

Privacy policy

Condition ordering online

DATA PROCESSING POLICY

1. The identity and the contact data of the Provider and the contact data of the data protection officer

The identity and the contact data of the Provider (also referred to in this data processing policy the “Controller” or the “Provider”) and the contact data of the data protection officer, can be found below at art. 25.

2. Purposes (and related legal basis) of the processing(s)

2.1. The Controller shall process the personal data you provided (eg. Name, surname, (delivery) address, phone no., email address, (geo)location data, data related with the payment card) when downloading/installing and/or using the application of the Provider (referred to in this data processing policy the “application” or the “solution”), as and if the case may be, for any purposes in order to perform the agreement to which you are a party together with the Provider (the “agreement” or “EULA”) and/or to take the steps in order you to conclude a contract with the suppliers of products and/or services with the occasion of any such request expressed by you when using the application.

2.2. Without affecting any other right of the Controller to process the personal data you provided when downloading/installing and/or using the application, as and if the case may be, in any cases where it is necessary in order to perform the agreement to which you are a party together with the Provider and/or to take the steps in order you to conclude a contract with the suppliers of products and/or services with the occasion of any such request expressed by you when using the application and/or in any other cases where it is necessary for the purpose(s) of the legitimate interests pursued by the Controller or by a third party, to the maximum extent permitted by the legal regulations in force, by pressing any (acceptance) button and/or ticking a box, in this sense, and/or of any button for placing an order for (delivery and/or performance and/or picking-up) certain products and/or services and/or through any (other) action that clearly indicates the acceptance by the data subject of the processing of his personal data in this sense, as and if the case may be, you (also referred to in this data processing policy, besides “you” or the “user” or the “client” and the “data subject”), you express unambiguous consent and you consciously, freely and unequivocal agree, with the processing (data following to be collected, registered, organized, structured, stored, consulted, used and disclosed by transmission) of the (personal) data that you provided when using the application, (eg. Name, surname, (delivery) address, phone no., email address, (geo)location data, data related with the payment card), as and if the case may be, for the purpose of offering and providing you all the functionalities of the application, as the case may be, for the purpose of ordering and/or buying and/or delivering products and/or services from the suppliers of products and/or services and/or in any compatible, related and correlated purposes, including without limitation processing of the payment(s) and/or of the related orders and deliveries and/or for (sending the data for) processing and offering of any related benefits related to the loyalty programs you have signed-up for and/or to which you otherwise participate, in case of the orders performed through a loyalty application, to the maximum extent permitted by the legal regulations in force, but only in case it is not necessary a separate consent in this sense.

Without affecting the generality of the foregoing and for the sake of clarity, the (personal) data you provided when using the application, as and if the case may be, will be processed by the Provider and/or suppliers of products and/or services, for the purposes that allow the client (data subject) to order and/or to buy products and/or services from the suppliers of products and/or services, through the application (including without limitation products to be delivered to an address chosen by the client and/or to be picked-up from the location(s) of the suppliers of products and/or services, and/or services to be provided in a certain location) and/or in order to deliver the products and/or services towards the client, depending on the requests and/or the options of the client (data subject) in this sense and/or in any compatible, related and correlated purposes, including by putting them in a data record system as well as (sending the data for) processing and offering of any related benefits related to the loyalty programs you have signed-up for and/or to which you otherwise participate, in case of the orders performed through a loyalty application, the information about confirmation or reject of the order or about the missed orders, in order to be used in case of any litigation and/or fraud regarding the payments, in order to find the suppliers of products and/or services that are in the area where the data subject is (by using the geo(location) data offered by the data subject, in case the data subject chooses to use such data), to the maximum extent permitted by the legal regulations in force but only in case it is not necessary a separate consent in this sense, and, for such purpose(s) to mainly allow the facilitation/intermediation for transmission of the (personal) data and/or (other) information in relation with (order of and/or) (buying of and/or) (delivery of) products and/or services from the suppliers of products and/or services by the client and/or from the client and/or Provider towards the suppliers of products and/or services, through the application.

2.3. Your electronic contact details provided in the context of selling a product or a service may be used for direct marketing (unsolicited communications) regarding similar products or services. You can always withdraw your consent by accessing the provided link.

