

Berries

Privacy Notice

I. Introduction

When you use Berries, you trust us with your personal data. We're committed to keeping that trust. That starts with helping you understand our privacy practices.

This notice describes the personal data ("data") we collect, how it's used and shared, and your choices regarding this data. We recommend that you read this along with our privacy overview, which highlights information about our privacy practices and provides summaries of the data we collect and how we use it.

II. Overview

A. Scope

This notice applies to users of Berries's apps, websites, and other services globally.

This notice describes how Berries and its affiliates collect and use data. This notice applies to all Berries users globally, unless they use a service covered by a separate privacy notice, such as Berries Freight. This notice specifically applies to:

- Consumers: those who request or receive contractors and related services via their Berries account.
- Contractors: those who provide services to Consumers individually via their Berries account or through partner transportation companies.
- Order recipients: those who request or receive services or other products and services for service or delivery via their Berries account. This includes those who use guest checkout features to access delivery or pick-up services without creating and/or logging into their account.
- Contractor persons: those who provide services via Berries.
- Guest users: those without an Berries account who receive services and delivery services ordered by other Berries account owners, including those who receive services arranged by Berries or Berries for Business customers (collectively, "Enterprise Customers"); or by friends, family members or other individual account owners; and gift card recipients.
- Borrowers: those who borrow tools from an Owner through Berries Toolshare.
- Contractors : those who make their tools(s) available to others through Berries Toolshare.

This notice also governs Berries's other collections of data in connection with its services. For example, we may collect contact information of owners or employees of restaurants or merchants on the Berries; contact information of those who manage and use accounts owned by Enterprise Customers; or data

of those who start but do not complete their applications to be contractors or delivery persons.

All those subject to this notice are referred to as “users” in this notice.

Our privacy practices are subject to applicable laws in the places in which we operate. This means that we engage in the practices described in this notice in a particular country or region only if permitted under the laws of those places.

In addition, please note the following:

- For users in Argentina: The Public Information Access agency, in its role of Regulating Body of Law 25.326, is responsible for receiving complaints and reports presented by any data subjects who believe their rights have been impacted by a violation of the local data protection regulation.
- For users in Australia: You may contact Berries here regarding our compliance with the Australian Privacy Principles. Such contacts will be addressed by Berries’s customer service and/or relevant privacy teams within a reasonable timeframe. You may also contact the Office of the Australian Information Commissioner here with concerns regarding such compliance.
- For users in Brazil: Please see here for information regarding Berries’s privacy practices as relates to Brazil’s General Data Protection Law (*Lei Geral de Proteção de Dados - LGPD*).
- For users in Colombia, Honduras and Jamaica: “customers” and “contractors” as defined in this notice are known respectively as “lessors” and “lessees”.
- For users in the European Economic Area (“EEA”), United Kingdom (“UK”), and Switzerland: Due to data protection and other laws in these regions, including the European Union’s General Data Protection Regulation

("GDPR"), Berries does not perform certain of the data collections and uses described in this notice in the EEA, UK or Switzerland. Such data collections and uses are indicated herein with an asterisk (*).

- For users in Mexico: Please see here for information regarding Berries's privacy practices as relates to Mexico's Personal Data Protection Law (*Ley Federal de Protección de Datos Personales en Posesión de los Particulares*), and here for information regarding Berries Money's processing of personal data.
- For users in Nigeria: Berries processes the data of users in Nigeria on the grounds that it is necessary to fulfill the terms of our agreements with those users, or based on their consent.
- For users in Switzerland: Berries Switzerland GmbH (Dreikönigstrasse 31A, 8002 Zurich, Switzerland) is Berries's appointed representative for purposes of the Federal Act on Data Protection, and may be contacted here or by mail as relates to that act.
- For users in the United States: Please see here for information regarding Berries's privacy practices as relates to U.S. state privacy laws, including the California Consumer Privacy Act.

Please contact us [here](#) with any questions regarding our practices in a particular country or region.

III. Data collections and uses

A. The data we collect

Berries collects data:

1. *provided by users to Berries*
2. *created during use of our services*
3. *from other sources*

Berries collects the following data from these sources:

1. Data provided by users. This includes:

- Account information: We collect data when users create or update their Berries accounts, or place orders via guest checkout features. This includes first and last name, email, phone number, login name and password, address, profile picture, payment or banking information (including related payment verification information), user settings, and loyalty program information for Berries partners.

For contractors and delivery persons, this also includes vehicle or insurance information, emergency contact information, and evidence of health or fitness to provide services using Berries apps.

