

## **PRIVACY STATEMENT**

### ***Statement on personal data protection within the framework of a call for tenders, a call for proposals or a call for expression of interest***

Personal data provided by the candidates or tenderers are processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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.

Processing operations are under the responsibility of the Procurement Officer in the Legal services group acting as Data Controller, regarding the collection and processing of personal data.

#### **1. Purpose(s) of the processing**

Upon reception of your application or tender by EEA, your personal data is collected and further processed for the purpose of the management and administration of procurement or grant award procedures by the EEA.

#### **2. Recipients of the data processed**

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 monitoring or inspection task in accordance with European Union law:

- EEA staff as well as external experts or contractors who work on behalf of the EEA for the purpose of evaluation of applications or tenders (appointed members of evaluation committee, external experts, project manager responsible for the implementation of contract)
- Members of the public: in case you are awarded a contract by the EEA, your personal data will be made public, in accordance with the EEA's obligation to publish information on the outcome of calls for tenders, calls for expressions of interest and calls for proposals (Articles 35(3), 103 and 128(2) of the financial rules applicable to the general budget of the European Union). The information will concern in particular your name and address, the amount awarded and the name of the project, programme or action for which you are awarded a contract or a grant agreement. It will be published in the supplement S of the Official Journal of the European Union and/or on the external website of the EEA.

All recipients shall be reminded of the purpose limitation of the transfer in question and the obligation of confidentiality arising from Articles 7(3), 21 and 23 of Regulation (EC) No 45/2001.

#### **3. Personal data concerned**

The personal data of candidates or tenderers or applicants provided during the selection, evaluation and management phases of a call for expression of interest, a call for tenders or a call for proposals.

#### **4. *Obligatory or optional data***

Candidates, tenderers or applicants are free to give their data on a voluntary basis; failure to provide data could imply exclusion from the selection and evaluation procedure.

#### **5. *Categories of data processed***

Personal data collected and further processed concern the applicants, candidates or tenderers (if he/she is a natural person), its staff and subcontractors (for legal persons). Information can relate to all or some of the following data:

- Name (title, first name, surname) and function ;
- Contact details (company and department, postal address, country of residence, business telephone number, mobile telephone number, fax number, e-mail address, internet address);
- Bank account details (Account number, name of the account holder, name and address of the bank, IBAN and BIC codes);
- Passport/ID number (natural persons) or company registration number (legal persons), VAT number and/or membership in a trade or professional organisation;
- Information for the evaluation of selection criteria: financial and economic capacity (bank statements or professional risk indemnity insurance or balance sheet or statement of turnover), expertise, technical and language skills, educational background, professional experience including details on current and past employment);
- Certificates for social security contributions and taxes paid, extract from judicial records;
- Other personal data contained in CVs (Gender, place and date of birth, nationality);
- Other personal data contained in the application or offer (hourly/daily rate, credentials)

#### **6. *Modalities for the processing operation***

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 (contacts with applicants/tenderers during the evaluation process, written notifications to the applicants/tenderers upon completion of the evaluation process).

#### **7. *Safeguarding of data processed***

All applications/tenders are stored in locked cupboards/offices during the evaluation process.

After completion of the procurement or grant award procedure, the collected personal data and all related information are stored on the premises of the EEA which abide by the EEA's security policy and provisions.

#### **8. *Right of access and rectification***

Applicants and tenderers have a right to access their data and to update or correct their personal data at any time during the grant or procurement award procedure. The right to rectify the information already provided can only apply to the factual data processed within the concerned grant or procurement award procedure. The right to rectify can only be exercised up to the closing date for submission of applications or tenders. However,

inaccurate identification data may be rectified at any time during and after the grant or procurement award procedure.

Pursuant to Article 20(1) of Regulation (EC) No 45/2001, the right of access and the right of rectification can be restricted in case it is necessary to safeguard, inter alia, an important economic interest of the EU, including budgetary matters, or the protection of the rights and freedoms of others. In such a case, the applicants and tenderers shall be informed of the principal reasons of the restriction and of their right to have recourse to the European Data Protection Supervisor (EDPS).

Any request for access or rectification of personal data shall be addressed in writing at the address mentioned in the contact information mentioned in the invitation to submit a proposal or a tender or at the following address [procurement@eea.europa.eu](mailto:procurement@eea.europa.eu), or to the EEA's Procurement services at the following address European Environment Agency, ADS2, Kongens Nytorv 6, 1050 Copenhagen K, Denmark.

## **9. Legal basis**

The legal bases for the processing operations on personal data are the following:

- Regulation (EU, Euratom) No 966/2012 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 (OJ L 298/1 of 26.10.2012);
- 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 (OJ L 362/1 of 31.12.2012).

## **10. Legality of processing**

Processing is necessary

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

## **11. Data retention**

- 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 until the end the call for expression of interest 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.
- 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 finalised, and in the archives for a period of 7 years following the end 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.

- The files might be retained until the end of a possible audit if one started before the end of the above periods.

## **12. Right to appeal**

Applicants, candidates and tenderers are entitled to have recourse at any time to the European Data Protection Supervisor (<http://www.edps.europa.eu>; [EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)) if they consider that their rights under Regulation (EC) No 45/2001 have been infringed as a result of the processing of their personal data by the EEA.

Applicants, candidates and tenderers may also contact the EEA's Data Protection Officer (DPO) in case of any difficulties or for any questions relating to the processing of their personal data at the following e-mail address: [Data.ProtectionOfficer@eea.europa.eu](mailto:Data.ProtectionOfficer@eea.europa.eu).