2.4. Without affecting the generality of the foregoing and for the sake of clarity, your (electronic contact) data may be used by the Controller and/or the suppliers of products and/or services in order to send you direct marketing communications (unsolicited communications, for products or services that are not similar to those in the context of which you provided your data), as long as you gave your consent for such purpose. You can always withdraw your consent by accessing the provided link.

2.5. The Controller will store and process any of your personal data to the maximum extent and period provided by the mandatory applicable legal regulations in force.

2.6. The Controller will also process your personal data for any other purposes for which you expressed the unambiguous consent.

2.7. Any reference to the processing of the personal data by the suppliers of products and/or services has as a sole purpose the information of the data subject in this sense and is not intended in any way to establish other ways and purposes for processing the personal data than those expressly set out by and for the Controller.

3. Legal basis of the processing

The legal basis of the processing are article 6 paragraph (1) letter (a), (b) and (c), as well as, especially in case of the direct marketing, the letter (f), from the Regulation (EU) 2016/679 of the European Parliament and of the Council, from 27 April 2016 (referred to in this data processing policy the "Regulation" or ("GDPR")), namely:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a legal obligation to which the Controller is subject;

.....
(f) processing is necessary for the purposes of the legitimate interests pursued by the Controller or by a third party...”.

To the maximum extent permitted by the legal regulations in force, the personal data processing for direct marketing purposes may be performed for a legitimate interest, taking into consideration there is a relevant and adequate relationship between the data subject and the Provider as well as between the data subject and the suppliers of products and/or services, the data subject being/becoming both a client of the Provider and of the suppliers of products and/or services to whom the data subject will order products and/or services. The legitimate interests pursued by the Provider and the suppliers of products and/or services through the direct marketing communications, mainly are the possibility of keeping the client updated with the activity of the Provider and/or the suppliers of products and/or services, as the case may be.

4. Recipients or the category of recipients of the personal data

4.1. The recipients to whom the personal data you provided when using the application will be disclosed and transmitted to the suppliers of products and/or services to whom the data subject will order products and/or services, in order to process the personal data for the purposes mentioned in the art. 3 above, as the case may be.

4.2. Also, the information regarding the accounts and/or your payment cards will be transmitted to the respective parties that are processing the payments, in order to process the payments.

4.3. Additionally, the following information, will be transmitted to the following categories of recipients, for the following purposes:

4.3.1. Your details, namely : last name, first name, email address, phone number, delivery address (if relevant), provided together with the details of your order, on the electronic way (excluding the details of the payment card, if you have chosen the online payment process) will be (re)transmitted through email messenger operators (at the moment of the present version being Sendgrid Inc. and/or Peaberry Software Inc. d/b/a Customer IO and/or Amazon SES service from Amazon.com Inc.) to the suppliers of products and/or services and back to you, to your email address, in order to process the order and in order to offer you the relevant notifications regarding the information about confirmation or reject of the order or about the missed orders and about the delivery of your order.

4.3.2. If possible, your details, namely : last name, first name, email address, phone number, delivery address (if relevant), provided together with the details of your order, on the electronic way (excluding the details of the payment card, if you have chosen the online payment process) will be (re)transmitted through SMS messenger operators (at the moment of the present version being Twilio Inc.) to the suppliers of products and/or services and back to you, by SMS, in order to process the order and in order to offer you the relevant notifications regarding the information about confirmation or reject of the order or about the missed orders and about the delivery of your order.

4.3.3. If you have chosen the online payment method, your contact details, namely: last name, first name, email address, phone number, delivery address (if relevant) provided together with the details of your order, on the electronic way, will be transmitted along with: order session originating IP, card holder name, card expiration date, card number Cvv (if required); which may be directly captured via the iFrame of the relevant payment processors (at the moment of the present version being Spreedly Inc.) in full compliance with the PCI regulations, in order to process the payment to the supplier of products and/or services related to your order and in order to offer you the relevant notifications regarding the information about confirmation or rejection of the order or about the missed orders and about the delivery of your order.

