



DATA PROTECTION NOTICE

On EUAA procedures related to procurement, grants, and remunerated external experts selected under the calls for expressions of interest

1. Introduction

The European Union Agency for Asylum (hereinafter 'the EUAA' or 'the Agency') is committed to protecting your privacy. The EUAA collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725¹](#) (hereinafter 'the EUDPR').

This Data Protection Notice explains *inter alia* the reasons for the processing of your personal data, the way we collect, handle and ensure protection of your personal data and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, as well as of the Data Protection Officer (DPO) and of the European Data Protection Supervisor (EDPS) to which you may have recourse as well to exercise the said rights.

2. Why and how do we process your personal data?

This is a generic data protection notice concerning the processing of personal data related to the management of award procedures and the execution of public contracts, external expert contracts and grant agreements. This privacy statement covers the processing of personal data across all electronic and paper-based transactions.

The personal data processed concern applicants, economic operators, participants (candidates, tenderers), contractors, beneficiaries (their staff, subcontractors, other involved entities or other participants), and remunerated external experts.

Your personal data are processed in relation to:

- the management of award procedures (on procurement, grants and the selection of remunerated external experts);
- the management of the execution of contracts (on procurement and selection of remunerated external experts) and grant agreements, including monitoring, reporting and payments.

Further, personal data may be processed for **statistical, reporting or auditing purposes** (e.g., ex post controls report, annual activity report).

Additionally, **in case of remunerated external experts**, the personal data may be processed to ensure data quality (i.e., assessing their accuracy, consistency, and reliability to identify errors, discrepancies or inconsistencies) as part of testing of new versions of the information systems used for the management of the application, award, selection and other procedures related to the experts. A data quality check on actual personal data will be performed only when anonymised data cannot support

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39-98.



the testing. The personal data will be kept in the User Acceptance Testing environment only temporarily for the duration of the data quality exercise and be deleted immediately after its completion.

Personal data may also be processed by the EUAA as part of your use of the European Commission's corporate IT system within the framework of the Single Electronic Data Interchange Area (SEDIA). The entry point is the [Funding & Tenders Portal](#), which has its own [Privacy Statement](#).

3. On what legal ground(s) do we process your personal data?

We process your personal data, because:

- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the European Union institution or body (Article 5(1)(a) of the EUDPR) and/or
- processing is necessary for compliance with a legal obligation to which the Agency is subject (Article 5(1)(b) of the EUDPR) and/or
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract (Article 5(1)(c) of the EUDPR).

The specific legal bases applying to the processing referred above under (a) and (b) are:

- [\(EU, Euratom\) 2024/2509^{\(OJ\)}](#) (hereinafter 'the Financial Regulation'^(OJ)) and in particular: Title V (Common Rules), Title VII (Procurement and Concessions), Title VIII (Grants), Title IX (Prizes), Title XII (Other Budget Implementation Instruments, including management of experts and participant registration and validation) and Annex I (Procurement).
- The EUAA's financing decisions form part of the legal basis for a processing operation in line with Article 110 of the Financial Regulation.
- [Regulation \(EU\) 2021/2303²](#) (hereinafter 'the EUAA Regulation'), Articles 56 and 64.

The Financial Regulation is applicable to the EUAA by virtue of Article 89 of the Management Board Decision No 54 of 14 August 2019 on the EASO Financial Regulation, as amended, which continues to apply pursuant to the Management Board Decision No 96 of 19 January 2022 on the transition to the European Union Agency for Asylum³.

The processing of special categories of personal data, such as the processing of data relating to offences and criminal convictions in the form of an extract from a judicial record or an equivalent document or declaration of honour is explicitly foreseen in Articles 139(3) and 199(1)(b) and point 18.1 of Annex I to the Financial Regulation and is therefore lawful pursuant to Article 11 of the EUDPR.

² Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, OJ L 468, 30.12.2021, p. 1-54.

³ Ref. number: EUAA/MB/2022/004.



