

## PUBLIC POLICY PRINCIPLES FOR THIRD-PARTY DELIVERY

Delivery represents one of the most important segments of growth for the restaurant industry. These Principles, which center around permission and transparency, define best practices for third-party delivery to guide lawmakers in developing public policy and are an important first step in an ongoing dialogue between restaurants and third-party delivery companies.

Restaurants have a **RIGHT TO KNOW AND DETERMINE** when and if their food is delivered.

Restaurants should be able to **OFFER ALCOHOL** to customers through third-party delivery in a **safe and legal manner**.

**Sales tax collection responsibility MUST BE CLEAR** in terms of which party is collecting and remitting the specific sales tax to the appropriate authority.

**Third-party food delivery contracts need CONTRACTUAL TRANSPARENCY**, and issues surrounding fees, costs, terms, policies, marketing practices involving the restaurant or its likeness, and insurance/indemnity **should be clear**.

Customers should expect the **same degree of FOOD SAFETY** from delivery as they do when **dining in a restaurant**.

As a best practice, third-party delivery companies **should offer restaurants access to ANONYMIZED INFORMATION REGARDING ORDERS** from their restaurant that **originate on third-party delivery platforms**.

Restaurants deserve **TRANSPARENCY ON FEES** (including commissions, delivery fees, and promotional fees) **charged by third-party delivery companies**.



▶ **Restaurants have a right to know and determine when and if their food is delivered.**

- Prior to listing a restaurant on its platform or offering a restaurant's food to its customers, a third-party delivery company should obtain written consent of the specific restaurant where the restaurant authorizes the third-party delivery company to list the restaurant on the platform, use its name, menu, symbols, and images, and offer its food to customers.
- Whether in a contractual relationship or not, third-party companies should work with the restaurant to ensure an up-to-date menu, correct menu descriptions, and accurate menu prices.
- If there is no contract, the third-party delivery company should not misrepresent its relationship with the restaurant to consumers and should offer the restaurant an easy way to be removed from the platform if desired.
- When drafting legislation on this principle, lawmakers should allow a reasonable transition period for third-party companies to come into compliance.

▶ **Customers should expect the same degree of food safety from delivery as they do when dining in a restaurant.**

- Third-party delivery drivers should never touch customer food, but they still play a critical role in ensuring customers receive safe food.
- Third-party delivery drivers should have knowledge of basic food safety principles including personal hygiene, forms of contamination, time and temperature abuse, and cleaning and sanitizing.

▶ **Restaurants should be able to offer alcohol to customers through third-party delivery in a safe and legal manner.**

▶ **Restaurants deserve transparency on fees (including commissions, delivery fees, and promotional fees) charged by third-party delivery companies.**

▶ **Third-party food delivery contracts need contractual transparency, and issues surrounding fees, costs, terms, policies, marketing practices involving the restaurant or its likeness, and insurance/indemnity should be clear.**

▶ **Sales tax collection responsibility must be clear in terms of which party is collecting and remitting the specific sales tax to the appropriate authority.**

▶ **As a best practice, third-party delivery companies should offer restaurants access to anonymized information regarding orders from their restaurant that originate on third-party delivery platforms.**

- At the macro level, restaurants should have the ability to see orders, know when orders were placed, understand where orders originated (third-party app or website), know whether orders are organic or tied to promotions, see average delivery time once orders leave the restaurant, and know whether orders were from new customers or repeat customers.
- At the micro level, restaurants should have the ability to see and respond to customer feedback and reviews.
- If desired by the restaurant, third-party delivery companies should allow customers to opt-in to communications from the restaurant as they place an order.