4.3.4. As well as, the personal data provided when using the application will be sent in order to be stored by the data storage providers (at the moment of the present version being Amazon)

5. Transfers of personal data to third countries or an international organization

5.1. An eventual transfer or a set of transfers of personal data to a third country or an international organisation shall take place only on one of the following conditions:

(a) the data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards;

(b) the transfer is necessary for the performance of a contract between the data subject and the Controller or the implementation of pre-contractual measures taken at the data subject's request;

(c) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the Controller and another natural or legal person;

(d) the transfer is necessary for important reasons of public interest;

(e) the transfer is necessary for the establishment, exercise or defence of legal claims;

(f) the transfer is necessary in order to protect the vital interests of the data subject or of other people, where the data subject is physically or legally incapable of giving consent;

(g) existence of a adequacy decision according with the Regulation;

(h) existence of appropriate safeguards, including binding corporate rules according with the Regulation;

5.2. The Controller will transfer the following data to the following third countries, as follows:

5.2.1. Last name, first name, email address, phone number, delivery address (if relevant) will be sent to Sendgrid Inc, based in Denver Colorado- USA, in order to process the order and in order to offer you the relevant notifications regarding the information about confirmation or reject of the order or about the missed orders and about the delivery of your order.

5.2.2. Last name, first name, email address, phone number, delivery address (if relevant) will be sent to Peaberry Software Inc. d/b/a Customer IO based in New York – USA, in order to process the order and in order to offer you the relevant notifications regarding the information about confirmation or reject of the order or about the missed orders and about the delivery of your order.

5.2.3. Last name, first name, email address, phone number, delivery address (if relevant) will be sent to Twilio Inc., in San Francisco, California - USA, in order to process the order and in order to offer you the relevant notifications regarding the information about confirmation or reject of the order or about the missed orders and about the delivery of your order.

5.2.4. Last name, first name, email address, phone number, and delivery address (if relevant) Order session originating IP will be sent Amazon.com Inc. in Oregon – USA , in order to be stored and/or in order to process the order and in order to offer you the relevant notifications regarding the information about confirmation or reject of the order or about the missed orders and about the delivery of your order.

5.2.5. Last name, first name, email address, phone number, delivery address (if relevant), order session originating IP, card holder name, card expiration date, card number, Cvv (if required) will be sent to Spreadly Inc. based in Durham North Carolina USA, in order to process the order and in order to offer you the relevant notifications regarding the information about confirmation or reject of the order or about the missed orders and about the delivery of your order.

6. The period for which the personal data will be stored/ The criteria used to determine that period.

The personal data will be stored for the entire period that you are an user of the application and at least for the period that the agreement with the Controller for using the application is still valid, if the personal data were not deleted for other reason(s) till such date(s) but not less than the period provided by the legal regulations in force is in force.

The personal data will be (mainly) stored in order to execute the agreement as well as for fiscal and/or legal purposes and additionally, specifically and without affecting the generality of the foregoing, the email address and the phone number (as and if the case may be) will be stored for direct marketing purpose.

7. Obligation to provide the personal data and of the possible consequences of failure to provide such data

The provision of the personal data is a contractual requirement.

The data subject is obliged to provide the personal data.

The refusal to provide (certain) (personal) data will lead (as consequences of unfulfilling the obligation to provide respective data) to the impossibility of (fully) using the application and/or certain functionalities of the application and/or to the impossibility to order and/or to buy and/or to pick-up and/or delivery of products and/or services, as the case may be, the Provider being entitled to limit in this sense the access to the functionalities of the application.

Without affecting the generality of the foregoing and for the sake of clarity:

- i) In case the information regarding the payment cards are not provided, the payment cannot be processed;
- ii) In case the (geo)localization data are not provided, we cannot provide you data regarding the nearby suppliers of products and/or services;
- iii) In case the data regarding the location where the products has to be delivered are not provided, the products cannot be delivered;
- iv) In case the email address is not provided, we cannot send you any information about confirmation or reject of the order or about the missed orders and/or other information regarding your order and the communications according with the agreement cannot be performed;
- v) In case the name and surname are not provided, we will not have the minimum identification data to have a valid agreement with you and also your order will not be processed and we won't be able to send you the information about confirmation or reject of the order or about the missed orders

vi) In case the IP addresses are not provided, no further investigations can be performed in order to determine what happened and whether or not you were a victim of a fraudulent ordering session (aka fake orders, prank orders or purchase impersonation), therefore the order may not be safely accepted.

vii) In case the phone number is not provided the supplier of products or services may not contact you back in a timely manner for order-related clarifications or delivery address clarifications, as the case may be.

