

PRIVACY NOTICE

Procurement Procedures and Contract Management

This Privacy Notice explains what kind of personal data the Agency collects from you and how the Agency uses this data.

1. Why we collect personal data?

The Agency needs to evaluate the submitted applications according to the same set of criteria provided therein in order to ensure the optimal use of EU financial resources.

We collect the personal data in order to employ external contractors needed for FRA to carry out its tasks to fundamental rights under Art. 3 of the Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights.

2. What kind of data does the Agency collect?

1. The following data relating to tenderers (or to subcontractors, if applicable) can be processed during the public procurement:

- identification and contact details (name, surname of natural person, name and legal form of legal person, address, identity card number, registration number, VAT number, phone number, e-mail address);
- proof of independent worker status (if applicable) and extract from the trade register, bank certificate stating financial situation; bank account details;
- statement of the overall turnover for the supplies and/or services referred to in the procurement procedure;
- organisational chart of the tenderer and company profile;
- proof of having fulfilled all obligations to pay social-security contributions and taxes;
- certificate of clear criminal record or extract of judicial history;
- extract from the register of bankruptcy or relevant document;
- documents attesting professional standing (curriculum vitae, copies of diplomas, certificates etc.);
- list of similar services provided by the tenderer and information on three contracts considered similar in scope;

2. 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);

3. Who is responsible for the processing of the data?

The Agency is the legal entity for the processing of personal data and who determines the objective of this processing activity. The Head of Corporate Services is responsible for this processing operation.

4. Which is the legal basis for this processing operation?

The procurement procedures are necessary for the management and functioning of the Agency. Therefore, the processing is lawful under Article 5(a) of the Regulation (EC) No 45/2001.

PRIVACY NOTICE

In addition, since the participation in the procurement procedure is not mandatory, the processing is lawful under Article 5(d) of the Regulation (EC) No 45/2001 because “the data subject has unambiguously given his or her consent”.

Processing financial data of the tenderers is also in line with the requirements of the 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 and repealing Council Regulation (EC, Euratom) No 1605/2002 (“**Financial Regulation**”) and in particular Articles 110, 131 - 133 and 204; and the Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of 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 (“**Rules of Application**”) and in particular Articles 146 - 148, 201 - 202 and 287.

5. Who can see my data?

Data is processed by the Agency manually and automatically. In the manual processing of personal data, physical files (received offers and other relevant records) are processed during the evaluation phase and stored in locked cupboards in the procurement storage area. The authorised procurement and finance staff members can access these files.

In automated processing, personal data (such as names, addresses, bank accounts and other personal data) are stored in the electronic database. Access to the database is restricted to authorised procurement and finance staff members, and the files are password protected.

6. How to control your data?

You can access, modify or delete your personal data by sending an email request to procurement@fra.europa.eu. More details are provided below.

7. Can I access my data?

You have the right to access your data at any time and free of charge, by sending an email request to procurement@fra.europa.eu.

8. Can I modify my data?

You have the right to modify your data without delay of inaccurate or incomplete personal data at any time by sending an email request to procurement@fra.europa.eu. You have the right to update or correct at any time your identification data. On the other hand, data demonstrating compliance with the eligibility and selection criteria may not be updated or corrected after the closing date for the respective submission.

PRIVACY NOTICE

9. Can I block you from processing my data?

You have the right to block the processing of your personal data at any time by sending an email request to procurement@fra.europa.eu when you contest the accuracy of your personal data or when the Agency no longer needs the data for completing its tasks. You can also block the processing activity when the operation is unlawful, and you oppose to the erasure of the data.

10. Can I delete my data?

You have the right to delete your data at any time by sending an email request to procurement@fra.europa.eu when the processing activity is unlawful.

11. Do you share my data with other organisations?

Personal data is processed by the Agency only. In case that we need to share your data with third parties, you will be notified to whom your personal data has been shared with.

12. Do I have the right to object?

Yes, you have the right to object at any time by sending an email request to procurement@fra.europa.eu when you have legitimate reasons relating to your particular situation. Moreover, you will be informed before your information is disclosed for the first time to third parties, or before it is used on their behalf, for direct marketing purposes.

The Agency will address your requests within 15 working days from the receipt of the request.

13. What can I do in the event of a problem?

a) The first step is to notify the Agency by sending an email to procurement@fra.europa.eu and ask us to take action.

b) The second step, if you obtain no reply from us or if you are not satisfied with it, contact our data protection officer (DPO) at dpo@fra.europa.eu.

c) At any time you can lodge a complaint with the EDPS at <http://www.edps.europa.eu>, who will examine your request and adopt the necessary measures.

14. When will we start the processing operation?

We will start the processing operation upon your registration to the procurement procedure.

PRIVACY NOTICE

15. Security of personal data

The Agency has in place several security controls 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.

16. How long do we keep your data?

The Agency retains personal data in accordance with the Financial Regulation as following:

- 1) Successful tenderers (contracts up to 4 years): According to Article 48 of the Rules of Application to the Financial Regulation, the retention period is 7 years after the budgetary discharge for files of successful tenderers;
- 2) 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 and utilities contracts);
- 3) Unsuccessful tenderers: 5 years after the signature of the related contract;
- 4) Extracts from judicial records are kept for 2 years after the signature of the related contract;

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