

**REGISTER NUMBER: 458**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 15/01/2009

Case number: 2009-037

Institution: ETF

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 adress of the controller**

Olivier Ramsayer - Head of Administration Department

**2/ Organisational parts of the institution or body entrusted with the processing of personal data**

Head of FINCOP; Procurement Officers from FINCOP Unit; members of the Opening and Evaluation Committees appointed by the Authorising Officers; Authorising Officers.

**3/ Name of the processing**

Call for Tender

**4/ Purpose or purposes of the processing**

Data are collected and managed by the FINCOP Unit together with the members of the Opening and Evaluation Committees with the purpose to evaluate the eligibility of the tenderer to participate to an ETF call for tender and to evaluate the content of the tenderer's offer.

**5/ Description of the category or categories of data subjects**

Tenderers presenting offers. These can be economic operators or individuals.

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

The data is collected in the tenderer's offer or in supporting forms (legal entity and financial forms) necessary to participate to the tender.

The processing may involve the following data: name, address, phone number, fax number, e-mail address, copy of passport/ national identity card of legal representative; declaration of honour on exclusion criteria, extract from register of bankruptcy or similar proceedings, certificate of clear criminal record or extract of judicial record, proof of social security contributions; extract from trade register or proof of status of independent worker, turnover statement, balance sheets; bank account number and bank details; curriculum vitae forming part of technical offer.

**7/ Information to be given to data subjects**

The purpose of the processing, the recipient of the data and the legal basis of the processing operation for which the data are intended.

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

In the tender documentation tenderers are informed that the personal data involved in the call for tender process will be processed according to the the EU regulations.

**9/ Automated / Manual processing operation**

Offers are received by the FINCOP Unit and provided to the Opening and Evaluation Committees for evaluation in order to select the winning offer. The evaluation reports are approved by the Authorising Officer.  
Access to the evaluation report and written records may also be granted to European Anti-Fraud Office, the European Court of Auditors and internal auditors.

**10/ Storage media of data**

Data are received in paper format in sealed envelopes (within with the tenderer's offer). The data is stored in a locked archive (cupboards and locked archive room) accessible by the FINCOP Procurement Officers and the ETF site manager.

Some data is also stored electronically within the OSCAR database. Rules are set on the right to access this database or elements of it on the basis of the confidentiality of the documents (for example evaluation reports are visible only by the FINCOP Procurement Officers, the members of the Opening and Evaluation Committees and Authorising Officers).

**11/ Legal basis and lawfulness of the processing operation**

The legal basis for the processing of data resulting from the call for tender process are the following Articles of the "Rules for the Implementation of the Financial Regulation" (applicable to the ETF as defined in the ETF Financial Regulation at Title V):

- Articles 133, 133a and 134 on exclusion criteria;
- Articles 135, 136 and 137 on selection criteria.

Launching of calls for tenders is necessary to allow the functioning of the ETF.

Moreover, the processing operation is clearly covered by the mandate of ETF - to acquire goods and services needed to meet ETF's objectives, calls for tender have to be launched; processing operation is necessary for compliance with a legal obligation of ETF - in order to purchase goods and services, ETF has to comply with the rules on public procurement; processing operation for which the data subject has unambiguously given his/her consent - by presenting an offer and supporting documentation the tenderer gives the consent to process his data.

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

Authorising Officers; Procurement Officers from FINCOP Unit; Department Procurement Officers; Members of Opening and Evaluation Committees.

**13/ retention policy of (categories of) personal data**

According to Article 49 of "Rules for the Implementation of the Financial Regulation" offers and related supporting documentation are kept for five years from when the budget has been discharged.

Notwithstanding this, the FINCOP Unit may decide to keep documents related to certain calls for tender for a longer period in order to maintain a historical record of the procurement activities.

**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)*

One month from receipt of a request.

**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,*

Please see point 13 above. The FINCOP Unit may decide to keep documents related to certain calls for tender for a longer period in order to maintain a historical record of the procurement activities.

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

No.

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

**p 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: Turin, 17 December 2008

DATA PROTECTION OFFICER: Dr Liia KAARLÕP

INSTITUTION OR BODY: EUROPEAN TRAINING FOUNDATION