

Privacy Policy - Rider

Who is the data controller?

The data controller, i.e. the body that defines the purposes and means of the processing specified in this privacy policy is Delivery Hero Malaysia Sdn Bhd (formerly known as Foodpanda Malaysia Sdn Bhd) of Unit No. 17-2, Level 17, Wisma UOA II, No. 21, Jalan Pinang, 50450 Kuala Lumpur, Wilayah Persekutuan, and email address support@foodpanda.my, (hereinafter referred to as “foodpanda” “we”, “our”, “controller”). We also use the terms "rider" or "independent contractor" for your salutation.

Why and which personal data do we process?

Below you can see which of your data we need for which purposes and under which circumstances we share your data with others.

Personal data is information from which we can directly or indirectly relate to your person, such as first and last name, address, phone number, date of birth, location data or email address.

Which personal data do we process?

In order to provide our delivery service to our customers, we use various tools and systems that are absolutely necessary for the delivery of orders. We also use external and internal tools and systems to process your personal data for personnel management and business operations.

We collect, process and store the following categories of personal data within the scope of using the tools and systems:

Data categories	Explanation
Identification data	Name, Surname, Address
Contact data	Email Address, Phone number,
Account data	Date of birth, Place of birth, nationality, gender, bank account details, identification number
Performance data	Usage time of applications, order details
Geolocation data	GPS data
Technical data	Device data

For what purposes do we process personal data?

We only collect your personal data if this is necessary and the purpose is legal and the processing is proportionate. Below we would like to give you more information for the purposes and legal basis:

Purpose	Why do we process data for this purpose?
Recruiting	As part of the recruitment process, we collect, process and store your personal data on the basis of the data you have made available to us. The purpose of the processing is to make a decision regarding the acceptance or refusal of an applicant.

	<p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data ● Account data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Contract initiation
Applicant reactivation	<p>If an applicant does not continue the application process, SMS, emails or WhatsApp will be sent to remind the applicant of the steps that need to be taken to complete the application process.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Contract initiation ● Legitimate interest to ensure a smooth application process and better experience.
Contract	<p>Conclusion of an independent contractor agreement</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Account data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract
Onboarding	<p>Preparation of the first day of service, training of new riders</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Account data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract
Presence monitoring	<p>Assessment of the reliability of riders with regard to the fulfilment of their contractual obligations.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Contact details <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract

Accounts	<p>Creation of required accounts for the applications used</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Account data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract
Working time recording	<p>Recording of work performed by the rider</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Start and end date of shift <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract
Customer communication	<p>Communication with customers about the status of the order or delivery</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact details ● Location data ● Content of communication ● Picture (if available) <p>Legal basis:</p> <ul style="list-style-type: none"> ● Legitimate interest to ensure a smooth communication process with customers for order delivery purposes and better experience ● Consent
Photos and videos	<p>Taking and publishing photos and videos of riders</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Picture/Video <p>Legal basis:</p> <ul style="list-style-type: none"> ● Consent
Rider administration	<p>We collect, process and store your personal data for the processing and creation of legally required documents and proofs as well as for the remuneration of our riders.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data ● Account data

	<p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract ● Legal obligation
Communication	<p>Different tools are used for communication between us and the riders. The purpose of the processing is the communication of necessary information.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract ● Legitimate interest is the purpose described above
Delivery	<p>To ensure a prompt delivery of the products ordered by our customers, the coordination data of our riders is collected and the order is assigned to those riders who are in an optimal region.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data ● Geolocation data ● Technical data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract ● Legitimate interest is the purpose described above
Delivery Estimation	<p>In order to be able to inform customers of the expected delivery time, average speed data is processed in anonymous form.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Geolocation data (anonymized) <p>Legal basis:</p> <ul style="list-style-type: none"> ● Legitimate interest is the purpose described above
Payments	<p>Preparation of statements; payment of service fees</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data ● Bank account information <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract

Rider equipment	<p>Riders receive rider equipment from us. This serves the uniform appearance of our riders as well as the protection of our riders. We manage and monitor the equipment provided to ensure that the necessary equipment is always available.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract ● Legal obligation
Time recording	<p>We collect, process and store personal data of our riders for the actual exercise of deliveries. The purpose of the processing is to collect the hours worked and to create the necessary records.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data ● Account data ● Performance data ● Geolocation data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract ● Legitimate interest is the purpose described above
Performance evaluation	<p>Evaluation of driver performance based on the quality (restaurant and customer complaints), quantity of orders delivered. It also includes but is not limited to, reliability, proper login and acceptance of orders during the shift until the end of the shift. Also the proper execution of the order.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data ● Performance data ● Geolocation data ● Technical data <p>Legal basis:</p> <ul style="list-style-type: none"> ● Performance of contract
Termination	<p>Ordinary and extraordinary terminations of contracts with riders</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> ● Identification data ● Contact data <p>Legal basis:</p>

	<ul style="list-style-type: none"> • Performance of contract
Off-boarding	<p>Deactivation of existing accounts; return of received clothing and equipment.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> • Identification data • Contact data <p>Legal basis:</p> <ul style="list-style-type: none"> • Performance of contract
Archiving	<p>Archiving of documents subject to retention for tax purposes.</p> <p>Categories of personal data:</p> <ul style="list-style-type: none"> • Identification data • Contact data • Date of birth • Tax information • Working times <p>Legal basis:</p> <ul style="list-style-type: none"> • Legal obligation
Advertising and marketing	<p>Online marketing</p> <p>Our service is based to a large extent on convincing potential customers that we offer an amazing experience and that every visit to our platform is worthwhile. In order to reach as many potential customers as possible, we are very active in the field of online marketing. It is just as important to win the trust of potential riders and to strengthen the trust of our existing riders. Therefore, we would like to present to you our processes as transparently as possible.</p> <p>Targeting</p> <p>In principle, targeting means the switching and fading in of advertising banners on websites that are tailored to specific target groups. The aim is to display the most attractive banners as individually as possible for the user and potential riders. Firstly, we define a target group and secondly, we commission our service providers to show our advertising to the defined target group. We do not process any personal data, as these are initially made anonymous. To better define the target group, we segment customer types and place different ads on different portals.</p> <p>Retargeting</p> <p>As soon as you have visited our website and, for example, have already placed an order in your shopping cart, we store this information in cookies. If you continue to surf other websites, our advertising partners will remind you on our behalf that you have not yet completed your order. We don't want you to miss out on our amazing experience.</p>

	<p>You can disable retargeting by installing appropriate add-ons for your browser. Furthermore, you can and should also regularly delete the cookies stored in the browser you are using.</p> <p>Categories of personal data: Contact Information</p> <p>Legal basis:</p> <ul style="list-style-type: none"> • Legitimate interest is the purpose described above
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How long do we store personal data?

We generally delete your data after the purpose has been fulfilled. The exact deletion rules are defined in our regional deletion concepts. Different deletion rules apply depending on the purpose of the processing. Within our deletion concepts we have defined various data classes and assigned rule deletion periods to them. When the retention period is met, the stored data will be deleted accordingly.

Under certain circumstances, any requests for deletion may be opposed by legal retention periods, which prevent us from deleting the stored data for a fixed minimum period of time. In order to comply with these legal requirements, we block the relevant data after the purpose has been fulfilled and thereby guarantee data completeness and data integrity.

With which data processors and why do we share personal data?

We never give your data to unauthorized third parties. However, as part of our work we obtain the services of selected service providers and give them limited and strictly monitored access to some of our data. However, before we forward personal data to these data processors for processing on our behalf, each individual company undergoes an audit. All data recipients must meet the legal data protection requirements and prove their data protection level with appropriate proofs.

