

Privacy Policy

<https://www.theobroma.in/>

Effective from 1st April 2024

- a. You provide your personal information (name, email ID, phone number, address etc.) to us while creating an account with us and/or ordering our products online/offline through use of Theobroma website/mobile application/store dine in/third party.
- b. We store that information reliably. We use that information to serve you.
- c. When you visit our website/install application in your mobile phone, we collect some personally identifiable data to serve you.
- d. This policy specifies the data collected by us, the manner of collection, and your rights with respect to your personal data.
- e. For any kind of complaints and grievances around data protection and your privacy, you can write to our Grievance office/Data Protection Officer, details of whom are mentioned in this policy.
- f. We have implemented appropriate security and privacy measures for the protection of your data, and we do not sell data for commercial purposes.
- g. Where you have an independent relationship with any of third party service provider selling Theobroma's products and services on their platform, their privacy statements will apply.

Introduction and Our Privacy Commitment

Theobroma Foods Pvt. Ltd. is committed to protecting your privacy. This Privacy Policy explains the use and protection of personal information collected by Theobroma. It applies to any personal information you provide to Theobroma and, subject to local law, any personal information we collect from other sources.

Theobroma protects your personal information in accordance with applicable laws and our data privacy policies. In addition, Theobroma maintains the appropriate technical and organizational measures to protect your personal data against unauthorized or unlawful processing and/or against accidental loss, alteration, disclosure, or access thereto.

"https://www.theobroma.in" and its subsequent sub-domains, mobile application (hereinafter referred to as **Services**) is run by Theobroma. All throughout the website, mobile application, our Facebook and Instagram pages, the expressions "**We**", "**Us**", "**Our**" or "**Theobroma**" refers to Theobroma Foods Pvt. Ltd.



This Privacy Policy describes our policies and procedures on the collection, use and disclosure of your personal information when you use our **Services**.

We use Your Personal Data to provide and improve **Our Services**. By using **Our Services**, you agree to the collection use and disclosure of your personal information in accordance with this Privacy Policy.

Definitions:

Our Services refers to “,www.theobroma.in”, <https://order.theobroma.in> website, social media pages and mobile application operated by Theobroma.

Personal Data refers to the data that can be used to identify an individual (either on its own or by combining such data with data that’s either in our possession or likely to be in our possession through other sources)

Cookies refers to the small files store on your computer or mobile device.

Data Fiduciary refers to a natural or legal person that determines the purpose of processing and the way the processing is or will be carried out in. For this Privacy Policy, Theobroma is the Data Fiduciary.

Data Processors [Third-Party Service Providers] refers to a natural or legal person that processes the data on behalf of the Data Fiduciary. We may use the services of Third-Party service providers to process your data.

Data Principal refers to the living individual and corporates to whom that data pertains.

The User refers to the individual using Our Services.

We may collect personal information such as your personal details and contact details. When you provide information that enables us to respond to your request for products or services, we will, wherever permissible by relevant laws, collect, use, and disclose this information to third parties ensuring strict confidentiality and adhering to appropriate security standards for the purposes described in this policy. This includes collecting information when you:

1. Visit <https://www.theobroma.in> and its subdomains.

In some instances, Theobroma automatically collects personal information pertaining to you when you visit our websites and through e-mails that we may exchange with you. We may use automated technologies including the use of web server logs to collect IP addresses, "cookies" and web beacons. The collection of this information will allow us to improve the effectiveness of **Our Services** and our marketing activities. Theobroma also collects information provided by you when you visit our retail outlets and when you create account (e.g., name, email ID, contact number, residing city’s name) on our website/mobile application.

By using Our Services and associated microsites, you agree to the processing of your Information as explained in this Policy. Our Services may contain links to other sites which are outside our control and are not covered by this policy. We encourage you to review the privacy policy of each website you visit provided on Theobroma websites and social media pages and satisfy the need for providing personal information of any kind.

2. Engage with Theobroma through social media pages

You can engage with us through social media websites such as Facebook, Instagram and YouTube or through features on Theobroma websites that integrate with social media sites. When you engage with us through social media sites, you may allow us to have access to certain information from your social media profile based upon your privacy preference settings on such platforms.

3. Access our Website and Mobile Application through Mobile Devices:

If you access our website or our application on your mobile device, we may also collect your personal information, device information, location details, contact information, network information and other details. When you provide us with your mobile phone number, you consent to the use of your mobile phone number for the purposes identified in this policy. If you choose to refrain from receiving any text notifications from us on your mobile, we will not be using your mobile number for such purposes unless required to meet legal requirements or for legitimate business purposes. We do not collect more information from you than is required for us to fulfil our stated purposes and will not retain your information for longer than is necessary.

