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 ("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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- 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) 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.

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 Regulation2;
- 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:


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