



Privacy Statement

Processing of personal data in the context of EEA procurement and grant award procedures and the management of contracts and grants

Processing of personal data in the context of procurement and grant award procedures of EEA and the management of contracts and grants shall comply with [Regulation \(EU\) 2018/1725](#) of the European Parliament and 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 (hereinafter referred to as “the Data Protection Regulation”).

Purpose, controller and legal basis for the personal data processing

The **purpose** of the personal data processing is the management of procurement and grant award procedures in accordance with the applicable legal framework and the management of contracts for services and supplies and of grant agreements. Procurement, grant calls and contract/grant management operations enable EEA to rely on services and deliveries from contractors and grant holders in order to fulfil its mission defined in the [EEA Founding Regulation \(EC\) No 401/2009](#).

Particularly in the context of procurement and grant award procedures, personal data are processed for the purpose of evaluating information related to the legal, financial, economic, technical and professional capacity of tenderers, candidates and grant applicants (legal or natural persons) with a view of selecting offers best satisfying the criteria set out in the respective procurement or grant call.

For the management of resulting contracts and grant agreements, personal data are processed for the purpose of (1) the service provision or supplies and the organisation of cooperation activities outlined in the respective contract or grant agreement and (2) for the execution of the contract or grant agreement in all its modalities, including the reporting and payments.

The Head of Legal services, procurement and logistics is the **controller** of personal data in the context of EEA procurement and grant award procedures; whereas, the data controller of the resulting contract or grant agreement is the Authorising Officer (Head of Programme, Executive Director) formally signing the document on behalf of EEA.

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

The processing of the personal data is necessary for compliance with a legal obligation in the sense of Article 5.1 (b) of the Data Protection Regulation and to which the controller is subject in the context of procurement and grant award procedures and the management of contracts and grants. More specifically the legal basis is provided by:

- [Regulation \(EU, Euratom\) No 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;



- The European Environment Agency's Financial Regulation adopted on 22 November 2019.

What personal information do we collect and process?

- Identification data: name and contact details of representatives and staff of tenderers and grant applicants, including consortium partners and subcontractors data;
- Evidence on eligibility and absence of falling under exclusion criteria: Extract from the register of the Chamber of Commerce, legal entity form, declaration of honour by tenderers and grant applicants and consortium partners, and for what concerns tenderers proposed for contract award, turnover statements and balance sheets of the previous financial years (up to maximum three years), proofs on payment on social contributions, taxes, extract from judicial records. Extract from judicial records are considered sensitive data in accordance with Article 10 of the Data Protection Regulation, the processing of which is authorised by virtue of the Financial Regulation;
- Financial identification data (also of individuals), including identification details, bank account details and VAT number;
- Information for the evaluation of tenders and grant proposals against selection criteria, such as information on the financial capacity of tenderers based on turn-over figures and balance sheet data of previous financial years (up to maximum three years), information on the operation capacity of tenderers/applicants, including list of personnel capable of performing the tasks described in the tender/grant specifications, lists of principle services and supplies delivered over the past three years, detailing sums, dates and recipients, curriculum vitae of project managers and (scientific) staff outlining their educational background, professional experience, technical skills, language proficiency, details on past and current employment;
- Information for the evaluation of tenders and grant proposals against the award criteria, such as a summary of the strategy of the tenderer/grant applicant related to the tender/grant specifications, such as a description of the goods and services they may propose and related to the grant call, such as a description of the project for which funding is requested, the financial proposal including hourly/daily rates applied and the estimated budget;
- Appraisal data on tenders/grant proposals in evaluation reports, which may include observations on individuals/consultants/experts proposed for involvement in the contract/grant agreement;

The provision of personal data in the context of procurement and grant award procedures is in principle not mandatory, however failure to provide certain information may imply the exclusion from the evaluation and award procedure.

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

In accordance with the purpose of the processing, access to personal data may be granted on a need-to-know basis. It should be noted that recipients of personal data shall process these exclusively for the purpose for which they were transmitted and not for any other purpose. The following **recipients of personal data** have been identified:

- The Head of Programme/Group responsible as Authorising Officer for the related contract or grant agreement (data controller) and his/her staff;



