

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2021**

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**No. 90**

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Introduced by Council Members Powers, Rosenthal, Kallos, Ayala, Lander, Menchaca and Gjonaj.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to data on orders placed through third-party food delivery services**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-847.3 to read as follows:

*§ 20-847.3 Customer data. a. A food service establishment may request customer data from a third-party food delivery service. Upon such a request, a third-party food delivery service shall provide to the food service establishment all applicable customer data, until such food service establishment requests to no longer receive such customer data.*

*b. Notwithstanding the requirements of subdivision a of this section, a third-party food delivery service shall not share customer data applicable to an online order pursuant to subdivision a of this section if such customer requests that such data not be shared in relation to such online order. The customer shall be presumed to have consented to the sharing of such customer data applicable to all online orders unless such customer has made such a request in relation to a specific online order. The third-party food delivery service shall provide in a conspicuous manner on its website a means for a customer to make such request. To assist its customers with deciding whether their*

*data should be shared, a third-party delivery service shall clearly and conspicuously disclose to the customer the customer data that may be shared with the food service establishment and shall identify the food service establishment fulfilling such customer's online order as a recipient of such data.*

*c. Third-party food delivery services that share customer data pursuant to this section shall provide such data in a machine-readable format, disaggregated by customer, on an at least monthly basis. Third-party food delivery services shall not limit the ability of food service establishments to download and retain such data, nor limit their use of such data for marketing or other purposes outside the third-party food delivery service website, mobile application or other internet service.*

*d. Food service establishments that receive customer data pursuant to this section shall not sell, rent, or disclose such customer data to any other party in exchange for financial benefit, except with the express consent of the customer from whom the customer data was collected; shall enable customers to withdraw their consent to use of their data by the food service establishment; and shall enable customers to request and receive deletion of their customer data by the food service establishment.*

*e. This section does not apply to telephone orders.*

*f. Nothing in this section shall prevent third-party food delivery services or food service establishments from complying with any other law or rule.*

§ 2. This local law takes effect on the same day as a local law amending the administrative code of the city of New York, relating to prohibiting the inclusion of a food service

establishment's products on a third-party food delivery platform, as proposed in introduction number 2333-A for the year 2021, takes effect.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on July 29, 2021 and returned unsigned by the Mayor on August 30, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 90 of 2021, Council Int. No. 2311-A of 2021) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.