

REGISTER NUMBER: 1049

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 27/06/2013

Case number: 2013-0734

Institution: EU-OSHA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001()

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller
EU-OSHA
Gran Via 33
48009 Bilbao (Spain)

2/ Organisational parts of the institution or body entrusted with the processing of personal data
Françoise Murillo, Head of Resource and Service Centre

3/ Name/exact title of the processing (operation)
Public procurement

4/ Purpose or purposes of the processing
Upon reception of tenders or requests to participate, personal data of applicants are collected and further processed for the management and administration of public procurement procedures at EU-OSHA.

5/ Description of the category or categories of data subjects
The controller collects and processes personal data of the actors who take part in the procurement procedures at EU-OSHA, both natural and legal persons, being they contractors and subcontractors.

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

- For individuals: last name, first name, official address, VAT no, ID and passport no, date/place and country of birth, contact details (telephone, email, fax), other personal data included in CVs (such as technical skills, academic background, professional experience and records), a declaration of honour that he/she is not in one of the exclusion situations referred in Articles 106 and 107 of the General Financial Regulation (for the company director or any person with powers of representation, decision making or control in relation to the tenderer), extracts from judicial records for high-value contracts before the award of the contract;
- For private companies: type of company, name(s), abbreviation, address and head office, VAT no, place of registration, date of registration, national registration no, proof of having fulfilled all obligations to pay social security contributions and taxes, certificate of clear criminal record or extract of judicial records, extract from the register of bankruptcy, balance sheets or extracts for the previous years, statement of overall turnover and turnover concerning the service covered by the contract, documents attesting professional standing, contact details (telephone, e-mail, fax, name) and signature of authorized representative.
- For public entities: type of organization, names(s), abbreviation, address and head office, VAT no, place of registration, date of registration, contact details (telephone, e-mail, fax, name) and signature of authorized representative.
- For the Financial identification form: last name, first name, address, telephone, e-mail and signature of the concerned account holder, as well as bank's name, address and stamp, account and IBAN no (refer to Privacy Statement for Legal Entity and Bank Account Validation).

For project managers, authorizing officers, staff of procurement service and members of the opening committee / evaluation committee, only the last name, the name, grade and function are collected and processed.

7/Information to be given to the data subject

Data subjects are informed through a privacy statement (see attached) attached to the invitation to tender.

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

Data subjects have the right to access, rectify, block and erase their personal data and to object about their processing. They can exercise their rights by submitting a request to the data controller. The right of rectification only applies to factual data and can be exercised until the closing date of the submission of tenders. Inaccurate identification data can be rectified at any time during and after the procurement procedure.

If tenderers have any queries concerning the processing of their personal data, they may address them to the ~~Data Protection Officer of EU-OSHA by email (as provided in the privacy statement)~~

9/Automated/Manual processing operation

The data are processed manually by the opening/evaluation committees.

10/ Storage media of data

Data are stored in paper-based archives and electronic databases.

11/ Legal basis and lawfulness of the processing operation

Legal basis:

- Council Regulation (EC) No 2062/34 of 18/07/1994 establishing the European Agency for Safety and Health at Work and subsequent amendments;
- Article 74 of the Agency Financial Regulation, as adopted by the Governing Board on 18 November 2009. Pursuant to this Article, the relevant provisions of Council Regulation Nr 966/2012 (on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002) Commission delegated Regulation (EU) no 1268/2012 of 29/10/2012 (on the rules of application) shall apply to EU-OSHA's procurement procedures.

Lawfulness of the processing:

Article 5(a) of Regulation EC 45/2001.

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

- EU-OSHA staff participating in procurement procedures;
- EU-OSHA staff acting as members of opening and evaluation committees and external evaluators, if applicable;
- Authorized staff of European Commission and EU agencies in the context of the implementation of European Commission's decision of 16 December 2008 on the Early Warning System for the use of the authorizing officers of the Commission and the Executive Agencies (2008/969/EC);
- Members of the public, in case of being awarded a contract with EU-OSHA, in accordance to EU-OSHA's obligation to publish information on the outcome of the procurement procedure (Article EU-OSHA Financial Regulation and Article 90 of the General Financial Regulation), limited to the name and the legal address of the awarded company;
- Court of Auditors (ECA), Internal Audit Service (IAS), Financial Irregularity Panel, Investigation and Disciplinary Office of the Commission (IDOC), the European Anti-fraud Office (OLAF), where applicable;
- Legal Service, the Data Protection Officer (DPO), the European Ombudsman, and the European Data

13/ Retention policy of (categories of) personal data

- Files relating to procurement procedures, including personal data, are to be retained in the service in charge of the procedure until it is finalized, and in the archives for a period of 10 years following the signature of the contract. Judicial records are kept for a maximum period of 2 years.
- Files relating unsuccessful tenderers have to be kept only for 5 years following the signature of the contract.
- The above limits can be extended until the end of a possible audit if one started before the end of the above period or if an appeal is underway.

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)

Without delay from the acceptance of the request (maximum 15 working days)

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,

N/A

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

N/A

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

Yes

AS FORESEEN IN:

Article 27.2.(a)

x Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

x Article 27.2.(b)

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

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Other (general concept in Article 27.1)

17/ Comments