



Annex XXIII

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

- Head of the Resource and Service Centre

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 number, ID and passport number, 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 106 and 107 of the General 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 number, place of registration, date of registration, national registration number, 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 11 – 12 of Regulation (EC) No. 45/2001 of the European Parliament and Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies 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 number and IBAN (refer to Privacy Statement for Legal Entity and Bank Account Validation).

Legal basis

- Council Regulation (EC) No. 2062/94 of 18/07/1994 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 Council Regulation No 966/2012 (on the financial rules applicable to the general budget of the Union as amended by regulation 2015/1929 and Commission delegated Regulation (EU) no 1268/2012 of 29/10/2012 (on the rules of application) as amended by regulation 2015/2462, shall apply to EU-OSHA's procurement procedures.

Lawfulness of processing²

- The lawfulness of the processing is based on Article 5(a) of Regulation (EC) No. 45/2001 of the European Parliament and 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 (hereinafter, Regulation (EC) No. 45/2001).

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 (Article of 85 of EU-OSHA Financial Regulation and Article 103 of the General Financial Regulation), limited to the name and the legal address of the awarded company;
- Court of Auditors (ECA), Internal Audit Service (IAS), Financial Irregularity Panel, Investigation and Disciplinary Office of the Commission (IDOC), the European Anti-fraud Office (OLAF), where applicable;
- Authorized staff of the European Commission and EU agencies in the context of the implementation of Article 108 of the General Financial Regulation, related to the Early Detection and Exclusion System (EDES);
- Legal Service, the Data Protection Officer (DPO), the European Ombudsman, and the European Data Protection Supervisor (EDPS), where applicable.

² A proposal for repealing and replacing existing Regulation (EC) 45/2001 on the protection of personal data by EU institutions and bodies is currently going through the legislative process. The specific data protection clauses contained in this framework contract may need to be amended in order to ensure compliance with this new Regulation



The data subject's rights

- Data subjects have the right to access and rectify and delete and block their personal data in the cases foreseen in Articles 13, 14, 15 and 16 of Regulation (EC) No. 45/2001 and to object about their processing in the cases foreseen in Article 18;
- In particular, they can exercise their rights by submitting a request to the data controller whose contact information is mentioned in the tender specification;
- 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 10 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 one started before the end of the above period or if an appeal is underway.

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: dpo@osha.europa.eu.

Appeals

Data subjects are entitled to lodge an appeal at any time with the European Data Protection Supervisor: <http://www.edps.europa.eu>, should they consider that the processing operations do not comply with Regulation (EC) No. 45/2001.

Date when processing starts

Date of the launch of the procurement procedure.