

Information Transfer Policy

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A. Context

MENU is committed to protecting the data of data subjects as well as its intellectual property, to preserve the trust of customers and partners. As such, we want to make sure that information is transferred through secure methods and only to authorized parties.

This document defines how information is to be transferred and to whom. The policy applies to all MENU team members.

If you have any questions, please address them to your line manager or information-security@menu.app

B. Terms & Definitions

Term	Definition
Personal Data	Information related to a Data Subject and that directly or indirectly identifies a Data Subject.
Intellectual Property	Creations of the human intellect created by MENU or a third-party, including but not limited to documentation, specifications, trade secrets.
NDA (Non Disclosure Agreement)	Legally binding agreement between two entities that allows the sharing of confidential information and binds them to not sharing this information with other parties.
Data Owner	Entity that originally created the data/information in question and transferred it to MENU.
Data Controller	Entity that determines the purpose for which and the means by which Personal Data is processed. The entity that Data Subjects are visibly sharing their Personal Data with.
Data Processor	Entity that processes Personal Data on behalf of a Data Controller.
Data Subject	An identifiable natural person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person (GDPR Article 4.1).
Transferring Person	Person at MENU responsible for and managing a Data Transfer.



C. Sensitive Information

This policy applies to, but is not limited to, the following types of information:

- Personal data from users, employees, contractors etc.
- Third-party data governed by an NDA
- Intellectual property of MENU
- Any document labelled as “Confidential”

D. Agreements on Information Transfer

Every information transfer needs to be governed by a legal agreement and a mutual understanding between MENU, the receiving entity and information owner (if not MENU). The legal agreement required for an information transfer depends on the type of information being transferred.

If a MENU team member is unsure about the legal agreement requirement for an information transfer or if an agreement is already enforced between MENU and the receiving entity, he/she should contact privacy@menu.app before proceeding with the information transfer.

1. Personal Data

Personal Data can only be transferred to a different entity with the consent of the respective data subject. Every receiving entity needs to have an enforced Data Processing Agreement with MENU governing the information transfer, the type of data that can be transferred and how the receiving entity can process or forward the data.

For the transfer itself, special security precautions need to be taken and the transferring person needs to proceed with extreme caution. The precautions to be taken and how Personal Data can be transferred is outlined further below.

Note that in many cases MENU processes Personal Data on behalf of its customers, where MENU acts as a Data Processor and the customer acts as the Data Controller. The processing of that data is governed by a Data Processing Agreement, which clearly specifies how data can be processed or transferred. See further below for information on how to handle data that MENU has received from a third-party entity (for example as Data Processor).

2. Intellectual Property

Intellectual Property of MENU can only be transferred to a different entity if there is an NDA enforced with the receiving entity. Intellectual Property should only be transferred to a third-party entity where it is necessary for running MENU's business.

To verify if an NDA is present with a receiving entity or to conclude an NDA with a new receiving party, the transferring person should contact privacy@menu.app. A request should include the type of information that should be transferred to the receiving party, as well as the business reason/justification for the transfer.

3. Third-Party Information

MENU often receives data from third-parties, where the third-party entity is the owner of the data or is acting as the Data Controller for the transferred data.

This includes (for example) technical documentation or specifications received from a technology partner, or Personal Data of restaurant guests provided by a Data Subject through a customer's application powered by the MENU technology platform.

For Personal Data that MENU receives as a Data Processor, MENU has an enforced Data Processing Agreement with the Data Controller (customer) that specifies exactly how the data can be processed and to whom it can be transferred.