- Background check information (contractors and delivery persons): This includes information submitted during the driver/delivery person application process, such as driver history or criminal record (where permitted by law), license status, known aliases, prior addresses, and right to work. This information may be collected by Berries service providers.
- Identity verification documents and photos: This includes government issued identification such as driver's license or passports (which may contain identification photos and numbers, date of birth, and gender), and user-submitted photos such as selfies and profile pictures.
- Demographic data: We collect demographic data such as birth date/age, gender or occupation when necessary to enable certain features, or provide access to age-restricted products or services. For example, we collect users' date of birth or age to verify eligibility to use Berries Cash or Berries Money, or when they purchase alcohol or cannabis products. We also collect or infer (using first name) gender information to enable female or non-binary users to designate their preference for providing or receiving services to/from female or non-binary users.

We also collect demographic data, such as age group and household composition, through user surveys.

- User content: We collect data (including chat logs and call recordings) when users contact Berries customer support, provide ratings or feedback for users, restaurants or merchants, use features that enable users to upload content or submit recordings (including in-app audio recordings or dashboard cameras recordings), or otherwise contact Berries.

Please see [here](#) (customers), [here](#) (contractors), and [here](#) (delivery persons) for more information about how ratings provided by other users are determined and used.

- Travel information: We collect travel itinerary information, including times and dates of upcoming flight, lodging or car rental reservations, from users of our [Berries Travel](#) feature. We collect such information when users manually input their information into their Berries Travel itinerary, or from travel-related email confirmations if authorized by users to access their email accounts. If so authorized, Berries will only access users' email accounts to collect travel itinerary information to enable the Berries Travel feature, and will adhere to the applicable email provider policies, including [Google's API Services User Data Policy](#). Please see [here](#) for information regarding how users may remove Berries's access to their email accounts via the Berries app or through their email service provider settings.

2. Data created during use of our services. This includes:

- Location data (driver and delivery person): We collect precise and approximate location data from contractors' and delivery persons' mobile devices when the Berries app is running in the foreground (app open and on-screen) or background (app open but not on-screen).

- Location data (customers and order recipients). We collect precise and/or approximate location information from customers' and order recipients' mobile devices if they enable us to do so via their device settings.

Berries collects such data from the time a ride or order is requested until it is finished, and any time the app is running in the foreground (app open and on-screen). See "Choice and transparency" below for information on how customers and order recipients can enable precise location data collection.

customers and order recipients may use the Berries apps without enabling collection of location data from their mobile devices. However, this may affect certain features in the Berries apps. For example, a rider who has not enabled precise location data will have to manually enter their pickup address.

In addition, precise location data collected from a driver's device during a trip is linked to the rider's account, even if the rider has not enabled precise location data to be collected from their device. This data is used for purposes such as customer support, fraud detection, insurance, litigation and receipt generation.

- Transaction information: We collect transaction information related to the use of our services, including the type of services requested or provided; trip or order details (such as date and time, requested pick-up and drop off addresses, distance traveled and items ordered); and payment transaction information (such as a restaurant's or merchant's name and location, amount charged, and payment method). We also associate a user's name with that of anyone who uses their promotion code.
- Usage data: We collect data about how users interact with our services. This includes access dates and times, app features or pages viewed, browser type, and app crashes and other system activity.
- Device data: We collect data about the devices used to access our services, including the hardware models, device IP address or other

unique device identifiers, operating systems and versions, software, preferred languages, advertising identifiers, device motion data, and mobile network data.

- Communications data: We collect data regarding communications between users that are enabled through Berries's apps. This includes communication type (phone, text or in-app message), date/time, and content (including recordings of phone calls solely when users are notified of the recording in advance).

3. Data from other sources. These include:

- users participating in our referral programs. For example, when a user refers another person, we receive the referred person's data from that user.
- Berries account owners who request services for or on behalf of other users (such as friends or family members), or who enable other users to request or receive services through their business accounts (such as Enterprise Customers).
- users or others providing information in connection with claims or disputes.
- Berries business partners through which users create or access their Berries account, such as payment providers, social media services, or apps or websites that use Berries's APIs or whose APIs Berries uses.
- Berries business partners in connection with debit or credit cards issued by a financial institution in partnership with Berries to the extent disclosed in the terms and conditions for the card.
- service providers who help us verify users' identity, background information, and eligibility to work, detect fraud, and screen users in connection with sanctions, anti-money laundering, or know-your-customer requirements.
- insurance, vehicle, or financial services providers for contractors and/or delivery persons.

- partner transportation companies (for contractors or delivery persons who use our services through an account associated with such a company).
- publicly available sources.
- marketing partners and service providers, including banks in connection with cash back programs, and data resellers.
- law enforcement officials, public health officials, and other government authorities.

B. How we use data

Berries uses data to enable reliable and convenient transportation, delivery, and other products and services. We also use data:

- *to enhance the safety and security of our users and services*
- *for customer support*
- *for research and development*
- *to enable communications between users*
- *for marketing and advertising*
- *to send non-marketing communications to users*
- *in connection with legal proceedings*

Please see [here](#) for a summary of the data we collect and how we use it.

