



EIOPA-15/325-Rev

May 2021

## **Privacy statement on the processing of personal data related to EIOPA's procurement procedures and the implementation of related contracts**

### **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).<sup>1</sup>

### **Controller of the data processing**

The controller responsible for processing your data is EIOPA's Executive Director.

Address and email address of the controller:

Westhafenplatz 1, 60327 Frankfurt am Main, Germany

[fausto.parente@eiopa.europa.eu](mailto:fausto.parente@eiopa.europa.eu)

### **Contact details of EIOPA's Data Protection Officer**

Westhafenplatz 1, 60327 Frankfurt am Main, Germany

[dpo@eiopa.europa.eu](mailto:dpo@eiopa.europa.eu)

### **Purpose of processing your personal data**

Your personal data is collected and further 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.

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<sup>1</sup> 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

Your data will not be used for any purposes other than the performance of the activities specified above. Otherwise you will be informed accordingly.

## **Legal basis of the processing and/or contractual or other obligation imposing it**

The legal basis for processing your personal data is:

- 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).

## **Personal data collected**

The personal data collected concerns the tenderer(s) and/or contractor(s) (in case s/he is a natural person), and potentially their staff or subcontractors (natural persons). More precisely, the following personal data may be processed:

- Identification data: first name, family name, place and date of birth, passport number, ID number (including identification data of tenderers' clients from which information regarding tenderers might be sought);
- Title, function;
- Contact details: e-mail 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);
- Financial data: Bank account reference (IBAN and BIC codes), VAT number, etc;
- Certificates for social security contributions and taxes paid, extract from judicial records;
- Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment, other personal data contained in CVs;
- Declaration on honour or the equivalent with regard to exclusion criteria, selection criteria and/or eligibility criteria;
- 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);
- IP address;
- Signatures.

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 the relevant Privacy

Statement:

( [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm) ).

## Recipients of your personal data

The personal data collected may be disclosed to the following recipients:

- a. EIOPA staff (such as the Procurement Team and the Legal Team, the members of the Opening & Evaluation Committee, the Authorising Officer) or other EU institutions'/agencies' staff in case of inter-institutional tender procedures.
- b. External experts and contractors working on behalf of EIOPA for the purposes of tender evaluation;
- c. Members of the public: In case you are awarded a contract by EIOPA, some of your personal data will be made public, in accordance with EIOPA's obligation to publish information on the outcome of procurement procedures and on the beneficiaries of funds deriving from the budget of the EU (Article 163 of and Points 2 and 3 of Annex 1 to (EU, Euratom) 2018/1046). In particular your name and address, the amount awarded and the name of the project or programme for which you are awarded a contract will be published in supplement S of the Official Journal of the European Union and/or on the website of EIOPA;
- d. Bodies charged with a monitoring, audit or inspection task in application of European Union law such as OLAF and the European Court of Auditors;
- e. Court of Justice of the EU.

## Transfer of personal data to a third country or international organisation

No personal data are sent to a third country or an international organisation in the context of this processing activity.

## Retention period

For procurement award procedures:

- Files relating to successful tenderers, including personal data, are retained for a period of ten (10) years following the procedure's closure.

Files relating to unsuccessful tenderers are kept for five (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;

- 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.

As regards data collected when managing the execution of the contract, these are retained for 10 years following last payment made under the contract.

If a relevant case is brought before the EU Courts or an investigation/audit is initiated, your personal data will be kept for a period of up to 2 years following the conclusion of the respective proceedings.

## Profiling

No decision is taken by EIOPA in the context of procurement procedures solely on the

basis of an automated processing of tenderers' personal data.

## Your rights

You have the right to access your 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.

You have the right to request the erasure of your personal data, as well as object to or obtain the restriction of their processing.

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

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 in line with Articles 151 and 141 of Regulation (EU, Euratom) 2018/1046.

Should you wish to access/rectify/delete your 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](mailto:procurement@eiopa.europa.eu) or [DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu).

Any complaint concerning the processing of your personal data can be addressed to EIOPA's Data Protection Officer ([DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu)). Alternatively you can also have at any time recourse to the **European Data Protection Supervisor** ([www.edps.europa.eu](http://www.edps.europa.eu)).