

EEAS PRIVACY STATEMENT - DATA PROTECTION NOTICE

FOR THE PURPOSE OF

PROCESSING PERSONAL DATA RELATED TO PROCUREMENT PROCEDURES ORGANISED BY EEAS SERVICES AND CONTRACT EXECUTION BY EEAS HEADQUARTERS AND EUROPEAN UNION DELEGATIONS

1. INTRODUCTION

The protection of your personal data and privacy is of great importance to the European External Action Service (EEAS) and to the Delegations of the European Union. You have the right under EU law to be informed when your personal data is processed [collected, used, stored] as well as about the purpose and details of that processing.

When handling personal data, we respect the principles of the Charter on Fundamental Rights of the European Union, and in particular Article 8 on data protection. Your personal data are processed in accordance with Regulation (EU) 2018/1725 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, aligned with Regulation (EU) 2016/679, the General Data Protection Regulation. In this privacy statement you find information about how the EEAS and EU Delegations process your personal data and what rights you have as a data subject.

2. PURPOSE OF DATA PROCESSING: Why do we process your data?

The purpose of the present processing operation is to ensure:

- Management and administration of procurement procedures by the EEAS services (Headquarters and Delegations). Procurement procedures include the conclusion of contracts for the purchase or rental of a building, supply contracts, works contracts and service contracts, as defined in Article 2, paragraph 49, of the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 – "Financial Regulation" (FR).
- Execution of contracts concluded between EEAS services (Headquarters and Delegations) and economic operators.

3. DATA PROCESSED: What data do we process?

The data, including personal data, which may be processed for that purpose are the following:

- Identification data: Name, surname, passport number, ID number
- Function
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address)
- 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
- Financial data: Bank account reference (IBAN and BIC codes), VAT number
- Legal Entity File (LEF) and Bank Account File (BAF)
- 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
- Declaration on honour that they are not in one of the exclusion situation referred to in Articles 136 to 141 of the FR
- Other non-required information that may be provided by the tenderer, its staff or subcontractors, such as gender, age or nationality, which is not necessary for the purpose of the procurement or contract execution

4. DATA CONTROLLER: Who is entrusted with processing your data?

The Controller determining the purpose and means of the personal data processing is the European External Action Service. The EEAS Directorate / Division / EU Delegation – responsible for managing the data collection and processing activity under the supervision of the Director / Head of Division / Head of Delegation is the service organising the procurement procedure or managing the contract, also indicated in the call for expression of interest or in the invitation to tenderer.

5. RECIPIENTS OF THE PERSONAL DATA: Who has access to your data?

The recipients of your data may be:

- Staff of the EEAS or of EU institutions participating in management of procurement procedures and in contract execution (e.g.: staff in EU Delegations including EEAS staff, Commission and local agents; staff from other institutions in Brussels called to participate in evaluation committees on the grounds of their expertise);
- External experts, including those established outside the EU and contractors participating in the evaluation of tenders when external expertise is required, on the basis of Article 237 of the Financial Regulation;
- Staff from the Institutions or bodies charged with a monitoring or inspection task in application of Union law: e.g. staff of OLAF, EPPO, IDOC, IAS (Internal Audit Services), IAC (Internal Audit Capability), the Legal Service of the Commission as well as staff of other DGs of the European Commission (SG, budget and clearinghouse) and of other EU institutions upon request necessary in the context of official investigations or for audit purposes in application of European Union law (e.g. internal audits, Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, Exclusion Panel referred to in Article 143 of the Financial Regulation, European Anti-fraud Office - OLAF);
- Staff of the European Commission Directorate General for BUDGET (DG BUDG) with regard to the Legal Entity Form (LEF) and Bank Account File (BAF).

- Members of the public: in case you are awarded a contract, your personal data will be made public, in accordance with the obligation to publish information on the outcome of the procurement procedure (Article 163 of the Financial Regulation). The information concerns in particular name and address, the amount awarded and the subject matter of the contract. It will be published in supplement S of the Official Journal of the European Union and/or on the website(s) of the EEAS.

