

# C. PRIVACY POLICY

TheFork is a service that allows its users ("you", "your") to choose and reserve a table in a restaurant. Our site, mobile sites and associated applications (collectively, our "site") are managed and processed by La Fourchette SAS ("we", "our", "us") as owner and data controller. By accessing our site and using our services, you acknowledge that you have read and understood this Privacy Policy, as well as the practices for collecting and managing the information described herein.

This Privacy Policy was last updated on 25 May 2018. We may change this Privacy Policy at any time and we invite you to review it on a regular basis to be informed of any updates.

## Scope

This Privacy Policy describes in detail our policy and practices regarding the collection, use and disclosure of your personal data.

We are aware of the trust you place in us when you submit your personal data. We attach the utmost importance to it and are entirely committed to ensuring the security and confidentiality of the personal data that you entrust to us when you visit our site or use our services.

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### 1. Collection of your personal data

Personal data means any information about an individual from which that person can be directly or indirectly identified, such as your first and last name, telephone number, postal and electronic addresses, date of birth, password and payment information . It does not include data where the identity has been removed (anonymous data).

In the course of our business, we collect and process personal data in different ways. We may collect personal data you give us directly but we also collect data by logging how you interact with our services, for example by using cookies on our site. We may also receive information from third parties.

You can choose not to provide us with your personal data. However, in general you need to provide us with certain information about you, for example to reserve a table in a restaurant, receive relevant offers from us or the restaurants, and enjoy other benefits to which you have access as a registered user. In addition, certain information may also be required for you to be able to ask a question and allow us to answer it.

Mandatory information are identified on our site by an asterisk. If mandatory information are not provided to us, your request might not be processed or processed late.

- **Information you provide to us:** We collect and store information that you provide us on our site or that you send to us by any other means.
- **Information about third parties:** If you make a reservation on behalf of a third party or invite guests via TheFork, you will need to enter their personal data. You must obtain the consent of such third parties before giving us their personal data and you guarantee that you have duly obtained it.
- **Information from other sources:**We may also receive information about you from affiliated entities, our business partners and other independent third parties, which may be combined with other information we collected about you. So, if you access our site by clicking on a link on a site belonging to one of our trading partners and you have registered with this partner, that partner may share with us information you have provided to it, such as your contact information and profile. Another example, if you use third-party services (such as social network services) from our site or before visiting our site, we may collect information such as your first and last name, email address and any other information made available to us through these services. We work with our current and future partners to improve and personalise your use of our site in accordance with the practices outlined in this Privacy Policy.
- **Automatic collection of information:**We automatically collect certain information from your computer or mobile device when you visit our site. For example, we collect your session data, including your IP address, the navigation software used , and the reference site. We may also collect information about your online activity, such as viewed content, pages visited, and searches. We automatically collect this type of information to try to better understand your interests and preferences of to better personalize your experience.
- **Geolocation and other information extracted from your mobile devices :** As soon as you use a TheFork application on your mobile device, we may collect and use your information, generally in the same manner and for the same purposes as when using our website. In addition, we may collect information about your location with your consent if your mobile device has been configured to send this type of information to the TheFork application (see your mobile device's privacy settings). We can for example use this information to provide you with reviews about restaurants near you. You can change the privacy settings of your mobile device at any time and disable the functionality that shares your location information with the TheFork application. However, if you disable the sharing of geolocation information, this can affect some of the application's functions. For help with your mobile device's privacy settings, please contact the manufacturer of your mobile device.

## **2. How we use your personal data**

We use the personal data that we collect about you only for specific purposes. This includes to offer our services to you, to perform and manage your registration and account, including your access to and use of our site, to publish your reviews, ratings and photos and to perform and manage our commercial activities, promotion operations, incentive programs or marketing operations (including emailing campaigns, loyalty program, targeting, retargeting, profiling and segmentation).

As stated above, our processing activities of your personal data may also include profiling activities (i.e. any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict certain aspects concerning that natural person's personal preferences, interests, behaviour, location or movements) in order to define types of customers for our products and services, to keep our site updated and relevant (customer experience optimization), to develop our business and to perform our marketing strategy.

We also use your personal data for our recruitment process, and for the performance of professional training of our teams.

