



**MyBucks S.A.**

Luxembourg, Grand Duchy of Luxembourg

**Information regarding data protection**

for the noteholders of the

**8.50% Notes of 2017 - 2020**

ISIN DE000A19EN40 / WKN A19EN4

**("MyBucks-Bond")**

We place great value on the protection of your personal data (as defined under section 2) and its processing in compliance with statutory provisions. For this reason, by way of this notice, we would like to inform you about the processing of your personal data by MyBucks S.A. ("**Issuer**", "**we**", "**us**") and your rights under the data protection provisions of the "Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation – "**GDPR**").

**1. Who is the responsible body for the processing of data?**

The Issuer processes your personal data as the controller within the meaning of Article 4 No. 7 GDPR on the basis of the data protection regulations applicable in Germany in order to enable you to exercise your rights as a noteholder of the MyBucks-Bond ("**Noteholder**").

The Issuer is represented by Dave van Niekerk, the executive chairman of the Issuer's board of directors.

You can reach us under the following contact details:

MyBucks S.A.  
9, Rue du Laboratoire  
L-9111 Luxembourg  
Grand Duchy of Luxembourg  
e-mail: [corporatefinance@mybucks.com](mailto:corporatefinance@mybucks.com)

If you have any questions, you can contact the responsible data protection officer of the Issuer under the following contact details:

**2. What kind of personal data do we process and where do we collect it from?**

We process your following personal data ("**Personal Data**"):

- Information that concerns you personally (e.g. first name and surname, title, maiden name, date of birth, sex, nationality, profession/industry, address, including history of address changes and other contact details);
- Information regarding the total nominal value and/or number of notes held by you in the MyBucks-Bond (“**Notes**”);
- Name and address of the depository bank at which the Notes are credited to a securities account for you as Noteholder; as well as
- Name and address of the representative authorized by you with regard to the second noteholders’ meeting of the Issuer (“**Noteholders’ Meeting**”).

The number of Personal Data processed depends on each individual case.

We obtain these Personal Data, as you or third parties (e.g. Dr. Matthias Horbach as chair of the Noteholders’ Meeting (“**Notary**”) or Noerr LLP as legal advisor of the Issuer) submit them to us as described below, and to some extent based on publicly accessible sources (e.g. publicly accessible information regarding holdings in notes, typically included in reports published by investment funds).

### **3. For what purposes and on what legal basis will your Personal Data be processed?**

We process your Personal Data on the basis of the regulations of the GDPR and the SchVG as well as all other relevant legal regulations for the processing purposes provided for in the SchVG and explained in detail below. The processing of the Personal Data referred to above is carried out for the purpose of the proper execution of the Noteholders’ Meeting in accordance with the provisions of the SchVG and the terms and conditions of the MyBucks-Bond (“**Terms and Conditions**”).

The legal basis for the processing of your Personal Data is the execution of the Terms and Conditions (Article 6 para. 1 sentence 1 lit. b) GDPR) in compliance with the provisions of the SchVG.

#### **3.1 Background**

The MyBucks-Bond is governed by the German Act on Debt Securities as amended from time to time (*Schuldverschreibungsgesetz* – “**SchVG**”) as well as the Terms and Conditions. The Noteholders’ Meeting is a second meeting within the meaning of Section 18 para. 4 sentence 2 SchVG in conjunction with § 12 para. 3 sentence 2 of the Terms and Conditions. The Issuer invited the Noteholders to participate in the Noteholders’ Meeting, by way of publication of the invitation to the Noteholders’ Meeting in the German Federal

Gazette (*Bundesanzeiger*) on 25 February 2019 (“**Invitation**”). For the purposes of conducting the Noteholders’ Meeting, the Issuer appointed the Notary.

### **3.2 Proof of the participation entitlement**

If you wish to participate in the Noteholders’ Meeting, you are obliged to cast your vote directly in the Noteholders’ Meeting. All Noteholders must prove their entitlement to participate at the Noteholders’ Meeting by delivering the following documents at the latest by the beginning of the Noteholders’ Meeting, *i.e.* by 14 March 2019, 17:00 hrs (CET):

- proof of the eligibility to participate in the form of a Special Confirmation and a Blocking Notice from the depository bank or in form of an Alternative Proof (each as defined in this section F.4. of the Invitation); and
- a power of attorney in conformity with the stipulations in section H.3. of the Invitation to the extent that a Noteholder is represented by a third party at the Noteholders’ Meeting.

The Special Confirmation, the Blocking Notice, the Alternative Proof and a power of attorney contain Personal Data as defined under clause 2.

### **3.3 Minutes of the Noteholders’ Meeting**

Pursuant to Section 16 para. 3 SchVG the Notary shall record any resolutions passed at the Noteholders’ Meeting in the minutes of such vote (“**Minutes**”). These Minutes may include Personal Data (e.g. name and address of the Noteholders participating in the Noteholders’ Meeting or submitting countermotions or requests for the addition of items for resolution and the total nominal value and/or number of notes held by them in the MyBucks-Bond as well as the name and address of the depository bank where the Notes are credited in favour of the Noteholder).

