

REGISTER NUMBER: 116

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 04/08/2006

Case number: 2006-392

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller

2) Name and First Name of the Controller: DRAKE Joanna

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: B.

5) Directorate General to which the Controller is attached: COMM

2/ Organisational parts of the institution or body entrusted with the processing of personal data

26) External Company or Directorate General to which the Processor is attached:

25) External Company or Directorate, Unit or Service to which the Processor is attached:

3/ Name of the processing

Malta Representation: Management of Call for Tenders, Call for Proposals and related Contracts

4/ Purpose or purposes of the processing

The purpose of the local call for tenders and the call for proposals is to implement the annual management plan for the Representation in Malta for services and support needed in the operational and administrative activities.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Those data subjects the names of which are specified in the contract text (Signing, contact persons, CVs attached to answers to calls for tenders, etc.).

Data subjects to be evaluated and selected in a service provision in domains like lawyers, architects, etc.

16) Category(ies) of Data Subjects:

Those data subjects the names of which are specified in the contract text (Signing, contact persons, CVs attached to answers to calls for tenders, etc.).

Data subjects to be evaluated and selected in a service provision in domains like lawyers, architects, etc.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)(*including, if applicable, special categories of data (article 10) and/or origin of data*)

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Name, first name, postal address, telephone number, fax number, e-mail address, title, profession, references.

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

Name, first name, postal address, telephone number, fax number, e-mail address, title, profession, references.

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

Standard legal data protection clause as in the standard contracts of DG BUDG (see attached under question 15 here before).

8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)(*rights of access, to rectify, to block, to erase, to object*)

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

Standard legal data protection clause as in the standard contracts of DG BUDG (see attached)

9/ Automated / Manual processing operation

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

Publication, reception, evaluation of offers, selection of supplier and award of contract.

The processing operations on personal data of some of the call for tenders may fall under article 27.2(b).

This notification is established by the Representation in Malta to have the processing operations related to local Call for Tenders / Call for Proposals and related Contracts compliant with the Regulation, because no notification exists, neither on a more general level nor covering more specifically representations, neither in DG BUDG nor in DG COMM.

8) Automated Processing operation(s):

Establishing lists of received offers, preparation of minutes from openings, preparation of minutes from the evaluation of offers.

Establishing lists of received applications related to call for proposals such as APCAV, Europe Direct etc, preparation of minutes from the evaluation of proposals received.

Preparation of commitment requests on the basis of the above documents as well as documents as requested in the call for tender/call for proposal and also including legal entity forms and bank identification forms.

9) Manual Processing operation(s):

Verification of certificates like VAT-registration, registration as a legal entity and similar, with the National Authorities.

Verification of bank details.

10/ Storage media of data

The personal data is stored on the shared network drive of the server located in the Malta Representation and some call for tender and contract documents are stored in paper files inside the office of the administration inside the Representation.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Financial Regulation and the corresponding implementing rules.

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing operations on personal data are necessary and lawful under article 5 (a) and (c) of Regulation (EC) 45/2001.

The processing operations on personal data of some of the call for tenders may fall under article 27.2(b).

12/ The recipients or categories of recipient to whom the data might be disclosed

20) Recipient(s) of the Processing:

In order to make a legal (contractual) and financial commitment the files are sent to Directorates D - "Resources" and B - "Representations and networks" of DG COMM.

21) Category(ies) of recipients:

Directorate responsible for financial and contractual files.

Directorate responsible for the Representations.

13/ retention policy of (categories of) personal data

The documents related to calls for tenders and contracts are kept for at least 5 years, but in case the action is not finalised within 5 years the documents will be kept until the end of the year following that in which the operation is closed, as defined in the Financial Regulation and the related Implementing Rules.

13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)
(on justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

Two weeks.

14/ Historical, statistical or scientific purposes

If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,

22 c) Historical, statistical or scientific purposes - If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification

Not applicable.

15/ Proposed transfers of data to third countries or international organisations

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Not applicable.

28) Category(ies) of Personal Data or Personal Data to be transferred:

Not applicable.

16/ The processing operation presents specific risk which justifies prior checking (please describe): *(please describe)*:

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

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12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing operations on personal data are necessary and lawful under article 5 (a) and (c) of Regulation (EC) 45/2001.

The processing operations on personal data of some of the call for tenders may fall under article 27.2(b).

Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Not applicable

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

The processing operations on personal data of the present procedure and system is submitted under this paragraph.

Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Not applicable

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Not applicable

Other (general concept in Article 27.1)

Not applicable

17/ Comments

1) Date of submission:

10) Comments if applicable:

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

PLACE AND DATE:04/08/2006

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission