



NOTIFICATION FORM

FOR DATA PROCESSING OPERATIONS

Date of registration: 28.6.2011

Register No: WPM1

1. Name of the data processing operation

Grant and procurement award procedures including call for expression of interest

2. Data Controller

Programme or Group:	ADS4 / Legal services
Function:	Procurement Officer
Contact person:	Mrs Bitten Serena; procurement@eea.europa.eu

3. Description of the processing operation

3.1. Area of activity in which the processing is carried out

Procurement and grant award procedures:

Management, coordination and organisation of calls for tenders/proposals including in particular the reception of tenders and/or requests to participate and applications, their opening, evaluation, ranking, copying, distribution, use, filing, archiving and destruction; the preparation of the opening report, the evaluation report, the award decision and the contract; the correspondence with the candidates or tenderers and applicants, the publication of the results of the procurement/grant award procedure in the Official journal of the European Union and/or the EEA external website.

In all procurement/grant award procedures, personal data are processed within the duration of the particular procedure, or if applicable, up to provision of publicity of the results of that procedure.

In most cases, the candidates or tenderers and applicants must provide a declaration on their honour that they are not in a situation of exclusion as defined in Article 93 and 94 of the Financial Regulation. It may happen that candidates or tenderers be legal entities of one person directly allowing the identification of the natural person.

Call for expression of interest:

Management, coordination and organisation of calls for expression of interest for the selection of candidates, including in particular the reception of application to participate, their opening,

evaluation, ranking, copying, distribution, use, filing, archiving and destruction, the preparation of list of selected candidates, the correspondence with candidates, the publication of the results of the selection procedure in the EEA intranet. In these procedures, personal data are processed within the period of validity (usually three years) of the particular call for expression of interest. The candidates must provide a declaration of their honour that they are not in a situation of exclusion as defined in Articles 93 and 94 of the Financial Regulation.

There is no restriction under Article 20 of Regulation (EC) No 45/2001; however data or operations require prior checking in accordance with Article 27(d) of Regulation (EC) No 45/2001.

3.2. Modalities for the processing operation

<input checked="" type="checkbox"/> Manual processing	Personal data is provided by submission of an application or tender. The information is processed manually for the purpose of management and administration of the grant or procurement award procedures (e.g. contacts with applicants/tenderers during the evaluation process, written notifications to the applicants/tenderers upon completion of the evaluation process).
---	--

<input type="checkbox"/> Automated processing	
---	--

3.3. Are the Personal data processed by an entity external to EEA ('processor')?

<input type="checkbox"/>	Yes
--------------------------	-----

<input checked="" type="checkbox"/>	No
-------------------------------------	----

4. Lawfulness and purpose of the processing

4.1. Legal basis

- o EEA Financial Regulation (Decision EEA/MB/52/15 – written procedure) of 19.12.2008, in particular Article 74 as regard procurement and Article 75 as regard grants.
- o Council Regulation (EC, Euratom) No 1605/2002 of 25.6.2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248/1 of 16.9.2002) as last amended by Council Regulation (EC, Euratom) No 1525/2007 of 17.12.2007 (OJ L 343/9 of 27.12.2007) and in particular Articles 88 to 107 for procurement and Articles 108 to 120 for grants.
- o Commission Regulation (EC, Euratom) No 2342/2002 of 23.12.2002 laying down detailed rules for the implementation of the Financial Regulation (OJ L 357/1 of 31.12.2002) as last amended by Commission Regulation (EC, Euratom) No 478/2007 of 23.4.2007 (OJ L 111/13 of 28.4.2007), and in particular Articles 116 to 159 for procurements and Articles 160 to 184a for grants.

4.2. Grounds for lawfulness

The data processing is considered lawful because it is necessary:

- o For the performance of tasks carried out in the public interest on the basis of the Financial Regulation and its implementing rules (Article 5(a) of Regulation (EC) No 45/2001);
- o To ensure compliance of the data controller with the legal obligations stated in the Financial

Regulation and its implementing rules (Article 5(b) of Regulation (EC) No 45/2001);

- o To take steps prior to entering into a contract with the data subjects (Article 5(c) of Regulation (EC) No 45/2001).

4.3. Purpose of the processing

Management and administration of the procurement/grant award procedures or of the call for expression of interest for the selection of contractors or beneficiaries, including in particular the provision of evidence of the legal capacity, the financial and economic and the technical and professional capacity of tenderers, applicants or candidates, their staff and subcontractors where applicable.

