

# PRIVACY NOTICE

Welcome to choco.com (the “**Site**”), a website of Atlantic Food Waste Partners, LLC, a subsidiary of Choco Communications GmbH, and their respective subsidiaries and affiliates (“**CHOCO**”, “**we**”, “**us**” or “**our**”).

This Privacy Notice explains how we collect, use, disclose, and otherwise process Personal Information in connection with our Site and the related content, services, membership and other functionality offered on or through the Site, mobile applications, and our online services (collectively, the “**Services**”). It does not address our privacy practices relating to job applicants, employees and other personnel.

## What is Personal Information?

When we use the term “**Personal Information**” in this Privacy Notice, we mean information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, to an individual. It does not include aggregated or deidentified information that is maintained in a form that is not reasonably capable of being associated with or linked to an individual.

## Our Collection of Personal Information

We collect Personal Information about individuals when they visit our Site or create an online account. Sometimes we collect Personal Information automatically when an individual interacts with our Services and sometimes we collect the Personal Information directly from an individual. At times, we may collect Personal Information about an individual from other sources and third parties, even before our first direct interaction.

### *The Site*

#### Personal Information Submitted by Site Visitors

We collect the following Personal Information submitted to us by visitors to our Site:

- Contact Information, including first name, last name, employer, title, account status, email address, mailing address, phone number and communication preferences.
- Inquiry Information, including information provided in custom messages sent through the forms or contact information provided on our Site.

#### Personal Information Collected Automatically

As is true of most digital platforms, we and our third-party providers may also collect Personal Information from an individual’s device, browsing actions and site usage patterns automatically when visiting or interacting with our Site, including:

- Log File Data, including internet protocol (IP) address, operating system, browser type, browser id, the URL entered and the referring page/campaign, date/time of visit, the time spent on our Site and any errors that may occur during the visit to our Site.
- Analytics Data, including the electronic path taken to our Site, through our Site and when exiting our Site, as well as usage and activity on our Site, such as the links and objects viewed, clicked or otherwise interacted with (also known as “Clickstream Data”).
- Location Data, including general geographic location based on the log data we or our third-party providers collect.

For information about our and our third-party partners' use of cookies and related technologies to collect information automatically, and any choices individuals may have in relation to its collection, please refer to the Cookies and Online Ads section of this Privacy Notice below.

### **Online Account Services**

We collect Personal Information from our users and prospective users in connection with the online user accounts and ongoing maintenance of the accounts, which includes:

- **Online Account Information**, including username and password, as well as associated security questions and answers.
- **Contact Information**, including first name, last name, title, employer, email address, mailing address, phone number and communication preferences, as well as any information provided when signing up for special offers from selected third parties.
- **Other Profile Information**, including a photograph for the online account or other Personal Information shared through the account.
- **Sweepstakes Information**, including any information submitted with an application or entry to a sweepstakes or contest sponsored by us or one of our partners.
- **Account Support Information**, including Personal Information provided when contacting us in connection with our Services.
- **Payment Information**, including payment status, billing address, billing phone number, credit/debit card name, number, expiration date and security code (CVV), check number, bank account number, transit routing number, payment dates, renewals and renewal period, billing history, card number history, and third-party payment confirmation. Please note we utilize a third-party provider to process payments on our behalf and do not accept payment directly through our Site.
- **Camera and Contact list access**, including images and contacts saved in your phone. While using the App you have the option of adding pictures and/or screenshots to simplify the ordering process. For that, you need to give Choco permission to access your camera. Only the pictures you upload to our App will be stored in our servers. You can also grant us permission to access the contact list on your phone to be able to add team members to your account. In that case, you'll be able to select them directly from the contact list your phone. Neither of these permissions are mandatory to use the App. If you give permission, we will continue accessing your camera and contact list until you withdraw your permission. We do not store your images or contact lists on our servers. We only store the images you upload to the App and information (name and phone number) of your contacts who are already using Choco and the ones that you have invited to use Choco.

