

# PRIVACY DECLARATION

This privacy statement was last updated on October 24, 2022.

This Privacy Statement applies to the Foodmaker website and App (hereinafter the 'Website').

Foodmaker NV is a company incorporated under Belgian law and with registered office at Nijverheidsstraat 50, 2260 Westerlo and company number VAT BE 0844.295.819 (hereinafter 'Foodmaker').

Foodmaker takes your privacy and your rights as a data subject in the processing of your Personal Data (as defined below) seriously.

This Privacy Statement aims to inform you about how Foodmaker collects, processes and uses your Personal Data when you visit this Website. The processing of Personal data is done in accordance with the General Data Protection Regulation (hereinafter 'GDPR') and all other applicable legislation related to privacy and data protection.

## THE RESPONSIBLE FOR PROCESSING

Foodmaker is responsible for the processing of your Personal Data.

If you have any questions, comments or complaints regarding this Privacy Statement or the processing of your Personal Data, please contact us by sending an email to [sandy@thefoodmaker.com](mailto:sandy@thefoodmaker.com) to the attention of Sandy Geentjens.

## THE PROCESSING OF PERSONAL DATA

below 'Personal data' means any information about a identified or identifiable natural person (the "Data Subject").

below 'Processing' is understood to mean one or more operations of Personal Data, whether or not by automated means, such as collecting, recording, organizing, structuring, storing, updating or changing,

retrieving, consulting, using, providing by transmission, dissemination or otherwise making available, aligning or combining, blocking, deleting or destroying data.

**WHAT PERSONAL DATA IS COLLECTED BY FOODMAKER?** Foodmaker ensures that your Personal Data is processed in an adequate, relevant manner and is limited to what is necessary in accordance with the GDPR and other applicable legislation.

Personal data that Foodmaker may collect about you are:

Profile data: name, first name, date of birth, place of birth, gender, age, e-mail address, delivery address, billing address, telephone number, account number.;

- Usage and technical data: data regarding the click behavior on our Website, IP address, device ID, duration of the visit, browser type, etc.;

Information related to complaints, questions and comments:

this is information provided directly by you: name, email address, telephone number, etc. Please do not enter sensitive information such as criminal conviction information or bank account numbers.

- Data in the context of direct marketing: name, first name, e-mail address, telephone number, address, etc.;
- Cookies: for more information about the use of Cookies, reference is made to Foodmaker's Cookie Policy.

Foodmaker collects and processes special categories of Personal Data only with your explicit permission or if Foodmaker is obliged to do so by a legal provision. For example, Foodmaker can process data about allergies if you share it with us.

**FOR WHAT PURPOSES DOES FOODMAKER PROCESS THIS PERSONAL DATA AND ON WHAT LEGAL BASIS?**

Foodmaker collects and uses Personal Data only for specific, explicit and legitimate purposes and will therefore not further use data in a way that is incompatible with those purposes.

If Foodmaker processes your data on the basis of your consent, you can withdraw it at any time.

If Foodmaker processes your data on the basis of its legitimate interest, you can always indicate that your interest prevails.

If Foodmaker processes your data on the basis of the execution of the agreement that you conclude for the delivery by Foodmaker of products, described on the Website (hereinafter the “Agreement”), you can terminate the Agreement in accordance with the General Terms and Conditions (available at the website).

If Foodmaker uses your data for marketing purposes, you can always ask to stop this processing, including profiling for marketing purposes. In this case, you may no longer be able to obtain certain promotions.

Profile data	purposes	The Personal Data is processed for the creation of a personal profile on the Website and around Foodmaker to allow it to perform its obligations under the Agreement.
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	basis for processing	Performance of the Agreement
Usage and technical data	purposes	The Personal Data is collected for statistical purposes and in order to simplify the use of the Website and to improve its functioning.
	basis for processing	Performance of the Agreement
Information regarding complaints, questions and comments	purposes	The Personal Data is collected to respond to your questions, complaints and/or comments.
	basis for processing	Performance of the Agreement

Data in the context of direct marketing	purposes	The Personal Data is used for sending direct marketing messages
	basis for processing	Permission
Cookies	purposes	For more information about the use of Cookies, please refer to Foodmaker's Cookie Policy.
	basis for processing	

#### WHO IS YOUR PERSONAL DATA SHARED WITH?

If required for the purposes for which your Personal Data is collected, Foodmaker may Pass on personal data to other entities or members of the Foodmaker group (processors). An overview of these entities is available by sending a request to [info@foodmaker.be](mailto:info@foodmaker.be).

