

Information according to Art. 13 DSGVO for Shareholders and Shareholder Representatives of Biofrontera AG.

With the following information, we would like to inform you about the processing of your personal data and the rights to which you are entitled under data protection law.

Who is responsible for data processing?

Biofrontera AG, as the data controller within the meaning of Article 4 No. 7 of the General Data Protection Regulation (DSGVO), processes personal data of its shareholders and, if applicable, of their representatives. The applicable data protection regulations in Germany are complied with. The company as the responsible party can be contacted at the following addresses:

Biofrontera AG
Hemmelrather Weg 201
51377 Leverkusen
Telephone: +49-214-87632-0
Fax: +49-(0)214-87632-90

You can reach our data protection officer under the following contact details:

Biofrontera AG
Data Protection Officer
Hemmelrather Weg 201
51377 Leverkusen
datenschutz@biofrontera.com

For what purposes and on what legal basis is personal data processed? From whom do we receive which data?

The shares of Biofrontera AG are no-par value registered shares. Registered shares are to be entered in the company's share register, irrespective of whether they are certificated or not, stating the name, date of birth and postal and electronic address of the shareholder as well as the number of shares or the share number and, in the case of par value shares, the amount. In relation to the Company, rights and obligations arising from shares exist only for and against the person entered in the share register. The recording of personal data in the share register is therefore necessary in order for the shareholder to be able to exercise his rights vis-à-vis the Company. The shareholder is generally obliged to provide the Company with this information. As a rule, the banks involved in the acquisition or custody of registered shares forward the information relevant for the maintenance of the share register to the share register on behalf of the securities account holders. This is done via Clearstream Banking AG, Frankfurt am Main, which, as the central depository, is responsible for the technical processing of securities transactions and the safekeeping of shares on behalf of the banks. If shares are sold, this is also reported to us via Clearstream Banking AG.

We use personal data for the purposes stipulated in the German Stock Corporation Act. Personal data is processed in particular in connection with the maintenance of the share register and to enable shareholders and shareholder representatives to attend the Annual General Meeting and exercise their rights, including in connection with the Annual General Meeting, to communicate with shareholders and to comply with other requirements of stock corporation law to which we are subject (e.g. publication and disclosure obligations).

The following personal data of the respective shareholder or of persons authorized by a shareholder to exercise voting rights for shares in their own name are processed in connection with the holding of the Annual General Meeting: Name and first name, address, e-mail address (if communicated or known), number of shares, class of shares, type of share ownership (own shares, shares held by third parties or shares held by proxy) and admission ticket number.

If a shareholder representative is present, the following personal data will be processed in connection with the holding of the Annual General Meeting: Surname and first name as well as address and, if applicable, e-mail address.

We also record voting behavior and results, questions asked and the name of the questioner, motions, counter-motions, election proposals, instructions and objections from our shareholders and their representatives.

In addition, we use your data for purposes compatible with the aforementioned (in particular to compile statistics, e.g. for the presentation of share performance, number of transactions, or for overviews of the largest shareholders).

The legal basis for the processing of your personal data is therefore the German Stock Corporation Act (Aktengesetz) in conjunction with Article 6 (1) c) and (4) DSGVO.

In addition, we may also process your personal data to comply with other legal obligations, such as regulatory requirements, stock corporation, commercial and tax law retention obligations. For example, in order to comply with the provisions of stock corporation law, when authorizing the proxies appointed by the Company for the Annual General Meeting, we must verifiably record the data used to prove the authorization. In this case, the legal basis for processing is provided by the relevant statutory regulations and Art. 6 (1) c) DSGVO.

In individual cases, we also process your data to protect our legitimate interests pursuant to Art. 6 para. 1 f) DSGVO. This is the case if, for example, in the event of capital increases we have to exclude individual shareholders from information on subscription offers due to their nationality or place of residence in order to comply with securities regulations in certain countries.

Who do we share your data with, if applicable?

