

*(To be filled out in the EDPS' office)*  
**REGISTER NUMBER: 1031**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 25/06/2013**

**CASE NUMBER: 2013-0704**

**INSTITUTION: EIGE**

**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

EUROPEAN INSTITUTE FOR GENDER EQUALITY (EIGE)  
HUMAN RESOURCES  
GEDIMINO PR. 16  
LT-01103 VILNIUS  
LITHUANIA

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

ADMINISTRATION UNIT, Procurement and finance  
Natalia Pirkanniemi, Natalia.Pirkanniemi@eige.europa.eu

3/ NAME OF THE PROCESSING

Procurement procedures

A procurement procedure is a process that leads to a conclusion of a public contract. A public contract is defined as a purchase by a public authority (the EIGE) of a service, goods or works. Public contracts are provided for the Institution in exchange of remuneration.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Manage procurement process.

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

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

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Tenderers who submit the offer.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

Personal data collected and further processed about the tenderer (if she/he is a natural person), its staff and subcontractors (natural persons).

Information can relate to all or some of the following data: name, gender, nationality, title, function, contact details, bank account reference, national insurance number, passport number, id number, personnel number, date and place of birth, other personal data contained in CVs.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The tenderers are informed about the processing of their data when the invitations to tender are sent out by the following privacy statement:

13. “If processing your reply to the invitation 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 and will be processed solely for that purpose.

The tenderer may, upon request, obtain the communication of his/her personal data and rectify any inaccurate or incomplete personal data.

The tenderer has the right to recourse at any time to the European Data Protection Supervisor for matters relating to the processing of personal data.

Your personal data may be registered in the Early Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the European Commission, should you be in one of the situations mentioned in:

- the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System (for more information see the privacy statement on

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm) ), or

- the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the privacy statement on

[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm#bdce](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#bdce)”

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The data subjects have the right to access and the right to rectify the data concerning him or her by contacting the controller and the unit in charge of the procurement.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The process is automated.  
Invitations sent out by mail or e-mail (functional mailbox) and answers.

10/ STORAGE MEDIA OF DATA

- Paper files stored in locked cupboard;
- e-mails stored on the mail server accessible to the procurement and finance officers and head of admin unit;
- Electronic files are stored in a specific folder on the network drive (after the evaluation).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 5(a) of the Regulation.

- 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
- Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union
- By analogy, Common Commission-level retention list for European Commission files of 4th July 2007 SEC(2007)970

Article 5(d) of the Regulation.

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

The recipients of the data are:

- the EIGE Director;
- procurement officer, procurement and finance officer;
- heads of units/sectors and their staff concerned by the procedure;
- others (court of auditors, IAS, other EU institutions, external experts and contractors who work with/on behalf of EIGE for the purposes of tender evaluation).

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Documents relating to tender procedures have to be archived for at least ten years following signature of the contract. Documents relating to the management of contracts have to be archived for at least ten years following the last payment by EIGE. Tenders and requests to participate from unsuccessful tenderers or candidates are kept for at least five years following signature of the contract. After this minimum period has elapsed, the documents are to be destroyed.

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

30 days after notification.

*(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.*

No identifiable data will be kept longer than the specified periods.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

No identifiable data shall be transferred to third countries other than the requested by the treaties on the functioning of the European Union.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

AS FORESEEN IN:

↑ Article 27.2.(a)

It may involve processing of data relating to (suspected) offences and criminal convictions in the form of an extract of the judicial record.

↑ Article 27.2.(b)

Data are collected and processed with the purpose to evaluate information relating to the legal, financial, economic, technical and professional capacity of tenderers with a view to select the offers which best satisfy the criteria set out in the call for tenders in accordance with articles 93 to 97 of the Financial Regulation.

17/ COMMENTS

This notification is an ex-post prior check (the processing operations are already implemented).

List of Annexes:

Annex 1 - EIGE Vademecum on Public Procurement-2013

Annex 2 - Confidentiality agreement for contractor

Annex 3 - Purchase Order- Low value contracts

Annex 4 - Draft Service contract-Jan-2013

PLACE AND DATE: VILNIUS, 25 JUNE 2013

DATA PROTECTION OFFICER: RAMUNAS LUNSKUS, RAMUNAS.LUNSKUS@EIGE.EUROPA.EU

INSTITUTION OR BODY: EUROPEAN INSTITUTE FOR GENDER EQUALITY (EIGE)