



EUROPEAN COMMISSION

European Education and Culture Executive Agency

## **Procurement management**

### **Privacy Statement**

The European Education, and Culture Executive Agency ("EACEA") is committed to preserving your privacy. All personal data are dealt with in accordance with Regulation (EU) No 2018/1725 on the protection of personal data by the Union institutions, bodies, offices and agencies<sup>1</sup> ("the data protection regulation").

The following Privacy statement outlines the policies by which the EACEA collects, manages and uses the personal data of the concerned individuals in the context of a procurement procedure and management of public contracts.

#### **1. Who is responsible for processing your personal data (data controller)?**

The controller is the Education Audiovisual and Culture Executive Agency, BE-1049 Brussels

The person designated as being in charge of the processing operation is the Head of the operational unit in charge of the procurement.

Email: EACEA-TENDERS@ec.europa.eu.

#### **2. Which personal data are processed?**

Personal data collected and further processed concern you as tenderer and your staff or staff of subcontractors (natural persons).

Information can relate to the following data, if applicable:

- Identification data: name, surname, signature, function; passport/ID number;
- Contact details: e-mail address, phone number, postal address, company and department, country of residence, Internet address;
- Financial data: Bank account reference (IBAN and BIC codes), VAT number;
- Declaration on honour or the equivalent with regard to exclusion and selection criteria
- Information for the evaluation of exclusion criteria: certificates for social security contributions and taxes paid, extract from judicial records, etc.;
- Information for selection criteria: expertise, technical skills and languages, education, professional experience including details on current and past employments;

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<sup>1</sup> 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 Text with EEA relevance, OJ L 295, 21.11.2018, p. 39.

- System related data: European Commission Authentication Service (EU Login) login name and password (only stored in EU Login), security data/log files (for audit trails).
- Health-related data is normally not processed but might be collected in isolated cases and treated with appropriate confidentiality.

### **3. For which purpose do we process your data?**

The purpose(s) of this processing is to purchase works, supplies and services by the Agency through the selection of a contractor and management of the contract including payments in the respect of the applicable rules, especially the Financial Regulation. Upon reception of your tender your personal data are collected and further processed for managing award procedures for procurement, and managing the execution of contracts, by the Agency services or its contractors, including follow-up, related communication on similar topics or opportunities and monitoring of the related EU programmes. Personal data can also be processed for the purpose of control, check, audits, and litigation.

### **4. Where the data is collected from?**

Personal data is collected directly from the data subjects themselves. Sometimes, personal data is collected from another person who is not the data subjects: e.g. contact person submitting a tender or a report containing personal data of other persons.

### **5. Who has access to your personal data and to whom is it disclosed?**

For the purposes detailed above, access to your personal data is given to the following authorised staff, based on the “need-to-know” principle:

- authorised staff of the Agency or other European Commission services, EU institutions, bodies and agencies, Members of the Evaluation Committee, as well as authorised external experts and contractors staff who work on behalf of the Agency or other EU Institutions for the purposes specified under section 3 above, in particular managing award procedures for procurement, and managing the execution of contracts, in all their various stages (publication, evaluation, contract execution, checks, reviews, ex-post controls);
- Public authorities, in the frame of a particular inquiry in accordance with Union and Member State law, namely: bodies charged with a monitoring, control, audit or inspection task in application of European Union law (in particular European Commission, internal audits, court of auditors, the Financial Irregularities Panel and Exclusion Panel referred to in the EU Financial Regulation, European Data Protection supervisor, European Public Prosecutor’s Office, European Ombudsman, European Anti-fraud Office–OLAF). In case of dispute: EU Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure.
- the public: in case you are awarded a contract by the Agency, your personal data will be made public, in accordance with the obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the Union’s budget (Articles 38(2), 163 and 189(2) of the EU Financial Regulation). 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 on the relevant website of the Commission (see the Financial Transparency System of the European Commission: [https://ec.europa.eu/budget/fts/index\\_en.htm](https://ec.europa.eu/budget/fts/index_en.htm)) and/or of the Agency.

In principle, personal data will not be transferred to third countries or international organisations, unless a transfer is duly justified by the provisions of the call for tender or related procurement procedure in exceptional cases and subject to adequacy decision, adequate organisational and technical safeguards, or the use of a derogation, in compliance with Chapter 5 of Regulation 2018/1725.

## **6. How long do we keep your personal data?**

Data of unsuccessful tenderers or candidates are kept only up to 5 years following the closure of the procedure.

Extract from judicial records are kept up to 2 years after closure of the procedure.

