



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA- 2022-0003 Managing award procedures for procurement and the execution of contracts

PART 1: PUBLIC - RECORD (ARTICLE 31¹)**1.1 GENERAL INFORMATION**

Record reference	DPR-ELA- 2022-0003
Title of the processing operation	Managing award procedures for procurement and the execution of contracts
Controller entity	European Labour Authority, Resources Unit, Finance, Budget & Procurement
Joint controllers	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below
Processor(s)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below
External organisation(s)/entity(ies) Names and contact details	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland.
Data Protection Officer Name and contact details	Laura NUNEZ BAREZ Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
Corporate Record	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Language	English

¹ Pursuant to **article 31** of the new data protection regulation for EU institutions and bodies (**Regulation (EU) 2018/1725**) each controller and processor have to maintain a **record of processing activities** under its responsibility that contains at least the information listed under that article.

1.2 PURPOSE AND DESCRIPTION OF THE PROCESSING**1.2.1 Purpose**

The processing of personal data by the European Labour Authority is necessary when managing award procedures and the execution of contracts.

1.2.2 Processing for further purposes

- Archiving in the public interest
- Scientific or historical research purposes
- Statistical purposes
- N/A

1.2.3 Modes of processing

1. Automated processing (Article 24)
 - a. Computer/machine
 - i. automated individual decision-making , including profiling
 - ii. Online form/feedback
 - iii. Any other, specify
2. Manual processing
 - a. Word documents
 - b. Excel sheet
 - c. Any other, specify
E-mail exchanges
Evaluation report and award decision will be managed via Ares. Process covered by record DPR-EC-00536 Management and (short- and medium-term) preservation of Commission documents from the European Commission.

1.2.4 Storage medium

1. Paper
2. Electronic
 - a. Digital (MS documents (Word, excel, Powerpoint), Adobe pdf, Audiovisual/multimedia assets, Image files (.JPEG, .PNG, etc.))
 - b. Databases
 - c. Servers
 - d. Cloud
3. External contractor premises
4. Others, specify

Description:

Personal data in paper format is stored in operational and resources unit of the European Labour Authority.

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

ELA staff are provided with the MS O365 Office products to be able to access work documents from different devices and locations, and to carry out ELA's tasks.

1.3 DATA SUBJECTS AND DATA CATEGORIES**1.3.1 Data subjects' categories**

1. Internal to organisation	<input checked="" type="checkbox"/> Yes ELA staff preparing procurement documents, evaluating the submitted tenders and executing the subsequent contracts.
2. External to organisation	<input checked="" type="checkbox"/> Yes Persons participating in the Call for expressions of interest in the procurement procedures launched by European Labour Authority: <ul style="list-style-type: none"> - Experts (if natural persons); - Tenderers or applicants (if natural persons); - Staff of experts, tenderers or applicants; - Subcontractors (if natural persons); - Staff of subcontractors.

1.3.2 Data categories/fields

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.

1.3.2.1 Special categories of personal data

Indicate if the processing operation concerns any 'special categories of data' which fall(s) under Article 10(1), which shall be prohibited unless any of the reasons under article 10(2) applies:

Yes, the processing concerns the following special category(ies):

Data revealing

- racial or ethnic origin,
- political opinions,
- religious or philosophical beliefs,
- trade union membership,

Or/and,

- Genetic data, biometric data for the purpose of uniquely identifying a natural person,
- Data concerning health,
- Data concerning a natural person's sex life or sexual orientation.

N/A

Description:

No special categories of data are collected in this processing operation.

Additional information

N/A

1.3.2.2 Data related to 'criminal convictions and offences'

The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'	N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
Description: For the procedures above 140.000 EUR, the tenderers are requested to provide an extract from the judicial record, proving that the grounds for exclusion as defined in article 136 of the Financial Regulation are not applicable to them.	

1.4 RETENTION PERIOD

Indicate the administrative time limit(s) for keeping the personal data per data category, and if known, specify the start/end date, or describe the specific start/end moment of each time limit:

Data category	Retention period	Optional	
		Start date/moment	End date/moment
Procurement procedures	10 years		
Contract management (following award of contracts)	10 years		

Description

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.

Notwithstanding the above retention periods, it should be noted that:

- As part of its general document management practices, an European Labour Authority file concerned with an award procedure, contract or agreement and which includes data may be

selected or sampled at the end of the retention period, as a result of which some data may be retained in the European institutions's Historical Archives;

- any retention of data may be temporarily extended if a monitoring, audit on inspection task in application of European law (e.g. internal audits, the Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, the Exclusion Panel referred to in Article 143 of the Financial Regulation, European Anti-fraud Office - OLAF) is ongoing; and
- any action performed in corporate eProcurement IT systems by data subjects under their EU login is recorded without time limit in order to enable queries on financial, contractual and accounting matters as well as for audit trail purposes.

