



## Annex 3, ref EUAA/MLA/2024/OP/0008

### DATA PROTECTION NOTICE Preliminary market consultation

#### 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](#)<sup>1</sup> (hereinafter ‘the EUDPR’).

This privacy statement 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 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?

Your personal data is processed for purposes related to preliminary consultations for market solutions, market capacity and other characteristics related to the market, as a preliminary step that may lead to a procurement procedure at a later stage in relation to the provision of services, supplies or works that might be needed by the EUAA for its functioning and operations. The general principle applied is to avoid that any unfair advantage or disadvantage is created for any party involved in or excluded from such consultation. Consultations for the purposes identified above may take place through different means, such as survey questionnaires, information session meetings and direct contacts.

We collect your personal data via an online questionnaire. In case of need, the survey participants may be contacted directly for the purpose of gathering clarifications on the information provided via the questionnaire. Personal data is also used for alerting the market in case of a launch of a procurement procedure, i.e., a call/request for tender.

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

We process your personal data on the basis of Article 56 of [Regulation \(EU\) 2021/2303](#)<sup>2</sup> (hereinafter ‘the EUAA Regulation’), as well as Article 166(1) and Point 15 of Annex 1 to [Regulation \(EU\) 2018/1046](#)<sup>3</sup>

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<sup>1</sup>. 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.

<sup>2</sup>. 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.

<sup>3</sup>. 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





(hereinafter ‘the Financial Regulation’), which is applicable to the EUAA by virtue of Article 89 of the Decision No 54 of the Management Board of the European Asylum Support Office (EASO) of 14 August 2019 on the EASO Financial Regulation<sup>4</sup>, as amended<sup>5</sup>. This processing is necessary for market survey purposes as a preliminary step that may lead to a procurement procedure at a later stage in relation to the provision of services, supplies or works that might be needed by the EUAA for its functioning and operations. 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. To the extent that participation in the survey is voluntary, your personal data is processed also on the basis of your consent and therefore this processing operation is lawful under Article 5(1) point (d) of the EUDPR as well.

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

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

- E-mail address and any other contact details you deem necessary to provide, such as name and phone number of a contact person;
- Location in which you provide your services and areas in which you would be interested in providing services in the context of a potential collaboration with the EUAA;
- Types of businesses in respect of which you have experience in providing services;
- Information about financial and economic capacity;
- Information about professional expertise;
- Other personal data that you might include upon your own initiative.

#### **5. How long do we keep your personal data?**

The EUAA keeps your personal data for no longer than necessary and appropriate having regard to the purposes for which such data is processed, as described above.

In case a procurement procedure is launched, supporting documents will be kept for five years from the date on which the European Parliament gives discharge for the financial year to which the relevant documents relate. Documents relating to operations shall in any case of kept until the end of the year following that in which those operations are definitively closed. Personal data contained in supporting documents shall, where possible, be deleted when this data is not necessary for budgetary discharge, control and audit purposes.

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

Files are stored, in electronic format, in secure folders with access restricted to authorised personnel of the EUAA in its internal document management system (ERDMS), on the servers of the Agency. Hard

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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.

<sup>4</sup>. Ref. number: EASO/MB/2019/167.

<sup>5</sup>. As per the Decision No 74 of the Management Board of EASO of 28 July 2021 (ref. number: EASO/MB/2021/116).



copies of documents, if any, are also stored in secure folders and are accessible to authorised EUAA personnel only.

In order to protect your personal data, the EUAA has 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.

Moreover, survey data, including personal data, is collected using the European Commission's tool, [EUSurvey](#). You may find more information about EU Survey's Privacy Policy [here](#).

## **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 Procurement Sector personnel;
- Other EUAA personnel involved in pursuing the needs for which the preliminary market consultation is conducted, such as investigating the link between the market data and the needs of the EUAA, assessing the outcome of the market consultation and, in case a procurement procedure is launched, for tendering phases, such as opening and evaluation of tenders, award, etc.
- Authorising Officers by Delegation (AOD);
- EUSurvey personnel;
- Investigative/audit bodies, such as the European Anti-Fraud Office (OLAF), the Internal Audit Service (IAS), the European Court of Auditors (ECA).

## **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 it in case the data is inaccurate or incomplete. If your personal data is 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 is 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 it 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](mailto: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](mailto: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](mailto:edps@edps.europa.eu).