4. Which personal data do we collect and further process?

The following (categories of) personal data may be processed:

Data subjects external to the EUAA

- Identification data: name, surname, passport/ID number, IP address;
- Contact details: work e-mail address, work telephone/mobile number, personal e-mail address, fax number, postal address, company name and department, country of residence;
- Function, job title/position;
- Number and/or membership in a trade or professional organisation;
- Certificates for social security contributions and taxes paid, extract(s) from judicial records or equivalent documents;
- Financial data: Account number, name of the account holder, name and address of the bank, IBAN and BIC codes, VAT number;
- Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, driving license, professional experience including details on current and past employments;
- Other personal data contained in CVs (gender, place and date of birth, nationality);
- Data provided in the Declaration on honour (or equivalent) regarding exclusion criteria, selection criteria and/or eligibility criteria;
- Signature(s);
- System related data such as security data/log files (for audit trails);
- Other personal data contained in the application, request to participate or tender;
- Personal data linked to the given public contract, contract with a remunerated external expert or grant agreement (e.g. reimbursements, activity report). Please note that when any of the above data pertains to a legal person and not to a natural person, there is no processing of personal data involved and, provisions of the EUDPR do not apply.

Data subjects internal to the EUAA

- Identification data, such as: name, surname, nationality, function;
- Contact details such as: e-mail address, corporate phone number, office number and location;
- Organisational data: Centre/Unit/ Sector, function;
- Procedural data such as the role assigned in the context of a given evaluation and/or contract management process;
- System-related data: European Commission Authentication Service (EU Login) login name and password (only stored in EU Login), security data/log files (for audit trails);
- Signature or e-signature;
- Opinions in the context of a given evaluation;
- Declarations of absence of conflict of interest and of confidentiality, as per which the data subjects internal confirm that they will execute their responsibilities impartially, objectively and bound by confidentiality.

5. How long do we keep your personal data?

The EUAA keeps your personal data in a form enabling identification of data subjects for no longer than necessary and appropriate having regard to the purposes for which such data are processed, as



described above.

For a procurement and grant award procedure, personal data are retained for a period of 10 years following the closure of the relevant procedure, although personal data are retained for 5 years following the closure of the relevant procedure for:

- unsuccessful applicant(s) and tenderer(s),
- unsuccessful candidate(s) in response to an invitation to participate or for successful candidate(s) who did not subsequently submit a tender.

For candidate(s) for procurement procedures following a call for expressions of interest, personal data are retained for, whichever is later:

- 5 years after the validity of the relevant list expires;
- 5 years after the last contract with a procedure based on the relevant list was concluded/signed;
- 10 years after the closure of the last contract concluded with a procedure based on the relevant List was concluded/signed for which the candidate was a successful tenderer.

As regards to personal data collected when **managing the execution of a public contract or a grant agreement**, such data are retained for 10 years following the last payment made under the relevant contract.

Personal data regarding the remunerated **external experts** (selection and contract management) are retained for 10 years, while personal data related to unsuccessful candidates to calls for expression of interest are eliminated five years after the closure of the relevant procedure.

Notwithstanding the above retention periods, it should be noted that:

- extract(s) from judicial records or equivalent documents are kept up to 2 years after the accomplishment of the particular procedure;
- as part of its general document management practices, a file concerned with an award procedure, contract or agreement and which includes data may be selected or sampled at the end of the retention period, as a result of which some data may be retained in the Agency's Historical Archives;
- the retention of personal data may be temporarily extended if a monitoring, audit or inspection exercise mandated under European law (e.g., internal audits, investigations and/or proceedings before the Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, the Exclusion Panel referred to in Article 145 of the Financial Regulation, or the European Anti-fraud Office (OLAF) are ongoing; and
- any action performed in corporate eProcurement IT systems by data subjects under their EU login is recorded without time limit in order to enable queries on financial, contractual and accounting matters, as well as for audit trail purposes.

6. How do we protect and safeguard your personal data?

In order to protect your personal data, we have put in place a number of technical and organisational measures in place as required under Article 33 of the EUDPR. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being



processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know, for the purposes of this processing operation. Persons authorised to access the data are bound by the obligation of confidentiality. All EUAA staff participating in evaluation committees sign a 'Declaration of absence of conflict of interests and of confidentiality'.

