

## EEA tendering procedures

### Specific privacy statement

The personal data you provide as an applicant or tenderer in the context of a tendering procedure of the EEA are processed in accordance with regulation (EU) No 2018/1725<sup>1</sup> of the European Parliament and of the Council of 23 October on the protection of natural persons with regard to the processing of personal data by Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

The EEA tendering procedures and the associated processing operations are under the responsibility of the Procurement services in the Legal services, procurement and logistics group, acting as data Controller, regarding the collection and processing of personal data.

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

Upon receipt of your application or tender by the EEA, your personal data is collected and further processed for the purpose of the management and administration of the contract award procedure. This entails in particular the evaluation of your eligibility to participate in public procurement procedures (including call for expression of interest) and to be awarded procurement contracts in accordance with exclusion, selection and award criteria as defined in the tender specifications or in the terms of reference;

#### 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 tasks 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 the evaluation of applications or tenders (i.e. appointed members of evaluation committee), external experts, project managers and resource officers responsible for the implementation of the ensuing contracts,
- Member 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 legal obligation to publish information on the outcome of calls for tenders, calls for expression of interest and calls for proposals (see Articles 38, 163 and 189 of the financial rules applicable to the general budget of the Union and Articles 2.4 and 3.3 of Annex I thereof). 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 Series) to the Official Journal of the European Union and/or the 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 4(1) (f) and 9 of Regulation 2018/1725.

Documents and material produced in relation to an EEA tendering procedure may also be disclosed to the public subject to the provisions contained in Regulation (EC) No 1049/2001 of

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<sup>1</sup> OJ L 29/39 of 21.11.2018.

the European Parliament and of the Council of 30 May 2001 regarding public access to documents.

No personal data is shared with third parties for direct marketing purposes.

### **3. Categories of data processed**

The only personal data collected and further processed is the information you provide in connection with your participation to an EEA tendering procedure as an applicant or a tenderer. You are free to give your data on a voluntary basis, although failure to provide your data could imply exclusion from the selection and contract award procedure.

The personal data collected and further processed concern the applicant or tenderer (if he/she is a natural person), its staff and subcontractors (for legal persons). The information collected may relate to all or some of the following data:

- Name (title, first name, surname) and function;
- Contact details (company department, postal address, country of residence, business telephone number, mobile telephone number, fax number, e-mail address, internet address);
- Bank accounts 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, and 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 tender (hourly/daily rate, credentials, recommendation letters)

The personal data collected may also concern the staff members of the EEA involved in the evaluation process, namely the members of the opening and evaluation committees who are requested to sign a declaration of absence of conflict of interest and confidentiality prior to the performance of their tasks.

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

Personal data is provided by submission of an application or tender. The personal data is processed electronically when the EEA staff members responsible for the tendering procedure open the tenders submitted through the e-Submission system and store them in ad hoc files in a filing system. The information is processed manually for the purpose of the management and administration of the contract award procedures (contacts with applicants/ tenderers during the evaluation process, written notifications to the applicants/ tenderers upon completion of the evaluation process).

Your personal data may be registered in the Early Detection and Exclusion system (EDES) if you are in one of the situations mentioned in Article 136 of the financial rules applicable to the general budget of the Union. More detailed information are available in the specific privacy

statement at the following address:

[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm).

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

You, as an applicant or tenderer, have a right to access and to update or correct your personal data at any time during the contract award procedure. The right to rectify the information already provided can only apply to the factual data processed within the concerned contract 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 contract 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 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 address European Environment Agency, ADS3, Kongens Nytorv 6, 1050 Copenhagen K, Denmark.

#### 6. **Legal basis**

The legal basis for the processing operations on your personal data is Regulation (EU, Euratom) 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 Regulation (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (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, and Annex I thereto.

The processing of your personal data is necessary

- for the performance and support of the numerous tasks carried out by the EEA as mandated by Regulation (EC) No 401/2009 of 23 April 2009 on the EEA and Eionet, and in particular Article 2 thereof, and for the internal management and functioning of the EEA;
- to ensure compliance with a legal obligation stated in the financial rules applicable to the general budget of the Union, to which the data controller is subject; and
- to take steps prior to entering into a contract with the data subject.

#### 7. **Data retention**

Your personal data is kept as long as necessary for the purposes of the organisation and management of the related contract award procedure, as well as for any follow-up actions the it may entail.

- Files relating to the selection of applicants including personal data are to be retained in the group/programme in charge of the call for expression of interest until the end of the call for expression of interest for which they were submitted, and in the archives for a period of five years following the closure of the call for expression of interest.
- Files relating to contract 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 seven years following the end of the contract. However, applications or tenders from unsuccessful applicants or tenderers shall only be kept for a period of five 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.

**8. Right to appeal**

You are entitled to have recourse at any time to the European Data Protection Supervisor (<https://edps.europa.eu>; [edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation(EU) No 2018/1725 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 data at the following email address:  
[DPO@eea.europa.eu](mailto:DPO@eea.europa.eu).