5. Features of the processing operation

5.1. Categories of data subjects concerned

Persons willing to participate in the selection of candidates under a call for expression of interest, or in the selection of beneficiaries of grants or the selection of contractors in procurement procedure of the EEA:

- o Candidates – natural persons
- o Tenderers – natural persons
- o Staff of tenderers and/or subcontractors – natural persons
- o Applicants – natural persons
- o Staff of applicants and/or subcontractors – natural persons

5.2. Categories of data

Data whose processing is likely to present specific risks and is subject to prior checking by the EDPS

- Data relating to the exclusion of individuals from a right, benefit or contract

Other categories of data

- Personal data of candidates/tenderers/applicants, their staff or subcontractors which may include in particular:
 - o Name, function, contact details (company and department, postal address, country of residence, business telephone number, mobile telephone number, fax number, e-mail address, internet address)
 - o Certificates for social security contributions and taxes paid, extract from judicial records;
 - o Bank account reference (account No, name of the account holder, address of the bank, IBAN and BIC codes);
 - o Company registration No (legal persons) or passport/ID No (natural persons), VAT number and/or membership in a trade or professional organisation;
 - o Information for the evaluation of selection criteria: financial and economic capacity (bank statements or professional risk indemnity insurance or balance sheet or

	<p>statement of turnover), expertise, technical and language skills, educational background, professional experience including details on current and past employment;</p> <ul style="list-style-type: none"> o A declaration on their honour that they are not in one of the exclusion situation referred to in Articles 93 and 94 of the Financial Regulation. <p>Since the information is often provided on CV, the candidates/tenderers/applicants, their staff or subcontractors, may supply additional information which might not be necessary for the purpose of selection or the award of contracts or grants (such as gender, age, nationality, credentials).</p>
--	--

6. Retention practice of personal data

- o Files relating to the selection of candidates including personal data are to be retained in the group/programme in charge of the call for expression of interest concerned until the end of the procedure for which it is submitted, and in the archives for a period of 5 years following the closure of the call for expression of interest.
- o Files relating to procurement/grant award procedures including personal data are to be retained in the group/programme in charge of the procedure until it is completed and in the archives for a period of 10 years following the signature of the contract/grant agreement. However, tenders/applications from unsuccessful tenderers/applicants shall only be kept for a period of 5 years following the signature of the contract/grant agreement in question.
- o Files might be retained until the end of a possible audit if one started before the end of the above periods.

7. Personal data processed for historical, statistical or scientific purposes

Purpose	Categories of data	Storage media
<input type="checkbox"/> Historical	Not applicable	<input type="checkbox"/> Anonymous <input type="checkbox"/> Encrypted
<input type="checkbox"/> Statistical	Not applicable	<input type="checkbox"/> Anonymous <input type="checkbox"/> Encrypted
<input type="checkbox"/> Scientific	Not applicable	<input type="checkbox"/> Anonymous <input type="checkbox"/> Encrypted

8. Recipients or categories of recipients to whom the data might be disclosed

- All recipients are on a “need to know” basis:
- o Staff of operational, financial and/or legal groups participating in the management of selection of candidates/tenderers/beneficiaries and staff of the bodies entrusted with a monitoring or inspection task in application of European Union law (e.g. internal audit);
 - o External experts and contractors participating in the evaluation of applications/tenders when external expertise is required, on the basis of Article 179a of the Financial Regulation;

- Staff of OLAF, IAS (Internal Audit Service), COA (Court of Auditors), the Legal Service of the Commission and staff of other Commission services (DG ENV, DG BUG, Secretariat General) upon request necessary in the context of official investigations or for audit purposes
- Member of the public in accordance with the EEA's obligation to publish information on the outcome of procurement and grant award procedures deriving from the budget of the European Union (Articles 30, 90 and 110(2) of the Financial Regulation). The information concerns in particular the name and address of the beneficiaries or contractors, the amount awarded and the name of the project or action. It will be published in the supplement to the Official Journal of the European Union and/or on the external website of the EEA. Additionally, candidates selected in the framework of a call for expression of interest are listed in the intranet of the EEA.

9. Proposed transfer of personal data to third countries or international organisations

Yes

No transfer of personal data to third party countries or international organisations

10. Information given to the data subjects (as described in Articles 11 & 12 of the Regulation (EC) No 45/2001)

- The model invitation to tender contains a standard clause on Data protection (see annex No 1 attached to this notification)
- A privacy statement is attached to the tender documents (see annex No 2 attached to this notification)
- The model contract and grant agreement contain a specific provision on Data protection (See annex No 3 attached to this notification)

11. Procedures to enable data subjects to exercise their rights (as indicated in Articles 13 to 19 of the Regulation (EC) No 45/2001, i.e. access, rectification, blocking, erasure, objection)

See section 8 of the privacy statement (annex No 2 attached to this notification)

12. Time limits for blocking and erasure of the different categories of personal data

Legitimate requests are treated immediately. However, data encoded as record of reception of the tender/application is kept as it was at the time of reception. The updated data (e.g. contact details or bank account details) are used for correspondence and exchanges that follow.

Categories of data	Blocking	Erasure
Any data asked for	Usually immediate but at maximum within 5 working days	Usually immediate but at maximum within 5 working days