8. Right of access by the data subject

8.1. The data subject has the right to obtain from the Controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

(a) the purposes of the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(e) the existence of the right to request from the Controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;

(f) the right to lodge a complaint with a supervisory authority;

(g) where the personal data are not collected from the data subject, any available information as to their source;

(h) the existence of automated decision-making, including profiling, referred to in the Regulation and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

8.2. Where personal data are transferred to a third country or to an international organisation, the data subject has the right to be informed of the appropriate safeguards relating to the transfer.

8.3. The Controller provides a copy of the personal data undergoing processing. For any further copies requested by the data subject, the Controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information are provided in a commonly used electronic form.

8.4. The right to obtain a copy referred to in paragraph 8.3 doesn't adversely affect the rights and freedoms of others.

9. Right to rectification

The data subject has the right to obtain from the Controller without undue delay, the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject has the right to have incomplete personal data completed, including by means of providing a supplementary statement.

10. Right to erasure ('right to be forgotten')

10.1. The data subject has the right to obtain from the Controller the erasure of personal data concerning him or her without undue delay, and the Controller has the obligation to erase personal data without undue delay where one of the following grounds applies:

- (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- (b) the data subject withdraws consent on which the processing is based, where the processing takes place on the basis of the data subject's consent given for processing personal data for one or more specific purposes and where there is no other legal ground for the processing;
- (c) the data subject objects to the processing, on grounds relating to his or her particular situation, in accordance with the Regulation, and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing for direct marketing purpose and where there is no other legal ground for the processing;
- (d) the personal data have been unlawfully processed;
- (e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the Controller is subject;
- (f) the personal data have been collected in relation to the offer of information society services to a child, in accordance with the Regulation.

10.2. Where the Controller has made the personal data public and is obliged pursuant to paragraph 10.1 to erase the personal data, the Controller, taking account of available technology and the cost of implementation, takes reasonable measures, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

10.3. Paragraphs 10.1 and 10.2 do not apply to the extent that processing is necessary:

- (a) for exercising the right of freedom of expression and information;
- (b) for compliance with a legal obligation which requires processing by Union or Member State law to which the Controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller;
- (c) for reasons of public interest in the area of public health in accordance with the Regulation;
- (d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with the Regulation, in so far as the right referred to in paragraph 10.1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- (e) for the establishment, exercise or defence of legal claims.

10.4. In addition, the Controller may offer, within the application or emails that will be sent to you, the possibility to be forgotten and all your personal data to be erased, without the obligation of fulfilling all the above mentioned conditions, by accessing any link regarding the erasure of all personal data, and in this case the EULA will cease with immediate effect in the same time with the erasure of personal data and all your data will be erased.

11. Right to restriction of processing

11.1. The data subject has the right to obtain from the Controller restriction of processing where one of the following applies:

- (a) the data subject contests the accuracy of the personal data for a period enabling the Controller to verify the accuracy of the personal data;

- (b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- (c) the Controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- (d) the data subject has objected to processing on grounds relating to his or her particular situation, in accordance with the Regulation, pending the verification whether the legitimate grounds of the Controller override those of the data subject.

11.2. Where processing has been restricted under paragraph 11.1, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

11.3. A data subject who has obtained restriction of processing pursuant to paragraph 11.1 is informed by the Controller before the restriction of processing is lifted.

12. Notification obligation regarding rectification or erasure of personal data or restriction of processing

The Controller communicates any rectification or erasure of personal data or restriction of processing carried out in accordance with paragraph 9, paragraph 10.1. and paragraph 11 to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The Controller informs the data subject about those recipients if the data subject requests it.

