

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data

1. Introduction

The European 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 "*Public procurement procedures*" undertaken by the *Procurement and Contract Management Unit (PCU)* is presented below.

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

PCU collects and uses your personal information for the purpose of management and administration of procurement procedures (i.e. the process that leads to the conclusion of a public contract - a purchase by eu-LISA of a service, goods or works) and contract management by eu-LISA, insofar as required in the applicable legal basis provided in Section 3 below.

This purpose includes:

1. Invitation to tendering (applicable for negotiated procedures);
2. Screening the eligibility of economic operators in line with the selection/exclusion criteria;
3. Assessment of compliance by the economic operators with the minimum requirements of the procurement documents;
4. Awarding and drafting the contract to a specific tender;
5. Registration of of Business Partners in SUMMA; for this activity EU Commission is a joint controller with eu-LISA
6. Contract follow-up including amendments to the contract.

A. Processing until signature of contract:

There are two main categories of processing activities to achieve the above-mentioned purpose, namely by using e-platforms or without:

1. Processing personal data via using e-platforms: EU Tenders, eNotices2, eSubmission, ARES, EDES (platforms provided by the EU Commission as shown below).

Specifically, PCU is using the following platforms through which the following personal data is processed :

PUBLIC

Name : PPMT (Public Procurement Management Tool)

Provider : EU Commission

URL : <https://webgate.ec.testa.eu/ppmt/41810/index-compressed.html#/welcome-screen/>

Personal data processed : name, address, email address, login data (of eu-LISA staff and external consultants).

Name : Funding and Tenders portal

Provider : EU Commission

URL : <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

Personal data processed: name, email address, postal address CVs, financial data, banking records, judicial record, login data (for eu-LISA staff and external consultants).

Name : ARES

Provider : EU Commission

URL : <https://webgate.ec.testa.eu/Ares/esign/esigns.do>

Personal data processed: name, email address, postal address, CVs, financial data, banking records, judicial record, login data (for eu-LISA staff and external consultants).

Name : ABAC

Provider : EU Commission

URL : https://webgate.ec.testa.eu/webwkflqbprrd_gbp9/abac/ui/

Personal data processed: name, postal address, bank account, login data (for eu-LISA staff and external consultants).

Name: SUMMA

Provider: EU Commission

URL: https://webgate.ec.europa.eu/qs_budg_summa_dashboard/eu-login/sense/app/d16c8efa-16e8-48c4-b9f2-d171a7e8cbb9/sheet/6933ecfc-11ee-4445-af52-e603de871d04/state/analysis

Personal data processed: Name, Address, Identity card/Passport number or the number of another accepted identity document, Personal number (for certain countries), NUP Number (Numero Unique de Personnel/Unique Personal Number for staff only), PerID (for staff only), Date, Place and Country of Birth, Email address , Phone number, Bank details, login data (for eu-LISA staff and external consultants), signatures.

Name: MyWorkplace

Provider: EU Commission

URL: <https://webgate.ec.testa.eu/mwp/home>

Personal data processed: name, postal address, email address, login data (for eu-LISA staff and external consultants).

Name: eNotices2

Provider: EU Commission

URL: <https://enotices2.ted.europa.eu/>

Personal data processed: name, postal address, email address, login data (for eu-LISA staff and external consultants).

Name: EDES

Provider: EU Commission

URL: <https://myintracomm.ec.europa.eu/corp/budget/financial-rules/edes/Pages/edes.aspx>

Personal data processed: name, postal address, login data (for eu-LISA staff and external consultants).

Name: Dynamic Purchasing System module

Provider: Mercell

URL: www.mercell.com (Netherlands)

Personal data processed: name, email address, postal address, education data (CV), banking records, identification data of legal representatives and tenders' offers and any other personal data derived from uploaded documents.

You can also consult European Commission Register of Processing Activities for more information on above-mentioned IT Tools: <https://ec.europa.eu/dpo-register/>.

2. Processing personal data without using e-platforms: exchange of correspondence via dedicated functional e-mail boxes.

B. Processing after contract execution:

During contract execution (following signature of the contract) personal data is processed through ABAC, SUMMA, ARES, dedicated functional e-mail boxes (only accessible to PCU staff), as well as restricted access shared folders, including on the Agency's intranet (SharePoint).

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

Your personal data processed may be reused for the purpose of procedures before the EU Courts, national courts, or the European Court of Auditors.

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

We process your personal data, 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, including because it is necessary for the management and functioning of the Agency, in particular, based on the following legal acts:
 - 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 ;
 - 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);
 - Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI:

<http://data.europa.eu/eli/reg/2024/2509/oj> (EU Financial Regulation), insofar as applicable by virtue of the eu-LISA Financial Rules.

- Processing is necessary for compliance with a legal obligation to which the controller is subject, namely:
 - 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);
 - Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj> (EU Financial Regulation), insofar as applicable by virtue of the eu-LISA Financial Rules.

We process special categories of personal data, specified in section 4 below ('Personal data relating to criminal convictions and offences or related security measures') in accordance with Article 11 of Regulation (EU) 2018/1725 and Articles 137-138 of the EU Financial Regulation insofar as applicable by virtue of the eu-LISA Financial Rules, as applicants or tenderers have to demonstrate that they comply with the applicable exclusion criteria (e.g. bankruptcy, professional misconduct, fraud or corruption).

