persons and other personal data of persons mentioned in the report.

The data submitted to the reporting system is encrypted and saved with multiple levels of password protection so that access is limited to a very small circle of KUHN HOLDING GESELLSCHAFT M.B.H. employees who are explicitly authorised. The authorised employees check the reported facts and further carry out a case-related investigation of these facts; the data is always handled confidentially. However, confidentiality cannot be guaranteed if false information is knowingly provided with the aim of discrediting a person (denunciation).

In certain cases, KUHN HOLDING GESELLSCHAFT M.B.H. is obligated to inform the accused person of the charges raised against them. This is legally required if it is objectively established that the provision of information to the accused can no longer affect the concrete investigation of the report at all. Your identity as the informant - as far as legally possible - is not disclosed and it is also ensured that no conclusions can be drawn about your identity.

Within the scope of the report processing or investigation, it can be necessary to transfer information to other KUHN HOLDING GESELLSCHAFT M.B.H. employees or employees of the subsidiary of KUHN HOLDING GESELLSCHAFT M.B.H., e.g., when the information refers to processes in the subsidiary of KUHN HOLDING GESELLSCHAFT M.B.H.

When necessary for the investigation, information can be transferred to a subsidiary of KUHN HOLDING GESELLSCHAFT M.B.H. in a country outside the European Union or the European Economic Area, on the basis

of appropriate or adequate guarantee to protect the data privacy of concerned persons. Please note that not all non-EU countries have a level of data privacy recognized as adequate by the European Commission.

For data transfer to non-EU countries in which there is no adequate level of data protection, we ensure that the recipient either has an adequate level of data protection (e.g., EU Commission's Adequacy Decision or an agreement of the EU Standard Contractual Clause of the European Union with the recipient) or there is explicit consent from our users prior to transmission.

We always take care that the pertinent data privacy provisions are observed when transferring information. In the event of a corresponding legal obligation or data privacy requirement for the report investigation, other potential recipient categories, such as law enforcement agencies, antitrust authorities, other administrative authorities, courts, and international law firms and auditing firms commissioned by KUHN HOLDING GESELLSCHAFT M.B.H. are considered. Each person that receives access to the data is bound to confidentiality.

Personal data is stored as long as the investigation and subsequent assessment necessitate it, there is legitimate interest from the company, or if required by law. Afterwards, this data is deleted in accordance with the legal requirements. The storage duration specifically depends on the seriousness of the suspicion and the reported possible breach of duty.

### **III. Your rights**

According to European data protection law, you and the person mentioned in the report have the right to data disclosure, amendment, deletion, restriction of processing, and in certain cases, the right to data transfer. Additionally, you may object to the processing of your personal data on grounds relating to your particular situation, provided the data processing is carried out in the public interest or on the basis of a balancing of interests.

The assertion of your data subject rights and objections can be sent freedom of form by email or by mail to Ebner Aichinger Guggenberger Rechtsanwälte GmbH, Sterneckstraße 35, 5020 Salzburg, email: [wb.kuhn@eag-partner.at](mailto:wb.kuhn@eag-partner.at).

Your request will be processed within one month and you will be informed of the actions taken. Due to complex individual requests or the numerous requests received, processing times can exceed the one-month period; the request will then be fully processed within a further two months after the expiry of the one-month period. Generally, requests are free of charge. However, in the case of excessive or clearly groundless requests, KUHN HOLDING GESELLSCHAFT M.B.H. reserves the right to refuse to process these or to process them for a fee of € 120.00 per working hour.

If the right to objection is exercised, we will immediately check the extent to which the stored data is still required, in particular for processing a report. Data that is no longer required will be deleted immediately. Furthermore, you can revoke your consent at any time.

Should data be required for the assertion, exercise or defence of legal claims, or the fulfilment of contractual obligations, the request for deletion can only be processed after the compelling and necessary reasons for storage cease to exist.

Please note the information under "Purpose of the reporting system and data processing". You also have a right of appeal to the Austrian data protection authority, "DSB of the Republic of Austria (<https://www.dsb.gv.at/datenschutz>)"

### **IV. Your contact person**

For matters concerning data privacy, you may contact our commissioned law firm at any time.

EBNER AICHINGER GUGGENBERGER  
Rechtsanwälte GmbH  
Sterneckstraße 35  
5020 Salzburg  
Tel: 0662 880040  
Email: [wb.kuhn@eag-partner.at](mailto:wb.kuhn@eag-partner.at)