Privacy statement for procurement procedures including call for expressions of interest for selection of experts, the execution of the contract and additional purposes such as statistics, reporting or auditing

1. Context and controller

Collection and further processing of personal data in the context of procurement procedures and calls for selection of experts is subject to 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 data¹.

The Head of the Operational Support Unit (OSU) of Eurofound is the data controller, i.e. the person who determines the purposes and means of this processing operation. OSU is Eurofound’s Unit responsible for the administration of contracts and procurement procedures.

2. What is the purpose of the collection of your personal data?

Your personal data is processed for the management and administration of procurement procedures by Eurofound, including in particular:

- the provision of evidence of the technical and professional capacity of tenderers (or experts), their staff and subcontractors,
- the execution of the contract and additional purposes such as statistics, reporting or auditing.

3. What is the legal basis for processing your personal data?

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

- Financial Regulation of the European Foundation for the Improvement of Living and Working Conditions, adopted by the Governing Board on 23 December 2013 and entered into force on 1 January 2014 and in particular Titles V and VII;
- For contract execution, the legal basis is the particular contract.

4. Is the data processing conducted by Eurofound lawful?

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 Rules of Application;
- Take steps prior to entering into contract with the data subject in line with the principles as described in points (a), (b) and (c) of Art. 5 of Regulation (EC) No 45/2001\(^2\).
- To comply with Articles 21, 22 and 23 of Regulation (EC) No 45/2001 when the contractor acts as data processor.

5. What types of personal data are collected and by which technical means?

Personal data collected and further processed concern the following categories of persons willing to participate in the selection of experts or procurement procedures of Eurofound:

- experts - natural persons,
- tenderers - natural persons,
- staff of tenderers, and/or
- subcontractors - natural persons.

Persons concerned in the relevant contract.

Personal data of tenderers (or experts), their staff or subcontractors may include in particular:

- Name and position;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Bank account reference (IBAN and BIC codes), VAT number, passport number, ID number;
- Certificates for social security contributions and taxes paid, extract from judicial records;
- Concerning the expert selection procedures, the collection of financial data in a financial identification form (such as bank account reference) together with the application documents may be considered as excessive in relation to the purpose of the procedure, (i.e. the establishment of the list of external experts). Such data should only be collected at a later stage (only if and when the experts are selected);
• Information for the evaluation of selection criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment;
• A declaration on their honour that they are not in one of the exclusion situation referred to in article 106 and 107 of the Financial Regulation.

Since the information is often provided on CV, the tenderers, staff or subcontractors may supply additional information which is not necessary for the purpose of procurement (such as gender, age, nationality).

Data processing on implementation of contract may require other types of data as specified in the relevant documents.

Contact details of economic operators interested in working with Eurofound are collected through online procurement form which can be found here.

Submission of tenders might be done electronically or on paper (including postal/courier services and provision in person). The information collected is stored either in an electronic documents and records management system with a secured electronic access which may only be accessed by OSU Unit or in files stored in an isolated secure system until the procurement procedure is closed. Upon that closure, the information is processed by OSU personnel, under the responsibility of the Controller mentioned under point 1.

6. Who has access to your personal data and to whom is it disclosed?

All recipients are on a ‘need to know’ basis.

The data may be disclosed to the following categories of recipients:
• Members of Opening Committees and Selection Committees;
• Authorising officer (Director) and Authorising officers by delegation (Heads of Units);
• The European Anti-Fraud Office (OLAF), the European Court of Auditors (ECA), and the Internal Audit Service (IAS) upon request necessary in the context of official investigations or for audit purposes;
• The European Ombudsman, the European Data Protection Supervisor, the General Court of the European Union and the European Union Civil Service Tribunal.
• Members of the public: In case you (both contractors and experts) are awarded a contract by Eurofound, your personal data will be made public, in accordance with Eurofound's obligation to publish information on the outcome of the procurement procedure (Article 31(4) of the Financial Regulation of the European Foundation for the Improvement of Living and Working Conditions and Article12 of its Rules of Application, respectively). The information will concern in particular your name and address, the amount awarded and the name of the project or programme for which you are awarded a contract. It will be published here.
7. How long are your personal data kept?

Files relating to tender procedures (expert selection) and resulting contracts, including personal data, are retained in the OSU cabinet until procurements concerned are finalised and resulting contracts discharged.
Discharged contracts are forwarded for archiving for a maximum of 10 years from the date of their signature. However, tenders from unsuccessful tenderers have to be kept only for 5 years following the signature of the contract.
Related files are also kept until the end of a possible audit if one started before the end of the above period.

8. How do we protect and safeguard your information?

The collected personal data and all related information are stored after closure of the procurement procedure on our servers located at Eurofound’s premises.
Paper files are securely locked in OSU filling cabinet. Electronic versions are stored in an electronic documents and records management system which offers an audit trail and with a secured electronic access which may only be accessed by OSU Unit.

9. What are your rights as data subject and how can you exercise them?

In case you wish to verify which personal data is stored on your behalf by the responsible controller, have it modified, corrected, or deleted, please make use the following e-mail address: OSUTenders@eurofound.europa.eu, by explicitly describing your request. Any correction of your personal data will be taken into consideration from the data protection point of view.

Special attention is drawn to the consequences of a request for deletion, as this may lead to an alteration of the terms of the tender and lead to exclusion as stated in Article 106 of the Financial Regulation and Article 141 of the Rules of Application (see legal basis in Section 3 above).
Please be advised that you may supplement submitted information with the update, correction or explanation, but your data will not be deleted before the time mentioned in the point 7 elapsed.

For any questions related to your rights, feel free to contact the Controller, by using the contact information mentioned in the Call for tenders, and by explicitly specifying your request.

You may always submit queries, remarks or complaints relating to the processing of your personal data to Eurofound’s Data Protection Officer (DPO) by using the following e-mail address: dataprotectionofficer@eurofound.europa.eu.

In case of conflict, complaints can be addressed to the European Data Protection Supervisor (EDPS) using the following e-mail address: edps@edps.europa.eu.