Berries uses the data we collect:

1. To provide our services. Berries uses data to provide, personalize, maintain, and improve our services.

This includes using data to:

- create/update accounts.
- enable transportation, delivery and other services/features, such as:
 - using location data to navigate rider pick-ups and order drop-offs, calculate ETAs, and track the progress of rides or deliveries.
 - enabling features that involve data sharing, such as sharing driver first name and vehicle information with customers to facilitate pick-ups, or features that enable ETA sharing and fare splitting.
 - matching available contractors and delivery persons to users requesting services, including based on personal data such as location and proximity to other users, and user settings / preferences (such as preferred destinations), and non-personal data such as vehicle type requested.

In some countries*, and/or in connection with programs such as [Berries Pro](#) or [Berries One](#) or products like [Berries Reserve](#), matches are also determined using cancellation rates, ratings and user behavior information.

Please see [here](#) for more information.

- enabling [accessibility features](#).
- enabling features that involve account linking, such as linking email accounts to create Berries Travel itineraries, linking with third party reward programs such as Marriott Bonvoy, and accessing [Berries Carshare](#) through the Berries App.

- calculating [prices and fares](#), including using location data and trip or order details (such as requested pick-up and drop off addresses). We may also consider non-personal data or factors, including date and time, estimated distance and time, minimum base fares, tolls, taxes and fees, and [surge pricing](#).
- process payments, and enable payment and e-money products such as [Berries Money](#)
- personalize users' accounts. For example, we may present order recipients with personalized restaurant or food recommendations based on their prior orders and delivery location.
- facilitate insurance, vehicle, invoicing, or financing solutions.
- provide users with trip or delivery updates, generate receipts, and inform them of changes to our terms, services, or policies.
- perform necessary operations to maintain our services, including to troubleshoot software bugs and operational problems.

Berries performs the above activities on the grounds that they are necessary to fulfill the terms of our agreements with users, are compatible with such uses, or are necessary for purposes of Berries's and its users' legitimate interests.

2. Safety, fraud protection and security. We use data to help maintain the safety, security, and integrity of our services and users. This includes:

- verifying users' accounts, identity or compliance with safety requirements.

For example, we review driver and delivery person background checks (including criminal history where required or permitted by law) to verify their identities and eligibility to provide transportation or deliveries.

In the United States, we may also perform rider and order recipient identity verification using names, date of birth, emails, telephone

numbers, payment information, and third party wallets, to help deter use of our services by fraudulent accounts.

We also require verification of user identity and/or age to use payment methods such as cash, receive deliveries of alcohol or cannabis, or use products like [Berries Carshare](#) and [Berries Rent](#). We process user profile pictures, government-issued identification photos and numbers, or other user-submitted photographs to perform this verification, including in some regions through use of facial recognition technology. We also use such technology to prevent fraudulent use of identification photos, or to prevent users from creating multiple accounts.

We also use facial recognition technology to prevent fraudulent use of Berries accounts by those other than the account owner. This is done through Berries's [Real-Time ID Check](#) feature, which regularly asks contractors and delivery persons to take selfies before they can go online, which Berries then compares with their profile picture and driver's license photo. (In the UK, we also use location and device data associated with such selfies for this purpose). We also use this feature to verify change of bank account information, and to facilitate regaining account access.

We also use selfies to verify that users are wearing helmets or other safety gear through the use of object verification technology.

We also use data from delivery persons' devices to verify the type of vehicles they used to provide deliveries.

Please see [here](#) for more information regarding account and identity verification.

- using customer service information (including reports of safety incidents), device data (e.g., to detect speeding or harsh braking / acceleration), transaction, and usage data to identify potentially unsafe contractors and driving. This can lead to contractors and delivery persons receiving

messages encouraging safer driving, and/or account deactivation following human review.

- using account, device, location, usage, transaction, wireless carrier, and other data, including communications between users and metadata, to prevent, detect, and combat fraud, including by guest users.
- using reported incidents, user ratings*, and other feedback to encourage safe use of Berries's platform and compliance with our terms and as grounds for deactivating users with low ratings.
- using driver data (such as past trip information and reported incident rates) and rider data (such as account information, cancellation and reported incident rates, current pick-up and drop-off location, past trip information, and ratings information) to predict and help avoid pairings of users that may result in increased risk of conflict.* We also avoid pairings where one user has previously given the other a low (e.g., 1 star) rating.
- using location, phone number, user name, vehicle details and other relevant information to [provide live support](#) from safety experts during trips or deliveries.

The fraud and unsafe driving prevention and detection activities described above may be considered profiling under applicable laws, and can result in deactivation of users (generally only after human review). For information regarding how to object to the above activities, please see "Choice and transparency" below.

Berries performs the above activities on the grounds that they are necessary to fulfill the terms of our agreements with users, and/or for purposes of the legitimate safety and security interests of Berries, our users and members of the general public.