For successful candidate / tenderer who has signed a legal commitment (a contract), personal data is retained for 10 years following the last financial / accounting operation (e.g. payment or recovery order) under the legal commitment

Until the end of a possible monitoring, audit on inspection task in application of European law (e.g. internal audits, the Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, the Exclusion Panel referred to in Article 143 of the Financial Regulation, European Anti-fraud Office–OLAF), or dispute.

Furthermore, we may keep information identifying you for a longer period for historical, statistical or scientific purposes with the appropriate safeguards in place. In particular, after the period mentioned above has elapsed, the files containing personal data can be sampled to be sent to the Commission's Historical Archives for further conservation.

## **7. What are your rights concerning your personal data and how can you exercise them?**

Under the provisions of the data protection regulation, you have the right to:

- Request to access the personal data EACEA holds about you;
- Request a rectification of your personal data where necessary;
- Request the erasure of your personal data;
- Request the restriction of the processing of your personal data;
- Request to receive or to have your data transferred to another organization in commonly used machine readable standard format (data portability).

Your request to exercise the above rights will be dealt with without undue delay and within one month.

As this processing of your personal data is based on point of Article 5(1)(a) of the data protection regulation, please note that you have the right to object to processing of your personal data on grounds relating to your particular situation under the provisions of Article 23 of the data protection regulation.

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 rejection.

You should be informed that by virtue of Article 25 of the data protection regulation and of the Internal Rules laid down under its restriction Decision published in the Official Journal [EUR-Lex - 32021Q0317\(01\) - EN - EUR-Lex \(europa.eu\)](#), one or several of these rights may be restricted for a temporary period of time inter alia on the grounds of prevention, investigation, detection and prosecution of criminal offences [or other ground].

Any such restriction will be limited in time, proportionate and respect the essence of the above-mentioned rights. It will be lifted as soon as the circumstances justifying the restriction are no longer applicable. You will receive a more specific data protection notice when this period has passed.

As a general rule you will be informed on the principal reasons for a restriction unless this information would cancel the effect of the restriction as such.

You have the right to make a complaint to the EDPS concerning the scope of the restriction.

#### **8. Your right to have recourse in case of conflict on any personal data issue**

In case of conflict on any personal data protection issue you can address yourself to the Controller at the above mentioned address and functional mailbox.

You can also contact the Data Protection Officer of EACEA at the following email address: [eacea-data-protection@ec.europa.eu](mailto:eacea-data-protection@ec.europa.eu).

You may lodge a complaint with the European Data Protection Supervisor at any time: <http://www.edps.europa.eu>.

#### **9. On which legal basis are we processing your personal data?**

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

- Article 5(1)(a) of Regulation (EU) 2018/1725 as the processing is necessary for the performance of a task carried out in the public interest EACEA is entrusted with and in particular Articles 160 to 179 (procurement procedures) of the EU Financial Regulation<sup>2</sup> ;
- Article 5(1)(b) of Regulation (EU) 2018/1725 as the processing is necessary to comply with a legal obligation to which the controller is subject;
- Article 5(1)(c) of Regulation (EU) 2018/1725 as the processing is necessary for the performance of a contract to which you as data subject are party or in order to take steps at your request prior to entering into a contract;

The provision of most of the personal data listed above is a statutory or contractual requirement (see technical specifications), necessary to enter into a contract. Failure to submit such data can lead to the rejection of the tender by the contracting authority, which will not be in a position to assess the tender against the applicable criteria and legal requirements, or to a breach of contract by the contractor.

Under Article 5(1)(a), the applicable legal basis are:

- 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
- Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU.
- Commission Decision C(2021)951 and its annexes delegating powers to EACEA for the management of programmes in the MFF 2021-2027.

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<sup>2</sup> 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 (OJ L 193/1 of 30.07.2018).

- Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC.
- Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013, OJ L 189, 28.5.2021, p. 1–33.
- Regulation (EU) 2018/1475 of the European Parliament and of the Council of 2 October 2018 laying down the legal framework of the European Solidarity Corps and amending Regulation (EU) No 1288/2013, Regulation (EU) No 1293/2013 and Decision No 1313/2013/EU.
- Regulation (EU) 2021/888 of the European Parliament and of the Council of 20 May 2021 establishing the European Solidarity Corps Programme and repealing Regulations (EU) 2018/1475 and (EU) No 375/2014 (Text with EEA relevance).
- Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC.
- Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme for the period 2021-2027 (OJ L 189).
- Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020 (OJ L 115, 17.4.2014).
- Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021 establishing the Citizens, Equality, Rights and Values Programme and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014