### **3.4 Conducting the Noteholders’ Meeting**

Pursuant to Section 15 para. 2 sentence 1 SchVG, a list of the Noteholders who are entitled to participate in the vote must be prepared by the chairman of the Noteholders’ Meeting, stating the name, registered office or place of residence and the number of voting rights represented by each Noteholder (“**Directory of Noteholders**”). For the creation of the Directory of Noteholders, the chairman of the Noteholders’ Meeting is the controller within the meaning of Article 4 No. 7 GDPR, since he alone decides on the means and purposes of data processing in this respect. The Directory of Noteholders must be signed by the Notary and be made available to the Noteholders pursuant to Section 15 para. 2 sentence 3 SchVG. The Directory of Noteholders is made available to the Noteholders either through a password-protected publication on the website of the Issuer or by sending

a copy of the Issuer, which is equivalent in data protection terms to its transmission to the Noteholders. For this purpose, the Notary will provide the Issuer with the Directory of Noteholders so that the Issuer can make it accessible to the Noteholders (e.g. on our website or by sending a copy of the Directory of Noteholders).

### **3.5 Countermotions and Requests for Additional Items on the Agenda**

If you decide to make a countermotion during the Noteholders' Meeting, you must send us or the Notary a corresponding motion together with proof of your ownership of the Notes of the MyBucks-Bond. Correct and timely countermotions received from Noteholders will be forwarded by us together with all the information and Personal Data contained therein (e.g. your name, address, total nominal amount and/or number of the Notes of the MyBucks-Bond held by you, name and address of the depository bank from which the Notes are credited for the Noteholder) to the Notary (see section 4) and, in accordance with the provisions of the SchVG, will be published on the Issuer's website (<https://corporate.mybucks.com/corporate-news>) and on the website of the Vienna Stock Exchange (<https://www.wienerborse.at/emittenten/neue-und-bestehende-anleihen/emittenten-bekanntmachungen/>) stating the name of the Noteholder and, if applicable, via other publication media (such as the German Federal Gazette (*Bundesanzeiger*)).

Noteholders who hold at least five (5) percent of the outstanding Notes of the Bond in total may request that new resolution items are presented to be resolved on ("**Request for Additional Resolution Items**"). In the event of a proper and timely Request for Additional Resolution Items, we will on the one hand forward this Request for Additional Resolution Items with all the information contained therein to the Notary and on the other hand publish these items, stating the name of the Noteholder in accordance with the provisions of the SchVG in the German Federal Gazette and on the Issuer's website (<https://corporate.mybucks.com/corporate-news>) as well as the website of the Vienna Stock Exchange (<https://www.wienerborse.at/emittenten/neue-und-bestehende-anleihen/emittenten-bekanntmachungen/>).

We are obliged to examine your status as Noteholder on the basis of a special confirmation from your depository bank or an alternative proof and must be able to prove in case of any actions for rescission (*Anfechtungsklagen*) and/or actions for avoidance (*Nichtigkeitsklagen*) that we have fulfilled our duty to examine.

### **3.6 Inquiries from Noteholders**

If you contact us with questions about the Noteholders' Meeting, we will record the questions you have asked for documentation purposes, together with your name and contact details and proof of your status as Noteholder internally with us in order to be able to defend us in case of any actions for rescission (*Anfechtungsklagen*) and/or actions for avoid-

ance (*Nichtigkeitsklagen*). If a person makes a claim against us in the course of the Noteholders' Meeting that only belongs to one Noteholder, we are obliged to check the noteholder status. Even under these circumstances, we will process Personal Data (e.g. name, address, number of Notes, depository bank) internally for evidence purposes.

### **3.7 Minutes**

Pursuant to Section 16 para. 3 sentence 4 SchVG, any Noteholder who has participated in the Noteholders' Meeting may request a copy of the Minutes together with annexes from the Issuer within one year after the day of the Noteholders' Meeting. For this purpose, the Notary shall transmit these minutes together with annexes to the Issuer and the Issuer shall provide the Noteholders with a copy of these Minutes together with annexes in accordance with the provisions of Section 16 para. 3 sentence 4 SchVG. Information claims pursuant to Article 15 GDPR remain unaffected.

### **3.8 Safeguarding other legitimate interests**

In addition, we are entitled to process your Personal Data for the purpose to protect our legitimate interests or the legitimate interests of a third party pursuant to Article 6 para 4 lit. f) GDPR. Before we process your Personal Data on the basis of our legitimate interests, we will check in each individual case whether our interests outweigh your interests within the scope of a evaluation. The legitimate interests which entitle us to process your Personal Data are, in particular, protection against illegal activities such as fraud or similar threats or the detection of such activities and threats in order to protect us from possible damage.

Pursuant to Article 21 GDPR, you have the right to object at any time to the processing of your Personal Data in order to protect our legitimate interests for reasons arising from your particular situation. In this case, we will no longer process your Personal Data unless we can prove compelling reasons for the processing that outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

We identify Noteholders (name, contact person and address) on the basis of publicly available information so that we can inform them by letter, fax or e-mail of the forthcoming Noteholders' Meeting and of any further votes by Noteholders. Noteholders may obtain further information on such a evaluation of interests directly from us using the contact options listed in section 1 above.

