



PRIVACY STATEMENT

for processing of personal data in the contest of ECDC procurement and grant award procedures.

1. Context and Controller

Processing by ECDC of personal data in the contest of procurement and grant award procedures shall comply with Regulation (EC) 45/2001 of the European Parliament and of 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.

Processing operations are under the responsibility of the Data Controller, who is the Head of the Procurement Section of ECDC and can be contacted at procurement@ecdc.europa.eu.

2. What personal information does ECDC collect, for what purpose, under which legal bases and through which technical means?

Types of personal data

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

1. The data subject is representing an economic operator participating in the procurement or grant procedure:
 - name;
 - address;
 - phone number;
 - fax number;
 - e-mail address;
 - function;
 - e-Signature (if used).
2. The data subject is an individual participating as an economic operator in the procurement or grant procedure:
 - Name, address, phone number, fax number, e-mail address;
 - Copy of a passport or national identity card;
 - Proof of the status of an independent worker or extract from the trade register;
 - Bank certificate stating their financial situation;
 - Their bank account number and bank information (IBAN and BIC codes), VAT number;
 - Statement as to their overall turnover and turnover for the supplies and/or services referred to in the procurement procedure;
 - Proof of having fulfilled their obligations to pay social security contribution and taxes;
 - Certificate of clear criminal record or extract of the judicial record;
 - Extract from the register of bankruptcy and reorganization proceedings;
 - Extract from the register of debt regulations or a certificate given by a creditor;

- Documents attesting to their professional standing (curriculum vitae, copies of diplomas, certificates, references regarding their professional activities);
 - Proof of security clearance;
 - e-Signature (if used);
 - user account (in the context of e-submission of tender);
 - Info traced in security logs (in the context of e-Submission of tenders): User Account (with date and time of user action), Type of Web Browser, type of Operation System, IP address of the workstation used by the user to download the Call For Tender and / or to submit the Tender Bundle.
3. The data subject is an employee or subcontractor of an economic operator participating in the procurement or grant procedure, and their personal data are included in the candidature or the tender:
- Name, address, phone number, fax number, e-mail address;
 - Copy of a passport or national identity card;
 - Proof of the status of an independent worker or extract from the trade register;
 - e-Signature (if used);
 - user account (in the context of e-submission of tender);
 - Info traced in security logs (in the context of e-Submission of tenders): User Account (with date and time of user action), Type of Web Browser, type of Operation System, IP address of the workstation used by the user to download the Call For Tender and / or to submit the Tender.

Purpose

Upon reception of your expression of interest, tender or request to participate by the ECDC, your personal data is collected and further processed for the following purpose:

- to evaluate the eligibility of economic operators to participate in the procurement and grant procedures;
- to evaluate the content of tenders and proposals submitted during the procurement and grant procedures with the view to awarding the contract and agreement;
- to manage the execution of the contract or grant agreement in all its modalities, including the reporting and payments.

Legal bases

The legal bases for the processing operations on personal data related to procurement and grant award procedures at ECDC is provided by:

- Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control (OJ L 142, 30.4.2004, p. 1), namely the management and functioning of ECDC within the meaning of article 5(b) of the Regulation (EC) 45/2001;
- Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union (hereinafter "EC FR") and repealing Council Regulation (EC, Euratom) No 1605/2002 ("Financial Regulation"), in particular Title V for Procurement;
- Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council on the financial rules applicable to the general budget of the Union ("Rules of Application"), in particular Title V for Procurement;
- Financial Regulation of the European Centre for Disease Prevention and Control and its implementing rules adopted by the Management Board on 28 March 2014, in particular Title V for Procurement (hereinafter "ECDC FR", published on ECDC website, <http://ecdc.europa.eu>);

- In particular for procurement:

- Articles 85 and 86 of the ECDC FR, in conjunction with,
 - Article 108 EC FR regarding the Early Detection and Exclusion System (EDES), and
 - Council Regulation (EC) No 2965/94 for contracts with the Commission, the interinstitutional offices and the Translation Centre for bodies of the European Union established for the supply of goods, provision of services or performance of work that the latter provide, and
 - Article 133 of Delegated Regulation (EU) No 1268/2012 shall apply mutatis mutandis for procedures with contracting authorities of the host Member State.
 - Internal Procedure on Procurement (published internally at ECDC);
 - Internal Procedure on the advisory Committee on Procurement, Contracts and Grants (CPCG) (published internally at ECDC);
- In particular for administrative appropriations:
 - Articles 87 and 88 of the ECDC FR;
 - In particular for experts:
 - Article 89 of the ECDC FR, in conjunction with Article 287 of Delegated Regulation (EU) No 1268/2012;
 - In particular for grants:
 - Article 90 of the ECDC FR, in conjunction with Regulation and Delegated Regulation (EU) No 1268/2012.