13. Right to data portability

13.1. The data subject has the right to receive the personal data concerning him or her, which he or she has provided to the Controller, in a structured, commonly used and machine-readable format and has the right to transmit those data to another controller without hindrance from the Controller to which the personal data have been provided, where:

- (a) the processing is based on consent or on a contract; and
- (b) the processing is carried out by automated means.

13.2. In exercising his or her right to data portability pursuant to paragraph 13.1, the data subject has the right to have the personal data transmitted directly from one controller to another, where technically feasible.

13.3. The exercise of the right referred to in paragraph 13.1 of the present Article is without prejudice to Article 17. That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller.

13.4. The right referred to in paragraph 13.1 does not adversely affect the rights and freedoms of others.

14. Right to object

14.1. At any time, the data subject has the right to object, on grounds relating to his or her particular situation, to processing, for the purpose of the legitimate interests pursued by the Controller or a third party, personal data concerning him or her, including profiling based on those provisions. The Controller does no longer process the personal data unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests,

rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

14.2. Where personal data are processed for direct marketing purposes, the data subject has the right to object at any time to processing of personal data concerning him or her for such purpose, which includes profiling to the extent that it is related to such direct marketing.

14.3. Where the data subject objects to processing for direct marketing purposes, the personal data is no longer processed for such purposes. In case the data subject chooses for the processing of personal data for the purpose of direct marketing, separately and without any connection to another action, including by activating any accept button regarding the processing of personal data for the purpose of direct marketing, the latest personal data provided in any way will be processed for direct marketing purpose.

14.4. At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 14.1. and 14.2. is explicitly brought to the attention of the data subject and presented clearly and separately from any other information.

14.5. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.

14.6. Where personal data are processed for scientific or historical research purposes or statistical purposes in accordance with the Regulation, the data subject, on grounds relating to his or her particular situation, has the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

15. Automated individual decision-making, including profiling

15.1. The data subject has the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

15.2. Paragraph 15.1. does not apply if the decision:

(a) is necessary for entering into, or performance of, a contract between the data subject and a data controller;

(b) is authorised by Union or Member State law to which the Controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or

(c) is based on the data subject's explicit consent.

15.3. In the cases referred to in points (a) and (c) of paragraph 15.2., the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the Controller, to express his or her point of view and to contest the decision.

16. Right to lodge a complaint with a supervisory authority

16.1. Without prejudice to any other administrative or judicial remedy, every data subject has 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 Regulation.

16.2. The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 17.

17. Right to an effective judicial remedy against a supervisory authority

17.1. Without prejudice to any other administrative or non-judicial remedy, each natural or legal person has the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning them.

17.2. Without prejudice to any other administrative or non-judicial remedy, each data subject has the right to exercise an effective judicial remedy where the supervisory authority which is competent pursuant to the Regulation does not handle a complaint or does not inform the data subject within three months on the progress or outcome of the complaint lodged pursuant to Article 16.

17.3. Proceedings against a supervisory authority are brought before the courts of the Member State where the supervisory authority is established.

17.4. Where proceedings are brought against a decision of a supervisory authority which was preceded by an opinion or a decision of the Board in the consistency mechanism, the supervisory authority forwards that opinion or decision to the court.

18. Right to an effective judicial remedy against a controller or processor

18.1. Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority pursuant to the Regulation, each data subject has the right to an effective judicial remedy where he or she considers that his or her rights under the Regulation have been infringed as a result of the processing of his or her personal data in non-compliance with the Regulation.

18.2. Proceedings against a controller or a processor are brought before the courts of the Member State where the Controller or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has his or her habitual residence, unless the Controller or processor is a public authority of a Member State acting in the exercise of its public powers.

19. Representation of data subjects

19.1. The data subject has the right to mandate a not-for-profit body, organisation or association which has been properly constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest, and is active in the field of the protection of data subjects' rights and freedoms with regard to the protection of their personal data to lodge the complaint on his or her behalf, to exercise the rights referred to in Articles 16, 17 and 18 and to exercise the right to receive compensation referred to in the Regulation on his or her behalf where provided for by Member State law.

