

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1189

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 13/11/2013

CASE NUMBER: 2013-1271

INSTITUTION: EMSA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Markku Mylly
Executive Director
EMSA,
Praca Europa 4
1249-206 Lisbon,
Portugal

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

All units of EMSA

3/ NAME OF THE PROCESSING

Processing personal data in the framework of public procurement procedures

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

In order to choose service and supply providers for EMSA some personal data are processed of the applicant and tenderer (and/or their legal representatives)

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Applicants and tenderers (and/or their legal representatives)

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 of applicants and tenderers (and/or their legal representatives i.e. name)
- Personal data of personnel executing contracts (CVs i.e. names, address, educational and professional background)
- Data relating to offences and criminal convictions

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Invitation to tender:

Processing your reply to the invitation to tender will involve 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 by Head of unit responsible for management of contract. Details concerning processing of your personal data are available on the privacy statement "Information on personal data protection in procurement procedures" at:

<http://www.emsa.europa.eu/about/personal-data-protection.html> Your personal data may be registered in the Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in 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)

From Guidelines to tenderers version 2.1 available on EMSA website;

<http://www.emsa.europa.eu/work/procurement/calls.html>

VII.3 Protection of personal data

In certain cases, the follow-up of tenderers' responses to the procurement procedure will require the recording and further processing of personal data (e.g. name, address or CV of natural persons). Such data will be processed in accordance with the 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.

Except if mentioned otherwise, replies-to questions and personal data requested are necessary for the purpose of assessing a tender according to the tendering specifications. These data will only be processed by an Evaluation Committee for the described purpose, on a need-to-know basis. Tenderers may, upon request, obtain the details of any personal data previously submitted by it and rectify any inaccurate or incomplete personal data. Should a tenderer have any queries concerning a tenderer's personal data, he should address his concern to the appointed contact person for that tender, as indicated in the tender documentation.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

All data subjects are informed about the possibility of contacting the Head of unit responsible for management of the contract

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Manual

10/ STORAGE MEDIA OF DATA

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

EMSA Financial Regulation and EMSA Implementing Rules

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

Authorising officer and Authorising officers by delegation
Evaluation Committee Members
Initiating Agents and Financial and Legal Verifiers
Project Officers dealing with the awarded contract

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

In line with the Document Management and Archiving Policy of EMSA for procurement and financial files the retention period is 10 years.

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

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

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Not applicable.

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

Data may be transferred to the Internal Auditor, the Court of Justice, the EDPS, the European Ombudsman, OLAF and the Central Exclusion Database as deemed necessary for the performance of the respective supervisory or judicial tasks.

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

No sensitive or special data

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.(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

N/A

PLACE AND DATE: LISBON, 18/10/2013

DATA PROTECTION OFFICER: MARKKU MYLLY

INSTITUTION OR BODY: EMSA