### ***Personal Information From Third Parties***

We also obtain Personal Information from third parties which we often combine with Personal Information we collect either automatically or directly from an individual.

We may receive the same categories of Personal Information as described above from the following third parties:

- **Business Partners:** Our business partners may collect Personal Information in connection with the Services provided and may share some or all of the information with us.
- **Your Employer:** If you are using the Services in connection with your role as an employee or contractor of a company or other legal entity, we may obtain your information from such an entity.
- **Restaurants and Suppliers:** If you are using the Services in connection with your role as a Restaurant or Supplier, we may receive your information from other Restaurants and/or Suppliers. For example, we may receive your information from another entity in conjunction with processing a purchase order, or responding to an inquiry.
- **Social Media:** When an individual interacts with our Services through various social media networks, such as when someone "Likes" us on Facebook or follows us or shares our content on Facebook, Twitter, LinkedIn, or other social networks, we may receive some information about individuals that they permit the social network to share with third parties. The data we receive

is dependent upon an individual's privacy settings with the social network. Individuals should always review and, if necessary, adjust their privacy settings on third-party websites and social media networks and services before sharing information and/or linking or connecting them to other services.

- **Service Providers:** Our service providers that perform services solely on our behalf, such as payment processors and analytics providers. For example, we receive Personal Information from our service providers that conduct marketing or analytics activities.

- **Other Third Parties:** From time to time, we may receive information about individuals from third parties. For example, we may obtain information from our marketing partners or from third parties to enhance or supplement our existing information about an individual. We may also collect information about individuals that is publicly available. We may combine this information with the information we collect directly from individuals.

- **Publicly Available Sources:** We collect Personal Information about individuals that we do not otherwise have, such as contact information, employment-related information, and interest-in-services information, from publicly available sources. We may combine this information with the information we collect from an individual directly. We use this information to contact individuals, to send advertising or promotional materials or to personalize our Services and to better understand the demographics of the individuals with whom we interact.

### **Our Use of Personal Information**

We use Personal Information we collect to:

- Fulfill or meet the reason for which the Personal Information was provided. For instance, if you contact us by email, we will use the Personal Information you provide to answer your question or resolve your problem;
- Manage our organization and its day-to-day operations;
- Communicate with individuals, including via email, text message, social media and/or telephone calls;
- Request individuals to complete surveys about our service offerings;
- Market our Services to individuals, including through email, direct mail, phone or text message;
- Administer, improve and personalize our Services, including by recognizing an individual and remembering their information when they return to our Site;
- Operate, maintain and provide the features and functionality of the Services;
- Prepare for and facilitate our events;
- Administer sweepstakes, contests, joint promotional activities or co-branded services;
- Determine an individual's eligibility for and/or proof of enrollment in our Services;
- Create and maintain accounts for our members;
- Process payment for accounts, deliveries, balances and related services;
- Facilitate user benefits and Services, including user support through our command center services;
- Identify and analyze how individuals use our Site and Services;
- Conduct research and analytics on our user base and our Services;
- Improve and customize our service offerings to address the needs and interests of our user base and other individuals we interact with;

- Test, enhance, update and monitor the Services, or diagnose or fix technology problems;
- Help maintain the safety, security and integrity of our property and Services, technology assets and business;
- Evaluate, negotiate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of CHOCO's assets, whether as a going concern or as a part of bankruptcy, liquidation or similar proceeding, in which Personal Information held by CHOCO about consumers is among the assets transferred or is otherwise relevant to the evaluation, negotiation or conduct of the transaction;
- Defend, protect or enforce our rights or applicable contracts and agreements;
- Prevent, investigate or provide notice of fraud or unlawful or criminal activity; and
- Comply with legal obligations.

Where an individual chooses to contact us, we may need additional information to fulfill the request or respond to inquiries. We may provide additional privacy disclosures where the scope of the inquiry/request and/or Personal Information we require fall outside the scope of this Privacy Notice. In that case, the additional privacy disclosures will govern how we may process the information provided at that time.

