

REGISTER NUMBER: 503

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 8 May 2009

Case number: 2009-323

Institution: EESC

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: Peter Lindvald Nielsen (Head of the Communication) - Bureau : VMA 0554 - Bâtiment Van Maerlant
Delegated controllers: Seppanen Paivi(Head of Unit) - Bureau VMA 0548 - Bâtiment Van Maerlant, Xirouchakis Charis (Head of Unit) - Bureau VMA 0558 - Bâtiment Van Maerlant, Christian WEGER (Press officer) - Bureau VMA 0535 -Bâtiment Van Maerlant**

2/ Organisational parts of the institution or body entrusted with the processing of personal data
General Secretariat, Communication Department

3/ Name of the processing

Name under which the processing is being organised: 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 n° 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 as well as the data for the invitations to tender. It shall be processed solely for the purposes of the performance, management and follow-up of the Contracts.

4/ Purpose or purposes of the processing

Establishment and management of contracts between the Economic and Social Committee and third parties in the areas managed by the Communication Department

5/ Description of the category or categories of data subjects

All persons associated with the third parties whose details are included in submitted tenders and in contracts.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)

Name, address, gender, phone and fax numbers, e-mail address of contact persons. Additionally, details of qualifications and experience (i.e. CVs) of persons who are mentioned in offers as part of a proposal to provide a service to the EESC

7/ Information to be given to data subjects

The identity of the controller and the address of the Communication Department are indicated in the invitation to tender letter and the contract, which are based on model documents approved by the Committee's legal service.

8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)

Data subjects can exercise their rights under Regulation (EC) n° 45/2001 to obtain access to their personal data on request and to rectify any such data that is incomplete. However, elements that would change the nature of the offer (ex. 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.

9/ Automated / Manual processing operation

Manual

10/ Storage media of data

During the tender procedure, an electronic list is maintained of the personal data of all candidates of administrative purposes but 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 Communication Department.

11/ Legal basis and lawfulness of the processing operation

The financial Regulation (FR) and the implementing Rules (IR). Specifically, articles 93, 135, 136 and 137 of the IR are concerned.

12/ The recipients or categories of recipient to whom the data might be disclosed

All persons directly involved in the Call for tender procedure and in the management of any contract (members and observers of opening and evaluation committees, financial managing officers, verifying agents and authorising officers of the Communication Department). 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 the European Anti-Fraud Office (OLAF).

13/ retention policy of (categories of) personal data

All files associated with the tender procedure need to be retained until five years after the decision has been made to discharge the budget of the EESC for the year in which any resulting contract is concluded.

13 a/ time limits for blocking and erasure of the different categories of data

(on justified legitimate request from the data subject)

(Please, specify the time limits for every category, if applicable)

BLOCKING: Two weeks ERASURE: Two weeks

14/ Historical, statistical or scientific purposes

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,

Not applicable

15/ Proposed transfers of data to third countries or international organisations

Not applicable

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE: 5 May 2009

DATA PROTECTION OFFICER: Maria Arsene

INSTITUTION OR BODY:EESC