In the following we would like to inform you in a transparent and understandable way about all our data recipients with the respective reasons:

Data recipient	Reason
External provider service	They support our business activities by providing us with IT solutions and infrastructure or by ensuring the security of our business operations, for example by identifying and rectifying faults. Furthermore, personal data may also be disclosed to external tax consultants, lawyers or auditors if they provide services for which they have been commissioned.
Members of the Delivery Hero Group the SE	Within a group it is sometimes necessary to use resources effectively. In this context, we support each other within our Group in optimizing our processes. In addition, we provide joint content and services. This includes, for example, the technical support of systems. We are fully responsible for fulfilling the data protection requirements together with Delivery Hero SE. Within the framework of joint regulations, we and Delivery Hero SE have agreed that both will guarantee their rights equally. You can therefore address any requests both to us and to Delivery Hero SE, Oranienburger Straße 70, 10117 Berlin. You can reach the data protection officer at dpo@deliveryhero.com.

Prosecuting authorities and legal proceedings

Unfortunately, it can happen that a few of our rider and service providers do not behave fairly and want to harm us. In these cases, we are not only obliged to hand over personal data due to legal obligations, it is of course also in our interest to prevent damage and to enforce our claims and to reject unjustified claims.

To which third countries do we transfer personal data?

We process your data mainly within the Asia-Pacific (APAC). However, some of our service providers mentioned above are based outside of APAC.

All our data receivers have to measure up to certain requirements for the transfer of personal data to third countries. Before we transfer your data to a service provider in third countries, every service provider is first assessed with regard to its data protection level. Only if they can demonstrate an adequate level of data protection will they be shortlisted for service providers.

Regardless of whether our service providers are located within APAC or in third countries, each service provider must sign a contract with us, which shall contain the provisions as required by the Personal Data Protection Act 2010.

What are your rights as data subjects and how can they be asserted?

You have the right to receive explicit information from us about the personal data we have stored about you, free of charge.

In addition, you have the following rights:

Right to access	You have the right to be informed which data we store about you and how we process this data.
Right to rectification	If you notice that stored data is incorrect, you can always ask us to correct it.
Right to erasure	You can ask us at any time to delete the data we have stored about you.
Right to restriction of processing	If you do not wish to delete your data, but do not want us to process it further, you can ask us to restrict the processing of your personal data. In this case, we will archive your data and only reintegrate it into our operative systems if you so wish. However, during this time you will not be able to use our services, otherwise we will process your data again.
Right to data portability	You can ask us to transmit the data stored about you in a machine-readable format to you or to another responsible person. In this context, we will make the data available to you in JSON format.
Right to object to the processing of your data	You can revoke your consent at any time or object to the further processing of your data. This also includes objecting to our processing, which we process without your consent but based on our legitimate interest. This applies, for example, to direct marketing. You can object to receiving further newsletters at any time.

	<p>If you do not agree with one of our processing purposes based on our legitimate interest or wish to object to it, you may object to the processing at any time on grounds relating to his or her particular situation. Please write an email to support@foodpanda.my. In this case we will review the processing activity again and either stop processing your data for this purpose or explain to you our reasons worth protecting and why we will continue with the processing.</p>
Automated decision making	<p>We also process your personal data in the context of algorithms in order to simplify our processes. Of course, you have the right not to be subject to decisions based solely on automated processing. If you believe that we have denied your access in an unjustified way, you can always contact us at support@foodpanda.my. In this case, we will examine the case separately and decide on a case-by-case basis.</p>
Right of complaint	<p>If you believe that we have done something wrong with your personal data or your rights, you can complain to the appropriate supervisory authority at any time.</p>

The supervisory authority responsible for us is:

Name of the supervisory authority: Personal Data Protection Commissioner

Address: Level 6, Kompleks KKMM, Lot 4G9, Persiaran Perdana, Presint 4, 62100 Putrajaya

Email address: aduan@pdp.gov.my