Foodmaker will always share your Personal Data with processors in a minimal manner. You expressly consent to the sharing of your Personal Data as described in this Privacy Statement. Foodmaker processors always act under Foodmaker's responsibility. If Foodmaker calls on processors, this will always be done under a processing agreement that meets the requirements of the GDPR, and that protects the processing of your Personal Data as well as possible.

We may share your Personal Data with third parties to distribute our newsletter, to perform certain obligations under the Agreement (including deliveries), to store and process your Personal Data, to answer your questions, to optimize our Website, etc.

When a regulation or legal procedure requires Foodmaker or a government agency requests Foodmaker to do so in the context of legal enforcement actions, your Personal Data will also be shared. In case of suspected or actual fraud or illegal activities, Foodmaker is always obliged to pass on certain Personal Data, in order to prevent physical damage or financial loss.

Foodmaker never shares or sells your Personal Data with/to commercial partners.

If you are referred to another website or application through our Website, you must be aware of the terms and conditions that apply to that website or application.

#### TRANSFER OF PERSONAL DATA TO COUNTRIES OUTSIDE THE EEA

We ensure that a transfer of your Personal Data to a third country will take place with due observance of the necessary guarantees and in accordance with the provisions of the GDPR.

You agree to the transfer of your Personal Data to a third country.

#### **YOUR RIGHTS**

Foodmaker strives for transparency, not only with regard to the way in which your Personal Data is processed, but also with regard to the rights you can exercise with regard to that processing of Personal Data. Therefore, an overview of your rights follows below.

If you wish to exercise your rights, you can contact customer service via [info@foodmaker.be](mailto:info@foodmaker.be). When you contact our customer service, your identity may be verified to prevent your Personal Data from being passed on to third parties.

Foodmaker undertakes to respond to your request without delay and in any event within one month of receipt of your request with regard to one

of the rights below. Your request is deemed to have been received when your request is complete, which also means that Foodmaker has obtained proof of identity from you in accordance with the procedure described below, or that your identity has been secured in some other way. Depending on the complexity of the request and the number of requests, this period can be extended by two months if necessary. In that case, Foodmaker will in any case inform you of such an extension as soon as possible after receipt of the request.

How can I prove my identity?

You can prove your identity with any means of proof of your choice, for example a copy of your driving license or international passport. You can also do this by providing a copy of the front of your identity card. Because e-mails are not always secure, we recommend that you cover the number of the document and your passport photo and report that this copy was made for forwarding to Foodmaker.

Foodmaker will destroy these copies after use.

#### **RIGHT TO ACCESS YOUR DATA**

You have the right to inspect the Personal Data that Foodmaker processes about you.

Under the law, you also have the right to receive information about the processing purposes; the categories of Personal Data concerned; the (categories of) recipients of Personal Data; if possible, the period for which the Personal Data is expected to be stored, or if that is not possible, the criteria for determining that period; the right to rectification or erasure, the right to restriction of processing and the right to object to the processing of your Personal Data; the right to lodge a complaint with the supervisory authority, being the Belgian Data Protection Authority; the source of the data if it was not collected from you; the existence of automated decision-making and profiling; and the safeguards taken to protect Personal Data in case it is transferred to a third country or an international organization.

You also have the right to request a copy of your data. If you want additional copies, Foodmaker can charge you a fee for this as stated by law.

When you submit your request electronically, and if you do not request another arrangement, Foodmaker will provide you with the information in a commonly used electronic format to meet your request.

**RIGHT TO RECTIFICATION, LIMITATION AND REMOVAL OF YOUR DATA** You have the right to have your Personal Data corrected or have them corrected if they are incorrect.

You have the right to restrict the processing of your Request personal data, ie the processing of your Stop personal data, without having them removed from our databases. This right can only be exercised in the cases provided for by law, for example during the period in which we verify the accuracy of disputed data, or pending a response to your objection.

You also have the right to request the deletion of your Personal Data in the following cases:

- If the Personal Data are no longer necessary for the purpose for which they were collected or processed;
- If you withdraw the consent on which the processing of Personal Data is based and there are no other legal grounds for the processing;
- If you object to the processing of your Personal data and there are no overriding compelling legitimate grounds for the processing;
- If your Personal Data is unlawfully processed;



- If your Personal Data must be erased to comply with a legal obligation under European Union or Belgian law.

#### **RIGHT TO DATA PORTABILITY**

You have the right to obtain the data you have provided to Foodmaker in a structured, common and machine-readable form and to transfer it further if :

processing of Personal Data is based on consent or on an agreement, and

- the processing is carried out by automated means.

You also have the right to have your Personal Data, where technically feasible, be transferred directly by us to another company.