Technical means

Your personal data is provided by submission of your expression of interest or tender.

Processing of data is not automated, intended to form part of a filing system.

Data is stored both in electronic format as paper files as follows:

- electronic data, such as the evaluation reports and award decisions, is stored on ECDC ICT infrastructure;
- paper copies of the tenders, signed evaluation reports and award decisions as well as the signed contracts are kept in the Procurement Section. Tenders are also archived in the ECDC central archive.

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

- ECDC personnel participating in procurement/grant procedures;
- the members of the opening and evaluation committees. The Evaluation Committee is composed of ECDC personnel and, exceptionally, external experts;
- the bodies charged with a monitoring or inspection task in application of Union law: European Court of Auditors, European Anti-fraud Office - OLAF, Internal Audit System (IAS), as well as to the EU Ombudsman, the European Data protector Supervisor;
- 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));
- 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;
- Members of the public: in case you are awarded a contract by ECDC, your personal data will be made public, in accordance with the EU institutions and bodies' obligation

to publish information on the outcome of the procurement procedure deriving from the budget of the European Community (Articles 35 and 103 of the EC FR, and Article 21 of the Rules of Application). 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 ECDC. Personal data may have to be made publicly available according to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

4. How do we protect and safeguard your information?

Data is kept for five years from the date on which the European Parliament grants discharge for the budgetary year to which the data relate, as prescribed by Article 136 of EC FR and Article 44 of ECDC FR.

Personal data contained in supporting documents shall be deleted where possible when those data are not necessary for budgetary discharge, control and audit purposes.

All ECDC personnel have been informed about confidentiality in processing personal data. All members of the opening and evaluation committees sign a "Declaration of absence of conflict of interests and of confidentiality".

To ensure security of processing data ECDC also provides:

- **Physical security:** access to ECDC building is restricted to ECDC personnel and accompanied visitors. Access to the server room where data is stored is restricted to ECDC IT personnel. Paper copies of the tenders, signed evaluation reports and award decisions as well as the original signed contracts are stored securely.
- **Logical security:** access to computers is done via a system of personal login and password, updated regularly and meeting specific security criteria (minimum number of characters, impossibility to re-use a password used preciously etc).
- **Staff security:** access to the data is restricted to ECDC personnel who is involved in the procurement and grant procedures.

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, please make use of the following email address: dpo@ecdc.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/grant award procedures, factual data can only be rectified or updated up to the submission deadline for the tender or grant procedure in question. Information that would change the nature of the tender or application made for ECDC cannot be changed after the submission deadline since this would compromise the award procedure.

Once the tender/grant evaluation has been completed, each tenderer/grant applicant is informed by means of a personalised letter providing details on the evaluation results in compliance with the general Financial Regulation.

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 may be refused.

6. How long do we keep your personal data?

Data is kept for five years from the date on which the European Parliament grants discharge for the budgetary year to which the data relate, as prescribed by Article 136 of EC FR and Article 44 of ECDC FR.

Personal data contained in supporting documents shall be deleted where possible when those data are not necessary for budgetary discharge, control and audit purposes.

Your personal data are kept:

- 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.
- Until the end of a possible audit if one started before the end of the above period.
- Audit trail entries in system logs tracing the activity of users in the system (in cases where e-submission of tenders is used) are deleted after a period (12 months after the submission of the tender).

7. Contact information

For any questions related to your rights, feel free to contact the Controller, by using the following email address: procurement@ecdc.europa.eu; should you require further assistance with data protection issues you can also contact ECDC data protection officer using the following email address: dpo@ecdc.europa.eu .

8. Recourse

Should it be the case that following your contact with ECDC regarding your data protection concerns, you wish to take the matter further, you have a right of recourse to the European Data Protection Supervisor: edps@edps.europa.eu.

For further information please visit the following website: (<http://www.edps.europa.eu/EDPSWEB/>).