

Privacy statement for processing of personal data relating to EMCDDA's procurement procedures

(Annex to invitation to tender/call for tenders and technical specifications)

1. Context and Data Controller

As the EMCDDA collects and further processes personal data, it is subject to 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, hereinafter referred to as the Controller, as indicated in the Invitation to Tender/Call for tenders, regarding the collection and processing of personal data.

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

Types of personal data

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

- Name;
- Function;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Certificates for social security contributions and taxes paid, extract from judicial records;
- Bank account reference (IBAN and BIC codes), VAT number, passport number, ID 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 article 93 and 94 of the Financial Regulation.

Purpose

Upon reception of your tender or request to participate your personal data is collected and further processed for the purpose of the performance, management, follow up and monitoring of the concerned EMCDDA's procurement and contract procedures.

Legal bases

Pursuant to Article 74 of the Financial Regulation applicable to the EMCDDA, as adopted by the EMCDDA's Management Board on 9 January 2009, the relevant provisions of the Council Regulation Nr 1605/2002 (Financial Regulation applicable to the general budget of the European Communities) and Regulation Nr 2342/2002 (detailed rules for the implementation of the above mentioned Financial Regulation – Implementing Rules) shall apply to EMCDDA's procurement and contract processes.

Technical means

Your personal data is provided by submission of your tender. The information is collected in files stored in an isolated secure system. The information is processed and stored by EMCDDA authorized staff (as described in Section 4. below), under the responsibility of the Controller.

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:

- EMCDDA staff for the purposes of the performance, management, follow up and monitoring of procurement and contract procedures and related operations.
- The bodies in charge of monitoring, inspection or audit tasks, in accordance with the applicable European Union's legislation (such as the European Court of Auditors, the European Commission's Internal Audit Service, the European Anti-fraud Office – OLAF), these bodies being obliged not to use the personal data received for any further purpose than the one for which the data were transmitted to them.

4. How do we protect and safeguard your information?

The collected personal data and all related information are stored at the premises of the EMCDDA in locked cabinets and in an electronic database on an EMCDDA's server. In accordance with the relevant provisions of the EMCDDA's security policy, only authorized staff members have access to these data (digital and paper-based information), exclusively for the purposes of the performance, management, follow up and monitoring of the relevant procurement and contract processes, without prejudice to a possible transmission of these data to the bodies in charge of monitoring, inspection or audit task in accordance with the relevant legislation of the European Union (see section 3 above).

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 responsible Controller, have it modified, corrected, or deleted, please make use of the contact information mentioned in the invitation to tender/call for tenders, by explicitly describing your request. Any correction of your personal data will be taken into consideration from the data protection point of view.

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 exclusion as stated in Article 148 of the Implementing Rules applicable to EMCDDA's procurement processes (see Section 2 above).

6. How long do we keep your personal data?

Your personal data are kept as follows:

- Files relating to tendering and contracting procedures, including personal data, are to be retained in the service in charge of the procedure until when the procurement is concluded and the contract is in force, and in the archives for a period of seven years following the signature of the contract with the successful tenderer (if this contract is no longer in force). However, files relating to tenders from unsuccessful tenderers have to be kept only for 5 years following the signature of the above mentioned contract.
- Invoices and other documents supporting financial transactions relating to the execution of a contract, including personal data, are to be retained for a period of five years from

the date of the decision granting discharge in respect of the implementation of the budget for the financial year to which the concerned invoices and documents relate.

- Until the end of a possible audit, if one started before the end of the aforementioned periods.

After the periods mentioned above have elapsed, the tender and contract files containing personal data are destroyed.

7. Contact information

For any questions related to your rights, feel free to contact the Controller, by using the contact information mentioned in the invitation to tender or call for tenders, and by explicitly specifying your request.

You may also contact the EMCDDA 's Data Protection Officer (dpo@emcdda.europa.eu) for any questions relating to the processing of your personal data.

8. Recourse

You have the right to recourse to the European Data Protection Supervisor (<http://www.edps.europa.eu>) if you consider that your rights under Regulation 45/2001 have been infringed as a result of the processing of your personal data by the EMCDDA.