



DATA PROTECTION NOTICE

For processing of personal data in the context of Eurojust procurement procedures

1. Context and Controller

As Eurojust collects and further processes personal data, it is subject to [Eurojust rules of procedure on the processing and protection of personal data \(2004\)](#) and, where relevant, the [Eurojust additional data protection rules \(2006\)](#).

Collection and processing of personal data within procurement procedures are under the responsibility of the Controller, who is the Head of Legal Affairs Unit and can be contacted at procurement@eurojust.europa.eu.

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

Legal basis

The legal basis for the processing operations on personal data is 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 966/2012,¹ (hereafter "the Financial Regulation") in particular Articles 160-179. In some cases, where applicable, the information will be collected and processed in line with the Council Decision 2013/488/EU of 23.09.2013 on the security rules for protecting EU classified information.

Purpose of the processing

Upon receipt of expression of interest, application or tender by Eurojust, personal data is collected and further processed for the purpose of the management and administration of the procurement procedures carried out by Eurojust.

Technical means

Your personal data are provided by submission of your expression of interest, application or tender whether submitted electronically (via dedicated email or e-Submission application) or on paper.

The information is processed by authorised Eurojust post holders and transferred to isolated secure systems (as described in point 4.) under the responsibility of the Controller.

Types of personal data

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

- a) Identification data: name, surname, where necessary, a copy of an identification document;
- b) Function;

¹ OJ L 193 of 30.7.2018, p.1 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG

- c) Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- d) Financial information including, bank account details (IBAN and BIC codes), VAT numbers, name, surname and address of account holder, bank certificates stating financial situation;
- e) User account (in the context of e-submission of a tender);
- f) Signature or e-Signature;
- g) Information and documents submitted to prove that the tenderer/candidate is not in one of exclusion situations referred to in articles 136 and 141 of the Financial Regulation, for instance: certificates for social security contributions and taxes paid, extracts from judicial records, extracts from the register of debt regulations or a certificated given by a creditors, trade register extracts, Declaration on honour;
- h) Information and documents submitted to prove that the candidate/tenderer complies with selection criteria requirements or minimum requirements set in tender documents, such as: information about technical skills and languages, educational background, professional experience including details on current and past employment, documents attesting professional standing (curriculum vitae, copies of diplomas, certificates, references regarding their professional activities), proof of security clearance, certificates of good conduct;
- i) Assessment of applications/tenders in evaluation reports, which may include observations on the individuals (e.g. experts, consultants) proposed for the procurement procedure concerned in order to carry out tasks under the contract.

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 strictly on a need to know basis, without prejudice to a possible transmission to the bodies in charge of a monitoring or inspection task in accordance with European Union law:

- a) Eurojust authorised post holders (members of the institutions, agencies and bodies participating in the procurement procedure in case of inter-institutional procurement) and external experts, participating on behalf of Eurojust in procurement procedures, opening and evaluation committees, contract administration.
- b) Bodies charged with a monitoring, audit or inspection task in application of European Union law (e.g. internal audits, European Court of Auditors, Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, Exclusion Panel referred to in Article 143 of the Financial Regulation, European Anti-fraud Office – OLAF, EU Ombudsman, Eurojust Joint Supervisory Body);
- c) European Commission, other institutions or agencies (for data of economic operators which are in one of the situations referred to in Articles 106 and 107 of the general FR which may be included in the system that identifies bodies and individuals representing financial and other risks to the European Union, called Early Detection and Exclusion System (EDES);
- d) 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, or to an external legal advisor, if requested;
- e) Members of the public; in case you are awarded a contract by Eurojust, your personal data will be made public, in accordance with the Eurojust'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, 189(2) and Article 38(2) of the Financial Regulation,



respectively). The information will concern in particular your name and address, the amount awarded and the name of the project or programme 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 Eurojust.

4. How do we protect and safeguard your information?

All Eurojust post holders and external experts participating in opening and evaluation committees sign a "Declaration of absence of conflict of interests and of confidentiality".

To ensure security of processing data Eurojust also provides:

- Hardcopies of tender documentation, including contracts are stored securely in a locked archive. Access to tender documentation and contracts in the archive is restricted to authorised Eurojust procurement staff members strictly on a need to know basis.
- Electronic copies of tender documentation and contracts are stored securely in an isolated data base. Access to the data base is restricted to Eurojust personnel who are involved in the procurement procedures, contract administration and implementation strictly based on a need to know basis.

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 Controller, have it accessed, corrected, or erased, or you wish to restrict the processing, please make use of the following email address: procurement@eurojust.europa.eu.

Identification data of individuals can be corrected at any time. In the context of contract award procedures, factual data can only be rectified or updated up to the submission deadline. Information that would change the nature of the tender or application made for Eurojust cannot be changed after the submission deadline since this would compromise the award procedure.

Special attention is drawn to the consequences of a request for erasure, as this may lead to an alteration of the terms of the tender and lead to rejection as stated in Article 112 of the Financial Regulation.

6. How long do we keep your personal data?

- a) Files relating to tender procedures, including personal data, are to be retained in the service in charge of the procedure until it is finalised, and in the archives for a period of 10 years following the signature of the contract. However, tenders from unsuccessful tenderers have to be kept only for 5 years following the signature of the contract. Contracts are kept for 7 years after the end date of contract.
- b) Until the end of a possible audit if one started before the end of the above period.

7. Contact information

You have the right to access, rectify or erase or restrict the processing of your personal data in line with [Eurojust rules of procedure on the processing and protection of personal data \(2004\)](#) and, where relevant, the [Eurojust additional data protection rules \(2006\)](#).

Any such request should be directed to the Controller, by using the following email address: procurement@eurojust.europa.eu.



EUROJUST

The European Union's Judicial Cooperation Unit
P.O. Box 16183 – 2500 BD The Hague • The Netherlands

In case of queries regarding the processing of personal data, Eurojust Data Protection Officer can be contacted via email address: dpo@eurojust.europa.eu.

8. Recourse

In case you are not satisfied with the reply given to your request, within 30 days of receiving the reply you have the right of recourse to the Joint Supervisory Body of Eurojust via email: jsb@eurojust.europa.eu.

From 12 December 2019 you will have the right of recourse to the European Data Protection Supervisor (EDPS) via email: edps@edps.europa.eu.