### **Our Disclosure of Personal Information**

We may disclose Personal Information in the following ways:

- **Affiliates:** We may share Personal Information with other companies owned or controlled by CHOCO, and other companies owned by or under common ownership as CHOCO, which also includes our subsidiaries (i.e., any organization we own or control) or our ultimate holding company (i.e., any organization that owns or controls us) and any subsidiaries it owns, particularly when we collaborate in providing the Services.
- **Business Partners:** We may share client Personal Information with our business partners, such as our restaurants or suppliers/delivery partners, as well as third parties with whom we partner to provide contests, joint promotional activities or co-branded services, and such disclosure is necessary to fulfill requests or applications.
- **Your Employer:** If you are using the Services in connection with your role as an employee or contractor of a company or other legal entity, we may share your information with such entity.
- **Restaurants and Suppliers:** If you are using the Services in connection with your role as a Restaurant or Supplier, we may disclose your information to other Restaurants and/or Suppliers. For example, we may disclose your information to another entity in conjunction with processing a purchase order, or responding to an inquiry.
- **Service Providers:** We share Personal Information with third parties who assist us in providing our customer services and facilitating our communications with individuals that submit inquiries. We engage third-party service providers that perform business or operational services for us or on our behalf, such as website hosting, infrastructure provisioning, IT services, analytics services, administrative services.
- **Other Businesses As Needed To Provide Services:** We may share Personal Information with third parties that an individual engages with through our Services or as needed to fulfill a request or transaction including, for example, payment processing services.
- **Other Third Parties:** We may disclose Personal Information to third parties who use this information to provide information or marketing messages about products or Services of interest, in accordance with their own privacy policies and terms. We also work with advertising, analytics and social media partners as described in the Cookies and Online Ads section below.
- **Business Transaction or Reorganization:** We may take part in or be involved with a corporate business transaction, such as a merger, acquisition, joint venture, or financing or sale of company assets. We may disclose Personal Information to a third party during negotiation of, in connection with or as an asset in such a corporate business transaction. Personal Information may

also be disclosed in the event of insolvency, bankruptcy or receivership.

- **Legal Obligations and Rights:** We may disclose Personal Information to third parties, such as legal advisors and law enforcement:

- in connection with the establishment, exercise, or defense of legal claims;
- to comply with laws or to respond to lawful requests and legal process;
- to protect our rights and property and the rights and property of others, including to enforce our agreements and policies;
- to detect, suppress, or prevent fraud;
- to protect the health and safety of us and others; or
- as otherwise required by applicable law.

- **Otherwise With Consent or Direction:** We may disclose Personal Information about an individual to certain other third parties or publicly with their consent or direction. For example, with an individual's consent or direction we may post their testimonial on our Site or service-related publications.

## Cookies and Online Ads

### Cookies

#### What We Collect:

We, and our third-party partners, may automatically collect certain types of usage information when an individual visits our websites or interacts with our Services. We may collect this information through a variety of data collection technologies, including cookies, web beacons, embedded scripts, location-identifying technologies, file information, and similar technology (collectively, "cookies"). For example, we may collect information about an individual's device and its software, such as IP address, browser type, Internet service provider, platform type, device type, operating system, date and time stamp, and other similar information. We may collect analytics data or use third-party analytics tools such as Google Analytics to help us measure traffic and usage trends for our Services and to understand more about the demographics of our users.

#### How We Use That Information:

We use or may use the data collected through cookies to: (i) remember information so that an individual will not have to re-enter it during their visit or the next time they use our Services; (ii) provide and monitor the effectiveness of our Services; (iii) monitor aggregate metrics such as total number of visitors, traffic, usage, and demographic patterns on our Services; (iv) diagnose or fix technology problems; or (v) otherwise plan for and enhance our Services. As explained in more detail below, we and our advertising partners also use this information to understand browsing activities, including across unaffiliated third-party sites, so that we can deliver ads and information about products and Services that may be of interest to an individual.

#### Choices About Cookies:

To manage cookies, an individual may change their browser settings to: (i) notify them when they receive a cookie, so the individual can choose whether or not to accept it; (ii) disable existing cookies; or (iii) set their browser to automatically reject cookies. Please note that doing so may negatively impact an individual's experience using our websites, as some features and Services on our websites may not work properly. Depending on an individual's device and operating system, they may not be able to delete or block all cookies. In addition, if an individual wants to reject cookies across all their browsers and devices, they will need to do so on each browser on each device they actively use. An individual may also set their email options to prevent the automatic downloading of images that may contain technologies that would allow us to know whether they have accessed our email and performed certain functions with it.

### Online Advertising

### What We Collect and How We Use It:

We participate in interest-based advertising and use third-party advertising companies to serve targeted advertisements based on an individual's browsing history. We permit third-party online advertising networks, social media companies and other third-party services, to collect information about an individual's use of our online Services over time so that they may play or display ads on other websites, or services an individual may use, and on other devices an individual may use. Typically, though not always, the information used for interest-based advertising is collected through data collection technologies, such as cookies, web beacons, embedded scripts, location-identifying technologies, and similar technology (collectively, "data collection technologies"), which recognize the device an individual is using and collect information, including click stream information, browser type, time and date the individual visited the website, AdID, precise geolocation and other information. We may share a common account identifier (such as a hashed email address or user ID) with our third-party advertising partners to help identify an individual across devices. We and our third-party partners use this information to make the advertisements an individual sees online more relevant to their interests, as well as to provide advertising-related services such as reporting, attribution, analytics and market research.

### Choices About Online Ads:

We support the self-regulatory principles for online behavioral advertising ("Principles") published by the Digital Advertising Alliance ("DAA"). This means that we allow an individual to exercise choice regarding the collection of information about their online activities over time and across third-party websites for online interest-based advertising purposes. More information about these Principles can be found at [www.aboutads.info](http://www.aboutads.info). If an individual wants to "opt out" of receiving online interest-based advertisements on their internet browser from advertisers and third parties that participate in the DAA program and perform advertising-related services for us and our partners, please follow the instructions at: [www.aboutads.info/choices](http://www.aboutads.info/choices), or <http://www.networkadvertising.org/choices/>.

When electing to opt-out through these sites, they will place an "opt-out" cookie on your device indicating that you do not want to receive interest-based advertisements. Opt-out cookies only work on the internet browser and device they are downloaded onto. If an individual wants to opt-out of interest-based advertisements across all browsers and devices, they will need to opt-out on each browser on each device they actively use. If an individual deletes cookies on their device generally, they will need to opt-out again.

If an individual wants to "opt out" of receiving online interest-based advertisements on mobile apps, they should follow the instructions at <http://www.aboutads.info/appchoices>.

Please note that when an individual "opts-out" of receiving interest-based advertisements, this does not mean they will no longer see advertisements from us or on our Services. It means that the online ads that an individual does see from DAA program participants should not be based on their interests. We are not responsible for the effectiveness of, or compliance with, any third-parties' opt-out options or programs or the accuracy of their statements regarding their programs. In addition, third parties may still use cookies to collect information about an individual's use of our Services, including for analytics and fraud prevention as well as any other purpose permitted under the DAA's Principles.

### **Third-Party Partners and Social Media**

#### Third-Party Partners:

We use Google Analytics to recognize an individual and link the devices they use when they visit our websites or Services on their browser or mobile device, log in to their account on our Services, or otherwise engage with us. We share a unique identifier, like a user ID or hashed email address, with Google to facilitate the Services. Google Analytics allows us to better understand how our users interact with our Services and to tailor our advertisements and content to an individual. For information on how Google Analytics collects and processes data, as well as how individuals can control information sent to Google, review Google's site "How Google uses data when you use our partners' sites or apps" located at [www.google.com/policies/privacy/partners/](http://www.google.com/policies/privacy/partners/). Individuals can learn about Google Analytics' currently available opt-outs, including the Google Analytics Browser Ad-On here <https://tools.google.com/dlpage/gaoptout/>.

