

Privacy statement

Processing of personal data in the context of EDA Procurement, Grant and Contracting activities

1. Context and Controller

As the European Defence Agency (**EDA**) collects and further processes personal data, it is subject to Regulation (EC) 45/2001 of the European Parliament and of the Council of 18th 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.¹

Processing operations are under the responsibility of the Controller indicated in the call for expressions of interests, call for proposals or invitation to tender as regards the collection and processing of personal data.

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

Types of personal data

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

- Names, functions and contact details;
- Certificates of social security contributions and taxes paid;
- Extracts from judicial records;
- Legal entity information, including tax and legal registration data;
- Financial information including identification data, bank account details (IBAN and BIC codes) and VAT number;
- Information for the evaluation of eligibility and selection criteria: turnover statements, balance sheets, technical skills, educational background, professional experience;
- Appraisal data on tenders/applications in evaluation reports, which may include observations on the individuals, consultants and/or experts proposed.

Purpose

Upon reception of your tender, application, proposals, expression of interest by EDA, your personal data is collected and further processed for the purpose of the management and administration of the procurement and grant processes and contract management.

Legal bases

The legal bases for the processing operations on personal data are:

Procurement actions: Council Decision (CFSP) 2015/1835 of 12.10.2015 (EDA Council Decision)² complemented by EDA Financial rules Article 33 of Council Decision (EU) 2016/1353 of 04.08.2016.³

¹ OJ L 8, 12.01.2001,p.1.

² OJ L 266, 13.10.2015, p.55.

³ OJ L 219, 12.08.2017, p.98.

Grant actions: Council Decision (CFSP) 2015/1835 of 12.10.2015 (EDA Council Decision) complemented by EDA Financial rules Article 36 of Council Decision (EU) 2016/1353 of 04.08.2016 - Delegation Agreements between the European Union represented by the European Commission.;

Contracting activities: EDA Financial rules Article 33 of Council Decision (EU) 2016/1353 of 04.08.2016;

Evaluation exercise of received tenders/proposals: EDA Financial rules Article 33 & 36 of Council Decision (EU) 2016/1353 of 04.08.2016;

If applicable, Council Decision 2013/488/EU of 23.09.2013 on the security rules for protecting EU classified information.⁴

Technical means

Your personal data is provided by submission of your expression of interest, application or tender whether submitted electronically or on paper. Under the responsibility of the Controller referred to in the “call” documents the information is collected and processed electronically/on paper, if applicable in line with the Council Decision 2013/488/EU of 23.09. 2013 on the security rules for protecting EU classified information.

3. Who has access to your personal data and to whom is it disclosed?

For the abovementioned purpose, access to your personal data is granted on a need-to-know basis. In accordance with Article 7 of Regulation (EC) 45/2001, recipients of personal data shall process it exclusively for the purposes for which they were transmitted. The following recipients of personal data have been identified:

- The Responsible Authorising Officer;
- The Director / Head of Unit with managerial responsibilities in the procedure at stake;
- Members of the opening and evaluation committees. Such committees are composed of EDA staff, but might occasionally require the participation of external experts from EDA participating Member States (pMS) or other relevant EU institutions or (international) organizations.
- The transfer of personal data to such external experts shall be assessed on a case-by-case basis as per the requirements of Article 8 of Regulation (EC) 45/2001 (external experts from EU origin) or Article 9 of Regulation (EC) 45/2001 (external experts from outside the EU);
- Accounting Officer, Finance Unit staff and other staff involved in the purchase life cycle;
- EDA Legal Advisor;
- Monitoring, auditing and inspecting authorities, such as the Internal Auditor, the College of Auditors, the EU Ombudsman and the European Data Protection Supervisor;
- In case of dispute, the European Court of Justice or the mediation, conciliation or arbitration entity appointed by the parties;

Basic information on the outcome of the procedure (e.g. financial year, contractor name, address, contract name, value) is also made available to EDA pMS and published as appropriate in the Official Journal of the European Union and on EDA website.

⁴ OJ L 274, 15.10.2013, p.1.

4. How does EDA protect and safeguard your information?

Collected personal data are stored on either DIGIT Platform and/or EDA own servers, in line, if applicable, with the security provisions laid down in the Council Decision 2013/488/EU of 23.09.2013 on the security rules for protecting EU classified information.

5. How can you verify, modify or delete your information?

In case you wish to verify which personal data is stored by the responsible Controller, have it modified, corrected or deleted, please contact the Data controller at procurement@eda.europa.eu. ensuring that you explicitly describe your request. Requests will be treated within 15 working days after it has been deemed legitimate.

Identification data of individuals can be corrected at any time. In the context of Procurement/Grant procedures, data can only be modified before the deadline for submission of tenders or applications if such modification does not represent a substantial alteration of the application or tender.

6. How long does EDA keep your personal data?

Your personal data are kept:

- Extracts from judicial records in electronic format are kept for a period of two years after the signature of the respective contract;
- Tenders, applications and proposals not selected in the context of procurement/grant activities are kept for five years after the budget discharge;
- Procurement contracts and grant agreements, including personal data contained therein, are kept for five years after the budget discharge;
- Personal data contained in EDA “Ad hoc” contracts (concluded for the purposes of projects or programmes in accordance with Articles 19 and 20),, are kept for an unlimited period under the exception referred to in Article 20.1 (d) of the Regulation (EC) 45/2001. Data subjects may request the deletion of their personal data in a specific contract. This request will be addressed in accordance with point 5 above.

7. Contact information

If you have any questions concerning the processing of your personal data in the context of a procurement or ad hoc contracting procedure, please send your request to the Controller mentioned in the call for expressions of interest, call for proposals or invitation to tender or to procurement@eda.europa.eu.

Information on the processing of your personal data can be obtained from the EDA Data Protection Officer (dataprotection@eda.europa.eu).

8. Recourse

In case of conflict, complaints can be addressed to the European Data Protection Supervisor: <http://www.edps.europa.eu>.