1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	<p>Staff of the operational and financial units of the European Labour Authority participating in the management of procurement.</p> <p>In some cases, EU-internal audit services (Internal Audit Service (IAS) and European Court of Auditors (ECA).</p>
2. <input checked="" type="checkbox"/> Outside the EU organization	<p>In some cases, external experts participating in the evaluation of tenders (staff members of other EU Agencies or the European Commission).</p> <p>Tender awards are published on TED/SIMAP. The contract award notices are published in the Official Journal of the EU via eNotices.</p> <p>Staff of the contractor who need to have access to personal data for performance management and monitoring of the contract.</p>

Categories of the data recipients	
1. <input checked="" type="checkbox"/> A natural or legal person 2. <input checked="" type="checkbox"/> Public authority 3. <input type="checkbox"/> Agency 4. <input type="checkbox"/> Any other third party, specify	<p>Specify who has access to which parts of the data: Recipients of the processing are, on a "need-to-know" basis:</p> <ul style="list-style-type: none"> • Staff of the operational and financial units of the European Labour Authority participating in the management of procurement; • Bodies charged with a monitoring or inspection task in application of EU law, e.g. OLAF, IDOC, IAC (Internal Audit Control) and ECA (European Court of Auditors) of the DG and the Ethics Committee of the Commission as well as staff of other DGs (SG, DG BUDG and clearinghouse) where necessary in the context of official investigations or for audit purposes; • Members of the public, in accordance with the legal obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the budget of the European Union (Article 170 of the Financial Regulation). • Staff of the contractor or beneficiary, or their sub-contractors, who need to have access to the concerned data for the purposes of the execution, management and monitoring of the contract.

Description

In this processing operation, different tools managed by the European Commission are used. They are covered by specific records, as reflected below:

ARES: Record “DPR-EC-00536 Management and (short- and medium-term) preservation of the Commission’s documents in Hermes-Ares-NomCom (HAN)”

ABAC: Record “DPR-EC-04869 ABAC Assets ICT Inventory” and Record “DPR-EC-00301 Registration of Legal Entity and Bank Account records in the central EC Accounting System”

Public Procurement Management Tool (PPMT): Record “DPR-EC-00353.2 Public Procurement ex-ante assessment mechanism”

eTendering: Record “DPR-EC-00455 eTendering user registration”

Electronic submission system (eSubmission): Record

eNotices: Record “DPR-EC-00451 eNotices”

Tenders Electronic daily (TED): Record “DPR-EC-00452 TED website user registration” and Record “DPR-EC-00453 TED notices DPR-EC-00456”

EU Login: Record “DPR-EC-03187 Identity & Access Management Service (IAMS)”

1.6 INTERNATIONAL DATA TRANSFERS

Transfer to third countries or international organisations of personal data
<p>1. Transfer outside of the EU or EEA</p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> YES,</p>
<p>2. Transfer to international organisation(s)</p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> Yes, specify further details about the transfer below</p>

Description

N/A

1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS

Rights of the data subjects
<i>Article 17 – Right of access by the data subject</i>
<i>Article 18 – Right to rectification</i>
<i>Article 19 – Right to erasure (right to be forgotten)</i>
<i>Article 20 – Right to restriction of processing</i>
<i>Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing</i>
<i>Article 22 – Right to data portability</i>
<i>Article 23 – Right to object</i>
<i>Article 24 – Rights related to Automated individual decision-making, including profiling</i>

1.7.1 Privacy statement

The data subjects are informed about their rights and how to exercise them in the form of the a privacy statement attached to this record.

Publication of the privacy statement

Published on website

Web location:

- ELA internal website (URL: Sharepoint on personal data protection)
- External website (URL: ELA Register on records)

Other form of publication, specify

Guidance for Data subjects which explains how and where to consult the privacy statement is available and will be provided at the beginning of the processing operation.

Guidance on data protection rights at: <https://www.ela.europa.eu/en/privacy-policy>

Description:

Privacy Statement will be attached to the first communication with the external participants

1.8 SECURITY MEASURES

Short summary of overall Technical and Organizational Measures implemented to ensure Information Security:

Description:

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

The European Labour Authority's contractors are bound by a specific contractual clause for any processing operations of personal data on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.

In order to protect personal data, the European Labour Authority has put in place a number of technical and organisational measures. 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.