



## **Data Protection Notice**

### **For processing of personal data related to procurement procedures**

Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the 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 ([OJ L 295/39 of 21.11.2018](#)) applies to the processing of personal data collected for procurement procedures.

#### **1. Who is responsible for the processing of personal data?**

The European Economic and Social Committee (EESC) is responsible for the processing of personal data.

Rue Belliard 99, B-1040 Brussels

E-mail: department responsible for the data processing, whose contact details are mentioned in each specific call for tender.

#### **2. What is the purpose of the processing?**

Once your tender is received by the relevant department, the EESC needs to collect and further process your personal data as part of its management and administration of procurement procedures.

#### **3. What is the legal basis for the processing?**

The legal basis for the processing operations on 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, repealing Regulation (EU, Euratom) 966/2012;
- Article 5(a) of Regulation 2018/1725 ("processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body").

#### **4. What personal data are processed?**

Personal data collected and further processed concern the tenderer and its staff or subcontractors (natural persons). Information can relate to the following data:

- name;

- function;
- contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- certificates for social security contributions and taxes paid, extract from judicial records;
- bank account details (IBAN and BIC codes), VAT number, passport number, ID number;
- information for the evaluation of selection criteria: expertise, technical skills and languages, educational background, professional experience, including details on current and past employment; declaration on honour of not being in one of the exclusion situations referred to in the Financial Regulation (see legal basis section below).

Your personal data are provided by submission of your tender.

The information is collected in files stored in an isolated secure system. The information is processed by the EESC staff under the responsibility of the Controller mentioned in the invitation to tender.

### **5. Who are the recipients or categories of recipients of your personal data?**

For the purposes detailed above, access to your personal data is given or may be given to the following people:

- EESC staff responsible for the management of the procurement procedure and tender evaluation (and/or the equivalent staff in other EU institutions in the case of an inter-institutional call for tenders);
- people and bodies with monitoring or inspection responsibilities in the application of Union law (e.g. internal audits, Financial Irregularities Panel, European Anti-fraud Office – OLAF, Court of Auditors, EESC Data Protection Officer, European Data Protection Supervisor);
- the EESC legal service and the competent jurisdiction, in the event of an appeal;
- members of the public: in the event that you are awarded a contract by the EESC, part of your personal data will be made public, in accordance with the EESC's obligation to publish information on the outcome of procurement procedures deriving from the budget of the European Union. 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 in supplement S of the Official Journal of the European Union and/or on the EESC website for procurement above EUR 15 000.

### **6. Are your personal data transferred to a third country (non-EU Member State) or international organisation?**

Your data will not be transferred to a non-EU Member State or an international organisation.

### **7. How can you exercise your rights?**

You have the right to request access to your personal data. You also have the right to request rectification or erasure, or restriction of the processing of your personal data.

Should you wish to verify what personal data are stored on your behalf by the responsible Controller, have them modified, corrected, or deleted, please make use of the contact information mentioned in the invitation to tender, and explicitly describe your request.

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.

You have the right to lodge a complaint with the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the EESC.

**8. How long are your personal data kept for?**

Your personal data are kept as follows:

- Files relating to tender procedures, including personal data, are to be retained in the department in charge of the procedure until it is finalised, and in the archives for a period of at least five years following the date on which the European Parliament gives discharge for the financial year of the last payment (see Article 75 of the Financial Regulation).
- Until the end of a possible audit, administrative or judicial procedure, if one such procedure started before the end of the above period.

**9. Are personal data collected used for automated decision-making, including profiling?**

The EESC will not use your personal data to make automated decisions about you. "Automated decisions" are defined as decisions made without human intervention. You have the right to opt out of automated processing at any time and to require that decisions are assessed by a person.

**10. Will your personal data be further processed for a purpose other than that for which the data were obtained?**

Your data will not be further processed for another purpose.

**11. Who can you contact if you have queries or complaints?**

If you have any further questions about the processing of your personal data, please contact the unit in charge of the call for tenders and indicate precisely the subject of your request.

You may also contact the EESC Data Protection Officer ([data.protection@eesc.europa.eu](mailto:data.protection@eesc.europa.eu)) and/or the [European Data Protection Supervisor](mailto:edps@edps.europa.eu) ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) at any time.