



EFCA PRIVACY STATEMENT for processing of personal data related to: PROCUREMENT PROCEDURES

1. Context and Controller

As the EFCA collects and further processes personal data, it is subject to Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Processing operations are under the responsibility of the Controller, indicated in the tender specifications, regarding the collection and processing of personal data.

2. What personal information do we collect, for what purpose, under which legal bases and through which technical means?

Types of personal data

Personal data collected and further processed concern tenderer and its staff or subcontractors (natural persons). Information can relate to the following data:

- Name;
- Function;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Certificates for social security contributions and taxes paid, extract from judicial records;
- Bank account reference (IBAN and BIC codes), VAT number, passport number, ID number;
- 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;
- Declaration on honour that they are not in one of the exclusion situation referred to in Article 74 of the EFCA Financial Regulation and Articles 93 and 94 of the General Financial Regulation.

Purpose

Upon reception of your tender or request to participate, your personal data is collected and further processed for the purpose of the management and administration of the procurement procedure by the EFCA.

Legal bases

The legal bases for the processing operations on personal data are:

- Decision No 09-W-01 of the Administrative Board of the European Fisheries Control Agency of 9 January 2009 concerning the Financial Regulation of the European Fisheries Control Agency, in particular Article 74 "the EFCA Financial Regulation",
- Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities "the General Financial Regulation",
- Commission Regulation (EC, Euratom) N° 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) N°1605/2002 on the Financial Regulation applicable to the general budget of the European Communities "the Implementing Rules of the General Financial Regulation".

Technical means

Your personal data is provided by submission of your tender.

The information is collected in files stored in an isolated secure system. The information is processed by EFCA personnel and transferred to EFCA systems (as described in point 4.), under the responsibility of the Controller mentioned in the tender specifications.

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

For the purpose detailed above, access to your personal data is given to the following persons, without prejudice to a possible transmission to the bodies in charge of a monitoring or inspection task in accordance with European Union law:

- EFCA staff as well as outside experts and contractors who work on behalf of the EFCA for the purposes of management of the expert selection procedure, the procurement procedure and tender evaluation, and the bodies charged with a monitoring or inspection task in application of Union law (e.g. internal audits, European Anti-fraud Office - OLAF);
- Members of the public; In case you are awarded a contract by the EFCA, your personal data will be made public, in accordance with the EFCA's obligation to publish information on the outcome of the procurement procedure (Article 74 of the EFCA Financial Regulation and Article 90 of the General Financial Regulation). The information will concern in particular your name and address, the amount awarded and the name of the project for which you are awarded a contract. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the EFCA.

For more information you can receive notification DPO-14 made to the EFCA Data Protection Officer upon request from the EFCA Head of Unit Resources

4. How do we protect and safeguard your information?

The collected personal data and all related information are stored:

- after closure of the procurement procedure

on the premises of the EFCA and on servers of the EFCA. The EFCA premises and operations of the servers abide by the EFCA's security decisions.

5. How can you verify, modify or delete your information?

In case you wish to verify which personal data is stored on your behalf by the responsible Controller, have it modified, corrected, or deleted, please make use of the contact information mentioned in the tender specifications, by explicitly describing your request. Any correction of your personal data will be taken into consideration from the data protection point of view.

NB: The right to rectify the information already provided can only apply to the factual data processed within the concerned procurement procedure. This right can only be exercised up to the closing date for submission of tenders. However, inaccurate identification data may be rectified at any time during and after the procurement procedure.

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 exclusion as stated in Article 74 of the EFCA Financial Regulation and Article 148 of the Implementing Rules of the General Financial Regulation (see legal basis in Point 2 above).

6. How long do we keep your personal data?

Your personal data are kept¹:

- For successful tenderers: files relating to tender procedures, including personal data, are to be retained in the service in charge of the procedure until the procedure is finalised. Tender files are retained in the archives for at least five years from the date on which the European Parliament grants discharge for the budgetary year in which the contract terminates;
- For unsuccessful tenderers: files relating to tender procedures, including personal data, are to be retained in the service in charge of the procedure until the procedure is finalised. Tender files are retained in the archives for at least five years from the date on which the European Parliament grants discharge for the budgetary year in which the contract is signed;
- The above limits can be extended until the end of a possible audit if one started before the end of the above period.

7. Contact information

For any questions related to your rights, feel free to contact the Controller indicated in the tender specifications, by using the contact information below, and by explicitly specifying your request.

Head of Unit Resources
European Fisheries Control Agency
Avda. García Barbón, 4
E-36201 Vigo
SPAIN

8. Recourse

Persons concerned are also entitled to have recourse at any time to the European Data Protection Supervisor: <http://www.edps.europa.eu>

¹ For the retention period applicable to the Call for expression of interest, please check the data protection clause at the following link: http://www.efca.europa.eu/pages/home/cfca_calls_for_experts.htm