8. Which personal data do we collect and further process?

In order to carry out this processing operation PCU collects the following categories of personal data:

- Name, contact details and affiliation (e.g. address, first name, surname, e-mail, phone number, citizenship);
- e-Communication and/or connection data (e.g. phone network, internet traffic, IP address, logs, user ID, user credentials);
- Personal identification numbers (e.g. national IDs/passports, staff ID);
- Details on education, expertise, profession of the person (e.g. CV, trainings);
- Economic and financial details (e.g. bank account details, expenses, reimbursements);
- Goods and services the person provides;
- Personal data relating to criminal convictions and offences or related security measures (e.g. copies of the judicial records certificates).

In particular:

- Identification data: name (first name, surname); date of birth, ID number, passport number, signature), country of residence, nationality, gender, function/position of authorised legal representative of a company, NUP number (Numéro Unique de Personnel/ Unique Personal Number for staff only), PerID (for staff only), date/place/country of birth
- 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, bank statements, balance sheets;
- Information relating to eligibility and exclusion and selection criteria: proof of security clearance, certificates of good conduct, certificates for social security contributions and taxes paid, extracts from judicial records, chamber of commerce extracts, expertise, personal skills and competences (e.g. technical skills, languages), educational background (e.g. diplomas, certificates), professional experience (e.g. curricula vitae, professional references) including details on current and past employment in line with Articles 57 and 138 - 143 of the EU Financial Regulation.

PUBLIC

- Sensitive personal data relating to criminal convictions and offences or related security measures from tenderers/candidates, authorised representatives and staff of tenderers/grant candidates, subcontractors, consortium members, points of contacts, and/or whose data is required by the procurement procedure include, in line with Article 139 of the EU Financial Regulation: information relating to eligibility and exclusion and selection criteria.

Personal data is collected directly from tenderers/candidates participating in a public procurement procedure. Each tenderer/candidate is responsible to provide the accurate information, which is checked against supporting documents by procurement staff members and members of opening and evaluation committees.

Each tool as above-listed in Section 2 and storage space owned by PCU is populated with data supplied directly by the economic operators/candidates to the tendering procedures or data collected from public sources.

9. How long do we keep your personal data?

Your personal data is only kept by eu-LISA for the time necessary to fulfil the purpose of collection or further processing, namely, all files relating to the Agency's 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 up to 10 years following the execution of the last payment made under the related contract.

Personal data included in files of unsuccessful tenders are kept up to 5 (five) years following the signature of the contract.

Sensitive personal data (e.g. extracts of judicial records) are kept for 2 (two) years upon signature of the related award contract.

After the retention period expires, the files may be transferred to the Historical Archives of the European Union.

When determining the maximum retention periods, the Agency takes also into account possible legal recourses, legal, auditing, archiving and reporting obligations.

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

Access to your personal data is provided to eu-LISA staff responsible for carrying out this processing operation and to authorised staff according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements. In particular: authorised finance and procurement staff members, members of opening and evaluation committees, Responsible Authorising Officers and the staff entrusted with ex-ante controls, Legal officer, Internal audit capability, Accounting Officer;

The following data recipients will have access to your personal information within the context of this processing activity:

- External Contractors and consultants: on an exceptional basis and under strict supervision and limitations, when specialised expertise is not available within euLISA;
- 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), Court of Justice of the European Union (CJEU), European Data Protection Supervisor (EDPS), European Public Prosecutor Office (EPPO)), European Anti-Fraud Office (OLAF);

PUBLIC

- The European Commission as the service provider of specific IT tools used by eu-LISA for the conduct of procurement procedures and contract management (ABAC, SUMMA, ARES, eTendering, eNotices, eSubmission, EDES);
- Other EUIs/EUAs in the case of joint procurement procedures;
- Members of public: in case you are awarded a contract, some personal data will be made public, in accordance with 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) in line with Article 31(4) of the Agency Financial Rules and Article 166 of the EU Financial Regulation. 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.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

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

You have specific rights as a 'data subject' under Chapter III (Articles 14-22) 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 of your personal data, which is lawfully carried out pursuant to Article 5(1)(a), or the right to data portability.

The right to rectification is restricted after the time limit for receipt of requests to participate or tenders has expired, as per Article 172 of the EU Financial Regulation.

You should also be informed that by virtue of Article 25 of Regulation (EU) 2018/1725 and of the Internal Rules laid down under Decision No 2021-096 Rev 1 of the Management Board, one or several of your rights to access, rectification, erasure or restriction of data processing may be restricted for a temporary period of time. This restriction decision will be reviewed every 6 months until lifted.

You can exercise your rights by contacting the Data Controller or the Data Protection Officer.

12. 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, eulisa-procurement@eulisa.europa.eu

With regards to the specific processing activity of 'Registration and related financial transactions of Legal Entity and Bank Account records / Business Partners in the central European Commission Accounting System' (SUMMA and ABAC), for which the EU Commission (DG BUDG) is a joint controller with eu-LISA, you can also exercise your rights at DATA-PROTECTION-OFFICER@ec.europa.eu or BUDG-SUMMA-BP@ec.europa.eu .

For more information please consult the EC's relevant record [here](#).

PUBLIC

- **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.

- **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.