



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)

1. INTRODUCTION
<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>
2. PURPOSE OF THE PROCESSING OPERATION
<p>The purpose of the processing operation is:</p> <ul style="list-style-type: none"> ▪ Management and administration of procurement procedures by the EEAS services (Headquarters and Delegations), including in particular the provision of evidence of the technical and professional capacity of candidates, tenderers, their staff and subcontractors. 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". ▪ Execution of contracts concluded between the EEAS services (Headquarters and delegations) and economic operators. ▪ Purpose indicated in the relevant contract and carried out by the contractor acting as data processor.
3. DATA PROCESSED
<p>Personal data of candidates, tenderers, their staff or subcontractors which may include in particular:</p> <ul style="list-style-type: none"> ▪ Name; ▪ 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; ▪ Bank account reference (IBAN and BIC codes), VAT number, passport number, ID number; ▪ Information for the evaluation of selection criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment; ▪ Declaration on their honour that they are not in one of the exclusion situation referred to in articles 106 and 107 of the Financial Regulation. ▪ Legal Entity File (LEF) and Bank Account File (BAF) <p>Since the information is often provided on CV, the candidates, tenderers, staff, contractors or subcontractors may supply additional information which is not necessary for the purpose of procurement (such as gender, age, nationality).</p> <p>Data processing on implementation of contract may require other types of data as specified in the relevant documents.</p>
4. CONTROLLER OF THE PROCESSING OPERATION
<p>The Controller determining the purpose and the means of the processing operation is the European External Action Service. The Division responsible for managing the personal data 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. The model notification linked to the present Privacy Statement was implemented by EEAS MDR A "Finance and Corporate Support", at present EEAS BA IBS 5 "Contracts" Division.</p>
5. RECIPIENTS OF THE DATA
<p>All recipients are on a "need to know" basis.</p> <ul style="list-style-type: none"> ▪ Staff of the EEAS or of EU institutions participating in management of procurement procedures and in contract execution as defined in Section 3 (e.g.: staff in EU Delegations who do not belong to the EEAS or staff from other institutions in Brussels called to participate in evaluation committees on the grounds or their expertise) and to the bodies charged with a monitoring or inspection task in application of Union law (e.g. internal control, internal audit);

- 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 204 of the Financial Regulation;
 - Staff of OLAF, IDOC, IAS (Internal Audit Services), IAC (Internal Audit Capability) of the EU, 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.
 - 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 accordance with the obligation to publish information on the outcome of the procurement procedure deriving from the budget of the European Union (Article 103 of the Financial Regulation,). The information concerns in particular name and address, the amount awarded and the name of the project. It will be published in supplement S of the Official Journal of the European Union and/or on the website(s) of the EEAS.
- Staff of the contractor who need to have access to the data strictly for performance, management and monitoring of the contract.

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 their 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 organising the procurement procedure for communication on the tender procedure).

7. LEGAL BASIS FOR THE PROCESSING OPERATION

Legal basis:

- 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 and repealing Council Regulation (EC, Euratom) No 1605/2002, "Financial Regulation", in particular Title V;
- 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 execution, the legal basis is the particular contract.

Lawfulness of Processing:

The data processing is considered lawful because it is necessary:

- For the performance of tasks carried out on the basis of the Financial Regulation and Rules of Application;
- To ensure compliance of the Data Controller with the legal obligations stated in the Financial Regulation and the Rules of Application,
- To take steps prior to entering into a contract with the data subject as described in points (a), (b) and (c) of article 5 of Regulation 45/2001
- To comply with Articles 21, 22 and 23 when the contractor acts as data processor.
- There is no exemption or restriction under article 20 but data or operations required prior checking under article 27 of Regulation 45/2001 for the procurement and grant procedures and the call for expression of interest for the selection of experts.

Further legal reference:

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

8. TIME LIMIT FOR STORING DATA

Files related to the procurement procedures and to implementation of contracts are kept by the EEAS 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.

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.

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.

10. RECOURSE

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