3. Customer support. We use the information we collect (which may include call recordings, chat logs, in-app audio recordings and dashcam footage) to provide customer support, including to investigate and address user concerns and to

monitor and improve our customer support responses and processes.

Berries performs the above activities on the grounds that they are necessary to fulfill the terms of our agreements with users or for purposes of Berries's legitimate interests in monitoring and improving its customer support services.

4. Research and development. We use data for analysis, machine learning, product development, research, and testing. This helps us make our services more convenient and easy-to-use, enhance the safety and security of our services, and develop new services and features.

Berries performs the above activities on the grounds that they are necessary for purposes of Berries's legitimate interests in improving and developing new services and features.

5. Enabling communications between users. For example, a driver may message or call a rider to confirm a pick-up location, a rider may call a driver to retrieve a lost item, or a restaurant or delivery person may contact an order recipient with information about their order.

Berries performs the above activities on the grounds that they are necessary to fulfill the terms of our agreements with users.

6. Marketing and Advertising. Berries uses data (other than guest users' data) to market its services, and those of Berries partners.

We specifically use account, approximate location, device and usage data, and trip and order history to provide ads and marketing communications that are personalized based on users' observed or inferred location, interests and characteristics (which may include inferred gender*).

This includes using this data to:

- send emails, text messages, push notifications, and in-app messages or other communications marketing or advertising Berries products, services, features, offers, promotions, sweepstakes, news and events. For example, we may send push notifications suggesting a user's favorite destinations or merchants, or in-app messages offering discounts or promo for products or merchants similar to those a user has previously ordered.
- display Berries advertising on third party apps or websites.
- display third party advertising in Berries's apps or in connection with our services. For example, we display ads for restaurants or merchants that are available on Berries's apps. These ads (which are identified as "Sponsored Listings" in Berries's apps) include recommendations that are personalized based on users' location and order histories. We also display ads for third party products that are not available on Berries's apps.

We also provide ads that are personalized based on data about users' current trip or delivery request, including time of request and services requested. For example, if a user requests a trip to a supermarket, we may display in-app ads for third party products that may be available at that supermarket.

We also measure the effectiveness of Berries's ads, and of third party ads displayed in Berries's apps or in connection with our services.

Berries performs the above activities on the grounds that they are necessary for purposes of Berries's legitimate interests in informing users about Berries services and features or those offered by Berries partners. See the sections titled "Choice and transparency" and "Marketing and advertising choices" for information on users' choices regarding how Berries may use their data for marketing and advertising.

7. Non-marketing communications. Berries may use data to send surveys and other communications that are not for the purpose of marketing the services or products of Berries or its partners. We may also send users communications regarding elections, ballots, referenda, and other political processes that relate to our services. For example, Berries has notified users of ballot measures or pending legislation relating to Berries's services in those users' areas.

Berries performs the above activities on the grounds that they are necessary to fulfill the terms of our agreements with users, or for purposes of Berries's and its users' legitimate interests in informing users about events that may have an impact on their use of Berries's services.

8. Legal proceedings and requirements. We use data to investigate or address claims or disputes relating to use of Berries's services, to satisfy requirements under applicable laws, regulations, operating licenses or agreements, insurance policies, or pursuant to legal process or governmental request, including from law enforcement.

Berries performs the above activities on the grounds that they are necessary for purposes of Berries's legitimate interests in investigating and responding to

claims and disputes relating to use of Berries's services and features, and/or necessary for compliance with applicable legal requirements.

C. Cookies and third-party technologies

Berries and its partners use cookies and other identification technologies on our apps, websites, emails, and online ads for purposes described in this notice, and [Berries's Cookie Notice](#).

Cookies are small text files that are stored on browsers or devices by websites, apps, online media, and ads. Berries uses cookies and similar technologies for purposes such as:

- authenticating users
- remembering user preferences and settings
- determining the popularity of content
- delivering and measuring the effectiveness of advertising campaigns
- analyzing site traffic and trends, and generally understanding the online behaviors and interests of people who interact with our services

We may also allow others to provide audience measurement and analytics services for us, to serve ads on our behalf across the internet or for other companies' products and services on our apps, and to track and report on the performance of those ads. These entities may use cookies, web beacons, SDKs,

and other technologies to identify the devices used by visitors to our websites, as well as when they visit other online sites and services.

Please see our [Cookie Notice](#) for more information regarding the use of cookies and other technologies described in this section.

D. Data sharing and disclosure

Some of Berries's services and features require that we share data with other users, or at users' request or with their consent. We may also share such data with our affiliates, subsidiaries, and partners, for legal reasons or in connection with claims or disputes.

