

RECORD OF PERSONAL DATA PROCESSING ACTIVITY according to Article 31 of Regulation (EU) 2018/1725

► EIOPA's procurement procedures and the implementation of related contracts

Contents

General information.....	1
Description and Purpose of the Processing	2
Data Subject's Rights.....	3
Categories of Data Subjects & Personal Data	4
Categories of Recipients & Data Transfers.....	6
Automated Decision Making.....	7
Retention Period & Security Measures	7

General information

Introduction
EIOPA, as a European Authority, is committed to protect individuals with regard to the processing of their personal data in accordance with Regulation (EU) No 2018/1725 (further referred as the Regulation) ¹ .
Contact Details of Data Controller(s)
Fausto Parente, Executive Director Westhafenplatz 1, 60327 Frankfurt am Main, Germany fausto.parente@eiopa.europa.eu
Contact Details of the Data Protection Officer
Eleni Karatza Westhafenplatz 1, 60327 Frankfurt am Main, Germany dpo@eiopa.europa.eu
Contact Details of Processor
EIOPA's Team/Unit/Department responsible for the processing: Corporate Support Department, Finance & Corporate Services Unit; Procurement@eiopa.europa.eu

¹ 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.

Description and Purpose of the Processing

Description of Processing
<p>Personal data is collected and processed for the management and administration of procurement procedures by EIOPA. Such a processing is also necessary for the implementation of the contracts resulting from these procedures.</p> <p>More specifically, personal data is processed to assess eligibility and capacity of potential contractors; to select the best tender and to decide to which economic operator a contract will be awarded; to subsequently manage the contracts awarded and obtain the services, supplies, and works required.</p> <p>Personal data received and processed depends on the relevant procurement procedure: in some cases, only contact details of an individual are needed to make a procurement or a purchase possible; in other cases personal data needed is more comprehensive (like financial statements in case of a self-employed professional, criminal records extract of managers, or profiles of staff of a tenderer) and is key to conclude that the tenderer is not in a situation of exclusion, fulfils the selection criteria, and/or has submitted the best tender. The latter is often the case in procurement and always the case for selection of experts.</p> <p>Personal data of data subjects internal to EIOPA is processed when included in documents and platforms required to carry out procurement procedures such as: procurement approval documents; committees appointment documents; procurement evaluation documents; contracts; advanced electronic signature platform EU Sign, the EC's qualified electronic signature; PPMT; eSubmission; CIRCABC Fundings&Tenders Portal.</p> <p>As regards the processing within the PPMT and eSubmission, identification data of persons internal to EIOPA is added to PPMT and eSubmission for the opening of tenders and for evaluation committees. Identification data of external persons included in tenders and other documents as well as profiles of tenderers' staff are contained in the tenders submitted by tenderers via eSubmission.</p>
Purpose (s) of the processing
<p><input type="checkbox"/> Staff administration</p> <p><input checked="" type="checkbox"/> Relations with external parties</p> <p><input type="checkbox"/> Procurement and accounting</p> <p><input type="checkbox"/> Administration of membership records</p> <p><input type="checkbox"/> Auditing</p> <p><input type="checkbox"/> Information administration</p> <p><input checked="" type="checkbox"/> Other (please give details): carrying out procurement procedures with the view to selecting external contractors and service providers to enable functioning of EIOPA and provide assistance in various technical or legal tasks</p>
Lawfulness of Processing
<ul style="list-style-type: none"> • Legal Basis justifying the processing: <ul style="list-style-type: none"> • Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing the European Insurance and Occupational Pensions Authority (EIOPA);

- 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;
 - EIOPA's Financial Regulation of 6 June 2019, as this has been revised on 11 October 2019 (EIOPA-MB-19-057_rev1).
 - Processing is necessary:
 - for the performance of a task carried out in the public interest – Article 5(1)(a) of the Regulation
 - for compliance with a legal obligation to which the Controller is subject
 - for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
 - in order to protect the vital interests of the data subject or of another natural person
- Or
- Data subject has given his/her unambiguous, free, specific and informed consent

Data Subject's Rights

Information on how to exercise data subject's rights

Data subjects may exercise their data privacy rights provided in Articles 17 to 24 of the Regulation (EU) 1725/2018.

Data subjects have the right to:

- access their personal data, receive a copy of them in a structured and machine-readable format or have them directly transmitted to another controller, as well as request their rectification or update in case they are not accurate.
- request the erasure of their personal data, as well as object to or obtain the restriction of their processing.
- withdraw their consent to the processing of their personal data at any time in case such processing is based solely on their consent.

For the protection of the data subjects' privacy and security, every reasonable step shall be taken to ensure that their identity is verified before granting access, or rectification, or deletion.

Should data subjects wish to access/rectify/delete their personal data, or receive a copy of them/have it transmitted to another controller, or object to/restrict their processing, please contact Procurement@eiopa.europa.eu or DPO@eiopa.europa.eu.

Complaint:

Any complaint concerning the processing of the data subjects' personal data can be addressed to EIOPA's Data Protection Officer (DPO@eiopa.europa.eu). Alternatively, data subjects can also have at any time recourse to the European Data Protection Supervisor (www.edps.europa.eu).