If we wish to process your Personal Data for a purpose not mentioned above, we will inform you of this beforehand within the framework of the statutory provisions and, if necessary, obtain your consent.

#### **4. With which recipients will we share your Personal Data?**

For the purposes of conducting the Noteholders' Meeting, the Issuer appointed

Notary Dr. Matthias Horbach  
"MyBucks-Bond: Noteholders' Meeting"  
c/o Skadden, Arps, Slate, Meagher & Flom LLP  
TaunusTurm, Taunustor 1, 60310 Frankfurt am Main, Germany  
facsimile: +49 69 74220300  
e-mail: mhorbach@skadden.com

as Notary. The Notary is controller within the meaning of the GDPR due to the activities assigned to him by law as described above. Within the framework of the legally prescribed procedures described above, we will transmit your Personal Data as specified in clause 3.2 to 3.8 to him.

Other Noteholders can access your Personal Data contained in the Directory of Noteholders (*e.g.* name, registered office or place of residence and number of Notes of the Noteholders-Bond held by you) on the basis of the publication immediately after the Directory of Noteholders has been prepared, *e.g.* on the website of the Issuer with proof of their noteholder status.

Finally, we may be obliged to forward your Personal Data to other recipients, such as for example authorities for the fulfilment of legal disclosure requirements (*e.g.* to tax authorities or law enforcement).

#### **5. For how long do we retain your data?**

We delete or anonymize your Personal Data as soon as it is no longer required for the abovementioned purposes, and insofar as no legal obligations apply which oblige us to continue to retain your Personal Data for record-keeping or evidentiary purposes (*e.g.* according to SchVG or other legal provisions).

We will keep the Personal Data recorded in the Directory of Noteholders and Personal Data that we have recorded in connection with questions, countermotions or Request for Additional Resolution Items made by Noteholders during the Noteholders' Meeting, at least until the end of the Noteholders' Meeting, in particular for at least the duration of the one-month period during which actions for rescission may be brought against the resolution passed at the Noteholders' Meeting (including a further period of four weeks to take account of court terms), and (ii) in the case of an action for rescission against the resolution of the Noteholders' Meeting at least for the duration of this law suit.

If no effective resolution is passed either in the Noteholders' Meeting, we will delete or anonymize your Personal Data in the follow-up to the Noteholders' Meeting, insofar as these relate to questions, counter-motions or Request for Additional Resolution Items made by you during the Noteholders' Meeting. In this case, we will store the Personal Data recorded in the Directory of Noteholders for at least one month from the announcement of the result of the Noteholders' Meeting.

We will retain the Minutes and annexes created by the Notary for at least one year after the end of the day of the Noteholders' Meeting. Together with the Minutes, we will also retain the names and addresses of those Noteholders that took part in the Noteholders' Meeting for at least one year after the end of the day of the Noteholders' Meeting.

Furthermore, we will retain Personal Data if this is necessary in connection with claims asserted against or by us or to protect our above-mentioned legitimate interests.

If a Noteholder appoints a representative for the Noteholders' Meeting, the power of attorney is retained for three years (Section 14 para. 2 sentence 2 SchVG).

If you have specific questions about the storage period of your Personal Data, please use the contact details listed under section 1 above.

## **6. How do we protect your Personal Data?**

We maintain appropriate technical and organizational security measures to protect your Personal Data from any unintentional, unlawful or unauthorized destruction, loss, alteration, disclosure or use.

## **7. Which rights do you have according to the data protection laws?**

With regard to the processing of Personal Data, you have the following rights:

- to ask the Issuer for information on your Personal Data in accordance with Article 15 GDPR.
- to require the Issuer to correct your Personal Data in accordance with Article 16 GDPR.
- to request the Issuer to delete your Personal Data in accordance with Article 17 GDPR.
- to require the Issuer to restrict the processing of your Personal Data in accordance with Article 18 GDPR.

- to require the Issuer to transfer certain Personal Data to you or a third party you have designated pursuant to Article 20 GDPR (right to data transferability).

You can assert these rights against the Issuer free of charge via the contact details mentioned in section 1.

Please note that in individual cases statutory exceptions (*e.g.* the Issuer's continued obligation to keep records) may prevent you from exercising your rights.

#### **8. Do you wish to complain about the handling of your Personal Data?**

To lodge a complaint regarding the processing of your Personal Data, you can use the contact details mentioned in the beginning under section 1 to solve the issue directly with us.

Pursuant to Article 77 no. 1 GDPR, the Noteholders also have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes the GDPR.

Please find the competent supervisory authorities at the following:  
[https://www.bfdi.bund.de/DE/Infothek/Anschriften\\_Links/anschriften\\_links-node.html](https://www.bfdi.bund.de/DE/Infothek/Anschriften_Links/anschriften_links-node.html).

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Status of the information in this document: 25 February 2019

In case of relevant changes, we will update this information and provide access to it on our website (<https://corporate.mybucks.com/corporate-news>). Additionally, we will verify on a case-by-case basis, if an obligation exists for another notification in case of a change of this information, and will, where appropriate, fulfil this duty to notify.

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