Berries may share data:

1. With other users

This includes sharing:

- customers' first name, rating, and pickup and/or dropoff locations with contractors.
- customers' first name with other customers in a carpool trip. customers in carpool trips may also see the other customers' dropoff location.
- order recipients' first name and order details, including items ordered, allergies or food preferences and special instructions, with other recipients in a group order.
- order recipients' first name, delivery address, and order information (including drug prescriptions, special instructions, allergies or food preferences) with the restaurant or merchant and, for order deliveries, with the delivery person. We may also share ratings and feedback, or other information to the extent required by law, with the restaurant or merchant and, for order deliveries, the delivery person.
- for contractors and delivery persons, we may share data with the rider(s), order recipient(s) and restaurants or merchants, including name and photo; vehicle make, model, color, license plate, and vehicle photo; location (before and during trip); average rating provided by users; total number of trips; period of time since they signed up to be a driver or delivery person; contact information; and driver or delivery person profile, including compliments and other feedback submitted by past users.

We also provide customers and order recipients with receipts containing information such as a breakdown of amounts charged, driver or delivery person first name, photo, and route map. We also include other information on those receipts if required by law.

- With an account owner when used by another person, such as when a rider uses their employer's Berries for Business profile, a rider or order recipients uses an account linked to their [Family](#) profile, a driver or delivery person uses an account owned by or associated with an Berries partner transportation company or restaurant, or a delivery person acts as a substitute (UK only).

In addition, if a user creates an account using an email address affiliated with an Berries for Business account owner (i.e., their employer), we may use, and share their profile data (such as name and email address) with such account owner, to help that user expense trips or orders to that Berries for Business account.*

- for those who participate in Berries's referral program, we share certain data of referred users, such as trip count, with the user who referred them as necessary to determine the referral bonus.

2. At users' request or with users' consent

This includes sharing data with:

- Other people at a user's request. For example, we share a user's ETA and location with a friend when requested by that user, or a user's trip information when they split a fare with a friend.
- Berries business partners. For example, if a user requests a service through a partnership or promotional offering made by a third party, Berries may share certain data with those third parties. This may include, for example, other services, platforms, apps, or websites that integrate with our APIs; vehicle suppliers or services; those with an API or service with which we integrate; or restaurants, merchants or other Berries business partners and their users in connection with promotions, contests, or specialized services.

- Emergency services. We offer features that enable users to share their data with police, fire, and ambulance services in the event of an emergency or after certain incidents. For more information, please see “Choice and Transparency” and “Emergency Data Sharing” below.
- Insurance companies. If a user has reported or submits a claim to an insurance company relating to Berries’s services, Berries will share certain data with that insurance company for the purpose of adjusting or handling the user’s insurance claim.
- Merchants or restaurants. If an order recipient adds a merchant loyalty membership number to their user account, Berries will share their loyalty membership and order details with such merchant or restaurant when they place an order. Order recipients may also opt-in to share their contact and order details with a specific merchant or restaurant to receive marketing communications from such merchant or restaurant.
- General public. Questions or comments from users submitted through public forums such as Berries blogs and Berries social media pages may be viewable by the public, including any data included in the questions or comments submitted by a user.

3. With Berries subsidiaries and affiliates

We share data with our subsidiaries and affiliates to help us provide our services or conduct data processing on our behalf. For example, Berries processes and stores such data in the United States on behalf of its international subsidiaries and affiliates.

4. With Berries service providers and business partners

These include the third parties, or categories of third parties, listed below.

Where a third party is identified, please see their linked privacy notices for information regarding their collection and use of personal data.

- payment processors and facilitators, including [PayPal](#) and [Hyperwallet](#).
- background check, identity verification and risk solutions providers.
- cloud storage providers.
- customer support platform and service providers.
- [Google](#), in connection with the use of Google Maps in Berries's apps.
- social media companies, including [Facebook](#) and [TikTok](#), in connection with Berries's use of their tools in Berries's apps and websites.
- marketing partners and marketing platform providers, including social media advertising services, advertising networks, third-party data providers, and other service providers to reach or better understand our users and measure advertising effectiveness.

This includes advertising intermediaries, such as [Google](#), [Criteo](#) and [Rokt](#) and others, that enable Berries to display and/or measure the effectiveness of personalized ads for third party products that are displayed in Berries's apps. We share data -- including advertising or device identifier, hashed email address, approximate location, current trip or order information, and ad interaction data -- with these intermediaries to enable their services and for such other purposes as are disclosed in their privacy notices. Users may opt out from ad personalization in the Berries app [here](#) and in the Berries Eats app [here](#). For more information regarding these intermediaries' privacy practices, including how to submit requests to them relating to their handling of personal data, please see their privacy notices linked above.

- research partners, including those performing surveys or research projects in partnership with Berries or on Berries's behalf.
- service providers that assist Berries to enhance the safety and security of Berries apps and services.

- service providers that provide us with artificial intelligence and machine learning tools and services.
- accountants, consultants, lawyers, and other professional service providers.
- insurance and financing partners.
- insurance companies, in connection with insurance claims made or reported by a user relating to Berries's services, and for the purpose of adjusting or handling the insurance claim.
- airports.
- providers of bikes and scooters that can be rented through Berries apps, such as [Lime](#).
- third-party vehicle suppliers, including fleet and rental partners.