Personal data is not intended to be transferred to a third country or to an international organisation. Data may be transmitted to EU Delegations established in Third Countries. For Union Delegations Regulation (EU) 2018/1725 fully applies. The given information will not be communicated to third parties, except where necessary for the purposes outlined above.

6. ACCESS, RECTIFICATION, ERASURE OF DATA: What rights do you have?

You have the right to access and verify 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, if collected unlawfully, which will be implemented within 10 working days after your request has been deemed legitimate. In case you wish to verify which personal data is stored on your behalf by the responsible Controller, have it modified, corrected, or deleted, or restrict the processing, or object to it or to exercise the right to data portability, please make use of the contact information mentioned in the call for expression of interest or in the invitation to tender, by explicitly describing your request. Any correction of your personal data will be taken into consideration from the data protection point of view. For more information, please see Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. In specific cases, a restriction to the right of rectification under Article 25 of the aforementioned Regulation may apply. Special attention is drawn to the consequences of a request for deletion, as this may lead to an alteration of the terms of the tender and lead to rejection as stated in Article 112 of the Financial Regulation. You can exercise your rights by contacting the controller and if you have any questions concerning the processing of your personal data, you may address them to the following functional mailbox of the Data Controller (the mailbox used by EEAS service organising the procurement procedure for communication on the tender procedure).

7. LEGAL BASIS: On what grounds we collect your data?

The processing of personal data related to the selection, recruitment and administrative management of Contract Agents is necessary for the performance of a task carried out in the public interest [Article 5(1)(a) of Regulation (EU) 2018/1725], as mandated by the Treaties, in particular by articles 5, 11, 20, 21-40, 42, 43 of the of the Treaty on European Union (TEU) and 2 (4) and (5), 205, 220-221, 326 – 334 of the Treaty on the Functioning of the European Union (TFEU).

Specific legal references:

- Regulation (EU, EURATOM) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 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 966/2012, "Financial Regulation", in particular Title V – Common rules, Title VII – Procurement and concessions and Annex I – Procurement
- For contract execution, the legal basis is the particular contract.

Further legal reference: Council Decision of 26 July 2010 establishing the organisation and functioning of the EEAS (2010/427/EU) – OJ L 201, 3/8/2010, p. 30.

8. TIME LIMIT - DATA STORING: For what period and how we process your data?

Personal data would be retained as follows:

- Files relating to tender procedures, including personal data, are to be retained in the service in charge of the procedure until it is finalised, and in the archives for a period of 10 years following the closure of the contract in conformity with the Common Commission-Level Retention List (SEC(2012)713 under revision) as part of the e-Domec policy. However, requests to participate and tenders from unsuccessful tenderers have to be kept only for 5 years following the closure of the contract.
- Files related to implementation of contracts are kept by the EEAS or EU Delegation and by the data processor (contractor) for up to 10 years from the date on which the European Parliament grants discharge for the budgetary year to which the data relates (end of the contract).
- Files could be retained until the end of a possible audit if one started before the end of the above periods.
- After the periods mentioned above have elapsed, the files containing personal data are sampled and sent to the historical archives of the EEAS for further conservation, as applicable. The non-sampled files are destroyed.

Storage of data: The information is collected in files stored in an isolated and secured system. The collected personal data and all related information are stored after closure of the procurement procedure on the premises of the EEAS or the European Commission (EC) and on servers of the EEAS, EC (DG DIGIT or EC Directorate General issuing the call for tenders).

Security of data: Appropriate organisational and technical measures are ensured according to Article 33 of Reg. (EU) 2018/1725. The collected personal data are stored on servers that abide by pertinent security rules. Data is processed by assigned staff members. Files have authorised access. Measures are provided to prevent unauthorised entities from access, alteration, deletion, disclosure of data. General access to personal data is only possible to recipients with a UserID/Password. Physical copies of personal data are stored in a properly secured manner.

9. EEAS DATA PROTECTION OFFICER: Any questions to the DPO?

In case you have queries you can also contact the EEAS Data Protection Officer at data-protection@eeas.europa.eu.

10. RECOURSE

You have at any time the right to have recourse to the European Data Protection Supervisor at edps@edps.europa.eu.