4. What personal information do we collect?

When you are registering yourself to avail certain services on our website, we will collect your contact information, which includes name, address, sex, age, email address, user ID, phone number, Pin-codes, interest and likes, etc. When you become a user of our services you automatically subscribe to electronic newsletters and special offer promotions. This portal records your visit and logs the following information for statistical purposes, such as Internet Protocol (IP) addresses, domain name, browser type, operating system, the date and time of the visit and the pages visited.

5. Processing purposes & use of data collected:

Theobroma collects personal information for the purpose of and that may be used to:

- Provide information, delivering products and services as requested by you;
- Assess queries, requirements, and process requests for products and services;
- Perform client communication, promotions, services, billing and administration;
- Conduct data analysis;
- Execute monitoring;
- Share it with affiliated entities/branch offices for legitimate business purposes
- Share it with statutory authorities, government institutions or other bodies for compliance with legal requirements;
- Market products and services based on legitimate business interest under the applicable law;

- Conduct processing necessary to fulfil other contractual obligations for the user; or
- Address Data Principal Rights Requests.

With your consent, we may also use your personal information for additional purposes. Unless it is necessary for our legitimate business purposes, should you choose not to provide any personal information during certain activity, you will be able to continue with such activity wherever possible. We do not seek to collect personal information of children under the age defined in respective and applicable jurisdiction(s). If ever such children data is collected for the purpose of the services or products requested by you, we will secure explicit consent from the parent or legal guardian for the legitimate purpose.

6. Change of purpose

We will only use your Personal Data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose, with your consent. Please note that we may process your Personal Data without your knowledge or consent, where it is required or permitted by law. Except for certain information that is required by law or by Theobroma policies, your decision to provide any personal data to us is voluntary. You will therefore not be subject to adverse consequences if you do not wish to provide us with your personal data. However, please note that if you do not provide certain information, we may not be able to accomplish some or all the purposes outlined in this privacy statement, and you may not be able to use certain tools and systems which require the use of such personal data.

7. Lawful Grounds for Processing of Personal Information

a. To perform a Contract:

1. To fulfil and meet the business requirements and contractual obligations for which you have provided the Personal Data;
2. To provide information, products, services or support;
3. To plan, perform, and manage our relationship with you and to carry out any related administration.

b. Legitimate Uses:

1. To identify you for the purpose of ensuring compliance with the terms of our agreements;
2. To communicate information related to **Our Services**, including using email, SMS, and social media platforms;
3. For fraud detection and information security purposes;
4. To market products and services based on legitimate business interest under the applicable Indian laws;
5. To help maintain the safety, security, and integrity of our website, social media pages, services, databases, technology assets, and business;
6. To improve our Services and to tailor and personalize our website;
7. For accuracy and to verify information with third parties as needed;
8. To enforce this policy, and our policies, terms of use, agreements and other provisions related to our Services;
9. To carry out research, including market research, statistical research on site traffic, sales, and other commercial information to assist us in improving our services.

c. With your Consent

1. We will process your personal data for the purposes mentioned above based on your prior consent, to the extent such consent is mandatory under applicable laws;
2. To the extent you are asked to click on/check "I accept", "I agree" or similar

buttons/checkboxes/functionalities in relation to a privacy policy, doing so will be considered as providing your consent to process your personal data.

d. To fulfil a Legal Obligation

1. To identify you for compliance purposes;
2. To detect, investigate and prevent activity we think may be potentially illegal, unlawful, or harmful;
3. To respond to subpoenas, court orders, or legal process, or to establish or exercise our legal rights or defend against legal claims.

8. Disclosure to Third-Party Service Providers

Theobroma does not share personal information about you with non-affiliated companies except:

- (a) to provide products or services you've requested;
- (b) when we have your permission;

We provide the information to trusted entities who work on behalf of or with Theobroma under strict confidentiality agreements. These entities may use your personal information to help Theobroma communicate with you about offers from Theobroma and for other legitimate business purposes. However, these companies do not have any independent right to further share or disseminate this information.

We may share your information in the following circumstances:

a) Service Providers Processing Data on Our Behalf

- a. We may use contractors (Third Party) and service providers to process your information on our behalf for the purposes described in this Privacy Policy.
- b. We contractually enforce that contractors and service providers keep information secure and confidential through adherence to appropriate security standards and safeguards. We do not allow them to share or use your information without our prior authorization.

b) Law Enforcement

In certain instances, and under applicable law, it may be necessary for us to disclose your information to government officials or other third parties in response to the following:

- a. A subpoena, warrant or other process issued by a court of competent jurisdiction.
- b. A legal process having the same consequence as a court-issued request for information, in that if we were to refuse to provide such information, it would be in breach of local law, and it or its officers, executives or employees would be subject to liability for failing to honour such a legal process.
- c. Where such disclosure is necessary for us to enforce our legal rights pursuant to the Indian laws, or where we reasonably consider that this is necessary for it to protect our legal rights or to allow a third party to do so.
- d. A request for information with the purpose of identifying and/or preventing financial fraud.
- e. Where such disclosure is necessary to prevent or lessen a serious and imminent threat of bodily harm to an individual.

c) Transfer Across Theobroma's subsidiaries, if any.