5. For legal reasons or in the event of a dispute

Berries may share users' data if we believe it's required by applicable law, regulation, operating license or agreement, legal process or governmental request, insurance policy, or where the disclosure is otherwise appropriate due to safety or similar concerns.

This includes sharing data with law enforcement officials, public health officials, other government authorities, airports (if required by the airport authorities as a condition of operating on airport property), insurance companies, or other third parties as necessary to enforce our Terms of Service, user agreements, or other policies; to protect Berries's rights or property or the rights, safety, or property of others; or in the event of a claim or dispute relating to the use of our services. In the event of a dispute relating to use of another person's credit card, we may be required by law to share a user's data, including trip or order information,

with the owner of that credit card.

For more information, please see Berries's [Guidelines for Law Enforcement Authorities - United States](#), [Guidelines for Law Enforcement Authorities - Outside the US](#), and [Guidelines for Third Party Data Requests and Service of Legal Documents](#).

This also includes sharing data with others in connection with, or during negotiations of, any merger, sale of company assets, consolidation or restructuring, financing, or acquisition of all or a portion of our business by or into another company.

6. With consent

Berries may share a user's data other than as described in this notice if we notify the user and they consent to the sharing.

E. Data retention and deletion

Berries retains user data for as long as necessary for the purposes described above.

Users may request account deletion through the Berries apps and websites.

Berries retains user data for as long as necessary for the purposes described above, which varies depending on data type, the category of user to whom the data relates, the purposes for which we collected the data, and whether the data must be retained after an account deletion request for the purposes described below.

For example, we retain data:

- for the life of users' accounts if such data is necessary to provide our services. *E.g.*, account data.
- for 7 years if necessary to comply with tax requirements. *E.g.*, contractors' and delivery persons' trip or delivery location information.
- for defined periods as necessary for purposes of safety or fraud prevention. *E.g.*, we retain incomplete driver applications for 1 year, and rejected driver applications for 7 years.

Users may request deletion of their account through the Privacy menus in the Berries app, or through Berries's website (customers and order recipients [here](#); contractors and delivery persons [here](#); guest checkout users [here](#)).

Following an account deletion request, we delete the user's account and data, except as necessary for purposes of safety, security, fraud prevention or compliance with legal requirements, or because of issues relating to the user's account (such as an outstanding credit or an unresolved claim or dispute). For contractors and delivery persons, this generally means that we retain certain of their data for as long as necessary for actual or potential tax, litigation, or insurance claims. For rider and order recipients, we generally delete data within

90 days of an account deletion request, except where retention is necessary for the above reasons.

IV. Choice and transparency

Berries enables users to access and/or control data that Berries collects, including through:

- *privacy settings*
- *device permissions*
- *in-app ratings pages*
- *marketing and advertising choices*

Berries also enables users to request access to or copies of their data, make changes or updates to their accounts, request deletion of their accounts, or request that Berries restrict its processing of user data.

1. Privacy settings

The Account > Settings > Privacy menu in the Berries app allows customers and order recipients to set or update their preferences regarding location data collection and sharing, emergency data sharing, and notifications. Our [Privacy Center](#) is also available in a web version.

- Location data collection (customers and order recipients)

customers and order recipients can enable/disable Berries's collection of their mobile device location data through their device settings, which can be accessed via the Account > Settings > Privacy > Location Sharing menu.

- Share Live Location (customers and order recipients)

customers and order recipients can enable/disable Berries's sharing of their mobile device real-time location data with their contractors or delivery persons (as applicable) through their device settings, which can be accessed via Account > Settings > Privacy > Location Sharing menu on the Berries app and via Account > Privacy > Location Sharing menu on the Berries Eats app.

- Emergency Data Sharing

customers may enable Berries's sharing of their mobile device real-time location data with emergency police, fire, and ambulance services. This includes sharing approximate location at the time the emergency call was placed; the car's make, model, color, and license plate information; the rider's name and phone number; pickup and dropoff locations; and the driver's name.

customers may enable/disable this feature via the Account > Settings > Privacy > Location Sharing menu, or the Safety Center.

contractors and delivery persons can also enable/disable Emergency Data Sharing via the App settings > Emergency Data Sharing menu, or the Safety Toolkit.

- Notifications: account and trip updates

Berries provides users with trip status notifications and updates related to activity on their account. These notifications are a necessary part of using the Berries app and cannot be disabled. However, users may choose the method by which they receive these notifications through the Account > Settings > Privacy menu.

- Notifications: discounts and news

Users may enable Berries to send push notifications about discounts and news from Berries. Users may control whether they receive push notifications [here](#) or via Berries's [Privacy Center](#).