- The Financial Officers within the Administrative Services, providing overall guidance and support throughout the contract/grant life cycle, including the budgetary commitments and payments;
- The Procurement Services of the EEA for management and follow-up, including preparation of procurement/grant calls, organisation of opening and evaluation sessions, contract/grant management tasks, including the preparation of amendments, the updating of EEA's electronic database for the recording of legal commitments (ABAC – LCK) and the contract/grant filing maintenance;
- The members of the tenders/grants opening and evaluation committees; occasionally, the evaluation committee may be composed of external members of EU origin. In such cases, the transmission or transfer of personal data to these external experts involved in the evaluation process shall be assessed on a case-by-case basis against the requirements of Article 9 of the Data Protection Regulation;
- The Legal Services of the EEA, providing legal advice throughout the contract/grant life cycle or in case of litigation and legal action against EEA;
- Data of economic operators which are in one of the exclusion situations referred to in Article 136 of the Financial Regulation may be included in the Early Detection and Exclusion System (EDES) and communicated to the designated persons of the European Commission, other EU institutions, agencies, authorities and bodies mentioned in Articles 142 and 143 of the Financial Regulation. This refers as well to the persons with powers of representation, decision-making or control over the said economic operators;
- Personal data may be transferred to bodies in charge of monitoring, auditing or inspection tasks in accordance with European Union legislation, such as internal audit services, the EU Court of Auditors or the European Anti-Fraud Office (OLAF) or the European Public Prosecutor Office (EPPO), as well as to the EU Ombudsman, the European Data Protection Supervisor (EDPS);
- In case of litigation, including for contractual liability claims, data may be transferred to the European Court of Justice or to a mediator appointed by the parties;
- Finally, pursuant to the publication requirements laid down in the Financial Regulation, limited personal data is made public as concerns the outcome of procurement procedures and grant calls. The information concerns in particular the name, address, year, amount awarded and the name of the project or programme for which the successful tenderers/applicants are awarded a contract/grant. The data is published in the supplement S of the Official Journal of the European Union as well as on the EEA website.

What technical means do we apply and how do we protect and safeguard the information?

In the context of procurement and grant award procedures, tenders/proposals are submitted electronically either via email or via the e-Submission tool. In particular, the use of the e-Submission tool requires prior registration in the European Commission's user authentication service (EU-login) and has its own detailed Privacy Statement. Likewise, at EEA the information is processed electronically via the IT tools, abiding to the EEA security policy.

After completion of the award procedure, the Procurement Services manage and/or the Finance Group in the Administrative Services manage the filing of signed contracts and grant agreements in EEA's electronic Document Management system (ARES) with restricted access on a need-to-know



basis. The Procurement Services and/or the Finance Group inserts some information on contracts and grant agreements in EEA's database for the recording of legal commitments (ABAC – LCK).

How can you access, modify or delete your information?

You have the right to access or verify your personal data EEA is keeping related to a procurement/grant award procedure or a contract or grant agreement in which you are involved and to have your personal data modified, corrected or deleted. In order to exercise these rights, you should contact in writing the Authorising Officer in charge of the procedure or contract/agreement in question, using the contact data given in the invitation letter for participation in the relevant procedure or indicated in the respective contract or grant agreement.

Identification data of individuals can be corrected at any time. In the context of contract/grant award procedures, factual data can only be rectified or updated up to the submission deadline for offers/proposals for the call for tenders/proposals in question. Information that would change the nature of the offer/proposal made for EEA cannot be changed after the submission deadline since this would compromise the award procedure.

Once the tender/grant evaluation has been completed, each tenderer/grant applicant is informed by means of a personalised letter providing details on the evaluation results in compliance with the Financial Regulation, with a restriction as concerns comparative data on competing tenderers/grant applicants except for the winner and the opinions of individual members of the Evaluation Committee.

How long do we keep your personal data?

Tenders and grant applications not selected in the context of the respective contract/grant award procedure including all personal data contained therein, are kept for five years after the completion of the award procedure in question.

In application of Article 75 of the Financial Regulation, contracts and grant agreements, including personal data contained therein are kept for ten years after the end date of the contract or grant agreement in question.

Extracts from judicial records provided as part of tender/proposal are kept for maximum two years.

What are your rights as a data subject and who to contact?

You have specific rights as a data subject under Chapter III (Articles 14 – 25) of the Data Protection Regulation, in particular the right to access your personal data and to rectify them in case your data are inaccurate or incomplete. Where applicable, you have the right to request erasure of your personal data, to restrict their processing, to object to their processing and the right to data portability.

To exercise these rights in the context of a procurement or grant award procedure or in EEA contracts or grant agreements, you should contact the EEA programme acting as Authorising Officer for the contract or grant agreement in question. The contact details are given in the invitation cover letter for the award procedure in question or in the relevant contract or grant agreement.



Queries may be followed up further with the Head of Legal Services, procurement and logistics (procurement@eea.europa.eu), identified as controller for personal data processing in this area or with the EEA Data Protection Officer (DPO@eea.europa.eu).

You are entitled to have recourse at any time to the European Data Protection Supervisor (<https://edps.europa.eu>; edps@edps.europa.eu) if you consider that your rights under the Data Protection Regulation have been infringed as a result of the processing of your personal data by the EEA.