

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: Managing award procedures for procurement and the execution of contracts

Data Controller: European Labour Authority, Resources Unit, Finance, Budget & Procurement

Record reference: DPR-ELA-2022-0003

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1. Introduction

The European Labour Authority (hereafter 'ELA') is committed to protect your personal data and to respect your privacy. ELA collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation "*Managing award procedures for procurement and the execution of contracts*" undertaken by the European Labour Authority, Resources Unit, Finance, Budget & Procurement (ELA) is presented below.

2. Why and how do we process your personal data?

Purpose of the processing operation: The European Labour Authority, Resources Unit, Finance, Budget & Procurement collects and uses your personal information to managing award procedures and execution of contracts.

Your personal data will *not* be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

We process your personal data, because, according to Article 5((1) of Regulation (EU) 2018/1725:

- (a) the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body,
- (b) the processing is necessary for compliance with a legal obligation to which the controller is subject, and
- (c) the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

Legal basis:

- The processing pursuant to Articles 5(1)(a), (b) and (c) needs to be based on Union law, namely 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, (hereafter "the Financial Regulation") in particular: Articles 160-179 for the procurement procedures.

In addition, financing decisions form part of the legal basis for a processing operation, where applicable, in line with Article 110 of the Financial Regulation.

- Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority.

- Decision No 21/2020 of 15 December 2020 of the Management Board on ELA's Financial Rule.

We do not handle **special categories of personal data**, therefore Article 10 of the Regulation does not apply.

4. Which personal data do we collect and further process?

In order to carry out this processing operation, the European Labour Authority, Resources Unit-Finance, Budget & Procurement collects the following categories of personal data:

Name, surname, email address, work address and telephone number of the responsible staff at a tendering company/expert.

Depending on the type of services, data may include the following personal data of their staff or subcontractors' staff: name and surname, nationality, languages spoken, education, certifications, professional experience.

Or

- Identification data: Name, surname, passport number, copy of ID/passport, ID number; Function;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence);
- Certificates for social security contributions and taxes paid;
- Extract from judicial records;
- Financial data: bank account reference (IBAN and BIC codes), VAT number;
- Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment;
- Declaration on honour that they are not in one of the exclusion situation referred to in articles 136 and 141 of the Financial Regulation.

The provision of personal data is mandatory to meet a legal and contractual requirement: Financial Regulations. If you do not provide your personal data, we will not be able to fulfil our obligations.

5. How long do we keep your personal data?

The European Labour Authority, Resources Unit- Finance, Budget & Procurement only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for a maximum of **10 years** after the procedure is closed or the last payment made under the contract.

For a procurement award procedure, data are retained for a period of 10 years following the procedure's closure, although:

- for unsuccessful tenderers, data specific to the tenderer are retained for 5 years following the closure of the procedure;
- for unsuccessful candidates in response to an invitation to request to participate or successful candidates who did not subsequently tender, data specific to the candidate are retained for 5 years following the closure of the procedure; and
- for candidates to a Call for Expressions of Interest, data specific to the candidate are retained for, whichever is later: 1) 5 years after the list's validity end date; 2) 5 years after

the signature of the last contract concluded with a procedure based on the list; 3) 10 years after the signature of the last contract concluded with a procedure based on the list for which the candidate was a successful tenderer.

As regards data collected when managing the execution of the contract, these are retained for 10 years following last payment made under the contract.

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Labour Authority or of its contractors.

ELA's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of ELA, and by the confidentiality obligations deriving directly from the General Data Protection Regulation in the EU Member States ('GDPR' Regulation (EU) 2016/679.)

In order to protect your personal data, ELA has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

7. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to ELA staff responsible for carrying out this processing operation and to authorised staff according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

Pursuant to point (13) of Article 3 of Regulation (EU) 2018/1725, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The further processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

8. What are your rights and how can you exercise them?

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

9. Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller:

finance-procurement@ela.europa.eu

- The Data Protection Officer (DPO) of ELA

You may contact the Data Protection Officer (data-protection@ela.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (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 by the Data Controller.

10. Where to find more detailed information?

ELA Data Protection Officer (DPO) publishes the register of all processing operations on personal data by ELA, which have been documented and notified to him.

This specific processing operation has been included in the DPO's public register with the following Record: DPR-ELA-2022-0003 Managing award procedures for procurement and the execution of contracts.