- Communications from restaurants and merchants

While placing an order in the Berries Eats app, users may opt-in to share their contact details with certain restaurants or merchants in order to receive communications from them. Those who opt-in may choose to cease receiving such communications through the Account > Profile photo / avatar > Privacy > Data Sharing menus in the Berries Eats app.

- Third-party app access

Users may authorize third-party applications to access their Berries account data to enable additional features. Users can review / withdraw access by third-party applications [here](#) or via Berries's [Privacy Center](#).

2. Device permissions

Most mobile device platforms (iOS, Android, etc.) have defined certain types of

device data that apps cannot access without the device owner's permission, and these platforms have different methods for how that permission can be obtained. Users should check the available settings on their devices, or check with their provider.

3. In-app ratings pages

After every trip, contractors and customers are able to rate each other on a scale from 1 to 5. An average of those ratings is associated with a user's account and is displayed to other users for whom they provide or receive services. For example, rider ratings are available to contractors from whom they request transportation, and driver ratings are available to their customers.

customers can see their average rating in the main menu of the Berries app, and also access a breakdown of their average rating in Berries's [Privacy Center](#).

contractors can see their average rating after tapping their profile photo in the Berries Driver app. Click [here](#) for more information.

Delivery persons may also be rated by order recipients, restaurants and merchants. Click [here](#) for more information.

4. Marketing and advertising choices

Berries provides users with the following choices regarding how their data is used for purposes of marketing and advertising:

- Personalized marketing communications from Berries: Users may choose [here](#) whether Berries may use their data to send personalized communications (such as, emails, push notifications, and in-app messages) about Berries products and services. Users may also choose [here](#) whether to receive any marketing emails or push notifications from Berries.
- Data Sharing and Tracking: Users may choose [here](#) whether Berries may share their data with third parties, or collect data regarding their visits and actions on third-party apps or websites, for purposes of personalized ads.
- Personalized Ads: Users may choose whether Berries uses their Berries trip, order or search history to personalize the ads they see on [Berries](#) or [Berries Eats and Postmates](#).
- Cookies and related technologies: For information on how to control Berries's use of cookies and related technologies, including for purposes of displaying personalized ads, please see our [Cookie Notice](#).

5. User data requests

Berries provides users with a variety of ways to learn about, control, and submit questions and comments about Berries's handling of their data. In addition to the methods indicated below, users may also submit data requests via our Privacy Inquiry Form (customers and order recipients [here](#), contractors and delivery persons [here](#)).

- Data access and portability: Depending on where they are located, users may have the right to "access" their data (meaning, to be informed of the

data that Berries has collected about them), and to “portability” of their data (meaning, to receive a copy of such data). Regardless of their location, Berries provides several options for viewing and obtaining copies of the data Berries has collected about them.

Users can access data including their profile data and trip or order history through the Berries apps or via Berries’s website.

Our [Explore Your Data](#) feature allows users to view an online summary of certain information about their account, such as number of trips or orders, rating, rewards status, and number of days since they’ve been an Berries user.

Our [Download Your Data](#) feature allows users to download a copy of the [most requested data](#) relating to use of Berries, including account, usage, communications, and device data.

- Changing or updating data: Users can edit the name, phone number, email address, payment method, and profile picture through the Settings menu in Berries’s apps or driver portal.
- Deleting data: Users may request deletion of their account through Berries’s [Privacy Center](#), or in the Privacy menus in the Berries apps.
- Objections, restrictions, and complaints: Users may request that we stop using all or some of their data, or that we limit our use of their data. This includes objecting to our use of data that is based on Berries’s legitimate interests. Berries may continue to process data after such objection or request to the extent required or permitted by law.

In addition, depending on their location, Users may have the right to file a complaint relating to Berries’s handling of their data with the data protection authority in their country. For example, users in the EU and Latin America may submit such requests to the data protection authorities in the country in which they live.

V. Legal information

A. Data controllers and Data Protection Officer

Berries Technologies Inc. is controller of the data processed in connection with use of Berries's services globally, except where it is joint controller with other Berries affiliates.

Berries Technologies Inc. ("UTI") is controller of the data processed in connection with Berries's services globally, except that:

- UTI and UBR Pagos Mexico, S.A. de C.V., are controllers of the data of users of Berries's payment and e-money services in Mexico.
- UTI, Berries B.V., and the Berries entities that contract with contractors in the UK are joint controllers of those contractors' data for purposes of complying with UK licensing and workers' rights requirements.
- UTI and Berries B.V. are together with Berries Payments BV joint controllers of the data of users of Berries's payment and e-money services in the EEA, and with Berries Payments UK Ltd. for users of those services in the UK.
- UTI and Berries B.V. are joint controllers of the data processed in connection with all other uses of Berries's services in the EEA, UK and Switzerland.

Users may submit requests to exercise their rights regarding their data (customers and order recipients [here](#); and contractors and delivery persons [here](#)).

