

Data Protection Information for Data Subjects Making a Data Subject Request

If you contact us with a request regarding your rights as a data subject under the General-Data-Protection-Regulation, Fresenius SE & Co. KGaA (“we” or “Fresenius”) will process certain personal data.

By “personal data” we mean any information related to you.

By “processing” we mean any operation which is performed on personal data, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

We take the protection of your personal data very seriously. All processing of personal data by us is governed by the General Data Protection Regulation of the European Union (“GDPR”). This Data Protection Information informs you about how we process your personal data.

1 Controller and contact

1.1 Controller:

The controller and responsible entity for processing of personal data is:

Fresenius SE & Co. KGaA,
Else-Kroener-Straße 1,
61352 Bad Homburg vor der Höhe,
Germany

E-mail: pr-fre@fresenius.com

1.2 Data protection officer:

We have designated a data protection officer. You can contact the data protection officer for all requests and questions concerning your personal data via:

Fresenius SE & Co. KGaA
Data Protection Officer
Else-Kröner-Straße 1
61352 Bad Homburg
Germany
E-mail: dataprotectionofficer@fresenius.com

2 Processing of personal data

2.1 How we collect your data

We process personal data you provide to us when you fill in the mandatory fields in the contact formula for data subject requests or you send to us directly via email. Furthermore we process personal data you provide to us when you fill in optional fields which are optional details. We may also process personal data you provide to us in cases of requests, e.g. we need to verify your identity.

2.2 Purposes of Processing

We process the personal data you provided to us (the exact data depends on what information you include in your request, typically, it will be your name, contact information, information on in what kind of a relationship you are with Fresenius and the request itself) for the purpose of handling and responding to your request.

2.3 Legal Basis for Processing

We process your personal data on one of the following legal bases:

The processing of your personal data is necessary for us in order to comply with a legal obligation we are subject to¹. We are legally obliged to respond to your request and to process your personal data accordingly.

3 Possible recipients or categories of recipients of your personal data

We may transmit your personal data in parts or as a whole to other entities. This largely depends on the scope of your request, in particular, which entities you interacted with. E.g., if you are a customer of a particular Fresenius entity, we will forward the request to such entity, in order to collect the necessary information to respond to it.

Recipients are

- Other group companies if such a transfer of personal data is required for the specific purpose;

¹ Art. 6 para. 1 lit. c GDPR

- Service providers who process personal data on our behalf but have to follow our instructions on such processing; these service providers will not be allowed to use your personal data for other than our purposes;
- Authorities, who we are obliged to provide your personal data to, e.g., data protection authorities; and
- Auditors or similar external consultants like lawyers or tax advisers.

4 International data transfers

In order to fulfill the above-mentioned purpose, we may transfer your personal data to recipients outside Germany.

Your personal data may be transmitted internationally to countries in which the Fresenius Group operates, depending on the scope of your request.

If your personal data is transferred to recipients within the European Economic Area, data protection complies with European requirements.

We may transfer your personal data in parts or as a whole to recipients in third countries, which are not Member States of the European Union, or international organisations which process your personal data for the purpose listed above.

The European Commission has determined an adequate level of data protection² to be in place that matches the level of data protection within the European Union for the following countries / international organisations in which Fresenius entities are established: Argentina, Canada, New Zealand, Switzerland or Uruguay.

With regards to such international data transfers to third countries, for which the European Commission has not decided that an adequate level of data protection exists, we have provided appropriate safeguards in order to secure your personal data to a degree that equals the level of data protection in the European Union. These safeguards are:

- Standard Contractual Clauses that have been issued by the European Commission.
- Commiseration in the EU-US-Privacy Shield (you can find more information on the framework here)

² adequacy decision pursuant to Art. 45 (3) GDPR

You can obtain a copy of these Standard Contractual Clauses by requesting a copy from us.

5 Retention period

We store your personal data until we have responded to your request. Afterwards, the respective personal data shall be blocked (i.e. we block your data for all other purposes) until the end of the respective statute of limitation for corresponding legal claims. After the end of this status of limitation (after 4 years), your data will be erased entirely.

If longer retention periods apply beyond the time periods listed above (e.g., because we are obliged to store the data for tax audit purposes) we aim also includes that the data will be blocked and will be archived until the end of the respective retention period and then erased. Your data will be blocked for processing for any purposes other than archiving and will be kept until the end of the respective retention period.

6 Your rights and your personal data

You have the following rights with respect to your personal data:

6.1 Right of access

You have the right to request from us information on which personal data about you we process at any time³.

6.2 Right to rectification of incorrect data

If data about you is inaccurate, you have the right to obtain from us rectification of such data without undue delay⁴.

6.3 Right to erasure

Under specific requirements you have the right to request from us the erasure of your personal data. In particular you may ask us to erase personal data, if (i) it is no longer necessary in relation to the purposes for which it was collected or otherwise processed; (ii) the personal data has been unlawfully processed, (iii) you object to the processing pursuant to Art. 21(1) GDPR and there are no overriding legitimate grounds for the processing, (iv) the personal data has to be erased for compliance

³ Art. 15 GDPR

⁴ Art. 16 GDPR

with a legal obligation in Union or Member State law to which we are subject or (v) you withdraw your consent on which the processing is based and there is no other legal ground for the processing⁵.

6.4 Right to restriction of processing

You have the right to obtain from us restriction of processing, where one of the following applies: (i) The accuracy of the personal data is contested by you, processing will be restricted for a period enabling us to verify the accuracy of the personal data, (ii) the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead, (iii) we no longer need the personal data for the purposes of the processing, but are required by you to keep them for the establishment, exercise or defence of legal claims or (iv) you have objected to processing pursuant to Art. 21(1) GDPR and the verification whether our legitimate interests override yours is pending⁶.

6.5 Right to data portability

You have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format⁷.

In all of the above cases, please use the contact form or send your request to the postal or email address stated above.

6.6 Right to lodge a complaint

You also have the right to lodge a complaint with a supervisory authority. The responsible supervisory authority for Fresenius is:

Der Hessische Beauftragte für Datenschutz und Informationsfreiheit
Gustav-Stresemann-Ring 1
65189 Wiesbaden

7 Requirements to provide personal data

If you fail to provide your personal data, we might not be able to respond to or properly process your request.

⁵ Art. 17 GDPR

⁶ Art. 18 GDPR

⁷ Art. 20 GDPR



8 Further information for specific situations and contact

This data protection information informs you exclusively about the processing of personal data when making a data subject request. Please be aware that we also might process your personal data in different contexts, e.g., when you visit our website or when you receive benefits as a healthcare professional. Please see the respective specific information on the processing of your personal data in these situations.

If you have any questions on data protection at Fresenius, please contact us at dataprotection@fresenius.com.