Where data are stored in electronic format, they are stored on the servers of the EUAA and corporate document management systems, such as Paperless and the Agency's Electronic Records and Document Management System (ERDMS). Access to these secure folders is restricted to authorized EUAA personnel only and offers an audit trail.

Where data are kept in a paper format, they are stored in secure folders on the premises of the EUAA in filing cabinets accessible to authorized EUAA personnel only. Access to and within the EUAA premises is controlled.

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

The following (categories of) recipients may have access to your personal data:

- EUAA personnel responsible for the management of award procedures, the execution of contracts and agreements, such as but not limited to procurement staff, the opening and evaluation committee and the authorising officer(s) (including by delegation), contract managers. In addition, EUAA personnel developing, maintaining and supporting the use of corporate IT systems as well as EUAA personnel that may need to perform data quality checks; Personnel of EU institutions, agencies and bodies participating in the award procedure in the case of inter-institutional procurements;
- External experts, if any, supporting EUAA staff in award procedures;
- European Commission eGrants (SYGMA/COMPASS) IT systems' operators;
- If translation is required, EUAA staff tasked with translation and/or staff of the Translation Centre for the Bodies of the European Union (CdT);
- European Commission ABAC systems' operators;
- In the event of inter-institutional procedures, the staff members of other involved EU institutions/agencies/bodies;
- Investigative/audit bodies, such as the European Anti-Fraud Office (OLAF), the European Court of Auditors (ECA), and the Internal Audit Service (IAS) Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, Exclusion Panel referred to in Article 145 of the Financial Regulation;
- The European Ombudsman, the Court of Justice of the European Union or a national competent court, in case a complaint or case is lodged against the EUAA;
- External services providers, providing legal services in supporting the Agency in case of pre-litigation and/or litigation;
- In the case of external remunerated experts selected under calls for expressions of interest the competent authorities of the Member State(s) in which the experts will be deployed merely for security clearance/vetting and/or confirmation purposes prior to the deployment of the expert(s) concerned;

Members of the public who receive the personal data of contractors, remunerated external experts or beneficiaries which are made public in accordance with the Financial Regulation, particularly Articles 38(2), 166 and 192(2). The personal data in question are published in the Official Journal of the European Union (Supplement S) and/or on the website of the Agency.



8. Do we transfer any of your personal data to third countries or international organisations (outside the EU/EEA)?

This processing activity does not entail any transfers of personal data to third countries or international organisations (outside the EU/EEA).

9. Does this processing involve automated decision-making, including profiling?

This processing activity does not involve automated decision-making, including profiling.

10. What are your rights and how can you exercise them?

According to the EUDPR, you are entitled to access your personal data and to rectify them in case the data are inaccurate or incomplete. If your personal data are no longer needed by the Agency or if the processing operation is unlawful, you have the right to erase your data. Under certain circumstances, such as if you contest the accuracy of the processed data or if you are not sure if your data are lawfully processed, you may ask the Data Controller to restrict the data processing. You may also object, on compelling legitimate grounds, to the processing of data relating to you. Additionally, you have the right to data portability which allows you to obtain the data that the Data Controller holds on you and to transfer them from one Data Controller to another. Where relevant and technically feasible, the EUAA will do this work for you.

If you wish to exercise your rights, please contact the Data Controller, i.e., the Head of the Procurement Sector of the EUAA, by sending an e-mail to contracts@euaa.europa.eu.

If you have participated in a call for remunerated external experts for deployment in EUAA Asylum Support Teams, please exceptionally contact the Data Controller, i.e the Head of Operational Deployment Management Sector, by sending an e-mail to experts.operations@euaa.europa.eu.

You may always submit queries, remarks or complaints relating to the processing of your personal data to the Data Protection Officer (DPO) of the EUAA by using the following e-mail address: dpo@euaa.europa.eu.

In case of conflict, complaints can be addressed to the European Data Protection Supervisor (EDPS) using the following e-mail address: supervision@edps.europa.eu.