

Data Protection Information for Commercial Clients, Vendors and prospects

The processing of personal data is subject to the EU General Data Protection Regulation ("**GDPR**"). This data protection information informs you about how Fresenius SE & Co. KGaA ("**we**" or "**Fresenius**") processes personal data of yours ("**you**") as clients, vendors and prospects.

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.

With this data protection information, we explain to you in detail:

- Who is responsible for processing your personal data, and who you can contact if you have questions or complaints (section 1)
- How we collect your data, what data we collect and for what purposes we process this personal data (sections 2.1 and 2.2)
- The legal basis on which we base this (Section 2.3)
- To whom we may transfer your data (Sections 3 and 4)
- How long we store your data (section 5)
- How you can update, correct or even delete this data and exercise other rights in relation to your data (section 6) and
- What kind of cookies will be used.

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 may contact our 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 contact us in any way, order our products and services or enter into a contract for the supply of goods and services with us.

We also process personal data about you, your role in your company and the role of other officers and representatives, owners and shareholders of your company and your company's affiliates that is published in publicly accessible

trade registers, websites, blogs, print media and data that is published by competent authorities and trade associations.

We also process personal data related to your company, other officers and representatives, owners and shareholders of your company and your company's affiliates that is provided to us by service providers under a contract or competent authorities (rating agencies, financial solvency and risk information, financial service institutions, government or supranational agencies, in particular tender authorities or procurement agencies).

Such personal data may include your company's name, your name, contact information, the names of the officers and representatives of your company and the affiliates of your company, your company's bank accounts, the profession and qualifications of your company's officers and representatives, professional identifiers, organisational details, affiliation details of your company, certifications and quality statements issued by your company's officers, representatives or auditors, names of shareholders of your company and of the affiliates of your company and percentage of shares held, details related to public filings, trade registers and professional boards, details related published transactions of your company including tenders and financial arrangement, previous interactions with Fresenius and any of our subsidiaries).

2.2 Purposes of Processing

We process these data for the purposes of assessing a potential business relationship or maintaining our business relationship with you, this general purpose in particular includes

- the manufacturing, provision and delivery of products and services;
- the procurement of products and services from you;
- a potential investment in Fresenius shares, a potential acquisition, divestiture or joint venture transaction with us or any Fresenius affiliate
- the exchange of information related to existing contracts or possible contracts with you;
- the fulfilment of compliance requirements related to a business transaction (e.g., conflict checks, business partner due diligence,

sanction list screening, anti-money laundering laws, secure supply chain requirements, customs and export law requirements, tracing requirements for products);

- the management of our relationship with you or the company you are working for (e.g. customer relationship management, Supplier management, investor relations management);
- marketing (e.g., informing you about products and services or related information);
- the assessment whether you are a suitable contact for specific business needs, e.g., when we look for an expert in a certain field or specific products
- vendor assessment and qualification, e.g. whether you and your organization meets certain quality and certification requirements
- collection of payments due to us including the re-financing of debts
- the assessment of your company's financial solvency and credit risk.

2.3 Legal Basis for Processing

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

- If the processing of your personal data is necessary in order to carry out the contract concluded between you and us¹.
- If the processing of your personal data is necessary for us in order to comply with a legal obligation we are subject to. E.g., laws on anti-money laundering, customs and export, secure supply chain requirements, product tracing requirements, statutory disclosure and notification requirements or similar compliance requirements might require us to process certain of your personal data².

¹ Art. 6 para 1 lit.b GDPR

² Art. 6 para 1 lit.c GDPR

- Since processing is necessary for purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child³. These legitimate interests are:
 - Fulfilling our contract with the company you are working for, including the enforcement of any rights we may have under such contract;
 - Gather information on knowledge management related to internal processes, products and services
 - Development, optimization and improvement of our products and services
 - Optimization of internal communication
 - Optimization of administration
 - Carrying out research work
 - Organizational management
 - Risk Management: Safeguarding against e.g. financial / reputational risks
 - Maintenance of the IT infrastructure, IT security, guarantee of IT support and the detection and correction of errors; and
 - Complying with legal requirements outside the EEA
- Since you have been informed about the intended processing of your personal data, and have given us your consent⁴. You can always withdraw your consent. You can withdraw your consent to all processing, or for individual purposes of your choosing. The withdrawal of consent will not affect the lawfulness of processing based on your consent before the withdrawal. You can withdraw

³ Art. 6 para 1 lit.f GDPR

⁴ Art. 6 para 1 lit.a GDPR

your consent by sending an email to datenschutz@fresenius.com.

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.

Recipients are

- Other group companies if such a transfer of personal data is required for the specific purpose (you can find a list of the Fresenius group companies [here: www.fresenius.com/worldwide](http://www.fresenius.com/worldwide));
- 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;
- IT-service providers who host the data or provide maintenance services;
- Authorities, who we are obliged to provide your personal data to, e.g., tax and customs authorities, regulatory authorities and their delegated bodies, financial market authorities; public registers, and
- Auditors or similar external consultants like lawyers or tax advisers.

4 International Data Transfers

In order to fulfill the above-mentioned purposes, 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, e.g. within an international project. You can find these countries on our homepage under www.fresenius.com/worldwide".

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 purposes listed above.

The European Commission has determined an adequate level of data protection⁵ 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 obtain a copy of these Standard Contractual Clauses [here or](#) by requesting a copy from us.

5 Retention Period

We, generally, store your personal data for one of the following time periods:

- In line with applicable laws, as long as we have a duty for data retention;
- If there isn't any mandatory record retention provision applicable, we keep your personal data for the term of the contractual relationship with you or the company you are working for;
- In derogation thereof, we keep your personal data as long as we have a legitimate interest to process your personal data outside

⁵ adequacy decision pursuant to Art. 45 (3) GDPR

of such a contractual relationship. The exact period depends on the company you are working for and your position in the company

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

Depending on the situation, 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 time⁶.

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 delay⁷.

6.3 Right to erasure

Under specific requirements you may 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 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 processing⁸.

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 pending⁹.

6.5 Right to data portability

You have the right to receive a copy the personal data about you, which you have provided to us, in a structured, commonly used and machine-readable format¹⁰.

6.6 Right to object

Pursuant to Art 21 GDPR, you have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on point e) or f) of Art 6 para. 1 GDPR. We will no longer process your personal data unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing serves the purpose of establishing, exercising or defending legal claims.

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

6.7 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

You may need to provide your personal data to us for the purpose of fulfilling a contract with you or the company you are working for. E.g., we might require your contact details if you are our business contact at a supplier. If you fail to provide your personal data, we might not be able to enter into the respective contractual relationship.

⁶ Art. 15 GDPR

⁷ Art. 16 GDPR

⁸ Art. 17 GDPR

⁹ Art. 18 GDPR

¹⁰ Art. 20 GDPR

8 Automated Decision Making

An automated decision making¹¹ occurs according to our obligation to conduct a sanction-control-procedure. This is also necessary for entering into, or performance of, a contract between you and us. The consequence of this can be the refusal to enter into a contractual relationship with you.

9 Further information for specific situations and contact

We 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.

¹¹ Art. 22 para. 1, 2 GDPR