Categories of Data Subjects & Personal Data

Categories of Data Subjects
<p><input checked="" type="checkbox"/> EIOPA permanent staff, Temporary or Contract Agents: more specifically, members of the evaluation committee (including staff of other EUIs if applicable); Heads of the Finance and Corporate Services Unit and of the relevant requesting Unit; EIOPA Procurement Experts and Specialists and Authorising Officers.</p> <p>Personal data of the above-mentioned data subjects may be included in documents and platforms required to carry out procurement procedures such as: approval of procurement documents; committees appointment documents; procurement evaluation documents; contracts; EU Sign, the EC's PPMT; CIRCABC.</p> <p><input type="checkbox"/> SNEs or trainees</p> <p><input type="checkbox"/> Visitors to EIOPA (BOS, MB, WG, Seminars, Events, other)</p> <p style="padding-left: 20px;">If selected, please specify:</p> <p><input checked="" type="checkbox"/> Providers of good or services</p> <p><input type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input type="checkbox"/> Relatives and associates of data subjects</p> <p><input checked="" type="checkbox"/> Other (please specify):</p> <p>Staff of tenderers and contractors or subcontractors (providers of services or supplies) on which the tenderer or contractor relies to submit a tender or perform a contract; tenderers and contractors if tendering as individuals.</p>
Categories of personal data
<p>(a) General personal data:</p> <p>The personal data contains:</p> <p><input checked="" type="checkbox"/> Personal details (name, address etc)</p> <p><input checked="" type="checkbox"/> Education & Training details</p> <p><input checked="" type="checkbox"/> Employment details</p> <p><input checked="" type="checkbox"/> Financial details</p> <p><input type="checkbox"/> Family, lifestyle and social circumstances</p> <p><input checked="" type="checkbox"/> Other (please give details):</p> <p style="padding-left: 20px;">- Regarding data subjects internal to EIOPA:</p> <ul style="list-style-type: none"> • Identification data: name, surname, title, signature; • Contact details: business email address, business phone number; <p style="padding-left: 20px;">- Regarding data subjects external to EIOPA (tenderer(s) and/or contractor(s) (in case s/he is a natural person), and potentially their staff or subcontractors (if natural persons):</p> <ul style="list-style-type: none"> • Identification data: name, surname, place and date of birth, passport number, ID number (including identification data of tenderers' clients from which information regarding tenderers might be sought); title, signature, function;

- Contact details: business email address, business telephone numbers, fax number, postal address, company and department, country of residence (including contact details of tenderers' clients from which information regarding tenderers might be sought);
- Criminal records extract of potential contractor's managers/owners, as some offences are considered exclusion criteria based on Articles 136 and 137 of Regulation (EU, Euratom) 2018/1046;
- Information for evaluation of selection criteria of tenderers and experts: professional profiles with identification data and information on educational background, professional experience and skills relevant to the selection or award phases of the procurement procedure, including details on current and past employment, other personal data contained in CVs;
- Financial data: Bank account reference (IBAN and BIC codes), VAT number, etc;
- Certificates for social security contributions and taxes paid; extracts from judicial records;
- Declaration on honour or equivalent concerning exclusion criteria, selection criteria and/or eligibility criteria;
- IP address.

- Regarding data subjects, both internal and external to EIOPA, while using the following systems::

- ABAC: Legal Entity Form (LEF) and Bank Account identification Form (BAF) for self-employed contractors and experts: identification data as defined above, contact details as defined above, address, VAT number and bank account details. LEF and BAF for companies: name and signature of the representative of the contractor.
- PPMT: Personal details: name and surname.
- eSubmission: Personal details and contact information: name, surname and work email address.
- CIRCABC: Personal details and contact information: username, first name, surname, email address, title, organisation, phone number, postal address, fax, URL address, open text/description.
- EU Sign: Personal details and contact information: name, surname, User ID of the requestor, professional email address, data present on the signing certificate for remote signing functionality (name, surname, date of birth, ID number, membership, title/role). Technical data: type of operation requested (sign/seal, verify, extend), date and time of the operation, target of the operation (EC internal, Seal, Qualified Electronic Signature).
- European Commission Authentication Service (EU Login) login name and password (only stored in EU Login), security data/log files (for audit trails).

In addition to the above, in order to verify whether a tenderer is in one of the situations mentioned in Article 136 of Regulation (EU, Euratom) 2018/1046, EIOPA will check whether it has been registered in the Early Detection and Exclusion System (EDES) managed by the European Commission. For more information, see (http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm).

