

## Data Protection Notice on Procurement Procedures

### 1. Introduction

Personal data processed in relation with procurement procedures, including call for expressions of interest for selection of experts, the execution of the contract and additional purposes such as statistics, reporting or auditing, is subject to [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council 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](#) (or Regulation (EU) 2018/1725)<sup>1</sup>.

The Head of the Organisational Support Unit (hereinafter 'OSU') is the staff member responsible for this processing operation on behalf of the data controller (i.e. Eurofound).

### 2. Why do we process your personal data?

The purpose of processing is the management and administration of procurement procedures by Eurofound, including in particular the:

- record of the contact data of economic operators interested in taking part in Eurofound procurement procedures;
- provision of evidence of the technical and professional capacity of tenderers (or experts), their staff and subcontractors;
- establishment of the provisions of a contract. The contract is used to purchase services, works, and supplies;
- execution of the contract;
- establishment of a contractors' database, which holds hold relevant information with regard to each contractor; and
- purposes such as statistics, reporting or auditing.

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<sup>1</sup>. OJ L 295 21.11.2018, p. 39-98.

### 3. What is the legal basis for processing your personal data?

The processing of personal data is necessary:

- for the performance of a task carried out in the public interest<sup>2</sup>;
- to comply with legal obligations Eurofound is subject<sup>3</sup>, namely those resulting from the [Eurofound Financial Regulation](#)<sup>4</sup>, title VII of the [Financial rules applicable to the general budget of the Union](#)<sup>5</sup>;
- for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract<sup>6</sup>.

### 4. Which personal data do we collect and process?

The following personal data is processed:

- Name and position;
- Signatures;
- Contact details (e-mail address, business telephone number, mobile telephone number, postal address, company and department, country of residence, internet address);
- Bank account reference (IBAN), VAT number, registration number, passport number, ID number;
- Certificates for social security contributions and taxes paid, extract from judicial records;
- Information for the evaluation of selection criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment; and
- Information on the European Single Procurement Document (ESPD) referred to in Directive 2014/24/EU, or, failing that, a declaration on honour<sup>7</sup>.

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<sup>2</sup> Article 5(1) (a) of Regulation (EU) 2018/1725.

<sup>3</sup> Article 5(1) (b) of Regulation (EU) 2018/1725.

<sup>4</sup> Adopted by the Management Board on 30 August 2019.

<sup>5</sup> 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; *OJ L 193, 30.7.2018, p. 1–222*

<sup>6</sup> Article 5(1) (c) of Regulation (EU) 2018/1725.

<sup>7</sup> Pursuant to point 18 of Annex I of the Financial rules applicable to the general budget of the Union.

Please note that when any of the above data pertains to a company and not to an individual, it is not considered data protection and, as such, provisions of Regulation (EU) 2018/1725 do not apply.

Since the information is often provided on CV, the tenderers, staff or subcontractors may supply additional information which is not necessary for the purpose of procurement (such as gender, age, nationality).

Data processing on implementation of contract may require other types of data as specified in the relevant documents.

## **5. Who has access to your personal data and to whom is it disclosed?**

The following recipients may have access to your personal data:

- Members of the OSU;
- Members of Opening Committees and Evaluation Committees;
- Unit Assistants;
- Authorising Officer (Executive Director) and Authorising Officers by Delegation (Heads of Units);
- The European Anti-Fraud Office (OLAF), the European Court of Auditors (ECA), and the Internal Audit Service (IAS) upon request necessary in the context of official investigations or for audit purposes;
- The European Ombudsman and the Court of Justice of the European Union, in case a complaint or case is lodged against Eurofound; and
- Members of the public: in case of award, the contractors' personal data will be made public, in accordance with Eurofound obligation to publish information on the outcome of the procurement procedure<sup>8</sup>. The information will concern in particular name and address, the amount awarded and the name of the project or programme for which the contract was awarded. It will be published [here](#).

## **6. How long do we keep your personal data?**

The following retention periods apply:

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<sup>8</sup> Article 31(4) of Eurofound Financial Regulation.

- Documents pertaining to successful applicants are kept for 10 years from the date of the signature of the contract;
- Documents pertaining to unsuccessful applicants are kept 5 years from the closing date of the tender procedure;
- The list related to the CEI is retained for 5 years from the date the CEI list ceases its operation; and
- Related files are also kept until the end of a possible audit if one started before the end of the above period.

### **7. How do we protect and safeguard your data?**

Paper files are securely locked in OSU filing cabinets. Electronic versions are stored in an electronic documents and records management system which offers an audit trail and with a secured electronic access which may only be accessed by OSU Unit and by the contract managers. Procurement documents may also be shared between authorised persons in the cloud.

### **8. Do we transfer any of your personal data to third countries or international organisations (outside the EU/EEA)?**

No.

### **9. Does this processing involve automated decision-making, including profiling?**

No decision is taken by Eurofound in the context of this processing activity solely on the basis of an automated processing of your personal data (i.e. processing without human intervention).

### **10. What are your rights as a data subject and how can you exercise them?**

Within the limits set by Regulation (EU) 2018/1725, you have the right to access, rectify, erase and/or port your personal data, as well as to restrict or object to the processing of your personal data.

In order to exercise your rights, please contact the Head of the OSU ([OSUTenders@eurofound.europa.eu](mailto:OSUTenders@eurofound.europa.eu)) whereby you shall specify your claim (i.e. the



right(s) you wish to exercise). The exercise of your rights is free of charge. If your request is manifestly unfounded or excessive, Eurofound may refuse to act on it.

#### **11. Right to recourse**

Should you feel that the processing infringes the data protection rules, you are entitled to raise a [complaint with the European Data Protection Supervisor](#).

#### **12. Who shall I contact in case of doubts?**

Should you have any question or doubt on this processing operation, you should contact the Head of the OSU ([OSUTenders@eurofound.europa.eu](mailto:OSUTenders@eurofound.europa.eu)).

You may always submit queries, remarks or complaints relating to the processing of your personal data to Eurofound's Data Protection Officer ([dataprotectionofficer@eurofound.europa.eu](mailto:dataprotectionofficer@eurofound.europa.eu)).