

## RECORD OF PROCESSING OPERATION ON

### Procurement, grants and contract management

PART 1 – Article 31 Record (Publicly accessible)		
1.1	Reference number	DP.WPM.23.001
1.2	Name and contact details of controller	<p>In the context of the procurement and grant award procedure, the data controller is the Head of Group Legal services, procurement and logistics, <a href="mailto:Procurement@eea.europa.eu">Procurement@eea.europa.eu</a>.</p> <p>In relation to the implementation of the ensuing contract or grant agreement, the data controller is the responsible authorising officer formally signing the document on behalf of the EEA.</p>
1.3	Name and contact details of joint controller(s) (where applicable)	N/A
1.4	Name and contact details of the processor (where applicable)	N/A
1.5	Name and contact details of the DPO	<a href="mailto:DPO@eea.europa.eu">DPO@eea.europa.eu</a>
1.6	Purpose of the processing	<p>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 the grant agreements. Procurement, grant calls and contract/grant management operations enable EEA to rely on services and deliveries from contractors and grant holders to fulfil its mission defining in the <a href="#">EEA founding Regulation (EC) No 401/2009</a>.</p> <p>In the context of procurement and grant award procedures, personal data are processed for the purpose of evaluating information related to the legal, financial, technical and professional capacity of the tenderers, candidates and grant applicants (legal or natural persons) with a view to selecting offers best satisfying the criteria set out in the respective procurement or grant call.</p> <p>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 and grant agreement in all its modalities, including the reporting and payments.</p>

		<p>Personal data will not be used for an automated decision-making including profiling.</p>
<p>1.7</p>	<p>Description of categories of persons whose data the EEA processes and list of data categories</p>	<p>Anyone willing to participate in the selection of candidates under a call for expression of interest, or in the selection of beneficiaries of grants or the selection of contractors in procurement procedures of the EEA, i.e. candidates, tenderers, applicants and their staff or that of their subcontractors (natural persons).</p> <p>Categories of data collected and processed:</p> <ul style="list-style-type: none"> <li>- Identification data: name and contact details of representatives and staff of tenderers and grant applicants, including consortium partners and subcontractors data.</li> <li>- Evidence on eligibility and absence of falling under exclusion criteria: extract from the register of the Chamber of Commerce, legal entity form, declaration of honours 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.</li> <li>- Financial identification data (also of individuals), including identification details, bank account details and VAT number.</li> <li>- 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, list 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. Since the information is often provided on CV, the candidates/tenderers/applicants, their staff or subcontractors, may supply additional information which might not be necessary for the purpose of selection or the award of contracts or grants (such as gender, age, nationality, credentials).</li> <li>- 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 call for tenders/proposals, such as a description of the action for which funding is requested, the financial proposal including hourly/daily rates applied and the estimated budget.</li> </ul>

		<p>- 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.</p> <p>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.</p>
1.8	Time limit for keeping the data	<ul style="list-style-type: none"> <li>• Files relating to the selection of candidates including personal data in the context of a call for expression of interest are to be retained for a period of 5 years following the closure of the call for expression of interest.</li> <li>• 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.</li> <li>• 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 of the contract or grant agreement in question.</li> <li>• Extracts from judicial records provided as part of a tender/proposal are kept for maximum two years.</li> <li>• Files might be retained until the end of a possible audit if one started before the end of the above periods.</li> </ul>
1.9	Recipients of the data	<p>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:</p> <ul style="list-style-type: none"> <li>• The Head of Programme/Group responsible as authorising officer for the related contract or grant agreement (data controller) and his/her staff;</li> <li>• The financial officers within the Administrative Services, providing overall guidance and support throughout the contract/grant life cycle, including the budgetary commitments and payments;</li> <li>• The EEA procurement services 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 and the contract/grant filing maintenance;</li> <li>• 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</li> </ul>

		<p>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;</p> <ul style="list-style-type: none"> <li>• The EEA Legal Services, providing legal advice throughout the contract/grant life cycle or in case of litigation and legal action against the EEA;</li> <li>• 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 <a href="#">Early Detection and Exclusion System (EDES)</a> 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;</li> <li>• Personal data may be transferred to bodies in charge of monitoring, auditing or inspection tasks in accordance with EU legislation, such as the EC Internal Audit Services, the EU Court of Auditors, the European Anti-Fraud Office (OLAF) or the European Public Prosecutor Office (EPPO), as well as the EU Ombudsman, and the European Data Protection Supervisor (EDPS);</li> <li>• 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;</li> <li>• 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/action or programme for which the successful tenderers/applicants are awarded a contract/grant agreement. The data is published in the supplement S of the Official Journal of the European Union as well as on the EEA website.</li> <li>• Additionally, candidates selected in the framework of a call for expression of interest are listed in the intranet of the EEA.</li> <li>• All recipients shall be reminded of the purpose limitation of the transfer in question and the obligation of confidentiality arising from Article 4(1)(f) of the Data Protection Regulation.</li> </ul>
1.10	<p>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</p>	N/A
1.11	<p>General description of security measures (where possible)</p>	<p>In the context of procurement and grant award procedures, tenders/proposals are submitted electronically either via e-mail or</p>

		<p>via the e-Submission tool. In particular, the use of the e-Submission tool requires prior registration in the European Commission’s users authentication service (EU-login) and has its own detailed privacy statement. Likewise, at the EEA the information is processed electronically via the IT tools, abiding by the EEA security policy.</p> <p>After completion of the award procedure, the Procurement Services and/or the Finance Group in the Administrative Services manage the filing of signed contracts and grant agreements in the 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 contract and grant management in EEA’s database for the recording of legal commitments.</p>
1.12	<p>Measures for providing additional information, including how data subjects may exercise their rights of access, rectification, data portability (where applicable), etc.</p>	<p>The model invitation to tender as well as the model contract and grant agreement contain specific provision on Data protection, including a link to the specific privacy statement published on the EEA website.</p> <p>Tenderers/candidates/applicants may contact in writing the authorising officer in charge of the procedure or contract/agreement in question, using the contact data in the invitation letter for participation in the relevant procedure or indicated in the respective contract or grant agreement.</p> <p>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 the EEA cannot be changed after the submission deadline since this would compromise the award procedure.</p> <p>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.</p>