

# EEAS PRIVACY STATEMENT

## for the purpose of the processing operation of personal data linked to procurement procedures organised by the EEAS services and contract execution (Headquarters and Delegations)

<p><b>1. INTRODUCTION</b></p>
<p>THE PROTECTION OF YOUR PRIVACY INCLUDING YOUR PERSONAL DATA IS OF GREAT IMPORTANCE TO THE EUROPEAN EXTERNAL ACTION SERVICE (EEAS), THEREBY REFLECTING THE PROVISIONS OF THE CHARTER ON FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, AND IN PARTICULAR ITS ART. 8. THE PRESENT PRIVACY STATEMENT DESCRIBES WHICH MEASURES ARE TAKEN IN ORDER TO PROTECT YOUR PERSONAL DATA WITH REGARD TO THE ACTION INVOLVING THE PRESENT DATA PROCESSING OPERATION AND WHAT RIGHTS YOU HAVE AS A DATA SUBJECT. YOUR PERSONAL DATA ARE PROCESSED IN ACCORDANCE WITH <u>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 MOVEMENT OF SUCH DATA</u>, AS IMPLEMENTED IN THE EEAS BY <u>DECISION OF THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY OF 8 DECEMBER 2011</u>. ALL DATA OF A PERSONAL NATURE - NAMELY DATA WHICH CAN IDENTIFY YOU DIRECTLY OR INDIRECTLY - WHICH YOU PROVIDE TO THE EEAS WILL BE HANDLED WITH THE NECESSARY CARE.</p>
<p><b>2. PURPOSE OF THE PROCESSING OPERATION</b></p>
<p>The purpose of the present processing operation is to ensure the proper organisation and management of the procurement procedure concerned, organised by an EEAS Service (Headquarters and/or by EU Delegations), as well as of contract execution. Upon reception of expressions of interests, requests to participate or tenders, as well as in the ensuing contract execution, personal data is collected and further processed by EEAS services.</p> <p><u>Procurement procedures include the conclusion of contracts for the purchase or rental of a building, supply contracts, works contracts and service contracts, as laid down in Title V of Regulation (EU, EURATOM) N° 966/2012 of the European Parliament and of the Council of 25 October 2012 – "Financial Regulation".</u></p>
<p><b>3. DATA PROCESSED</b></p>
<p>The data which will be processed for that purpose concern the candidate, tenderer and its staff or sub-contractors. Information can relate to the following data:</p> <ul style="list-style-type: none"> <li>▪ Name;</li> <li>▪ Function;</li> <li>▪ Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);</li> <li>▪ Certificates such as certificates for social security contributions and taxes paid, extract from judicial records, certificates related to insurances and licences / authorizations concerning the subject of the procurement.</li> <li>▪ Bank account reference (IBAN and BIC codes), VAT number, passport number, ID number;</li> <li>▪ Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment;</li> <li>▪ Declaration on honour that they are not in one of the exclusion situation referred to in articles 106 and 107 of the Financial Regulation.</li> <li>▪ Legal Entity File (LEF) and Bank Account File (BAF).</li> </ul>
<p><b>4. CONTROLLER OF THE PROCESSING OPERATION</b></p>
<p>The controller<sup>1</sup> responsible for the processing operation is the Head of the EEAS department/division or the Head of the EU Delegation, or his/her Deputy acting on his/her behalf, organising the procurement procedure and managing the contract.</p>
<p><b>5. RECIPIENTS OF THE DATA</b></p>
<p>For the purpose detailed above, access to your personal data is given to the following persons, without prejudice to a possible transmission to the bodies in charge of a monitoring or inspection task in accordance with European Union law (e.g. internal audits, European Anti-fraud Office - OLAF):</p> <ul style="list-style-type: none"> <li>▪ Staff of the EEAS or of the EU institutions as well as outside experts and contractors who work on behalf of the EEAS for the purposes of management of the procurement procedure and tender evaluation concerned;</li> <li>▪ Staff of the European Commission Directorate General for BUDGET (DG BUDG) with regard to the Legal Entity Form (LEF) and Bank Account File (BAF).</li> </ul>

<sup>1</sup> The controller is the organisational entity which determines the purpose and means of the processing of personal data.

- Members of the public; In case you are awarded a contract by the EEAS, your personal data will be made public, in accordance with the EEAS's obligation to publish information on the outcome of the procurement procedure (Article 103 of the Financial Regulation.). The information will concern in particular your name and address, the amount awarded and the name of the project for which you are awarded a contract. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the EEAS (or of its Delegations).

The information in question will not be communicated to third parties, except where necessary for the purposes outlined above.

## **6. PROVISION, ACCESS AND RECTIFICATION OF THE DATA**

You have the right to access your personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of your personal data, which will be implemented within 5 working days after your request will have been deemed legitimate. If you have any queries concerning the processing of your personal data, you may address them to the data controller at the mailbox of the Contracting Authority (the mailbox used by EEAS Service or EU Delegation organising the procurement procedure for communication on the tender procedure)

## **7. LEGAL BASIS FOR THE PROCESSING OPERATION**

The legal basis of the processing operation at stake is:

- 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 – "Financial Regulation".
- 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 - "Rules of Application".
- For contract's execution, the legal basis is the particular contract.
- Good administrative practices in the framework of the Treaty of Lisbon and the Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) available on [http://www.eeas.europa.eu/background/docs/eeas\\_decision\\_en.pdf](http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf)

## **8. TIME LIMIT FOR STORING DATA**

Your data will be retained as follows:

- Files related to the procurement procedures and to implementation of contracts are kept by the EEAS (at HR and/or in EU Delegations) and by the data processor (contractor) for up to 5 years from the date on which the European Parliament grants discharge for the budgetary year to which the data relates. Requests to participate and tenders of unsuccessful tenderers are kept for the same time. .
- However, documents relating to tender procedures or to the management of contracts have to be archived for at least ten years following signature of the contract or following the last payment by the EEAS, respectively; as an exception, tenders and requests to participate from unsuccessful tenderers or candidates have to be kept only for at least five years following signature of the contract.
- Until the end of a possible audit if it started before the end of the above period.
- After the period mentioned above has elapsed, the tender files containing personal data are sampled and anonymised to be sent to the historical archives of the EEAS for further conservation (e.g. for 25 years or permanently). The non-sampled files are destroyed.
- Personal data (limited to name, surname and possibly photos) might be kept for information and historical purposes for a longer period if they have been published on the EEAS website.

Data will be automatically destroyed at the end of these periods.

## **9. CONTACT**

In case you have questions related to the protection of your personal data, you can also contact the EEAS' Data Protection Office at [data-protection@eeas.europa.eu](mailto:data-protection@eeas.europa.eu).

## **10. RECOURSE**

You have at any time the right of recourse to the European Data Protection Supervisor at [edps@edps.europa.eu](mailto:edps@edps.europa.eu).