

Privacy statement on protection of personal data in procurement and grant procedures and selection of experts (DG REGIO)

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1. Introduction

This privacy statement explains the reason for the processing, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you may exercise in relation to your data (the right to access, rectify, block etc.).

The European institutions are committed to protecting and respecting your privacy. As this service/application collects and further processes personal data, Regulation (EC) N°45/2001¹, of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, is applicable.

This privacy statement concerns the procurement and grants procedures, contract execution and grant implementation and calls for expressions of interest for the selection of experts.

2. Why do we process your data?

Purpose of the processing operation: Philippe Jouret (referred to hereafter as Data Controller) processes data with the purpose of management and administration of the selection of experts and procurement procedures by the Commission services, including in particular the provision of evidence of the technical and professional capacity of experts, tenderers, their staff and subcontractors, grant applicants etc. within the DG.

¹ [Regulation \(EC\) N° 45/2001](#) (OJ L8 of 12/01/2001).

Lawfulness of the processing operation:

The data processing is considered lawful because it is necessary:

- For the performance of tasks carried out on the basis of the Financial Regulation and Implementing Rules;
- To ensure compliance of the Data Controller with the legal obligations stated in the Financial Regulation and Implementing Rules;
- To perform an administrative task before entering into contract, for concluding a grant agreement or for taking a grant decision with the data subject as described in points (a), (b) and (c) of art. 5 of Regulation 45/2001.
- To comply with Articles 21, 22 and 23 of the Regulation 45/2001 when the contractor or beneficiary acts as data processor.

No restrictions under Article 20.1 apply.

3. Which data do we collect and process?

Personal data of grant applicants, tenderers, their staff or subcontractors which may include in particular:

- Contact information: name, function and contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address).
- Certificates of social security contributions and taxes paid, extract from judicial records;
- Banking information (IBAN and BIC codes), VAT number etc.
- Information for the evaluation of selection criteria (expertise, technical skills and languages, educational background, professional experience including details on current and past employment).
- A declaration on their honour that they are not in one of the exclusion situation referred to in article 106 and 107 of the Financial Regulation.

Data processing on implementation of contract or grant agreements and decision may require other types of data as specified in the relevant documents.

Since the information is often provided on a CV, the grant applicants, tenderers, staff or subcontractors may supply additional information which is not necessary for the purpose of procurement (such as title, age, or nationality).

Article 10 of Regulation (EC) 45/2001 does not apply to collected data.

4. How long do we keep your data?

Procurement and grant procedures

Files including personal data relating to procurement and grant procedures are to be retained in the service in charge of the procedure until it is finalised, and in the archives **for a maximum period of 10 years** following the signature of the contract in order to satisfy control and audit purposes in terms of Article 48 of the Rules of Application.

However, **data from unsuccessful tenderers** have to be kept **only for 5 years** following the signature of the contract in question. These files could be retained until the end of a possible audit if one started before the end of the above periods. After the periods mentioned above have elapsed, the files containing personal data are **sampled** to be sent to the historical archives of the Commission for further conservation. The non-sampled files are destroyed.

Selection of experts

Files including personal data related to selection of experts are to be retained in the service in charge of the procedure until the end of the period of validity of the relevant lists of experts, and in the archives for a period of **5 years** following the end of the programme.

Files related to unsuccessful candidates will be deleted at the end of the selection process, namely before the publication of the relevant list of successful experts.

The extracts from the judicial records can be kept only for **2 years** after the accomplishment of a particular procedure. According to Article 48 of the Rules of Application (e.g. Financial Regulation), personal information contained in supporting documents will be deleted when these data are **NOT** necessary for budgetary discharge control and audit purposes.

How do we protect your data?

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Commission or of its contractor; the operations of which abide by the European Commission's security decision of 16 August 2006 [C (2006) 3602] concerning the security of information systems used by the European Commission;

The Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of Directive 95/46/CE.

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

All recipients are on a "need to know" basis.

1. Staff of operational and financial units of the European Commission and Staff from other European Institutions and Agencies participating in management of selection of experts or procurement procedures as defined under point 2 and to the bodies charged with a monitoring or inspection task in application of Union law (e.g. internal control, internal audit).

2. External experts and contractors participating in the evaluation of tenders when external expertise is required, on the basis of Article 204 FR;
3. Staff of OLAF, IDOC and the Legal Service of the Commission as well as staff of other DG (SG, DG BUDG and clearinghouse) upon request necessary in the context of official investigations or for audit purposes.
4. Members of the public in accordance with the Commission's obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the budget of the European Union (Article 103 and Article 35 of the Financial Regulation, respectively). The information concerns in particular name and address, the amount awarded and the name of the project or programme. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the Commission. Additionally, selected experts are listed in the Register of Expert Groups of the Commission (<http://ec.europa.eu/transparency/regexpert/>).
5. Staff of the contractor or beneficiary who need to have access to the data strictly for performance, management and monitoring of the contract or grant.

6. What are your rights and how can you exercise them?

According to Regulation (EC) n°45/2001, you are entitled to access your personal data and rectify, block or delete it in case the data is inaccurate or incomplete. You can exercise your rights by contacting the data controller, or in case of conflict the Data Protection Officer and if necessary the European Data Protection Supervisor using the contact information given at point 8 below.

7. Contact information

If you have comments or questions, any concerns or a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller using the following contact information:

The Data Controller:

- Head of Budget and Financial management Unit, DG REGIO
- Mailbox address : REGIO-CONTRACTS@ec.europa.eu

The Data Protection Officer (DPO) of the Commission: DATA-PROTECTION-OFFICER@ec.europa.eu

The European Data Protection Supervisor (EDPS): edps@edps.europa.eu.

8. Where to find more detailed information?

The Commission Data Protection Officer publishes the register of all operations processing personal data. You can access the register on the following link: <http://ec.europa.eu/dpo-register>

This specific processing has been notified to the DPO with the following reference: DPO- 2236