(b) Special categories of personal data

The personal data reveals:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership

<input type="checkbox"/> Genetic or Biometric data <input type="checkbox"/> Data concerning health, sex life or sexual orientation

Categories of Recipients & Data Transfers

Recipient(s) of the data
<input type="checkbox"/> Managers of data subjects <input checked="" type="checkbox"/> Designated EIOPA staff members If selected, please specify: Procurement Experts and Specialists in the Finance and Corporate Services Unit, members of the Evaluation Committee, Authorising Officer, the initiating unit (the contract owner) and other units in case they need to use the awarded contract, financial actors (e. g. OIAs/OVAs) for data entered into e-finance workflows; <input type="checkbox"/> Relatives or others associated with data subjects <input type="checkbox"/> Current, past or prospective employers <input type="checkbox"/> Healthcare practitioners <input type="checkbox"/> Education/training establishments <input type="checkbox"/> Financial organisations <input checked="" type="checkbox"/> External contractor: as listed above under ‘External Processors’ <input checked="" type="checkbox"/> Other (please specify): - Other EU institutions’/agencies’ staff in case of inter-agency/inter-institutional (joint) procurement procedures; - External experts and contractors working on behalf of EIOPA for the purposes of tender evaluation; - The EC: DG BUDGET for ABAC, PMO for ABAC (LEF and BAF); DG DIGIT for eSubmission, PPMT, Fundings and Tenders Portal, CIRCABC, EU Sign. - Bodies in charge of monitoring, audit or inspection tasks in application of European Union law such as OLAF, European Court of Auditors and Internal Audit Service of the European Commission; the EDPS, Court of Justice of the EU; - Public: in case of contract award notices published in the Official Journal of the European Union or on EIOPA’s website (in particular name and address – if natural person, the amount awarded and the name of the project or programme for which a contract is awarded); and in case of publications in the Official Journal of the European Union of contract award notices in case a self-employed contractor or an expert are awarded a contract above the relevant financial threshold.
Data transfer(s)
<input checked="" type="checkbox"/> Within EIOPA or to other EU Institutions/Agencies/Bodies If selected, please specify: within EIOPA and with the EU Commission, potentially with other EIOPAs, if joint procurement procedures, or their staff participating in evaluation committees <input type="checkbox"/> To other recipients within the EU (e.g. NCAs) <input type="checkbox"/> To third countries

<p>If selected, please specify:</p> <p>Whether suitable safeguards have been adopted:</p> <p><input type="checkbox"/> Adequacy Decision of the European Commission²</p> <p><input type="checkbox"/> Standard Contractual Clauses (SCC)</p> <p><input type="checkbox"/> Binding Corporate Rules (BCR)</p> <p><input type="checkbox"/> Administrative Arrangements between public Authorities (AA)</p> <p><input type="checkbox"/> To international organisations</p> <p>If selected, please specify the organisation and whether suitable safeguards have been adopted:</p>
Data subjects could obtain a copy of SCC, BCR or AA here:

Automated Decision Making

<p>Automated Decision-making, including profiling</p>
<p>A decision is taken in the context of this processing operation solely on the basis of automated means or profiling:</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p>In case of an automated decision-making or profiling, please explain:</p>

Retention Period & Security Measures

<p>Retention period</p>
<p>Personal data are kept in EIOPA's internal shared drive ERIS, in the systems of the EC (PPMT, eSubmission):</p> <ul style="list-style-type: none">- Files relating to successful tenderers, including personal data, are retained for a period of 10 years following the procedure's closure.- Files relating to unsuccessful tenderers are kept for 5 years following the procedure's closure.- For unsuccessful candidates in response to an invitation to request to participate or successful candidates who did not subsequently tender, data specific to the candidate are retained for 5 years following the closure of the procedure, that is following the signature of the contract with awarded tenderer(s).- Criminal records extracts (requested only to awarded tenderers) are kept for 2 years following the signature of the contract with awarded tenderer(s).

² Third countries for which the European Commission has issued adequacy decisions are the following: [Adequacy decisions \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/pages/press-room.aspx?pid=13132)

- For procurement contracts and framework contracts, personal data written on them and acquired during the management of the contract are kept by the EIOPA Unit responsible for the contract in tERIS for a period of 10 years following the budget discharge of the year when the (framework) contract terminates.
 - For candidates to a Call for Expressions of Interest, data specific to the candidate are retained for 5 years following the closure of the relevant procedure.
 - Data collected when managing the execution of the contract are retained for 10 years following last payment made under the contract.
 - For the purpose of a possible audit, the above-mentioned personal data are kept until the end of such audit if started before the end of the above-mentioned retention periods.
- If a relevant case is brought before the EU Courts or an investigation/audit is initiated, the personal data will be kept for a period of up to 2 years following the conclusion of the respective proceedings.

Further retention periods:

- ABAC: personal data per data category mentioned above is kept for a maximum of 10 years after the last transaction for data related to natural persons other than the EIOPAs staff and a maximum of 100 years after the date of recruitment for the EIOPAs staff.
- CIRCABC: identity and contact information are kept for 1 year after the user stops belonging to any active group. The user account is then deleted.
- EU Sign: personal data, administrative data related to the user of the electronic signature service, technical data related to the usage events of electronic signature service is kept 25 months.

For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised:

- No
 Yes

Technical & organisational security measures taken

Several technical and organisational measures have been adopted in order to ensure the optimum security of the documents and personal data collected in the context of the procedures described under section 'Description and Purpose of the Processing'.