Your information may be transferred to other Theobroma entities and subsidiaries, and all transfers will occur in compliance with the data transfer requirements of applicable Indian laws and regulations and in accordance with this Privacy Policy.

d) Data Transfer

Theobroma may transfer certain personal information across geographical borders to Theobroma entities or service providers in other countries working on our behalf in accordance with applicable law. Theobroma may transfer your personal information to any other body corporate or a person in any country that ensures the "same level of data protection" as applicable data protection laws and regulations. When you provide us with your information or use **our Services**, we may collect, transfer, store, and process your information. These transfers are governed by standard contractual clauses or equivalent data transfer agreements to protect the security and confidentiality of personal information.

9. How we protect your information

We adopt appropriate data collection, storage and processing practices and security measures to protect against unauthorized access, alteration, disclosure or destruction of your personal information, username, password, transaction information and data stored on our website. Our service providers and agents are bound to maintain the confidentiality of personal information and may not use the information for any unauthorized purpose. Theobroma will ensure through formally executed contracts that the service providers are committed to "same level of data protection" as mandated by the Digital Personal Data Protection Act, 2023. Theobroma has implemented reasonable physical, technical and administrative security measures to protect personal information from loss, misuse, alteration or destruction.

10. Preferences

Theobroma takes reasonable steps to keep your personal information accurate and complete. You can access or update your personal information by getting in touch with our grievance officer or sending us an email on the email ID provided in the "Contact Us" section on the website/application.

11. Profile

If you have created a profile or account on one of our websites, you can update your contact information after you log into your account.

12. Newsletters

If you request electronic communications, such as an e-newsletter, you will be able to unsubscribe at any time by following the instructions included in the communication.

13. Mobile Devices

If you previously chose to receive push notifications on your mobile device from us but no longer wish to receive them, you can manage your preferences either through your device or the application settings. If you no longer wish to have any information collected by the mobile application, you may uninstall the application by using the uninstall process available on your mobile device.

14. Information from Children

We do not seek to collect personal information of children under the age of 18 years. If ever such children data is collected for the purpose of the services or products requested by you, we will secure explicit consent from the parent or legal guardian for the legitimate process.

15. Use of Cookies

We set and use cookies to enhance your (User) experience, such as retaining your personal settings. Advertisements may appear on our website and, if so, may set and access cookies on your computer and are subject to the Privacy Policy of those parties providing the advertisement. However, the companies serving the advertising do not have access to our cookies. These Companies usually use non-personally identifiable or anonymous codes to obtain information about your visits to our Website. We use cookies for various reasons, for example, cookies enable us to track information during the domain name registration and package sign-up process. These cookies do not track individual information. If you choose to disable cookies in your browser, you will not be able to carry out a transaction with us. **(for more details read our separate Cookie Policy)**

16. Email

Contact us at the Grievance Officer/ DPO email ID provided at section 28 below at the bottom of this Policy. Please include your current contact information, the information you are interested in accessing and your requested changes. We will provide you with access to your personal information requested, subject to reasonable limitations provided by law, unless it infringes on the privacy of other individuals. If we do not provide you with access, we will provide you with the reason for refusal and inform you of any exceptions relied upon.

17. Data Protection

Theobroma has implemented reasonable physical, technical, and administrative security measures to protect personal information from loss, misuse, alteration, or destruction. Our service providers and agents are bound to maintain the confidentiality of personal information and may not use the information for any unauthorized purpose. Theobroma will ensure through formally executed contracts that the service providers are committed to "same level of data protection" as required under applicable data protection laws and regulations.

18. Data Retention

We retain your personal information for as long as necessary to provide the services you have requested, or for other essential purposes such as complying with our legal obligations, resolving disputes, and enforcing our policies.

19. Exercise your Rights

We respect your right of access to information about personal data, correction and erasure, grievance redressal and nominate in our usage of your personal information as required by the **Digital Personal Data Protection Act, 2023**. We also take steps to ensure that the personal information we collect is accurate and up to date and deleted when data is no longer required. Your rights are subject to defined conditions and the feasibility of exercising such rights.

