

## **Data Protection – Specific Privacy Statement Procurement/External experts**

This privacy statement concerns the European Court of Auditors' ("ECA" or "Court") processing of personal data collected for procurement procedures and calls for external experts.

The manner in which the ECA processes and protects your personal data is described below.

### **Who is responsible for handling your data?**

Data processing operations are under the responsibility of the authorising officer signing the invitation to tender, call for expression of interest or invitation to join a panel of experts.

### **Why do we collect your data?**

Your personal data are collected and further processed for the purpose of the management and administration of experts or procurement procedures by the Court. Your personal data will not be processed for any purpose other than that for which they have been collected. Should any further processing be intended for a purpose other than that for which the personal data have been collected, you will be provided with information on that other purpose and with any further relevant information required to ensure fair and transparent processing.

### **What are the rules governing the use of your data?**

The legal basis for the processing operation is:

- [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 is the legal framework for the processing of personal data within the Court.
- [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 (hereafter "the Financial Regulation") in particular Articles 160-179 for the procurement procedures and Articles 237-238 for the selection of experts.

### **What personal data do we collect?**

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

- Identification data: first name, surname, passport number, ID number, nationality;
- 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;
- Financial data: bank account reference (bank name, IBAN and BIC codes), VAT 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 situations referred to in Articles 136 and 141 of the Financial Regulation;
- Other data relating to the expert or tenderer and provided by them in the framework of their reply to the invitation to tender, call for expression of interest or invitation to join a panel of experts.

### **Who has access to your data and to whom will your data be disclosed?**

For the purposes detailed above, access to your personal data is given or may be given to the following persons:

- the Court's staff members (the procurement team and other staff who are part of the evaluation panel) or members of the institutions, agencies and bodies participating in the procurement procedure in the case of interinstitutional procurement, as well as external experts and contractors who work on behalf of the Court for the purposes of management of the expert selection procedure, the procurement procedure and tender evaluation; access to your data is granted according to the "need to know" principle;
- persons and bodies charged with a monitoring, audit or inspection task in application of European Union law (e.g. internal and external audits, the Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, the Exclusion Panel referred to in Article 143 of the Financial Regulation, the European Anti-fraud Office - OLAF).
- members of the public; if you are awarded a contract by the Court, your personal data will be made public, in accordance with the Court's obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the Union's budget (Article 163 and Article 38(2) of the Financial Regulation, respectively). The information will concern in particular your name and address, the amount awarded and the nature and purpose of the award. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the Court.

Your personal data may be transferred to other recipients:

- if legal advice is required: the ECA's Legal Service
- if translation is required: the ECA's translation directorate
- If you lodge a complaint: the European Ombudsman, the European Data Protection Supervisor, the ECA Data Protection Officer.

### **How do we safeguard against possible misuse of or unauthorised access to your data?**

Data sets are stored securely in the ECA's and in the EU Commission's and its service provider's data centre in Luxembourg and Belgium, and are therefore covered by the numerous measures taken to protect the availability, integrity and confidentiality of the institution's electronic assets.

Access to personal data is restricted to a specific user group. Access rights are granted on a "need to know" basis, taking account of the role, post and responsibilities of the user concerned. These rights are continually updated as staff assignments change.

The ECA's Secretary-General has overall responsibility for implementation of the rules on access rights and compliance with the rules on data protection, but has delegated responsibility in these areas to different entities. The Court has an information security policy, and an Information Security Officer who ensures that the policy is implemented correctly and that the related checks are tested for efficiency.

### **How long do we keep your data?**

Your personal data will be retained for 10 years in the accounting system if you obtained cost reimbursements and for 7 years following the signature of the contract at the procurement entity and at the entity that launched the call for expression of interest, the invitation to tender or to join a panel of experts. Unsuccessful tenderers' data have to be kept only for 5 years following the signature of the contract. Once these periods have elapsed, all personal data are destroyed.

### **What are your rights?**

Your rights in respect of your personal data are set out in Articles 17 to 24 of Regulation (EU) 2018/1725.

You have the right to access your personal data and to have them rectified without undue delay if they are inaccurate or incomplete.

Under certain conditions, you have the right to ask us to erase your personal data or to restrict their use.

Where applicable, you have the right to object to the processing of your personal data, at any time, on grounds relating to your particular situation, and the right to data portability.

You can request that we communicate, insofar as possible, any changes to your personal data to other parties to whom your data have been disclosed.

We will consider your request, take a decision and communicate it to you without undue delay and in any event within one month of receipt of the request. This period may be extended by two further months where necessary.

You are not subject to automated decisions (made solely by machines), including profiling, to obtain the right to be awarded a contract.

You can exercise your rights by contacting the data controller, using the contact information given below.

### **Who should you contact if you have a query or complaint?**

The first point of contact is the data controller. Use the contact information mentioned in the call for expression of interest or the call for tenders.

You may contact at any time the ECA's Data Protection Officer ([ECA-Data-Protection\(at\)eca.europa.eu](mailto:ECA-Data-Protection(at)eca.europa.eu)) if you have any concerns/complaints about the processing of your personal data.

European Court of Auditors

Data Protection Officer

12 Rue Alcide de Gasperi

1615 Luxembourg

LUXEMBOURG

You have the right to lodge a complaint, at any time, with the European Data Protection Supervisor ([edps\(at\)edps.europa.eu](mailto:edps(at)edps.europa.eu)) concerning the processing of your personal data.