

PRIVACY NOTICE – Procurement Procedures and Contract Management

The European Institute for Gender Equality (EIGE) informs You about processing of Your personal data in compliance with Regulation 2018/1725 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.

Purpose of processing of personal data

EIGE collects personal data of external candidates/contractors, contracted for the purpose of assisting EIGE in fulfilment its tasks as in Establishment Regulation of EIGE (EC) No 1922/2006. The processing of personal data is necessary to run procurement procedures and manage corresponding contracts in the context of the performance of a public interest task, namely the management and functioning of EIGE. Data are related with the management and administration of procurement procedures by EIGE.

Legal basis

I. Establishment Regulation of EIGE (EC) No 1922/2006;

II. The legal basis for the processing operations on personal data is legal obligation (Article 5(1)(b) or Regulation (EU) 2018/1725), meaning that this data processing is necessary for our compliance with a legal obligation to which we are subject. More specifically, we process your data to comply with the requirements of 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 Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (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 ("Financial Regulation") in particular Articles 160-179 for procurement procedures. In addition, since the participation in the procurement procedures is not mandatory, the processing is lawful under Article 5(d) of the Regulation (EU) No 2018/1725 because "the data subject has unambiguously given his or her consent";

III. Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union, as amended;

IV. The processing of data relating to offences and criminal convictions in the form of an extract from the judicial record or declaration of honour is justified in view of Article 11 of Regulation 2018/1725 since it is explicitly foreseen in the Financial Regulation.

Lawfulness of processing

Processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract for the performance of tasks carried out in the public interest on the basis of the Treaty Functioning the EU (TFEU) and the Establishment Regulation of EIGE (EC) No 1922/2006, as well as Article 5 of Regulation (EU) 2018/1725.

Data categories

I. Personal data collected and further processed will concern the applicant or tenderer, its staff and any subcontractors. Information can relate to 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, e-mail address, website 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, extracts from judicial records;
- Other personal data contained in CVs (e.g. gender, place and date of birth, nationality);
- Other personal data contained in the offer;
- Declaration on honour that the applicant or tenderer is not in a situation of exclusion referred to in Article 136 of the general Financial Regulation (EU, Euratom) 2018/1046.

Please note that when using the European Commission's e-Submission portal for submitting tenders, the following data is also gathered by the European Commission: ECAS user account, eSignature (if used), type of web browser, type of Operating System, IP address used to download the Call For Tender and/or to submit the Tender Bundle. Please, refer to the relevant privacy statement of the European Commission for more information.

II. Data relating to staff members participating in the procurement procedure are limited to identification and contact details (name and surname, function, e-mail address, business telephone number) and other data contained in the CVs (expertise, technical skills, educational background, languages, professional experience including details on current and past employment).

Data Controller

EIGE is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Data Controller is primarily the Head Administration Unit who ensures the proper implementation of the processing operations in relation to public procurement procedures and contract administration.

Access and storage of the data

All recipients are on a "need to know" basis. Access to your personal data is given to authorised staff members dealing with procurement procedures which may include the Head of Unit, Office of the Director, procurement officer, staff dealing with financial matters and the Accounting Officer, appointed members of opening-evaluation committees, external experts or project managers responsible for contract implementation, secretariat of the responsible Unit for the procurement. The name and address of the winner tenderer may be transmitted to the other participants of the tender if they request so. External experts can take also part in the evaluation of tenders when external expertise is required.

Moreover, personal data processed in this context can be transferred to other Institutional recipients as IAS and ECA. EIGE has several security controls in place to protect your personal data from unauthorised access, use or disclosure. We keep your data stored on computer systems with limited access to a specified audience only. No automated decision making, including profiling is done.

Date when processing starts

Date of submission.

Retention policy

- Personal data relating to the performance of the awarded tender (contracts up to 4 years): 7 years from completion;
- Successful tenderers (contracts up to 7 years): The retention period is 10 years after the budgetary discharge for files of successful tenderers (e.g. telecommunication contracts);
- Personal data of unsuccessful tenderers: 5 years;
- Extracts from judicial records: 2 years after the accomplishment of a particular procedure. The CVs are kept for five years after signature of the award decision in question;
- Where personal data are published in compliance with Article 38 of the Financial Regulation, the information shall be removed two years after the end of the financial year in which the funds were legally committed. This shall also apply to personal data referring to legal persons whose official name identifies one or more natural persons.

The data subject has specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725

Right to access data – data subjects have the right to access data at any time by sending an email request to procurement@eige.europa.eu.

Right to rectify – data subjects have the right to rectify their data without delay of inaccurate or incomplete personal data.

Right to restrict – data subjects have the right to restrict the processing at any moment by sending an email request to procurement@eige.europa.eu.; and the right to be informed before personal data are disclosed for the first time to third parties or before they are used on their behalf for the purposes of direct marketing, and to be expressly offered the right to object free of charge to such disclosure or use.

Right to erasure – as long as the reply to the request for access to documents has not yet been issued, data subjects have the right to obtain from the controller the erasure of data if their processing is unlawful by sending an e-mail to dpo@eige.europa.eu.

If the data subjects have any queries concerning the processing of their personal data, they may address them to the Data Protection Officer or to the Data Controller of EIGE by contacting information at dpo@eige.europa.eu.

Transfers – This only applies to information you have given us. You have the right to ask that we transfer the information you gave us from one organisation to another, or give it to you. The right only applies if we are processing information based on your consent or under, or in talks about entering into a contract and the processing is automated.

Other rights – Where applicable, you also have the right to object to the processing or the right to data portability. You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5 (1)(a) on legitimate compelling grounds by sending an e-mail to **dpo@eige.europa.eu**.

Data subjects are also entitled to have recourse at any time to the European Data Protection Supervisor:

Website: <http://www.edps.europa.eu>

Email: edps@edps.europa.eu

Contact information

Data Protection Officer of EIGE, e-mail dpo@eige.europa.eu

EIGE Procurement, e-mail eige@procurement.europa.eu