For more information related to our processing activities of your personal data, please see below :

<b>Purpose/activity</b>	<b>Personal data</b>	<b>Legal ground</b>
To manage your registration and account, including to allow your access to and use of our site.	Name Address E-mail address Mobile number Password IP address Browser and/or device data	Necessity for the performance of a contract with you.
To publish your reviews, ratings, forum posts and other content.	Name E-mail address Content provided by you	Necessity for the performance of a contract with you. Our legitimate interests (to collect user feedback on their restaurant experience).
To perform and manage restaurant reservations	Name Address E-mail address Mobile number IP address Browser and/or device data	Necessity for the performance of a contract with you.
To perform and manage the loyalty program	Name E-mail address Mobile number IP address Browser and/or device data	Necessity for the performance of a contract with you. Our legitimate interests (to keep our records updated, to run the loyalty program efficiently, to prevent fraud).
To communicate with you in general, particularly regarding:  - our site;  - your questions and comments;  - notify you about changes to our terms or privacy policy;  - ask you to leave a review or take a survey;	Name Address E-mail address Mobile number Password IP-Address Browser and/or device data	Our legitimate interests (to keep our records updated and to study how customers use our products/services, to respond to your questions and comments, to run our business efficiently, IT services, network security, to prevent fraud).

· to administer our site and diagnose problems.		
To measure interest in and improve our products, services, and site, and customize your user experience.	Name E-mail address IP-address Session data Online activity on our site Browser and/or device data Location data	Our legitimate interests (to define types of customers for our products and services, to keep our site updated and relevant, to develop our business and to perform our marketing strategy).
To notify you about promotional and special offers, as well as the services we offer that may be of interest to you.	Name E-mail address IP-address Session data Online activity on our site User name Location data Mobile number Browser and/or device data	Your consent to receive marketing communications by emails, push notifications or texts
To organise prize draws, competitions or surveys.	Name Address E-mail address proof of residence and ID Bank details (IBAN & BICS) Content provided by you	Necessity for the performance of a contract with you.  Our legitimate interest (to check eligibility, to study how customers use our products/services, to develop them and grow our business).
To manage our recruitment process and your application for a position at TheFork.	Name E-mail address Telephone number Address CV	Necessity to take steps at the request of the applicant prior to entering into an employment contract.  Our legitimate interest (to administer our recruitment process).
To administer and protect our business, to resolve disputes or troubleshoot problems and to prevent potentially prohibited or illegal activities.	Name Address E-mail address Telephone number User name IP-address Session data	Our legitimate interest (for running our business, to prevent fraud and other prohibited or illegal activities).
To train our teams.	Name Email address Telephone number User name IP address Session data Content provided by you	For compliance with a legal obligation to which we are subject as an employer.  Our legitimate interest (skill maintenance and knowledge enhancement of our teams).

### Deactivating your TheFork account

We may use the information collected about you in the decision to deactivate your account, in particular in the following cases:

- several instances where you do not turn up at the restaurant at the date and time reserved, following a reservation on our site without prior cancellation (No-show);
- use of our site and/or services contrary to our Terms of Use;
- a confirmed case of fraud on our site, including leaving a fraudulent review.

You will be notified of the deactivation of your account by email.

The deactivation of your account results in the cancellation of all your current reservations and the deletion of any accumulated Yums.

### Marketing

We want to make it easy for you to take advantage of our services and/or special offers from the restaurants presented on our site. To do this, we may send you emails and/or push notifications with information about offers and services that may be of interest to you .

You will receive marketing messages from us if you have given your consent, if you have requested or if you purchased goods or services from us (in this case, we would address you only messages related to similar products and services) and you have not opted out of receiving marketing messages.

Each time you receive an email of this type, you will be able to tell us if you no longer wish to receive them, or deny push notifications in the application, or change the settings of your mobile device to do so. You will be able to unsubscribe from marketing communications at any time by clicking on the unsubscribe link that you will find at the bottom of each communication you receive from us.

Please note that we may continue to send you service communications, such as administrative messages about your account or transactional messages related to one of your reservations until you close your account.

### **3. With whom we share your personal data**

We may share your personal data with other parties, including other group companies and third parties, such as restaurants, affiliated sites or apps and service providers who work on behalf of us, and more generally any of our business partners or providers. If we sell or divest our business or any part of it, and your personal data relates to such sold or divested part of our business, or if we merge with another business, we will share your personal data with the new owner of the business or our merger partner, respectively. If we are legally obliged to do so, we will share personal data to protect our customers, our site, as well as our company and our rights and property.

