

REGISTER NUMBER: 372

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 30/05/2007

Case number: 2008-346

Institution: EESC-CoR

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller

Controller: Steven Phillips (Head of Unit). Bureau 1054, Bâtiment BvS, Rue Montoyer 92-102, 1040 Bruxelles.
Delegated controller: Nikolaos Petras (Administrator). Bureau 1051, Bâtiment BvS, Rue Montoyer 92-102, 1040 Bruxelles.

2/ Organisational parts of the institution or body entrusted with the processing of personal data
Unit "Programming / Financial and Contractual Management", DLT. Joint Services CoR - EESC

3/ Name of the processing

Call for tender procedures and management of contracts.

Short description of the processing:

Processing of replies to invitations to tender will involve the recording and processing of personal data (such as name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, replies to the questions and any personal data requested are required to evaluate tenders in accordance with the specifications of the invitation to tender and will be processed solely for that purpose. Any personal data included in Contracts shall be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. It shall be processed solely for the purposes of the performance, management and follow-up of the Contract without prejudice to possible transmission to the bodies charged with a monitoring or inspection task in conformity with Community law.

<p>4/ Purpose or purposes of the processing</p> <p>Establishment and management of contracts between the two Committees and third parties in the areas managed by the DLT.</p>
<p>5/ Description of the category or categories of data subjects</p> <p>All persons associated with the third parties whose details are included in submitted tenders and in contracts.</p>
<p>6/ Description of the data or categories of data (<i>including, if applicable, special categories of data (article 10) and/or origin of data</i>)</p> <p>Gender, name, address, fax number, phone number, e-mail address of contact persons. Additionally, details of qualifications and experience (effectively CVs) of persons who are included within an offer as part of a proposal to provide a service to the Committees. If the public contract exceeds a certain threshold, a recent extract from the judicial record is required.</p>
<p>7/ Information to be given to data subjects</p> <p>The identity of the controller, the fax number of the PGFC unit, the functional e-mail address of the PGFC unit for all e-mails concerning tender procedures and the address of the unit are all indicated in the invitation to tender letter and the contract, which are based on model documents approved by the Committee's legal service. Copies of the model invitation letter (see especially points 14 and 15) and the model for a direct services contract (see especially point 18) are included in annex to this document.</p>
<p>8/ Procedures to grant rights of data subjects (<i>rights of access, to rectify, to block, to erase, to object</i>)</p> <p>Data subjects can exercise their rights under Regulation (EC) 45/2001 to obtain access to their personal data on request and to rectify any such data that is inaccurate or incomplete. However, elements that would change the nature of the offer (for example replacement of a CV) cannot be changed after the offer has been received as this would compromise the award procedure. Data subjects can address any queries concerning the process of their personal data to the data controller or to the data protection officer. They have the right of recourse at any time to the European Data Protection Supervisor for matters relating to the processing of their personal data.</p>
<p>9/ Automated / Manual processing operation</p> <p>Manual.</p>
<p>10/ Storage media of data</p> <p>During the tender procedure, an electronic list is maintained of the personal data of all candidates for administrative purposes but this is deleted after the procedure is completed. In the case of a contract, the principal form of storage is the signed contract itself, in paper form, which is held in the archives of the PFCM Unit. Electronic archiving in the form of scanned copies of the signed contracts and annexes are also be held in an electronic registry.</p>
<p>11/ Legal basis and lawfulness of the processing operation</p> <p>The Financial Regulation (FR) and its Implementing Rules (IR). Specifically, articles 93, 135, 136 and 137 of the IR are concerned.</p>

<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>All persons directly involved in the Call for tender procedure and in the management of any subsequent contract (representatives of the PFCM unit, representatives of the appropriate operating service, members and observers of opening and evaluation committees, financial managing officers, verifying agents and authorising officers of the DLT). For the purposes of safeguarding the financial interest of the Communities, the personal data may additionally be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF).</p>
<p>13/ retention policy of (categories of) personal data</p> <p>Multiannual. At the minimum, all files associated with a tender procedure need to be retained until five years after the decision has been made to discharge the budget of the Committee for the year in which any resulting contract is concluded.</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p> <p>BLOCKING: Two weeks. ERASURE: Two weeks.</p>
<p>14/ Historical, statistical or scientific purposes <i>If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,</i></p>
<p>Not applicable.</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p> <p>Not applicable.</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>):</p> <p>It is an integral part of the evaluation of offers to check CVs and, in some cases, extracts from the judicial record, of personnel associated with the third party (as presented in the offer) who will potentially provide a service as part of a future contract</p> <p>AS FORESEEN IN:</p> <p><input checked="" type="checkbox"/> Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</p> <p><input checked="" type="checkbox"/> Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,</p> <p><input type="checkbox"/> Article 27.2.(c) Non applicable</p> <p><input type="checkbox"/> Article 27.2.(d) Non applicable</p> <p><input type="checkbox"/> Other (general concept in Article 27.1) Non applicable</p>

17/ Comments

PLACE AND DATE: BRUSSELS 30 MAY 2008

DATA PROTECTION OFFICER: Petra CANDELLIER, (DPO CoR) and Maria ARSENE (DPO EESC)

INSTITUTION OR BODY: COMMITTEE OF THE REGIONS AND EUROPEAN ECONOMIC AND SOCIAL COMMITTEE