19.2. Member States may provide that any body, organisation or association referred to in paragraph 19.1 of this Article, independently of a data subject's mandate, has the right to lodge, in that Member State, a complaint with the supervisory authority which is competent pursuant to Article 16 and to exercise the rights referred to in Articles 17 and 18 if it considers that the rights of a data subject under the Regulation have been infringed as a result of the processing.

20. Right to compensation and liability

20.1. Any person who has suffered material or non-material damage as a result of an infringement of the Regulation has the right to receive compensation from the Controller or processor for the damage suffered.

20.2. Any controller involved in processing is liable for the damage caused by processing which infringes this Regulation. The processor is liable for the damage caused by processing only where it has not complied with obligations of the Regulation specifically directed to processors or where it has acted outside or contrary to lawful instructions of the Controller.

20.3. The controller or processor shall be exempt from liability under paragraph 20.2 if it proves that it is not in any way responsible for the event giving rise to the damage.

20.4. Where more than one controller or processor, or both a controller and a processor, are involved in the same processing and where they are, under paragraphs 20.2. and 20.3, responsible for any damage caused by processing, each controller or processor shall be held liable for the entire damage in order to ensure effective compensation of the data subject.

20.5. Where a controller or processor has, in accordance with paragraph 20.4., paid full compensation for the damage suffered, that controller or processor shall be entitled to claim back from the other controllers or processors involved in the same processing that part of the compensation corresponding to their part of responsibility for the damage, in accordance with the conditions set out in paragraph 18.2.

20.6. Court proceedings for exercising the right to receive compensation is brought before the courts competent under the law of the Member State referred to in 18.2.

21. Withdrawal of the consent

Where the processing is based on: i) the consent of the data subject given for processing his/her personal data for one or more specific purposes; or ii) the consent of the data subject given for processing certain special personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition to process special personal data may not be lifted by the data subject, the data subject has the right to withdraw the consent at any time, without affecting the lawfulness of processing based on the consent before its withdrawal.

For the sake of clarity the withdrawal of the consent shall not affect the processing of the personal data based on other legal basis.

22. Cookie Policy

Controller's webs application may use "cookies."

Cookies are text files containing small amounts of information which are downloaded to your device when you visit and use the web application. Cookies are then sent back to the originating URL on each subsequent visit, or to another URL that recognises that cookie. Cookies are useful because they allow a website to recognise a user's device. You can find more information about cookies at: www.allaboutcookies.org and www.youronlinechoices.eu . For a video about cookies visit www.google.co.uk/goodtoknow/data-on-the-web/cookies.

Cookies do lots of different jobs, like letting you navigate between pages efficiently, remembering your preferences, and generally improve the user experience.

They can also help to ensure that adverts you see online are more relevant to you and your interests.

You may set and/or adjust your (browser) settings and preferences regarding cookies at any time, and you may disable cookies. Disabling them may prevent you from using certain parts/functionalities of the Controller's web application.

We may collect anonymous information, including for statistical or research purposes.

We use the following categories on our web based application:

Category 1 — Strictly Necessary Cookies

These cookies are essential in order to enable you to move around Controller's web application and use its features, such as accessing secure areas. Without these cookies services like shopping baskets or e-billing cannot be provided.

Category 2 — Performance Cookies

These cookies collect information about how you use the Controller's web application — for instance, which pages you go to most, and if they get error messages from web pages and/or the web application. These cookies don't collect information that identifies a visitor. All information these cookies collect is aggregated and therefore anonymous. It is only used to improve how the Controller's website(s) and/or the application works.

As 3rd party cookies in this category we use Google Analytics, a service which transmits website traffic data to Google servers in the United States. The reports provided by Google Analytics help us understand website traffic and webpage usage. Google Analytics does not identify individual users or associate your IP address with any other data held by Google.

Google Analytics: For more information about Google Analytics cookies, please see Google's help pages and privacy policy:

[Google's Privacy Policy](#)

[Google Analytics Help pages](#)

Google has developed the Google Analytics opt-out browser add-on; if you want to opt out of Google Analytics, you can download and install the add-on for your web browser [here](#).

Category 3 — Functionality Cookies

These cookies allow the Controller's web application to remember choices you make while browsing and/or using the application (such as your user name, language or the region you are in) and provide enhanced, more personal features.