If you choose to create a profile on our site, some of the information in your profile will be made public and can be viewed by clicking on your username. You will have the opportunity to view your profile as it is presented publicly. We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

For more information related to entities that could access your personal data, please see below :

- Restaurants-We share your information with the restaurants to perform and manage your reservation and to deal with complaints and disputes relating to them. When booking, you have the choice of receiving marketing communications from the restaurant concerned. If you consent to receive marketing communications from the restaurant, the restaurant is then responsible for processing the information that we pass on to it.
- Third party service providers who provide services to us or act on our behalf, in particular for business analysis, data processing or payments, customer service, marketing, public relations, dissemination of surveys or prize draws, or for the purpose of preventing fraud. Note that your payment information is processed by the payment service provider itself, and not by us or the restaurant, who do not have access to it. The data relating to your card is retained by the payment service provider only for the completion of the transaction, and only for the time necessary for the management of any potential claims by the cardholders. This payment information is encrypted and secure. We may also authorise third-party providers to collect information on our behalf, including, for example, when this is necessary for the execution of the functionalities on our site or to improve the diffusion of online advertisements that are targeted according to your interests. Third party service providers have access to the information and may collect it to the extent necessary to enable them to perform their functions. They are not allowed to share it or use it for any other purpose.
- Affiliated sites. If you have been redirected to our site from another website or app, we may share information about you (your first name and the initial of your last name) and your reservation with this affiliate.
- Companies belonging to our group We may share your personal data within our group, as well as with our parent company (TripAdvisor LLC) and subsidiaries of our parent company (TripAdvisor group). To the extent that the companies in our group or the TripAdvisor group have access to your information, they will follow practices that are at least as strict as those described in this Privacy Policy. They will also comply with applicable laws regarding the transmission of marketing communications and will allow you, at a minimum, to choose whether or not you want to continue receiving such communications whenever you receive a message of this type.

We may also share your information within our group, the TripAdvisor group, or with third parties if we believe, at our sole discretion, that disclosure of such information is necessary:

- to comply with legitimate and enforceable subpoenas, court orders, or other legal process; to establish or exercise our legal rights; to defend against legal claims; or as otherwise required by law. In such cases we reserve the right to raise or waive any legal objection or right available to us;
- if we are legally obliged to do so, we will share data we collect with law enforcement agencies and other governmental bodies.
- to investigate, prevent, or take action regarding illegal or suspected illegal activities; to protect and defend our rights, property, or safety, our users, or others; and in connection with our [Terms of Use](#) or other agreements, including with our partners or suppliers;
- following a corporate transaction, such as divestiture, merger, acquisition, consolidation or asset sale, or in the unlikely event of bankruptcy.

Outside the scope of the above provisions, you will be informed when your personal data will be shared with third parties, and you will be able to ask us not to share this information.

We may also share anonymous or aggregated information with third parties, including advertisers and investors. For example, we will be able to communicate to our advertisers the number of visitors to our site or the most popular restaurants. This information does not contain any personal data.

#### **4. How long we keep your personal data for**

We may keep some of the information associated with your account in our records, notably for analysis purposes or for maintaining our records. The retention period for your personal data depends on the purpose for which we collect it and the use we make of it.

We will only retain your personal information for as long as is strictly necessary for the purposes set out in Section 2 "How we use your personal data" or to meet our legal obligations. For marketing purposes, the retention period is 3 years from the date of your last activity. We may retain certain personal information for a longer period, even after the closing of your account, if it is necessary to fulfil our legal obligations or to maintain security, to prevent fraud and abuse and to defend or enforce our rights. If you choose to close your account your personal data will generally stop being visible to others on our site within 14 days.

## **5. Cookies and other web technologies**

We collect information via cookies and other similar technologies (invisible pixels). Cookies are small text files placed automatically on your computer or mobile device when you visit a site. Cookies and invisible pixels are stored by your internet browser. Cookies contain basic information about your use of the internet. Your browser resends these cookies to our site each time you visit it so that your computer or mobile device is recognised in order to personalise and enhance your browsing experience.

You will find more details about cookies and similar technologies that we use (such as invisible pixels), in our [Cookie policy](#).