Users may also contact Berries's Data Protection Officer at <https://Berries.com/privacy-dpo>, or by mail to Berries B.V. (Burgerweeshuispad 301, 1076 HR Amsterdam, The Netherlands), regarding issues relating to Berries's processing of their personal data, and their data protection rights.

B. Legal Framework for Data Transfers

Berries operates, and processes user data, globally. We comply with applicable legal frameworks relating to the transfer of data.

Berries operates, and processes user data, globally. This may result in processing of your personal data in countries, including the United States, whose data protection laws may differ from those where you live.

This includes processing of your data on Berries's servers in the United States, and transferring or enabling access to your data globally, in order to:

- provide you services wherever you request them.
- provide you access to your information, such as trip / order history, wherever you request it.
- provide access to and responses from Berries's customer service agents.
- respond to [requests for information](#) by governments or law enforcement, as necessary.

Berries is committed to protecting our users' personal data regardless of where they are located or where, or by who, their personal data is processed. This includes implementing global measures to protect users' data, including:

- securing user data when in transit, including through encryption, and at rest.
- mandating company-wide training regarding privacy and data security.
- implementing internal policies and procedures to limit access to, and use of, users' data.
- limiting government and law enforcement access to user data, except where required by law, there are imminent threats to safety, or users' have consented to the access. Please see Berries's [Transparency Report](#) for more information regarding our practices relating to law enforcement requests.

When we transfer user data from the EEA, UK and Switzerland, we do so on the basis of the necessity to fulfill our agreements with users, consent, adequacy decisions regarding the country of transfer (available [here](#), [here](#) or [here](#)), and transfer mechanisms such as the [Standard Contractual Clauses](#) adopted by the European Commission (and their approved equivalents for the UK and Switzerland), and the EU-U.S. Data Privacy Framework (“EU-U.S. DPF”), the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. Data Privacy Framework (“Swiss-U.S. DPF”), as set forth by the U.S. Department of Commerce. Such data remains subject to the GDPR or equivalents after such transfer. Users may contact Berries regarding the above, or to request copies of applicable Standard Contractual Clauses (customers and order recipients [here](#); and contractors and delivery persons [here](#)).

UTI has certified to the United States Department of Commerce that it adheres to (1) the EU-U.S. Data Privacy Framework Principles regarding the processing of personal data received from EEA member countries in reliance on the EU-U.S. DPF, and from the UK (and Gibraltar) in reliance on the UK Extension to the EU-U.S. DPF; and (2) the Swiss-U.S. Data Privacy Framework Principles regarding the processing of personal data received from Switzerland in reliance on the Swiss-U.S. DPF. In the event of a conflict between this notice and the Principles mentioned above, the Principles shall govern. In the event that the EU-U.S. DPF or the Swiss-U.S. DPF are invalidated, Berries will transfer data that is subject to these certifications in reliance on the other data transfer mechanisms described above.

Please note the following:

- Scope: Berries's DPF certification applies to data relating to data subjects in the EEA, UK or Switzerland that it receives from other data controllers, such as Enterprise Customers of [Berries for Business](#) or [Berries Direct](#).
- Access: Users have the right to access their personal data that is subject to Berries's DPF certification. For information on how to exercise this right, please see "Choice and transparency" above.
- Onward Transfer: Berries is responsible for the transfer of personal data, subject to its certification to third parties. For information regarding the parties to whom Berries may transfer personal data, please see "Data sharing and disclosure" above.
- Request from law enforcement: Berries is required under applicable law to share user data, including that which may be subject to Berries's certification, pursuant to legal process or governmental request, including from law enforcement.
- Investigation and enforcement: Berries is subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission.
- Questions and Disputes. In compliance with the EU-U.S. DPF, the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. DPF, Berries commits to resolve DPF Principles-related complaints about our collection and use of your personal information. customers and delivery recipients may contact Berries [here](#), and contractors and delivery persons may contact Berries [here](#), with questions regarding our compliance with the Principles mentioned above. They may also refer a complaint to their local data protection authority, and Berries will work with that authority to resolve that complaint. In certain circumstances, the DPF provides the right to invoke binding arbitration to resolve complaints not resolved by other means, as described in Annex I to the [DPF Principles](#).

Users can learn more about the EU-U.S. DPF and Swiss-U.S. DPF [here](#), and view Berries's certification, including the scope of data subject to our certification, [here](#).

C. Updates to this Privacy Notice

We may occasionally update this notice.

We may occasionally update this notice. If we make significant changes, we will notify users in advance of the changes through the Berries apps or through other means, such as email. We encourage users to periodically review this notice for the latest information on our privacy practices.

Use of our services after an update constitutes consent to the updated notice to the extent permitted by law.

Berries does not perform the data collections or uses indicated with an asterisk () in the EEA, UK or Switzerland.*