

To be filled out in the EDPS' office

REGISTER NUMBER: 621

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 30/08/2010

Case number: 2010-0635

Institution: EMCDDA

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

Mr. Dante Storti, Head of Unit Administration (EMCDDA. Cais do Sodre. 1249-289. Lisbon, Portugal)

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

Financial management sector (a Sector within the Unit Administration)

3/ Name of the processing

Procurement procedures and contract management

4/ Purpose or purposes of the processing

Management and follow up of EMCDDA's procurement and contract operations required for the purchase of goods and services necessary for the activities and functioning of the EMCDDA. Public procurement procedures in accordance with the applicable Financial Regulation. This includes receiving and storage of data concerning individuals or individual companies and institutions, its staff and external collaborators; including curriculum vitae, bank account, legal entity information and financial data relevant for the assessment of economic performance and capacity. Budget and legal commitments and subsequent payments to honour these commitments.

5/ Description of the category or categories of data subjects

Staff and external collaborators of companies and institutions or individuals participating in EMCDDA's procurement processes and entering into a contractual relation with EMCDDA. Staff and external collaborators of companies and institutions or individuals participating in EMCDDA's procurement processes and entering into a contractual relation with EMCDDA

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

Tenderer's/contractor's balance sheet, turnover, CV, list of goods or services provided in the past, data concerning the organisation of the company, financial data concerning economic performance and capacity.

For the Legal entity form:

- For individuals: name, first name, official address, VAT nr , ID or Passport nr, date place and country of birth, telephone, e-mail, fax .
- For private companies: type of company, name(s), abbreviation, address of head office, VAT nr, place of registration, date of registration, national registration nr, telephone, e-mail, fax, name and signature of authorised representative.
- Public entities: type of organisation, name(s), abbreviation, address of head office, VAT nr, place of registration, date of registration, national registration nr, telephone, e-mail, fax, name and signature of authorised representative.

For the Financial Identification form: name, address, telephone, e-mail and signature of the concerned account holder, as well as bank's name and address, account nr, IBAN.

7/ Information to be given to data subjects

1) Each EMCDDA's invitation to tender includes the following clause:

The follow up of your response to the invitation to tender will require the recording and further processing of personal data [name, address, CV, for example]. This data will be processed in accordance with the requirements of Regulation (CE) 45/2001 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data. Except if mentioned otherwise, replies to questions and personal data requested are necessary for the purpose of assessing your tender according to the specifications of the invitation to tender and will only be processed by the Head of the Administration acting as data controller for this purpose [and, as the case may be, for other relevant purposes to be specified]. You may, upon request, obtain the communication of your personal data and rectify any inaccurate or incomplete personal data. Should you have any queries concerning the processing of your personal data, please address them to the Head of the Administration acting as data controller. As regards the processing of your personal data, you have a right to recourse at any time to the EDPS.

2) Each EMCDDA's contracts (both the draft contract enclosed to the procurement documentation and the contract signed) includes the following clause:

Any personal data included in the Contract will be processed in accordance with the requirements of Regulation (EC) 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 movements of such data. The data will only be processed for the purposes of the performance, management and follow up of the Contract by the EMCDDA without prejudice to a possible transmission to the bodies in charge of a monitoring or inspection task in conformity with Union law.

The Contractor may, upon request, obtain the communication of his personal data and rectify any inaccurate or incomplete personal data. Should the Contractor have any queries concerning the processing of his personal data, he shall address them to the EMCDDA 's Head of the Administration. You may also contact EMCDDA 's DPO (DPO@emcdda.europa.eu) in case of any difficulties, or for any questions relating to the processing of your personal data.,

The Contractor has also a right of recourse at any time to the European Data Protection Supervisor .

3) A privacy statement is enclosed to the Financial Identification Form and/or the Legal Entity Form to be completed for each contractor/beneficiary of payment, in accordance with Article 64 of the above mentioned detailed rules for the implementation of the Financial Regulation (see the attached privacy statement).

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

In accordance and ss recalled in the above mentioned clauses and privacy statement, the data subjects are able to make use of their rights without any hindrance and at any time by contacting the data controller.

9/ Automated / Manual processing operation

n.a

10/ Storage media of data

Paper-based archives and electronic database

11/ Legal basis and lawfulness of the processing operation

Article 74 of the Financial Regulation applicable to the EMCDDA, as adopted by the EMCDDA's Management Board on 9 January 2009. Pursuant to this article, the relevant provisions of the Council Regulation Nr 1605/2002 (Financial Regulation applicable to the general budget of the European Communities) and Regulation Nr 2342/2002 (Detailed rules for the implementation of the above mentioned Financial Regulation) shall apply to EMCDDA's procurement processes

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

EMCDDA's staff, European Court of Auditors and European Commission's Internal Audit Service and DG BUDG. Procurement process: EMCDDA's financial and contractual support officers, members and secretariat of the Opening and Evaluation Committees. European Court of Auditors and European Commission's Internal Audit Service for audit purpose, in accordance with the relevant financial provisions. Contract: EMCDDA's concerned project managers, Head of Unit/deputy authorising officer, financial and contractual support officer, financial initiating officer, financial verifying officer, accounting officer. European Court of Auditors and European Commission's Internal Audit Service for audit purpose, in accordance with the relevant financial provisions. Data on legal entity and financial identification: EMCDDA's financial and administrative assistant in charge of the creation of files in ABAC. European Commission's DG BUDG to validate the information and include in the third party file of the ABAC system. European Court of Auditors and European Commission's Internal Audit Service for audit purpose, in accordance with the relevant financial provisions.

The processing is lawful and necessary in accordance with Article 74 of the Financial Regulation applicable to the EMCDDA.

The present notification is subject to prior-checking by the European Data protection Supervisor under Article 27 of Regulation (EC) 45/2001.

13/ retention policy of (categories of) personal data

In accordance with Article 38 of the financial regulation applicable to the EMCDDA, documents relating to the procurement and contracting process will be kept for 10 years and invoices and other documents supporting financial transactions will be kept for 7 years.

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)

Without delay from acceptance of the request. There is no time limit for erasure/blocking.

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,

Documents concerning bank account/financial identification and legal entity shall be kept for longer to keep track of the transactions

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

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,

X 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,

Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE: Lisbon, 30.08.2010

DATA PROTECTION OFFICER: Cecile MARTEL

INSTITUTION OR BODY:EMCDDA