External service providers:

We use external service providers in some cases for the administration and technical management of the share register (share register service, IT service provider) and for processing the Annual General Meeting (AGM service provider, service provider for printing and mailing shareholder notifications). The most important external service provider for handling the Annual General Meeting is Link Market Services GmbH, Landshuter Allee 10 in 80637 Munich, Germany.

In connection with the handling of the Annual General Meeting, we sometimes also engage consultants (including lawyers) who may have access to personal data.

The service providers commissioned for the purpose of maintaining the share register and organizing the Annual General Meeting only receive personal data from the Company that is required for the performance of the commissioned service and process the data exclusively in accordance with the instructions of the Company as the responsible party. Within the Company, those persons will receive access to your data who need it to fulfill our tasks towards you.

Other recipients:

In addition, it may be necessary to transfer your personal data to other recipients if this is required to fulfill legal obligations. In accordance with Section 129 of the German Stock Corporation Act (AktG), the list of participants must be made available to all participants at the Annual General Meeting before the first vote. In accordance with § 129 AktG, the list of participants contains the personal data of the participants in the Annual General Meeting and of the

shareholder represented, including name and place of residence and the number of shares represented by each participant, stating their class. In addition, upon request, each shareholder shall be granted access to the list of participants up to two years after the Annual General Meeting. If countermotions or election proposals are made in accordance with sections 126, 127 of the German Stock Corporation Act (AktG), they will be published on the Company's website, including the name of the shareholder, the reasons and any comments by the management. If you request that items be placed on the agenda and we comply with this request, this will also generally be done by stating your name. The same applies if the Annual General Meeting is convened at your request. In addition, we may be obliged to transmit your personal data to other recipients, e.g. in order to fulfill statutory notification obligations (e.g. if statutory voting rights thresholds are exceeded).

How long do we store your data?

Personal data is stored within the scope of the legal obligations of the company or the other parties involved and deleted after expiry of the resulting retention obligations, unless its further storage is necessary for the company to defend itself against claims (Article 17 paragraph 3 e) DSGVO). As a matter of principle, we anonymize or delete your personal data as soon as it is no longer required for the aforementioned purposes, unless we are required to continue storing it by law (e.g., under the German Stock Corporation Act (AktG), the German Commercial Code (HGB), or the German Fiscal Code (Abgabenordnung)). Data collected in connection with Annual General Meetings is normally stored for up to three years from the end of the Annual General Meeting. We must regularly retain the data stored in the share register for a further ten years after the sale of the shares. Beyond this, we only retain personal data in individual cases where this is necessary in connection with claims asserted against our company (statutory limitation period of up to thirty years).

What rights do you have with regard to data protection?

Data subjects have a right of access (Art. 15 GDPR), rectification (Art. 16 GDPR), restriction (Art. 18 GDPR), opposition (Art. 21 GDPR), portability (Art. 20 GDPR) and deletion (Art. 17 GDPR) with respect to their personal data if the relevant legal requirements exist.

Notwithstanding the foregoing, the shareholder may, pursuant to Section 67 (6) of the German Stock Corporation Act (AktG), request information from the Company regarding the personal data entered in the share register. The Company may use the register data and data disclosed pursuant to Section 67 (4) sentences 2 and 3 AktG for its tasks in relation to the shareholders. It may only use the data for advertising the Company if the shareholder does not object. Data subjects may exercise these rights by contacting the Company at the above address.

In particular: Right of objection pursuant to Art. 21 DSGVO.

Pursuant to Art. 21(1) DSGVO, the data subject has the right to object at any time, on grounds relating to his or her particular situation, to the processing of personal data concerning him or her. The controller shall no longer process the personal data unless it can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or for the establishment, exercise or defense of legal claims. The objection may be addressed to the above-mentioned address of the company.

Right of appeal

You also have the option of contacting the above-mentioned data protection officer or a data protection supervisory authority with information or complaints. The data protection supervisory authority responsible for us is: Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen, Kavalleriestr. 2-4, 40213 Düsseldorf. However, a complaint can also be made to any other data protection supervisory authority.

Status of this information: December 2022