



DATA PROTECTION NOTICE

on procurement and the selection of remunerated external experts

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 \(EU\) 2018/1725](#)¹ (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, for processing personal data related to managing award procedures for procurement and the selection of experts and managing the execution of (procurement and experts) contracts.

The personal data collected and further processed concern remunerated external experts, tenderers, their staff or subcontractors.

Your personal data are processed in relation to:

- the management of award procedures (on procurement, and the selection of experts);
- the management of the execution of contracts (on procurement and the selection of experts);
- your personal data may also be processed for additional purposes such as statistics, reporting or auditing (e.g., ex post controls report, Annual Activity Report).

Upon receipt by the Agency of information related to an award procedure, contract or agreement (e.g., application document, communication) from you, personal data may be collected and processed by the Agency for the purpose of managing the procedure, contract or agreement.

Personal data may also be collected and processed by the Agency as part of you using corporate eProcurement IT systems which support managing award procedures (e.g. Funding and Tenders (F&T) portal etc.) and the execution of contracts (on procurement and external remunerated experts).

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.



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

We process your personal data on the basis of Articles 56 and 64 of [Regulation \(EU\) 2021/2303](#)² (hereinafter ‘the EUAA Regulation’) and on the basis of Articles 160-179, 180-205 and 237-238 of [Regulation \(EU, Euratom\) 2018/1046](#)³, (hereinafter ‘the Financial Regulation’), which 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 Asylum⁴.

This processing is necessary to enable the procurement of supplies, services and works needed for the operation of the Agency and for the management of contracts. This processing is also necessary to ensure compliance with legal obligations incumbent upon the Agency, such as auditing requirements set out at Article 64 of the EUAA Regulation. Furthermore, it is necessary for the performance of contract(s) to which you may be a party or in order to take steps at your request prior to entering into a contract.

Consequently, the relevant processing operation is lawful under Article 5(1) point (a) of the EUDPR, given that it is necessary for the functioning of the EUAA.

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 declaration of honour is explicitly foreseen in Articles 137 and 196 and point 18 of Annex I of the of the Financial Regulation and is therefore lawful pursuant to Article 11 of the EUDPR.

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

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

- Identification data: name, surname, passport/ID number, IP address, VAT number;
- Contact details: work e-mail address, work telephone/mobile number, 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;
- Financial data: Account number, name of the account holder, name and address of the bank, IBAN and BIC codes, VAT number;

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 Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p. 1–222.

⁴ Ref. number: EUAA/MB/2022/004.



- 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 employments;
- Other personal data contained in CVs (gender, place and date of birth, nationality);
- Data provided in the Declaration on honour (or equivalent) with regard to exclusion criteria, selection criteria and/or eligibility criteria; and
- Signature(s);
- System related data such as security data/log files (for audit trails);
- Other personal data contained in the offer/application.

Please note that when any of the above data pertains to a company and not to an individual, there is no processing of personal data involved and, provisions of Regulation (EU) 2018/1725 do not apply.

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 award procedure, personal data are retained for a period of 10 years following the closure of the relevant procedure, although:

- For unsuccessful tenderer(s): personal data specific to the unsuccessful tenderer(s) are retained for 5 years following the closure of the relevant procedure;
- For unsuccessful candidate(s) in response to an invitation to request to participate or for successful candidate(s) who did not subsequently submit a tender: personal data specific to the said candidate(s) are retained for 5 years following the closure of the relevant procedure;

For candidate(s) for procurement procedures following a Call for Expressions of Interest, personal data specific to the said candidate(s) 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 signature of the last contract concluded with a procedure based on the relevant list was concluded/signed for which the candidate was a successful tenderer.

Personal data regarding the drawing up and maintenance of remunerated external experts' lists and the management of the said experts' contracts are retained for 10 years, while personal data related to unsuccessful candidates to Calls for Expression of Interest for external experts are eliminated five years after the closure of the relevant procedure.

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

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

- extract(s) from judicial records 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 143 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?

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.

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 the implementation of agreements, such as but not limited to procurement staff, the Opening and Evaluation Committee and the Authorising Officer(s) (including by delegation). In addition, EUAA personnel developing, maintaining and supporting the use of corporate eProcurement IT systems;
- Personnel) of EU institutions, agencies and bodies participating in the award procedure in the case of inter-institutional procurements;
- 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 143 of the Financial Regulation;

- The European Ombudsman and the Court of Justice of the European Union, in case a complaint or case is lodged against the EUAA;
- Members of the public who receive the personal data of contractors or beneficiaries which are made public in accordance with the Financial Regulation, particularly Articles 38(2), 163 and 189(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 EUAA 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.

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: edps@edps.europa.eu.