- You have the right to know and access the personal information we maintain about you subject to availability;
- We will provide you with a copy of your personal information in a structured, commonly used and machine-readable format on request subject to availability;
- If your personal information is incorrect or incomplete, you have the right to ask us to update it;

- You can also ask us to delete or restrict how we use your personal information, but this right is determined by applicable law and may impact your access to some of our services;
- You have the right to readily accessible means of grievance redressal. For any such request you may get in touch with the grievance officer at the email ID provided at the end of this privacy Policy;
- You have the right to lodge a complaint with the relevant authority if you consider that the processing of your personal data infringes the applicable law;
- You also have the right to nominate a person to exercise your rights in case of death or incapacity to exercise rights.

We respond to requests in accordance with **Digital Personal Data Protection Act, 2023**. For exercising your rights, you may write to us via email to privacy@theobroma.in We may refuse requests that are unreasonably repetitive, require disproportionate technical effort, risk the privacy of others, may compromise an ongoing investigation, or are impractical. It is our policy to never discriminate against you for exercising any of these rights.

20. Revision to the Privacy Policy

This Privacy Policy may be updated annually or as required from time to time as per the applicable laws, changes in regulations, precedents, or any communication from supervisory or regulatory authorities. If any changes to the Privacy Policy have a material impact on your rights, we will notify you appropriately. Such changes to the privacy policy will apply from the effective date specified in the policy on the website. We encourage you to annually review the Policy for the latest information on our privacy practices.

21. Your acceptance of these terms

By using this website, you signify your acceptance of this policy. Your continued use of the website following the posting of changes to this policy will be deemed your acceptance of those changes. This Privacy Policy and its enumerated policies are intended to comply with provisions of **Information Technology Act, 2000, Rule 3 (1) of the Information Technology (Intermediaries guidelines) Rules, 2011 and Digital Personal Data Protection Act, 2023** and provide appropriate protection and care with respect to the treatment of your user information in accordance with the DPDPA.

22. Change in Privacy Policy

Theobroma reserves the right to change Privacy Policy at any time. Users may note that this Privacy Policy itself and any such change of policy will be effective from the date of posting on the Theobroma's Website.

23. Interactive Features and Public Areas

Please be aware that any information you share in chat sessions, message boards, email exchanges or similar non-private areas of the Service may be accessed, collected and used by others who have access to these areas. It is important to note that this information is not considered Personal Information under the scope of this Policy. If you wish to request the erasure or removal of your Personal Information from these areas, kindly reach out to us. However, please understand that in certain circumstances, it may not be possible for us to remove your Personal Information. In such cases we will ensure to inform you of the reasons behind our inability to fulfill your request.

24. Promotions

From time to time, we or our advertising partners and other business associates may organize or support special contests, sweepstakes and other promotions for users to participate in on our website. Some of these promotions may be conducted in collaboration with our advertisers or business partners under a co-branded agreement. In such cases, the collection of your Personal Information may be carried out directly by the third-party partner on their website or other online service, and it may be shared with us as well. The specific privacy policy or policies governing the collection of your personal information will be clearly stated in the promotion itself.

25. Personal Data we may receive from other sources

On occasion, we may obtain information about you, including Personal Information, from third parties. This may occur, for example, when you have explicitly requested information about Theobroma or our website while visiting a Third-Party site and have opted to be included in their lists. When we receive such information, we may combine it with other personal data we already possess about you. In doing so, this Privacy Policy governs the treatment of any combined information that we maintain in a format that identifies you personally. We value your privacy and handle all information in accordance with this Policy, ensuring the appropriate safeguards.

26. No Guarantees

While this Privacy Policy states our standards for maintenance of Data and we will make efforts to meet them, we are not in a position to guarantee these standards. There may be factors beyond our control that may result in disclosure of data. As a consequence, we disclaim any warranties or representations relating to maintenance or nondisclosure of Data. Such information will not be considered as sensitive if it is freely available and accessible in the public domain or is furnished under the Right to Information Act, 2005 or any other law for the time being in force. Appropriate security safeguards are in place to protect your data.

27. Marketing Communications:

We would like to contact you with exciting and relevant information about promotions, events, information, products and services which may be of interest to you. We may do this by post, email, SMS, WhatsApp and/or telephone where you have indicated that you would like to receive marketing information from us in such ways. You have the right to opt out of our use of your personal information to provide marketing information to you.

28. Contact us, Grievance Officer and Data Protection Officer

If you have any questions or complaints about this Policy, our privacy and information handling practices, you can contact our Grievance Officer through the following details: -

Name of Grievance Officer/ Data Protection Officer (DPO): Simantini Budukh

Email ID: privacy@theobroma.in

**Address: 32/33A, Deonar Govandi East,
Mumbai 400088**