

Open call No. EEA/SES/11/004

ANNEX 7 to the Tender Specifications

PRIVACY STATEMENT

Your personal data 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 tender by EEA, your personal data is collected and further processed for the purpose of the management and administration of procurement 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:

- o EEA staff as well as external experts or contractors who work on behalf of the EEA for the purpose of evaluation of tenders (appointed members of evaluation committee, external experts, project manager responsible for the implementation of contract)
- o 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 (Articles 30(3), 90 and 110(2) of the Financial Regulation applicable to the general budget of the European Communities). 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. 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.

For the purposes of safeguarding the financial interest of the Communities, your personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF).

Data of economic operators which are in one of the situations referred to in Articles 93, 94, 96(1)(b) and 96(2)(a) of the Financial Regulation¹ may be included in a central database and communicated to the designated persons of the Commission, other institutions, agencies, authorities and bodies mentioned in Article 95(1) and (2) of the Financial Regulation. This refers as well to the persons with powers of representation, decision making or control over the said economic operators. Any party entered into the database has the right to be informed of the data concerning it, up on request to the accounting officer of the Commission.

3. *Personal data concerned*

Your personal data provided during the selection, evaluation and management phases of the above mentioned call for tenders.

¹ Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002 (OJEU L 248 of 16.09.2002), as amended by Council Regulation (EC, Euratom) N° 1995/2006 of 13.12.2006 (OJEU L 390 of 30.12.2006).

4. *Obligatory or optional data*

You are free to give your 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 you as tenderer (if you are a natural person), your 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 offer (hourly/daily rate, credentials)

6. *Modalities for the processing operation*

Personal data is provided by submission of a tender. The information is processed manually for the purpose of management and administration of the procurement award procedure (contacts with tenderers during the evaluation process, written notifications to the tenderers upon completion of the evaluation process).

7. *Safeguarding of data processed*

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

After completion of the procurement 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*

You have a right to access your data and to update or correct your personal data at any time during the procurement award procedure. The right to rectify the information already provided can only apply to the factual data processed within the concerned procurement award procedure. The right to rectify can only be exercised up to the closing date for submission of tenders. However, inaccurate identification data may be rectified at any time during and after the procurement award procedure.

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 tender or at the following address procurement@eea.europa.eu, or to the EEA's Procurement services at the following address European Environment Agency, ADS4, Kongens Nytorv 6, 1050 Copenhagen K, Denmark.

9. *Legal basis*

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

- Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248/1 of

16.9.2002) and the subsequent regulations and corrigenda amending and correcting that regulation;

- Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357/1 of 31.12.2002) and the subsequent regulations and corrigendum amending and correcting that regulation;

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 procurement 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 10 years following the signature of the contract. However, tenders from unsuccessful tenderers shall only be kept for a period of 5 years following the signature of the contract 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

You are entitled to have recourse at any time to the European Data Protection Supervisor (<http://www.edps.europa.eu>; EDPS@edps.europa.eu) if you consider that your rights under Regulation (EC) No 45/2001 have been infringed as a result of the processing of your personal data by the EEA.

You may also contact the EEA's Data Protection Officer (DPO) in case of any difficulties or for any questions relating to the processing of your personal data at the following e-mail address: Data.ProtectionOfficer@eea.europa.eu.