

*(To be filled out in the EDPS' office)*  
**REGISTER NUMBER: 1021**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 17/06/2013**

**CASE NUMBER: 2013-0661**

**INSTITUTION: EIOPA**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

Carlos Montalvo, Executive Director,  
EIOPA - European Insurance and Occupational Pensions Authority  
Westhafenplatz 1  
Westhafen Tower 14 floor  
D - 60327 Frankfurt am Main

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

Procurement Unit

3/ NAME OF THE PROCESSING

Calls for tenders/calls for the expression of interest

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Evaluation of the selection criteria (technical and professional capacity) and proposal submitted in the response for the call for tenders/expression of interest with the view to award the contract.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Service providers submitting the offers (legal and natural)

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<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

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, telephone number, e-mail address;  
Copy of the company registration;  
Bank account details;  
CV's of potential consultants/experts and account and or project managers of the relevant contract;  
Recent extract from the judicial record;  
Evidence of the payment of social taxes;  
Copies of diplomas/certificates;  
Any other documents according to the tender dossier.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The invitation letter that is part of the call for tender indicates that responding to tender involves the recording and processing of personal data (such as your 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, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

EIOPA's Implementing Rules on Data Protection lay down the detailed rules pursuant to which a data subject may exercise his or her rights, the procedure for notifying a processing operation and the procedure for obtaining access to the register of processing operations kept by the Data Protection Officer.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Full manual operation:

In response to the call for tenders the tenderers have to submit documentation which includes all the details as mentioned in the point 6 above.

The documentation received in electronic format is saved on EIOPA's server, in a secured folder.

The emails received and replies are saved in Outlook, in a secured folder.

The documentation received in paper format is stored in a locked cupboard.  
Only the Opening and Evaluation Committee Members appointed by the Authorising Officer are having access to the documentation. The documentation is checked against the requirements set out in the Tender Dossier.

10/ STORAGE MEDIA OF DATA

Paper and electronically  
The original offers are stored in paper version and in an electronic copy on CD or USB in the procureent room in the locked cupboard.

Offers received only electronically are stored on EIOPA's server and printed and the same rules as to paper versions apply.  
Access to the selected offer is given only to the persons responsible for the relevant contract and procurement staff.  
Non-selected offers are not consulted after evaluation except for auditing purposes.

**11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION**

European Parliament and Council Regulation no. 1094/2010 of 24 November 2010 establishing the European Insurance and Occupational Authority (EIOPA)

REGULATION (EU, EURATOM) No 966/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 {Financial Regulation}

**12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED**

Members of the Evaluation Committee and procurement/finance staff

**13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA**

Data are kept for at least 5 years following the discharge for the budget year in question. In accordance to Article 81 FR, the duration is justified and necessary for the management of contract and for the finalisation of all relevant payments incl. recovery where relevant.

**13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS**

According to EIOPA's Implementing Rules, Article 12: If the ground for the request of blocking data is the inaccuracy of the data, as referred in paragraph 41, a), the Data Controller shall immediately block the data for the period necessary for verifying the accuracy and completeness of the data. A data subject who has requested and obtained the blocking of data shall be informed thereof by the Data Controller. He or she shall also be informed of the fact that data are to be unblocked at least 15 working days before they are unblocked. The Data Controller shall take a decision as soon as possible and at the latest within 15 working days of receiving a request for data to be blocked. If the request is accepted, it shall be acted upon within 30 working days and the data subject notified thereof. Should the request for blocking be rejected, the Data Controller shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the rejection. In automated filing systems, blocking shall be ensured by technical means. The fact that personal data are blocked shall be indicated in the system in such a way as to make it clear that the data may not be used. Personal data blocked pursuant to this Article shall, with the exception of their storage, only be processed for purposes of proof, or with the consent of the data subject or for the purpose of protecting the rights of third parties.

According to EIOPA's Implementing Rules, Article 13: The data subject shall have the right to obtain from the Data Controller the erasure of data if the processing thereof is unlawful. If the request is accepted, it shall be acted upon immediately. If the Data Controller deems the request unjustified, he or she shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the decision.

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

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*):

The procedure is a processing operation that:

- relates to suspected offences, offences, criminal convictions or security measures, and, therefore falls under Article 27.2. (a) of the Regulation;
- intends to evaluate personal aspects relating to the data subject, and, therefore falls under Article 27.2. (c) of the Regulation;
- processes data operations for the purpose of excluding individuals from a right, benefit or contract, and, therefore falls under Article 27.2. (d) of the Regulation.

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.(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:

Frankfurt, 17 June 2013

DATA PROTECTION OFFICER:

Catherine Coucke

INSTITUTION OR BODY:

EIOPA