



PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data in public procurement procedures

Document version: 12 December 2019

1. Introduction

The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (hereafter, 'eu-LISA') is committed to protect your personal data and to respect your privacy.

eu-LISA collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data

The information in relation to processing operation **"Processing of personal data in the context of public procurement procedures"** undertaken by eu-LISA's Finance and Procurement Unit is presented below.

2. Why and how do we process your personal data?

Your personal data is collected and further processed for the purpose of management and administration of procurement procedures by eu-LISA.

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data?

We process your personal data:

- a) Because processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in eu-LISA, based on the following legislation:
 - Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (eu-LISA Establishing Regulation);

- b) for compliance with legal obligations to which eu-LISA is subject in tendering and procurement processes:
- Decision of the Management Board No. 2019-198 rev 1 establishing the Financial Rules of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA Financial Rules), and in particular Articles 4 and 90;
 - 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 amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (EU Financial Regulation), insofar as applicable by virtue of the eu-LISA Financial Rules.

Which personal data do we collect and further process?

In order to carry out this processing operation, the Finance and Procurement Unit collects the following categories of personal data, in accordance with the specific requirements listed in the procurement documents, including:

- Identification data: name (first name, surname); ID number, document number, signature), function/position of authorised legal representative of a company,
- Contact details: email address, business and mobile telephone number, official postal address, country of residence, website;
- Financial data: bank account reference (IBAN and BIC codes), VAT number, national registration number;
- Information relating to eligibility and exclusion and selection criteria: proof of security clearance, certificates for social security contributions and taxes paid, extracts from judicial records, expertise, technical skills, languages, educational background, professional experience including details on current and past employment¹;

The provision of personal data is mandatory to meet statutory requirements stemming from the rules governing the award of public contracts, listed in Section 3 above. If you do not provide your personal data, possible consequences are exclusion from a procurement procedure and non-award of the contract.

4. How long do we keep your personal data?

The Finance and Procurement Unit only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing.

All files relating to procurement procedures, including personal data, are to be retained within the procurement offices until the procedure is finalised, and in the archives for a period of 10 years following the signature of the contract.

Tenders from unsuccessful tenderers have to be kept only for 5 years following the signature of the contract.

¹ Articles 136 - 141 of the EU Financial Regulation.

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

Access to your personal data is granted to:

- eu-LISA staff: authorised finance and procurement staff members, members of opening and evaluation committees, Responsible authorising officer and the staff entrusted with ex-ante controls, Legal officer, Internal audit capability, Accounting Officer;
- contractors and consultants: on an exceptional basis and under strict supervision and limitations, when specialised expertise is not available within eu-LISA;
- in case of inter-institutional procurement, members of participating EU institutions, agencies and bodies as described in the procurement documents (joint control regime);
- bodies and institutions in charge of monitoring, audit or inspections tasks (e.g. the Commission's Internal Audit Services (IAS), European Court of Auditors (ECA), European Ombudsman (EO), European Court of Justice (ECJ), European Data Protection Supervisor (EDPS), European Public Prosecutor Office (EPPO));
- members of public: in case you are awarded a contract, some personal data will be made public, in accordance with the eu-LISA's obligation to publish information on the outcome of procurement procedures (except for very low value contracts i.e. below 15,000.00 EUR)². The information will concern in particular the name of the contractor, subject matter of the contract and the amount awarded. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the eu-LISA.

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

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a).

7. Contact information

- **The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, Finance and Procurement Unit (eulisa-PROCUREMENT@eulisa.europa.eu).

- **The Data Protection Officer of eu-LISA**

You may contact the Data Protection Officer (dpo@eulisa.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

² Article 31(4) of eu-LISA's Financial Rules ; Article 163 of the EU Financial Regulation.

- **The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.