#### **RIGHT TO OBJECT TO THE USE OF DATA FOR DIRECT MARKETING (INCLUDING PROFILING)**

Under the GDPR and the ePrivacy regulations, Foodmaker needs your specific, prior consent to be able to send you direct marketing via electronic communication (such as e-mail, SMS, etc.). However, if you consent to this, you have the right afterwards at any time to object, free of charge and on first request, to the use of your data for direct marketing purposes, including profiling related to direct marketing.

To specifically oppose profiling for commercial purposes, you must ask Foodmaker's customer service. If you ask, Foodmaker will no longer analyze your purchasing behavior and your transactional data. Foodmaker will also no longer analyze articles that may interest you. If you wish, you can still receive general commercial communication (eg newsletter). The communication may be personalized (you will be addressed with your name, you will receive the communication in your language, you will receive the communication for your region), but its content will in no case be based on your purchasing behavior and may therefore be less relevant to you to be.

You can also receive satisfaction surveys. These do not involve direct marketing, they are not created on the basis of an analysis of your purchasing behaviour. If you no longer wish to receive these, you can unsubscribe at any time.

You can exercise this right

- by contacting customer service via [info@thefoodmaker.be](mailto:info@thefoodmaker.be) ;
- by unsubscribing from the marketing communication ( A link is provided for this at the bottom of every electronic communication).

#### **RIGHT TO OBTAIN THE USE OF DATA FOR OTHER PURPOSES (INCLUDING PROFILING)**

You have the right at any time, for reasons related to your particular situation, to object to the use, including profiling, of your Personal Data, if it is used and processed by us to pursue our legitimate interests.

Once you exercise your right to object, we will stop processing your Personal Data unless:

- Foodmaker can invoke compelling legitimate grounds to still process the data, which outweigh your interests as a customer; or
- if Foodmaker may need your data in the future to institute, exercise or substantiate a legal claim.

#### **RIGHT TO FILE A COMPLAINT WITH THE DATA PROTECTION AUTHORITY**

You always have the right to lodge a complaint with the competent supervisory authority. You can do this in the EU Member State of your habitual residence, the place where you work or the place where the alleged infringement took place. In Belgium, you can submit a complaint to the data protection authority ( <https://www.dataprotectionauthority.be> ).

## **RETENTION OF PERSONAL DATA**

Foodmaker does not store your Personal Data for longer than necessary for the purposes for which they were collected.

The retention period depends on the purpose for which Personal Data is collected. Foodmaker therefore uses the purpose as one of the criteria to determine how long your Personal Data will be kept. Other criteria may include: the obligation on the basis of a legal provision to keep your data for a legally determined period or the duration of the period for which we enter into a customer relationship with you or provide services to you.

Foodmaker undertakes to securely erase, destroy or anonymize the Personal Data that are no longer necessary for the purpose for which they were collected after the retention period has expired.

## **SECURITY OF YOUR PERSONAL DATA**

Foodmaker ensures that your personal data is protected by appropriate technical and organizational security measures against accidental, unlawful or unauthorized destruction, loss, alteration, access, disclosure or use.

## **LINKS TO OTHER WEBSITES/APPLICATIONS**

This Website may contain links to websites/applications operated by companies outside Foodmaker. Those other websites have their own privacy statement that you should read carefully when you surf to them. Under no circumstances can Foodmaker be responsible for the content of those websites or for any processing of Personal Data by these third parties.

For your information, we list the relevant links below (although they may change from time to time):

a) Facebook: <http://facebook.com/about/privacy>;

b) Instagram: <https://help.instagram.com/155833707900388>;

- c) LinkedIn: <http://linkedin.com/legal/privacy-policy>;
- d) Twitter: <http://twitter.com/privacy>;
- e) Pinterest: <http://policy.pinterest.com/en/privacy-policy>;
- f) LinkedIn: <https://www.linkedin.com/legal/privacypolicy?src=or-search&veh=www.google.com>
- g) TikTok :  
<https://www.tiktok.com/legal/privacypolicy?lang=en#privacy-eea>
- h) Sportify : <https://www.spotify.com/be-nl/privacy/>
- i) Deliveroo : <https://deliveroo.be/en/privacy>
- j) One2Three: <https://one2three.be/nl/privacy-policy/>

#### **UPDATE OF THIS PRIVACY STATEMENT**

This Privacy Statement is regularly updated to correctly reflect the processing of your Personal Data by Foodmaker. You will not be notified in advance of this. Any changes will be brought to the attention of the Foodmaker website.

At the top of this Privacy Statement you will find the date of the last update.

#### **CONTACT US**

For questions, complaints or submitting requests, you can always contact us by sending an e-mail to [info@thefoodmaker.be](mailto:info@thefoodmaker.be) [TG10] .