You will also find more information about cookies in general, including how to see what cookies are installed on your (mobile) device and how to manage and delete them on [www.allaboutcookies.org](http://www.allaboutcookies.org) and <http://www.youronlinechoices.com/uk/>.

We use cookies on our site for the following general purposes:

- To identify your browser when you return to our site, to record and remember any preferences defined during your previous visit. For example, if you have registered on our site, cookies can allow us to keep your login information, so that you do not have to re-enter your connection information each time.
- To customise your browsing experience and the content on our site. For example, when you visit an internet page, we, our service providers or our partners automatically install a cookie in order to recognise your browser when you access the internet, and thus display information based on what appears to be of interest to you.
- To measure and document the effectiveness of different features, offers and electronic communications (by determining which emails you have opened and whether you clicked on a link in the email).

The Settings option on the toolbar of most browsers should tell you how to prevent your browser from accepting new cookies, how to obtain notification when you receive a new cookie, or how to disable cookies that are not useful to you. Please note that if you refuse cookies, you may not be able to access many of the tools, content or features offered by our site.

### Web beacons

Our site may also use web beacons (also called invisible GIFs or invisible pixels), which are tiny digital images with a unique identifier that work like cookies, and which are placed in the code of a webpage. We use them to understand the browsing patterns of our users who access one page from another page within our site in order to provide or transmit information to the cookies, but also to know if you are accessing our site from an online advertisement displayed on a third party site, and finally, to improve the performance of our site. We may also allow our service providers to use web beacons to help us determine which emails have been opened by their recipients and

to track user traffic and actions on our site. We do this so we can better measure the relevance of our content and the effectiveness of our offers.

#### Data collected by business partners and ad networks to disseminate targeted advertisements

We allow third parties to collect information about your online activities through cookies and other technologies. These third parties include advertising agencies that collect information about your interests when you view or interact with any of their advertisements on various websites. This information collected by these third parties is then used to predict your behaviour or preferences and to display targeted advertisements on third party sites. Note that we have no control or access to cookies and other technologies that third parties may use to collect information about your interests and their practices are not within the scope of this Privacy Policy. Some of these companies are members of the Network Advertising Initiative, which provides a single point of access to choose not to receive targeted advertisements from member companies. For more information, [click here](#).

#### DNT (Do Not Track) signals

Your Internet browser may transmit a "DNT" ("Do Not Track") signal to inform TheFork and other websites that you do not wish to be tracked. Due to the differences between the default configurations of internet browsers and the way they integrate DNT signals, site operators are not always clear whether users have actually selected the DNT parameter or whether they even know they can configure it. Please note that TheFork is unable to take DNT signals into account at this time .

### **6. Your rights**

You can check, supplement and update the information you have provided by accessing the "My personal information" section of your account. You may also close your TheFork account in that section or by contacting us at [contact@thefork.com](mailto:contact@thefork.com). If you decide to close your TheFork account, we will deactivate it, and delete your profile information Remember that once your account is closed, you will no longer be able to login, access your personal information, or use your Yums. You can however, open a new account at any time.

You can change your marketing preferences at any time, through the " My subscriptions" section of your account.

In accordance with applicable laws and regulations, you may have a right of access, a right of rectification, and a right of erasure of your personal data, a right to restriction of processing of such data, a right to data portability and a right to object to the processing of your personal data. You may also have the right to determine the way your personal data would be used and the way your rights would be exercised after your death.

Please find below more details and information on how and when you can exercise your rights. We will respond to your request within one month, but have the right to extend this period by two months where necessary, taking into account the complexity and number of the requests.

For more information related to your rights, please see below :

You may have the following rights with regard to your personal data:

- The right to request access to your personal data. This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- The right to request to correct your data if it is inaccurate. You may also supplement any incomplete data we have, taking into account the purposes of the processing.
- The right to request deletion of your personal data if:



- your personal data is no longer necessary for the purposes for which we collected or processed them; or
- you withdraw your consent if the processing of your personal data is based on consent and no other legal ground exists; or
- you object to the processing of your personal data and we do not have an overriding legitimate ground for processing; or
- your personal data is unlawfully processed; or
- your personal data has to be deleted for compliance with a legal obligation.
- The right to object to the processing of your personal data. We will comply with your request, unless we have a compelling overriding legitimate interest for processing or we need to continue processing your personal data to establish, exercise or defend a legal claim.
- The right to restrict the processing of personal data, if:
  - the accuracy of your personal data is contested by you while we verify its accuracy; or
  - the processing is unlawful and you oppose the deletion of your personal data and requests restriction; or
  - we no longer need your personal data for the purposes of processing, but your personal data is required by you for legal claims; or
  - you have objected to the processing, for the period in which we have to verify overriding legitimate grounds.
- The right to data portability. You may request us to receive the personal data that concern you in a structured, commonly used and machine-readable format. You may also request us to send this personal data to a third party, where feasible. You only have this right if it regards personal data you have provided to us, the processing is based on consent or necessary for the performance of a contract between you and us, and the processing is done by automated means.
- The right to set your post-mortem instructions to determine the way your personal data would be used and the way your rights would be exercised after your death. If we are informed of your death, we will erase your personal data, except if we have to retain them in application of legal or regulatory provisions and/or legal retention periods and, if so, after their communication to a third party which may have been designated to us by you.

You can exercise several of your rights through the "My personal information" section of your account. To exercise your other rights you can file a request by e-mail to [contact@thefork.com](mailto:contact@thefork.com).

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive.

In order to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights), we may request that you provide us with a copy of your identity document. This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

We may also contact you to ask you for further information in relation to your request to speed up our response.

## **7. How we protect your personal data**

We want you to use our site with confidence. For this, we are committed to protecting the information we collect. Although no website can guarantee absolute security due to difficulties involved by online activities, we have implemented and maintain appropriate organisational, technical, administrative and physical measures in order to protect the personal data you provide us against unauthorised or unlawful access, use of disclosure, and against accidental loss, damage, alteration or destruction.

For example, we use data encryption when we transfer your billing information between our system and those of other parties with whom we share that information. We also use firewalls and intrusion detection systems to prevent unauthorised access to your information.

## **8. Information concerning minors**

Our site is reserved for adults and does not offer services directed to minors. We do not knowingly collect data relating to minors. If a person whom we know is under 18 years of age sends us personal data, we will delete or destroy this information as soon as reasonably possible.

## **9. External links**

Our site may include links to third party sites , plug-ins and applications. If you access other sites from the links provided on our site, the operators of these sites may be able to collect or share information about you. This information will be used in accordance with their privacy policy, which may be different from our Privacy Policy. We do not control these third-party websites and recommend that you review the privacy policies posted on these third-party websites in order to fully understand their procedures for the collection, use and disclosure of personal data.

## **10. International transfers**

Your personal data may be transferred to countries within the European Economic Area for the purposes described in this Privacy Policy. When we transfer your personal data outside the European Economic Area , we take the following precautions to ensure that your personal data is properly protected.

Transfers of personal data are made:

- to a country or a company recognised by the European Commission as providing an adequate level of protection, or;
- to a country which does not offer adequate protection but whose transfer has been governed by the standard contractual clauses of the European Commission.

By using our services, you understand that your personal data may be transferred to our group companies, the TripAdvisor group, and to third-party companies as described in this Privacy Policy.

## **11. Changes to the Privacy Policy**

We may amend or adjust this Privacy Policy from time to time. We will note the date on which the last revisions were made at the first page of this Privacy Policy. Any revision will take effect upon publication on the site. We will notify our users of any material changes to this Privacy Policy by sending a notification to the email address you have given us or by posting a notice on our site. We invite you to check our Privacy Policy from time to time to review the most current version.

## **12. How to contact us**

If you have any questions or complaints about the processing of your personal data by us, please contact us at [contact@thefork.com](mailto:contact@thefork.com). You also have the right to lodge a complaint to the Commission Nationale de l'Informatique et des Libertés (i.e. the French Data protection authority) about the way we process your personal data. We would, however, appreciate the chance to deal with your concerns before you approach the supervisory authority, so please contact us in the first instance.

Our full details are:

La Fourchette SAS, 70 rue Saint Lazare 75009 Paris, France

Email: [contact@thefork.com](mailto:contact@thefork.com)

Attn: Legal Department

If you contact us by phone, the conversations may be recorded. We use these recordings to improve the quality or compliance of our customer service, to verify the accuracy of the information you provide, to ensure prevention of fraud and to train our teams. We keep these recordings for as long as necessary, and then erase them. Your personal data collected during a call is processed in accordance with the provisions of this Privacy Policy.