These cookies can also be used to remember changes you have made to text size, language and other parts of web pages that you can customize.

The information these cookies collect will not personally identify you, and they cannot track your browsing activity on non- Controller's websites.

For reliable review of your order status, on-screen on the application, in real-time, and also for easy reordering, your data may be saved on your device, serving a cookie locally.

Category 4 — Targeting cookies or advertising cookies

These cookies will usually be third-party cookies, although if a user is visiting the advertising network's own website it is technically possible these could be first party. They will always be persistent but time-limited cookies. These cookies can be associated with services provided by the third party but this is not always the case. These cookies contain a unique key that is able to distinguish individual users' browsing habits or that can be translated into a set of browsing habits or preferences using information stored elsewhere. Generally speaking, the privacy statement should indicate if the cookie is being used as part of an advertising network. Cookies

may also be used to limit the number times a user sees a particular ad on a website and to measure the effectiveness of a particular campaign.

Examples include:

- Cookies placed by advertising networks to collect browsing habits in order to target relevant adverts to the user. The site the user is visiting need not actually be serving adverts, but often this will also be the case.
- Cookies placed by advertising networks in conjunction with a service implemented by the website to increase functionality, such as commenting on a blog, adding a site to the user's social network, providing maps or counters of visitors to a site.

By default, the web ordering application and its originating website URL is not serving category 4 cookies. However, it may be possible to order online from other websites that frame-in or facilitate access to the online menu and web application. Therefore, please always check the cookie policy of the visited website from which you initiated an online ordering session in order to find out if any category 4 cookies are served and which is the way to opt-out or opt-in for them, as the legal case may be.

23. Processing of your personal data by the Provider as the processor of the suppliers of products and/or services

The Provider may also process your personal data as the processor of the suppliers of products and/or services, including without limitation for the following purposes, according to those agreed with the suppliers of products and/or services : i) data storage for the suppliers of products and/or services; ii) sending notifications to you regarding the information about confirmation or reject of the order or about the missed orders and about the delivery of your order; iii) sending to you direct marketing communications; iii) collection of the IP addresses in order to be used in case of any litigation and/or fraud regarding the payments; iv) sending your data to different recipients and in different (third) countries, recipients that are processing the personal data for compatible, related and correlated purposes with the purpose of executing the contract you have with the suppliers of products and/or services, namely: delivery, printing, pos billing, loyalty, online payment processing, etc.

24. Miscellaneous

24.1. You have all the rights mentioned in the present data processing policy as well as any other rights mentioned by the mandatory legal regulations in force regarding personal data processing.

24.2. Your rights mentioned in the present data processing policy can be exercised according with the Regulation and any other applicable legal regulations in force.

24.3. Any requests and/or demands sent by you towards the Provider for exercising any of your rights may be made in writing, by registered letter that will be sent to the headquarter of the Controller and/or by email at contact email of the Controller (contact@globalfoodsoft.com) or at the email of the DPO, if such DPO exists, and/or by any other ways of communications mentioned in the legal regulations in force.

24.4. The data subject may request, according to the above mentioned ones, and obtain, free of charge, in particular, access to and rectification or erasure of personal data, restriction of the processing of personal data, data portability, and the exercise of the right to object and also the

right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her but also in relation with the security breach of the personal data.

24.5. The terms used in the present data processing policy will have the meaning defined in the Regulations and in the agreement, unless the context otherwise requires or it is otherwise provided herein.

24.6. Except otherwise required by the mandatory legal regulations in force, the Provider reserves the right to update and change the data processing policy from time to time without specific notice. You agree that it is your exclusive responsibility to check the data processing policy each time you are using the application.

24.7. The conditions for exercising the above mentioned rights may also be found on the website www.globalfoodsoft.com

25. Identity and the contact data of the Controller, the contact data of the data protection officer and the identity and the contact data of the suppliers of products and/or services

25.1. Identity and the contact data of the Controller: JJeatsonline Pty Ltd email: Support@iPadspos.com.au

25.2. Contact data of the data protection officer: Support@iPadspos.com.au

25.3. The identity and the contact data of the suppliers of products and/or services may also be found on their websites.