



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 *Regulation (EU) 2018/1725 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC*.

Controller, responsible for collection and processing of personal data within procurement procedures and contract administration 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 38, 136-144, 149, 150, 160-179 and points 28.2 and 29 of Annex I.

Purpose of the processing

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

Technical means

Your personal data are provided through submission of your expression of interest; application or tender whether submitted electronically (via dedicated email or e-Submission application) or on paper; or for the purposes of signing the contract following the award in the respective procurement procedure.

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.

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



Types of personal data

Personal data collected and further processed concern the candidate/tenderer and its staff or subcontractors (natural persons). Personal data submitted by the successful tenderer/s is also collected and further processed for the purpose of the framework or direct contract (hereinafter in text – contract) signature. Information can relate to the following data:

- a) Identification data: name, surname and where necessary, a copy of an identification document;
- b) Function;
- 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 our 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, involved in procurement procedures, strictly on a need to know basis, without prejudice, for possible transmission to the bodies in charge of a monitoring or inspection task in accordance with European Union law:

- a) Authorised Eurojust post holders involved in the management of procurement procedures; post holders of the institutions, agencies and bodies participating in the procurement procedure in case of inter-institutional procurement; external experts, participating in procurement procedures and opening and evaluation committees.
- 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, the European Data Protector Supervisor;
- 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) Internal auditors;



- e) 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;
- f) 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?

Appropriate technical and organisational measures are in place to ensure a level of security appropriate to the risks represented by the processing and the nature of the personal data to be processed.

These measures notably prevent any unauthorized disclosure or access, accidental or unlawful destruction or accidental loss, or alteration, and any other unlawful forms of processing.

The main measures are as follows:

- a) All post holders and external experts participating in opening and evaluation committees sign a "Declaration of absence of conflict of interests and of confidentiality";
- b) Eurojust post holders responsible for management of procurement procedures have security clearances at least at the level "CONFIDENTIAL";
- c) 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;
- d) Electronic copies of tenders and contracts are stored securely in an isolated data base. Access to contracts is restricted to Eurojust post holders managing procurement procedures, contract owners, authorising officers, contract managers and contract users strictly based on a need to know basis. Access to tender documents is restricted, only to members of the Evaluation Committee and to Authorised Procurement Officers.
- e) Email communication with tenderers is kept in a dedicated Outlook mailbox accessible only to Eurojust post holders managing procurement procedures;
- f) Candidates/tenders in response to open calls for tenders for contracts above the Directive thresholds are received via an e-Submission platform, developed by the European Commission;
- g) Access to e-Submission is only to authorised Eurojust Procurement post holders.



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 modified, corrected, or deleted, or restrict the processing, or object to it or to exercise the right to data portability, please make use of the following email address: procurement@eurojust.europa.eu, by explicitly describing your request. Any correction of your personal data will be taken into consideration from the data protection point of view.

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 deletion, 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?

Your personal data are kept:

- a) Files relating to tender procedures, including personal data, are to be retained by the Eurojust post holders managing the procurement procedure until it is finalised, and in the archives for a period of 10 years following the signature of the contract or the day when the procedure has been cancelled or abandoned. The extracts from judicial records containing information on existence of criminal convictions can be kept only for 2 years. However, tenders from unsuccessful tenderers have to be kept only for 5 years following the signature of the 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 or, where applicable, the right to object to processing or the right to data portability in line with Regulation (EU) 2018/1725.

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

You may also contact the Data Protection Officer of Eurojust (dpo@eurojust.europa.eu).

8. Recourse

You have the right to lodge a complaint to the European Data Protection Supervisor (https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en) or via email edps@edps.europa.eu if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data.