

PRIVACY NOTICE

Procurement Procedures and Contract Management

The European Union Agency for Fundamental Rights (FRA) processes the personal data of a natural person 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.

This privacy notice explains FRA's policies and practices regarding its collection and use of your personal data, and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

1. [Why do we collect personal data?](#)
2. [What kind of personal data does the Agency collect?](#)
3. [How do we collect your personal data?](#)
4. [Who is responsible for the processing your personal data?](#)
5. [Which is the legal basis for this processing operation?](#)
6. [Who can see your data](#)
7. [Do we share your data with other organisations?](#)
8. [Do we intend to transfer your personal data to Third Countries/International Organizations](#)
9. [When will we start the processing operation?](#)
10. [How long do we keep your data?](#)
11. [How can you control your data?](#)
 - 11.1. [The value of your consent](#)
 - 11.2. [Your data protection rights](#)
12. [What security measure are taken to safeguard your personal data?](#)
13. [What can you do in the event of a problem?](#)
14. [How do we update our privacy notice?](#)

PRIVACY NOTICE

1. Why do 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 personal data does the Agency collect?

- a) 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;
- b) 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. How do we collect your personal data?

We collect only the personal data you provide us during registration for the procurement procedures.

4. Who is responsible for the processing your personal data?

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

5. 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 (EU) No 2018/1725.

Also, 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".

PRIVACY NOTICE

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.

6. Who can see your 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.

7. Do we share your 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.

8. Do we intend to transfer your personal data to Third Countries/International Organizations

No.

9. When will we start the processing operation?

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

10. How long do we keep your data?

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

- a. 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;
- b. 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);
- c. Unsuccessful tenderers: 5 years after the signature of the related contract;
- d. Extracts from judicial records are kept for 2 years after the signature of the related contract;

11. How can you 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.

PRIVACY NOTICE

11.1. How valuable is your consent for us?

Since the participation in the procurement procedures is not mandatory, the processing is lawful because “the data subject has unambiguously given his or her consent”. Therefore, you have the right to withdraw your consent at any time, and we will delete your data or restrict its processing.

11.2. Your data protection rights

Under data protection law, you have rights we need to make you aware of these rights. The rights available to you depend on our reason for processing your information. You are not required to pay any charges for exercising your rights.

a) Can you access your data?

You have the right to receive confirmation whether or not we process your personal data. Furthermore, you can have access to such data, as well as obtain copies of your data undergoing processing, at any time and free of charge, by sending an email request to procurement@fra.europa.eu.

b) Can you modify your 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.

c) Can you restrict us from processing your 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.

d) Can you delete your data?

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

e) Can you request the transfer of your data to a third party?

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.

f) Do you 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

PRIVACY NOTICE

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.

g) Do we do automated decision making, including profiling?

No.

12. What security measures are taken to safeguard your personal data?

The Agency 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.

13. What can you 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) 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) 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. How do we update our privacy notice?

We keep our privacy notice under regular review to make sure it is up to date and accurate.

END OF DOCUMENT