



Updated: 11/12/2018

Privacy Statement on the protection of personal data in relation to *Public Procurement*

Personal data will be processed in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002.

Identity of controller:

Head of Finance and Procurement Service

Purpose of the processing:

The processing of the data is performed:

- a. in response to procurement and grant award procedures, for the purpose of purchase of supplies and services as well as award of grants; and
- b. for the management and administration of public procurement procedures and grants.

Categories of personal data processed:

For **staff of the tenderers/candidates/applicants** participating in procurement procedures the data processed include:

- Name (first name, family name), title and function;
- Place and date of birth,
- Contact details;
- Bank account details;
- Passport/ID number (natural persons) or company registration number (legal persons), VAT number and/or membership in a trade or professional organisation;
- Other personal data contained in CVs (e.g. expertise, technical skills, educational background, languages, professional experience including details on current and past employment);
- Certificates for social security contributions and taxes paid, extracts from judicial records only of the person(s) authorised to sign the contract before the contract award;
- Extracts from judicial records of staff employed by legal entities.
- Declaration of honour by the person(s) authorised to sign the contract that they are not in one of the exclusion situations referred in articles 136 and 141 of the general Financial Regulation.

For the **legal entities or individual economic operators** the data processed include:

- Name, address, phone number, fax number, e-mail address;
- Proof of an independent worker status (if applicable) and extract from the trade register; bank certificate stating his/her financial situation; bank account number, IBAN, BIC code, and bank's name;

- Statement of the overall turnover for the supplies and/or services referred to in the procurement procedure;
- Proof of having fulfilled all obligations to pay social-security contributions and taxes;
- Certificate of clear criminal record or extract of judicial record;
- Extract from the register of bankruptcy and reorganization procedures or extract from the register of debt regulations or a certificate given by a creditor, as applicable;
- Documents attesting professional standing; Proof of security clearance (if applicable).

For the **subcontractors** the data processed include:

- data contained in the Declaration on honour on exclusion criteria and selection criteria
- data contained in the documents proving the economic/financial and technical/professional capacity of the subcontractor;
- data comprised in the Model of Letter of Intent for Subcontractor/s and External Experts (natural persons), stating his unambiguous undertaking to collaborate with the tenderer if the latter wins the contract.

For project managers, Authorising Officers, staff of procurement service and members of the opening committee/evaluation committee only the name, grade and function are collected and processed.

Legal basis and lawfulness:

The processing is necessary for the performance of a task carried out in the public interest, namely the management and functioning of the institution within the meaning of the article 5(a) of Regulation (EU) 2018/1725 and in order to meet the legal obligations arising out of the following legal documents:

- a) Cedefop founding Regulation (EEC) No 337/75 of the Council of 10 February 1975, as last amended by Council Regulation (EC) No 2051/2004 of 25 October 2004
- b) Financial Regulation (Regulation (EU, Euratom) Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2011.

Recipients of the data processed:

The data may be disclosed to the following recipients:

- Finance and Procurement service staff processing the different stages of procurement procedures;
- Members of the Opening committee, responsible for the opening of tenders received;
- Members of the Evaluation committee, responsible for the evaluation of tenders received;
- External evaluators, if applicable;
- Legal advisor (internal or external staff, or contractor), if necessary;
- European Court of Auditors (ECA), Internal Audit System (IAS), OLAF, Financial Irregularities Panel;
- European Commission, other institutions or agencies (for data of economic operators which are in one of the situations referred to in Articles 136 and 141 of the general FR which may be included in the system that identifies bodies and individuals representing financial and other risks to the European Union, called Early Detection and Exclusion System

(EDES). The privacy statement of EDES is published in:

http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_eeds_en.pdf

- Members of the public. Specific personal data of the legal entity or individual awarded a contract following a call for tender, as well as personal data of the grant beneficiaries will be made available to the public in accordance with the obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the budget of the EU (Point 2 of Annex I to FR and Point 3 of Annex I to FR respectively). The information will concern in particular the name and address, the amount awarded and the name of the project or programme for which a contract was awarded. It will be published in supplement S of the Official Journal of the European Union (Contract award notice) and on the website of Cedefop.

The data subject's rights:

Data subjects have the right to access their personal data by submitting a request to the controller mentioned in the call for tenders. They can also modify, update or delete the data at any time. However, some restrictions to the right of access and rectification are imposed before the opening procedure, when contact between Cedefop and tenderers is forbidden (without prejudice to the exceptions of making clarifications or correcting administrative errors).

If tenderers have any queries concerning the processing of their personal data, they may address them to the Head of Finance and Procurement (acting as data controller) at the e-mail address mentioned in the call for tenders, or the Data Protection Officer at the following email: data-protection-officer@cedefop.europa.eu

Should data subjects have a conflict on Personal Data Protection issue that is not resolved by the Data Controller or the Data Protection Officer of Cedefop, they may lodge a complaint with the European Data Protection Supervisor:

Website: <http://www.edps.europa.eu>

Email: edps@edps.europa.eu

Retention period of the collected personal data:

Files relating to successful tenderers/candidates are retained for a period of (10) years following the signature of the contract.

Files relating to unsuccessful tenderers/candidates are kept for five (5) years following the signature of the respective contract.

Storage of personal data:

The paper files are kept in cupboards in the offices of the Procurement Service, which are locked overnight. The electronic files are located in centralised systems (Livelink (ProLive) and Fibus), on servers of a computer centre at Cedefop premises, where an authentication is necessary (username, password) and workflow restrictions apply to the documents.

We take appropriate security measures to protect against unauthorised access to or unauthorised alteration, disclosure or destruction of data. These include internal reviews of our data collection, storage and processing practices and security measures, including appropriate encryption of communication and physical security measures to guard against unauthorised access to systems where we store personal data.

Contact information of Cedefop's DPO:

data-protection-officer@cedefop.europa.eu

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