



## **PROCUREMENT PROCEDURES**

### **DATA PROTECTION NOTICE**

#### **Short description of the processing activity:**

The purpose of the processing is to manage processing activities in the framework of the procurement procedures of the EDPS.

#### **Purpose of the data protection notice and the grounds on which it is based:**

We process your personal data based on Regulation (EU) 2018/1725 of the European Parliament and of the Council 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 Text with EEA relevance.

The following information is provided as established in Articles 15 and 16 of Regulation (EU) 2018/1725.

#### **Who is the controller?**

European Data Protection Supervisor (EDPS)  
Postal address: Rue Wiertz 60, B-1047 Brussels  
Office address: Rue Montoyer 30, B-1000 Brussels  
Telephone: +32 2 283 19 00  
Email: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)

Responsible department or role:  
HRBA Unit, [EDPS-Procurement@edps.europa.eu](mailto:EDPS-Procurement@edps.europa.eu)

Contact form for enquiries on processing of personal data to be preferably used:  
<https://edps.europa.eu/node/759>

#### **Joint controllership:**

EDPS and European Commission (EC)-DG BUDG are joint controllers for the following processing activity: registration of Legal Entities and Bank Account Files of clients in ABAC.

#### **Processors:**

**EC-DG BUDG for ABAC:** DG BUDGET manages ABAC, which is the financial and accounting application set up by the Commission, to monitor the execution of its budget and to prepare its accounts. DG BUDG is a processor for all data processing in ABAC, except for processing activities where joint controllership has been established (see above).

## **What personal data do we process and who can access it?**

We process the following data on every tenderer who submit an offer, and optionally on the staff of the tenderer:

- Name (first name, family name, previous family name);
- Gender, nationality, title, function;
- Contact information (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Bank account reference (IBAN and BIC codes),
- VAT number, national insurance number;
- ID card/Passport number and personal number;
- Place and date of birth;
- Other personal data contained in CVs (expertise, technical skills and languages professional experience including details on current and past employment).

A functional mailbox for the EDPS PROCUREMENT has been created, which can only be accessed by the HRBA officer dealing with the file and alternates and the Head of the HRBA unit.

A case file concerning matters related to the specific selection might be created. Access to the e-file (in the dedicated functional mailbox) is allowed only to the HRBA officer dealing with the file and alternates or by the Head of the HRBA unit. A paper file can be consulted, updated and physically kept by the above mentioned staff member and alternates and by the Head of the HRBA unit. It is stored in a locked cupboard in the office.

E-mails and documents are printed out, and archived in such e-files and/or the paper files, only when necessary. Recollection of such correspondence is not needed in all cases. Therefore, as a rule personal communications are not saved or archived in the case file, unless a specific need exists.

All data are kept centrally (European Commission ABAC system) and the relevant EDPS (including the EDPB Secretariat) officers will have access to the files on a need to know basis. This includes:

- The Finance team for treatment of the procurement file;
- The Operational Initiating Agent (OIA) for treatment of the procurement file;
- Heads of Units/Sectors concerned by the procurement procedure;

Recipients of your personal data:

- The European Commission ABAC system's operators and internal auditors;
- Other institutions delegates (Court of Auditors - IAS) for control of the procurement file.

## **Where did we get your personal data?**

The data maybe be provided by the representative of the tenderer during the procurement procedure.

### **Why do we process your personal data and under what legal basis?**

A procurement procedure is a process that leads to the conclusion of a public contract. A public contract is defined as a purchase by a public authority (the EDPS) of a service, goods or works. Public contracts are provided for the institution in exchange for remuneration. The process is in line with Financial Regulation.

The processing operations related to procurement procedures are lawful on the basis of Article 5.1.(a) of the "Regulation 1725/2018" ("*processing is necessary for a performance carried out in the public interest in the legitimate exercise of official authority vested in the Community institution or body*"). In particular, the processing is necessary "*for the management and functioning of those institutions and bodies*" (Recital 22).

The legal basis can be found in 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.

This Regulation lays down the rules for the establishment and the implementation of the general budget of the European Union and of the European Atomic Energy Community ('the budget') and the presentation and auditing of their accounts.

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

The conservation of files of successful tenderers, grant applicants and experts including personal data is assured for ten years after the signature of the respective contract, grant agreement.

The end of a particular program is considered for control and audit purposes in terms of Article 48(1)(d) and (2) of the Rules of Application, with the exception of the extracts from the judicial records that can be kept only for two years after the accomplishment of the particular procedure.

Data are also kept until the end of a possible audit if it started before the end of the above period.

The files of unsuccessful tenderers, grant applicants and experts may be retained only for five years after the end of the particular procedure to allow for all possible appeals.

In any case, according to Article 48(3) of the Rules of Application, personal data contained in supporting documents are deleted where possible where these data are not necessary for budgetary discharge, control and audit purposes

### **What are your rights regarding your personal data?**

You have the right of access to your personal data and to relevant information concerning how we use it.

In the case of identification data, you can rectify your data at any time during the procedure. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use.

You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. We will consider your request, take a decision and

communicate it to you. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use.

Substantiated requests should be e-mailed to the dedicated functional mailbox at [EDPS-PROCUREMENT@edps.europa.eu](mailto:EDPS-PROCUREMENT@edps.europa.eu).

You can send your request to the EDPS by post in a sealed envelope or use our contact form on the EDPS website (see section on contact details [below](#)).

### **Automated decision-making**

This processing operation is not subject to automated decision-making.

### **You have the right to lodge a complaint**

If you have any remarks or complaints regarding the way we process your personal data, we invite you to contact the EDPS DPO (see section on contact details [below](#)).

You have, in any case, the right to lodge a complaint with the EDPS as a supervisory authority: [https://edps.europa.eu/data-protection/our-role-supervisor/complaints\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en).

### **Contact details for enquiries regarding your personal data**

We encourage you to contact us using the EDPS contact form, selecting ‘My personal data’ as the relevant subject: <https://edps.europa.eu/node/759>

If you wish to contact the EDPS DPO personally, you can send an e-mail to [DPO@edps.europa.eu](mailto:DPO@edps.europa.eu) or a letter to the EDPS postal address marked for the attention of the EDPS DPO.

EDPS postal address: European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium

You can also find contact information on the EDPS website: [https://edps.europa.eu/about-edps/contact\\_en](https://edps.europa.eu/about-edps/contact_en).