This data can only be transferred through activities and to parties specified in the Data Processing Agreement. If an information transfer is needed that is not specified and agreed with the Data Controller in the Data Processing Agreement, an explicit approval is required from the Data Controller. The transferring person at MENU should work with the Account Manager and the Legal Team to obtain the approval for the transfer from the Data Controller (customer). As part of receiving the approval from the Data Controller, the Data Controller needs to verify with their Legal Team that the information transfer is in-line with their Privacy Policy & Legal basis for Processing, or if additional consent is required from the Data Subject for the transfer. To inquire whether an information transfer is allowed by the Data Processing Agreement or additional approval is needed, the transferring person should contact privacy@menu.app. The inquiry should contain at least:

- Data Controller of the data to be transferred
- Type of data to be transferred
- Number of Data Subjects affected by the transfer
- Receiving entity
- Method of transfer
- Business reason/justification
- Approval from line manager to proceed with transfer

For Third-Party Data (not Personal Data) that MENU receives from a third-party entity, this data is governed by an NDA with the Data Owner. This NDA specifies how the data can be used and to whom it can be transferred.

Generally, Third-Party Data cannot be transferred to any other entity and can also only be transferred internally within MENU to team members that need access to the data to perform the business activity to which purpose the data was originally shared.

To inquire whether an information transfer is allowed by the NDA, the transferring person should contact privacy@menu.app. The inquiry should contain at least:

- Data Owner of the data to be transferred
- Type of data to be transferred
- Amount of data to be transferred (metric depending on type of data)
- Receiving entity
- Method of transfer
- Business reason/justification

- Approval from line manager to proceed with transfer

If an information transfer is not allowed by the NDA, the transferring person should work with MENU's Legal Team and the Data Owner to receive explicit approval for the transfer.

E. Information Transfer Methods

Information can be transferred through many different methods. This section details which type of data can be transferred using which methods and what transferring people need to pay attention to when transferring information through the given method.

The main consideration when choosing the transfer method should be the type & sensitivity of the data being transferred. Certain types of data can only be transferred through specific methods.

1. E-Mail

- Information can only be transferred to the recipient's business e-mail registered to the entity that the NDA or DPA is concluded with.
- E-Mail needs to be sent from the transferring person's MENU e-mail address.
- Transferring person needs to apply special care in making sure the correct recipient is specified for the e-mail
- The subject or the message of the e-mail should not reveal any sensitive data. All sensitive data should be sent as an attachment.
- **E-Mail should not be used as an information transfer method within MENU.**
- Personal Data being transferred via e-mail needs to be PGP encrypted with the recipient's public key.

2. Slack

- Transferring person needs to apply special care in making sure the correct recipient is specified
- Personal Data being transferred via Slack needs to be PGP encrypted with the recipient's public key

3. Cloud Storage

- The only approved Cloud Storages are Google Drive and Box.
- The transferring person needs to make sure access is only granted to the specific folders and/or files required and no other folders/files are made available.
- The transferring person needs to make sure access is granted to the right recipients.
- Access can only be granted to company e-mail addresses or user accounts.
- Personal Data being transferred via Cloud Storage needs to be PGP encrypted with the recipient's public key.

- A public link should never be used when transferring Personal Data via a Cloud Storage provider

4. SFTP

SFTP should never be used as the MENU-suggested means of transfer (always opt for Google Drive), but may be required by other parties. An SFTP server can be provisioned by MENU's system administrator.

5. Removable Media

All types of Removable Media (CD, DVD, USB) are forbidden to be used as an Information Transfer method. MENU team members should opt for an alternative method, for example a Cloud Service for transferring information.

6. Post / Courier

- Only Secure Post with signature upon delivery can be used for the transfer of any sensitive data.
- The recipient should be required to notify the transferring person when the sent envelope/package is received.
- The transferring person is responsible for making sure the recipient receives the sent envelope/package.
- If a sent envelope/package is lost in-transit, the transferring person should immediately contact the CTO.
- **Personal Data that MENU is processing as a Data Processor on behalf of a Data Controller should NEVER be transferred via Post / Courier.**

7. API

MENU may transfer Personal Data by the means of integrating the API of a technology partner to support its business activities and platform functionalities.

- Transfers need to be secured using TLS 1.2 and the API provider's authentication mechanism