

NUMERO DE REGISTRE: 869

NOTIFICATION DE CONTRÔLE PREALABLE

Date de soumission : 22/07/2013

Numéro de dossier : 2012-0583

Institution : EDPS

Base légale : article 27-5 du Règlement CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATIONS NECESSAIRES (2)

(2) Merci de joindre tout document utile

1/ Nom et adresse du responsable du traitement

EDPS - Rue Wiertz
1047 Bruxelles

2/ Services de l'institution ou de l'organe chargés du traitement de données à caractère personnel

Secteur Administration-budget-ressources humaines
Chef d'unité - Leonardo CERVERA NAVAS
Rue Montoyer 63 Bureau 07S010

3/ Intitulé du traitement

PROCUREMENT PROCEDURES - Art. 91-103 of the Financial Regulation applicable to the general budget of the European Communities and art. 122-153 of its Implementing rules

A procurement procedure is a process that leads to the conclusion of a public contract. A public contract is defined as a purchase by a public authority (the EDPS) of a service, goods or works. Public contracts are provided for the institution in exchange for remuneration.

4/ La ou les finalités du traitement

Manage Procurement Procedures

5/ Description de la catégorie ou des catégories de personnes concernées

Tenderers who submit an offer

6/ Description des données ou des catégories de données (*en incluant, si nécessaire, les catégories particulières de données (article 10) et/ou l'origine des données*)

The data which will be used only for that processing are personal data collected and further processed concerning the tenderer (if she/he is a natural person), its staff or subcontractors (natural persons). Information can relate to all or some of the following data:

- Name (first name, family name, previous family name);
 - Gender, nationality, title, function;
 - Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
 - Bank account reference (IBAN and BIC codes), VAT number, national insurance number, passport number, ID number and personnel number;
 - Place and date of birth; and
 - Other personal data contained in CVs (expertise, technical skills and languages professional experience including details on current and past employment).
- declaration of honour with respect to the exclusion criteria and absence of conflict of interest (name, address and VAT number)

7/ Informations destinées aux personnes concernées

The tenderers are informed about the processing of their data when the invitations to tender are sent out, by the following Privacy Statement:

Regulation 45/2001 (herein after the Regulation) applies to the processing of personal data carried out for procurement procedures.

Further to Article 11 and Article 12 of this Regulation, the EDPS provides the data subjects the following information: The controller is the EDPS

The purpose of the processing is to manage procurement procedures.

The data, which will be used only for that processing, are personal data collected and further processed concerning the tenderer (if she/he is a natural person), its staff or subcontractors (natural persons).

Information can relate to all or some of the following data:

Name (first name, family name, previous family name);

Gender, nationality, title, function;

Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);

Bank account reference (IBAN and BIC codes), VAT number, national insurance number, passport number, ID number and personnel number;

Place and date of birth; and

Other personal data contained in CVs (expertise, technical skills and languages professional experience including details on current and past employment).

- declaration of honour with respect to the exclusion criteria and absence of conflict of interest (name, address and VAT number)

The recipients of the data are:

The EDPS and the Assistant EDPS

The EDPS Director

Heads of Units/Sectors concerned by the procedure itself and its staff

Others (Court of Auditors - IAS - outside experts and contractors who work on behalf of the EDPS for the purposes of tender evaluation);

The data subjects have the right of access and the right to rectify the data concerning him or her by contacting the Controller and the Unit in charge of the procurement

The legal basis of the processing operation at stake is:

- Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities

- Commission Regulation (EC, Euratom) N° 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) N°1605/2002 on the Financial Regulation applicable to the general budget of the European Communities

The time limit for data stored in paper files as well as electronic files is of:

- Files relating to tender procedures, including personal data, are to be retained in the archives for a period of 7 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. Thereafter, documents are to be destroyed.

- Until the end of a possible audit if one started before the end of the above period.

The data subjects have the right to have recourse at any time to the EDPS DPO.

8/ Procédures garantissant les droits des personnes concernées (droits d'accès, de faire rectifier, de faire vérouiller, de faire effacer, d'opposition)

The data subjects have the right of access and the right to rectify the data concerning him or her by contacting the Controller and the Unit in charge of the procurement.

9/ Procédures de traitement automatisées / manuelles

Manual processing operation: invitations sent out by e-mail (functional mailbox) and answers

10/ Support de stockage des données

- Paper files stored in locked cupboard
- Electronic files stored in a specific folder on the S drive only accessible to the HRBA Head of Unit and the finance team

11/ Base légale et licéité du traitement

The legal basis of the processing operation at stake is:

- Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities
- Commission Regulation (EC, Euratom) N° 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) N°1605/2002 on the Financial Regulation applicable to the general budget of the European Communities

The lawfulness of the processing operation is based on Article 5.b of Regulation 45/2001

12/ Destinataires ou catégories de destinataires auxquels les données sont susceptibles d'être communiquées

The recipients of the data are:

- The EDPS and the Assistant EDPS
- The EDPS Director
- Heads of Units/Sectors concerned by the procedure itself and its staff
- Others (Court of Auditors - IAS - outside experts and contractors who work on behalf of the EDPS for the purposes of tender evaluation);

13/ Politique de conservation des données personnelles (ou catégories de données)

The time limit for data stored in paper files as well as electronic files is of:

- Files relating to tender procedures, including personal data, are to be retained in the archives for a period of 7 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. Thereafter, documents are to be destroyed.
- Until the end of a possible audit if one started before the end of the above period.

13 a/ Dates limites pour le verouillage et l'effacement des différentes catégories de données (après requête légitime de la personne concernée)

(Merci d'indiquer les dates limites pour chaque catégorie, si nécessaire)

Upon a justified request by the data subject: 14 days

14/ Finalités historiques, statistiques ou scientifiques

Si vous conservez les données pour des périodes plus longues que celles mentionnées ci-dessus, merci d'indiquer, si nécessaire, ce pourquoi les données doivent être conservées sous une forme permettant l'identification.

NA

15/ Transferts de données envisagés à destination de pays tiers ou d'organisations internationales

NA

16/ Le traitement présente des risques particuliers qui justifient un contrôle préalable : (Merci de décrire le traitement) :

comme prévu à:

x Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject.

17/ Commentaires

LIEU ET DATE: Brussels, 22 July 2013

DELEGUE A LA PROTECTION DES DONNEES: Sylvie Picard

INSTITUTION OU ORGANE COMMUNAUTAIRE: EDPS