



PRIVACY STATEMENT  
PROTECTION OF PERSONAL DATA IN PUBLIC PROCUREMENT AND CONTRACT MANAGEMENT

In accordance with article 42(4) of Regulation 439/2010 establishing EASO, the agency's processing of personal data in the context of public procurement and contract management 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*.

**Identity of the Controller:**

The Procurement team leader is identified as the controller of personal data processing in the context of procurement procedure and contract management.

**Purpose:**

Personal data is processed to enable the procurement of services and supplies needed for the operation of the agency and for the management of contracts.

**Type of data processed:**

Personal data collected and further processed concern tenderers and their staff or subcontractors. Information may relate to the following data:

- Name (title, first name, surname) and function;
- Contact details (company and department, postal address, country of residence, business telephone number, mobile telephone number, fax number, e-mail address, internet address);
- Bank account details (account number, name of the account holder, name and address of the bank, IBAN and BIC codes);
- Passport/ID number (natural persons) or company registration number (legal persons), VAT number and/or membership in a trade or professional organisation;
- Information for the evaluation of selection criteria: financial and economic capacity;
- 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;
- Certificates for social security contributions and taxes paid, extracts from judicial records;
- Other personal data contained in CVs (gender, place and date of birth, nationality);
- Declaration on honour that the applicant or tenderer is not in a situation of exclusion referred to in Articles 106 and 107 of the General Financial Regulation; and
- Other personal data contained in the offer.

Concerning subcontractors:

- data contained in the Declaration on exclusion criteria and absence of conflict of interest;
- data contained in the documents proving the economic/financial and technical/professional capacity of the subcontractor; and
- data contained in the Model Letter of Intent for Subcontractor/s, stating his/her unambiguous undertaking to collaborate with the tenderer if the latter wins the contract.

The provision of personal data in the context of procurement procedures is in principle not compulsory, however failure to provide certain data may result in the exclusion from the evaluation and award procedure.

**Recipients:**

- Procurement staff;
- Opening and Evaluation committee;
- External evaluator, if applicable;
- Legal advisor, if required;
- Authorising Officer under Delegation (AOD);
- European Court of Auditors (ECA), OLAF, Internal Audit System (IAS), Financial Irregularities Panel in the context of official investigations or for audit purposes;
- European Commission and EU agencies in the context of the implementation of the European Commission's Decision of 16 December 2008 on the Early Warning System for the use of the authorising officers of the Commission and the executive agencies (2008/969/EC); and
- Members of the public, in accordance with EASO's obligation to publish information on the outcome of the procurement procedure (Article 74 of the EASO Financial Regulation and Article 103 of the General Financial Regulation).

**Legal basis:**

*EASO Management Board Decision No. 2 of 26.11.2010, Financial Regulation of the European Asylum Support Office;*

*Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, ("Financial Regulation") in particular Articles 110, 131-133 and 204; and*

*Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union ("Rules of Application") in particular Articles 146-148, 201-202 and 287.*

**Right of Access/Rectification:**

Data subjects have the right to access, update or correct their personal data by submitting a request in writing to the data controller at [contracts@easo.europa.eu](mailto:contracts@easo.europa.eu). In a procurement procedure, tenderers' right to rectify information already provided applies only to factual data. This right can only be exercised up to the closing date for submission of tenders. However, inaccurate identification data may be rectified at any time during and after the procurement procedure.

Once tender evaluations have been completed, each tenderer is informed by means of a personalised letter providing details on the evaluation results in compliance with the general Financial Regulation, with a restriction as concerns comparative data on competing tenderers.

**Data retention:**

Upon the finalisation of the procurement procedure:

- Successful tenders are retained up to 7 years from the date of signature of the corresponding contract<sup>1</sup>;
- Unsuccessful tenders are retained for 5 years following the finalisation of the related procurement procedure.

Contracts:

- Contract files are retained for 10 years after the expiry of the contract.

**Contact:**

If you have any queries concerning the processing of your personal data in the context of procurement procedure or the management of an EASO contract, you may contact the Procurement team leader at [contracts@easo.europa.eu](mailto:contracts@easo.europa.eu), identified as the controller of personal data processing in this area. Queries may be followed up further with the Data Protection Officer at EASO ([dpo@easo.europa.eu](mailto:dpo@easo.europa.eu)).

**Recourse:** Persons concerned are entitled to have recourse at any time to the European Data Protection Supervisor: <http://www.edps.europa.eu>

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<sup>1</sup> The extracts from judicial records obtained during a procurement procedure are kept for 2 years after the finalisation of the procedure.