



Privacy Statement on the protection of personal data in relation to procurement procedures¹

Organizational part of the Agency entrusted with the processing of personal data

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Purpose of processing

- Upon reception of tenders or requests to participate in public procurements, personal data of applicants are collected and further processed for the purpose of the management and administration of public procurement procedures at EU-OSHA.

Type of data processed

The controller will be collecting and processing personal data of the actors who take part in procurement procedures at EU-OSHA, both natural and legal persons, being contractors and subcontractors.

- For individuals: last name, first name, official address, VAT no., ID and passport no., date/place and country of birth, contact details (telephone, email, fax), other personal data included in CVs (such as technical skills, academic background, professional experience and records), a declaration of honour that he/she is not in one of the exclusion situations referred in Articles 136 to 141 of the Financial Regulation (for the company director or any person with powers of representation, decision making or control in relation to the tenderer), extracts from judicial records for high-value contracts before the award of the contract;
- For private companies: type of company, name(s), abbreviation, address and head office, VAT no., place of registration, date of registration, national registration no., proof of having fulfilled all obligations to pay social security contributions and taxes, certificate of clear criminal record or extract of judicial records, extract from the register of bankruptcy, balance sheets or extracts for the previous years, statement of overall turnover and turnover concerning the service covered by the contract, documents attesting professional standing, contact details (telephone, e-mail, fax, name) and signature of authorized representative;
- For public entities: type of organization, names(s), abbreviation, address and head office, VAT no., place of registration, date of registration, contact details (telephone, e-mail, fax, name) and signature of authorized representative;

¹ Information provided on the basis of Articles 15-16 of [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.



- For the Financial identification form: last name, first name, address, telephone, e-mail and signature of the concerned account holder, as well as bank's name, address and stamp, account and IBAN no (refer to Privacy Statement for Legal Entity and Bank Account Validation).

Legal basis

- Council Regulation (EC) No. 2062/94 of 18/07/1994 as amended, establishing the European Agency for Safety and Health at Work and subsequent amendments;
- Article 85 of the Agency Financial Regulation, as adopted by the Governing Board on 15 January 2014. Pursuant to this Article, the relevant provisions of 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, as amended, shall apply to EU-OSHA's procurement procedures.

Lawfulness of processing

- The processing is based on Article 5(a) of [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 (hereinafter the Regulation).

Recipients of the data processed

- EU-OSHA staff in charge of the procurement procedure;
- EU-OSHA staff acting as members of opening and evaluation committees and external evaluators, if applicable;
- Members of the public, in case of being awarded a contract with EU-OSHA, in accordance to EU-OSHA's obligation to publish information on the outcome of the procurement procedure (EU-OSHA Financial Regulation and Article 163 of the Financial Regulation), limited to the name and the legal address of the awarded company;
- Authorized staff of the European Commission and EU agencies in the context of the implementation of Article 135 of the Financial Regulation, related to the Early Detection and Exclusion System (EDES).

The data subject's rights

- Data subjects have the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or, where applicable, the right to object to processing or the right to withdraw consent at any time without affecting the lawfulness of processing based on consent before its withdrawal (Articles 17, 18, 19, 20, 22, 23 and 24 of the Regulation);
- Data subjects' rights can be restricted only in the cases foreseen in Art 25 of the Regulation;
- In particular, they can exercise their rights by submitting an email to information@osha.europa.eu, mentioning the organisational part of the Agency entrusted with the processing operation as indicated in this privacy statement and the name of the processing operation, including in the subject the words "data protection";



- The right of rectification only applies to factual data processed within the concerned procurement procedure. This right can be only exercised up to the closing date for submission of tenders. 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 as a result to exclusion as stated in Article 160 of the Rules of Application of the General Financial Regulation.

Information on the conservation period of personal data

- Files relating to procurement procedures, including personal data, are to be retained by the service in charge of the procedure until it is finalized, and in the archives for a period of 7 years following the signature of the contract;
- Files relating to unsuccessful tenderers have to be kept only for 5 years following the signature of the contract;
- The above limits can be extended until the end of a possible audit, if once started before the end of the above period or if an appeal is underway.

Security measures

EU-OSHA takes appropriate security measures to protect against unauthorised access to or unauthorised alteration, disclosure or destruction of data. These include internal reviews of our data collection, storage and processing practices and security measures, including appropriate encryption of communication and physical security measures to guard against unauthorised access to systems where we store personal data.

Request for information

For any further information regarding the handling of their personal data, data subjects can address their request to EU-OSHA Data Protection Officer at: dpoatosha.europa.eu.

Recourse

Data subjects are entitled to have recourse at any time to the European Data Protection Supervisor, <http://www.edps.europa.eu>, should they consider that the processing operations do not comply with the Regulation.

Date when processing starts

Date of the launch of the procurement procedure.