

**EU Institutions/
EU Agencies/EU Bodies
DATA PROTECTION NOTICE¹
for processing of personal data related to
PROCUREMENT PROCEDURES**

1. Context and Controller

As the Contracting Authority service collects and further processes personal data, it is subject to Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Processing operations are under the responsibility of the Controller, in charge for the Contracting Authority of the collection and processing of personal data. Depending on the specific Contracting Authority in charge of the procurement procedure, the Controller name is normally found in either in the Tender Invitation Letter or in the draft contract.

2. What personal information do we collect, for what purpose, under which legal bases and through which technical means?

Types of personal data

Personal data collected and further processed concern the tenderer and its staff or subcontractors (natural persons). Information can relate to the following data:

- Identification data: Name, surname, passport number, ID number;
- Function;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Certificates for social security contributions and taxes paid, extract from judicial records;
- Financial data: bank account reference (IBAN and BIC codes), VAT number;
- Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment;

¹ This data protection notice is meant to provide the minimum generic information on how all EU Institutions, Agencies, EU Bodies will process personal data collected in the course of procurement procedures. Additional specific information may be found in the procurement documents for each particular procurement procedure depending on which the Contracting Authority is.

- Declaration on honour that they are not in one of the exclusion situation referred to in articles 136 and 141 of the Financial Regulation
- eSignature (if used)
- User Account (in the context of e-Submission of tenders) i.e EU Login Account and login details.
- Info traced in security logs ((in the context of e-Submission of tenders): User Account (with date and time of user action), Type of Web Browser, type of Operation System, IP address of the workstation used by the user to download the Call For Tender and / or to submit the Tender Bundle.

Additional data may be collected depending on the specific Contracting Authority in charge of the procurement procedure. See the Procurement documents of the procurement procedure for details, if applicable.

Purpose

Upon reception of your tender or request to participate by the Contracting Authority, your personal data is collected and further processed for the purpose of the procurement procedures by services of the Contracting Authority.

Additional or specific purposes may apply depending on the Contracting Authority in charge of the procurement procedure. See the Procurement documents of the procurement procedure for details, if applicable.

Legal bases

The legal bases for the processing operations on personal data is the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (hereafter "the Financial Regulation") in particular Articles 160-179 for the procurement procedures,

Additional legal bases may apply depending on the contracting authority in charge of the procurement procedure. See the Procurement documents of the procurement procedure for details, if applicable.

Technical means

Your personal data is provided by submission of your request to participate or tender.

The information is collected in files stored in an isolated secure system of the European Commission. The information is processed by personnel of the Contracting Authority and technical teams and transferred to the Contracting Authority's systems (as described in point 4.), under the responsibility of the Controller. See section 1. Context and Controller for information about the Controller.

Additional means may be described depending on the contracting authority in charge of the procurement procedure. See the Procurement documents of the procurement procedure for details, if applicable.

3. Who has access to your personal data and to whom is it disclosed?

For the purpose detailed above, access to your personal data is given to the following persons, without

prejudice to a possible transmission to the bodies in charge of a monitoring or inspection task in accordance with European Union law:

- Contracting Authority staff as well as outside experts and contractors who work on behalf of the Contracting Authority for the purposes of management of the procurement procedure and tender evaluation, and the bodies charged with a monitoring, audit or inspection task in application of European Union law (e.g. internal audits, Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, Exclusion Panel referred to in Article 143 of the Financial Regulation, European Anti-fraud Office - OLAF)
- Members of the public; In case you are awarded a contract by the Contracting Authority, some of your personal data will be made public, in accordance with the EU institutions and bodies' obligation to publish information on the outcome of the procurement procedure deriving from the Union's budget ((Article 163, 189(2) and Article 38(2) of the Financial Regulation, respectively)). The information will concern in particular your name and address, the amount awarded and the name of the project or programme for which you are awarded a contract. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the Contracting Authority.

Additional information may apply depending on the contracting authority in charge of the procurement procedure. See the Procurement documents of the procurement procedure for details, if applicable.

4. How do we protect and safeguard your information?

The collected personal data and all related information are stored on the premises of the Contracting Authority and on servers of a computer centre of either the Directorate General for Informatics at the Commission or the Contracting Authority issuing procurement procedure.

The Commission premises and operations of all computer centres abide by the Commission's security decisions and provisions established by the Security Directorate of Directorate General Human Resources and Security.

The Contracting Authority premises and operations of all computer centres abide by the security decisions and provisions established by the appropriate responsible entity (for EU Institutions and EU Bodies other than the European Commission). See the Procurement documents of the procurement procedure for details, if applicable.

5. How can you verify, modify or delete your information?

In case you wish to verify which personal data is stored on your behalf by the responsible Controller, have it modified, corrected, or deleted, or restrict the processing, or object to it or to exercise the right to data portability, please make use of the contact information mentioned in the invitation to tender, by explicitly describing your request. Any correction of your personal data will be taken into consideration from the data protection point of view. Special attention is drawn to the consequences of a request for deletion, as this may lead to an alteration of the terms of the tender and lead to rejection as stated in Article 112 of the Financial Regulation.

See the Procurement documents of the procurement procedure for additional information, if applicable.

6. How long do we keep your personal data?

Your personal data are kept:

- Files relating to tender procedures, including personal data, are to be retained in the service in charge of the procedure until it is finalised, and in the archives for a period of 10 years following

the signature of the contract. However, tenders from unsuccessful tenderers will be kept for a maximum of 5 years following the signature of the contract.

- Until the end of a possible audit if one started before the end of the above period.
- After the period mentioned above has elapsed, the tender files containing personal data are sampled to be sent to the historical archives of the Contracting Authority for further conservation. The non-sampled files are destroyed.
- Audit trail entries in system logs tracing the activity of users in the system (in cases where e-submission of tenders is used) are deleted after a period (12 months after the submission of the tender)

Additional or specific retention periods may be indicated in the Procurement documents of the procurement procedure depending on the contracting authority in charge of the procurement procedure.

7. Contact information

You have the right to access, rectify or erase or restrict the processing of your personal data or, where applicable, the right to object to processing or the right to data portability in line with Regulation (EU) 2018/1725. Any such request should be directed to the Controller, by using the contact information mentioned in the Call for tenders, and by explicitly specifying your request. You may also contact the Data Protection Officer of the Commission (DATA-PROTECTIONOFFICER@ec.europa.eu) or the Data Protection Officer of the concerned EU Institution, Agency or EU Body who may be the Contracting Authority.

Any information relating to processing of your personal data is detailed in the register of the Data Protection Officer of the Commission:
http://ec.europa.eu/dataprotectionofficer/register/index.cfm?TargetURL=D_REGISTER

See the Procurement documents for specific contact information, depending on the contracting authority in charge of the procurement procedure.

8. Recourse

You have the right to lodge a complaint to the European Data Protection Supervisor (https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data.