We may also utilize certain forms of display advertising and other advanced features through Google Analytics, such as Remarketing with Google Analytics, Google Display Network Impression Reporting, the DoubleClick Campaign Manager Integration, and Google Analytics Demographics and Interest Reporting. These features enable us to use first-party cookies (such as the Google Analytics

cookie) and third-party cookies (such as the DoubleClick advertising cookie) or other third-party cookies together to inform, optimize, and display ads based on past visits to the Service. Individuals may control their advertising preferences or opt-out of certain Google advertising products by visiting the Google Ads Preferences Manager, currently available at <https://google.com/ads/preferences>, or by visiting NAI's online resources at <http://www.networkadvertising.org/choices>.

#### Social Media:

Our Services may include social media features, such as the Facebook Like button or other widgets. These social media companies may recognize an individual and collect information about their visit to our Services, and they may set a cookie or employ other data collection technologies. An individual's interactions with those features are governed by the privacy policies of those companies.

We display targeted advertising to individuals through social media platforms, such as Facebook and other social media forums. These companies have interest-based advertising programs that allow us to direct advertisements to users who have shown interest in our Services while those users are on the social media platform, or to groups of other users who share similar traits, such as likely commercial interests and demographics. We may share a unique identifier, such as a user ID or hashed email address, with these platform providers or they may collect information from our website visitors through a first-party pixel, in order to direct targeted advertising to an individual or to a custom audience on the social media platform. These advertisements are governed by the privacy policies of those social media companies that provide them. If an individual does not want to receive targeted ads on their social networks, they may be able to adjust their advertising preferences through their settings on those networks. An individual may learn more about advertising preferences by clicking on the links provided below. Please note that these links are provided for convenience only and we do not control the content or features that may be available on these third-party services.

To learn more about advertising preferences on Facebook Companies, please visit: <https://www.facebook.com/help/109378269482053>.

## **Children's Personal Information**

Our websites and online Services are not directed to, and we do not intend to, or knowingly, collect or solicit Personal Information from children under the age of 13. If an individual is under the age of 13, they should not use our websites or online Services or otherwise provide us with any Personal Information either directly or by other means. If a child under the age of 13 has provided Personal Information to us, we encourage the child's parent or guardian to contact us to request that we remove the Personal Information from our systems. If we learn that any Personal Information we collect has been provided by a child under the age of 13, we will promptly delete that Personal Information.

## **Links to Third-Party Websites or Services**

Our Site and Services may include links to third-party websites, plug-ins and applications. Except where we post, link to or expressly adopt or refer to this Privacy Notice, this Privacy Notice does not apply to, and we are not responsible for, any Personal Information practices of third-party websites and online services or the practices of other third parties. To learn about the Personal Information practices of third parties, please visit their respective privacy notices.

## **Region-Specific Disclosures**

We may choose or be required by law to provide different or additional disclosures relating to the processing of Personal Information about residents of certain countries, regions or states. Please refer below for disclosures that may be applicable to you:

- For residents of the State of Nevada, Chapter 603A of the Nevada Revised Statutes permits a Nevada resident to opt out of future sales of certain covered information that a website operator has collected or will collect about the resident. Although we do not currently sell covered information, please contact us at [contact@choco.com](mailto:contact@choco.com) to submit such a request.
- For residents of the State of California, please click [here](#) for additional California-specific privacy disclosures.

## **Updates to this Privacy Notice**

We will update this Privacy Notice from time to time. When we make changes to this Privacy Notice, we will change the date at the beginning of this Privacy Notice. If we make material changes to this Privacy Notice, we will notify individuals by email to their registered email address, by prominent posting on this website or our online Services, or through other appropriate communication channels. All changes shall be effective from the date of publication unless otherwise provided.

## **Contact Us**

For any questions or requests in connection with this Privacy Notice or other privacy-related matters, please send an email to [datenschutz@choco.com](mailto:datenschutz@choco.com).

Alternatively, inquiries may be addressed to:

Choco Communications GmbH

Attn: Legal Department

Wrangelstraße 100

10997 Berlin

Germany