

## PROCUREMENT PROCEDURES AND CONTRACT MANAGEMENT

### *Key information*

#### Controller

Cesare Onestini, Director of the ETF, [Cesare.Onestini@etf.europa.eu](mailto:Cesare.Onestini@etf.europa.eu)

Joint controllers are the Commission services (e.g. Publications Office, DIGIT and DG Budget) for Commission systems used by the ETF (e.g. e-tendering, e-submission, early detection and exclusion system). To be noted that for systems that can be accessed by tenderers and contractors the privacy statement can be viewed on the system itself.

#### Business owner

Cécile Beelaerts, Head of Finance and Procurement Unit, Administration Department, [procurement@etf.europa.eu](mailto:procurement@etf.europa.eu)

#### Data protection officer

Tiziana Ciccarone / Laurens Rijken, [DataProtectionOfficer@etf.europa.eu](mailto:DataProtectionOfficer@etf.europa.eu)

#### Purpose of the processing

The purpose of collecting personal data in the context of procurement and contract management and administration is:

1. For procurement procedures, data are processed in different phases (correspondence with tenderers, reception of tenders, opening and evaluation of tenders, award decision and preparation of contract, publication of the results in the Official Journal of the European Union and/ or ETF website, filing and reporting).
2. For contract implementation, data are processed for service provision or delivery of supplies or works, including for payment and reporting purposes.

#### Legal basis

The legal basis for the processing operations of personal data is the Financial Regulation of the European Training Foundation (ref.GB/13/DEC/014 dated 20/12/2013), article 85, which stipulates that as regards procurement, Title VII of Regulation (EU, Euratom) No No 2018/1046 and Delegated Regulation (EU) No 1268/2012 shall apply to procurement managed by the ETF.

For contract implementation, the legal basis for the processing of personal data is the contract concluded between the ETF and the contractor.

#### Personal data

Personal data concerns tenderers and contractors, their staff and subcontractors (including external consultants and experts). Information can relate to the following data:

- Name, function, contact details (e-mail address, business/ mobile telephone number, business address, company and department)
- Declaration on honour on exclusion criteria and selection criteria (form to be found in: <https://www.etf.europa.eu/en/about/procurement>)
- Certificates for social security contributions and taxes paid
- Extract from judicial records (e.g. criminal, bankruptcy)
- Information in the early detection and exclusion system (name and first name, summary of risks, decision on exclusion, special measures)
- Information for the evaluation of selection and award criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment. To be noted that information is often provided on curriculum vitae, therefore additional information might be included not necessary for the purpose of procurement or contract management (e.g. nationality)
- Qualitative assessment in evaluation record referring to expertise, technical skills and languages, educational background, professional experience including details on current and
- Declaration of exclusivity and availability for subcontractors (external consultants and experts)
- List of pre-existing rights and documentary evidence referring to creator or right holder when natural person
- Supporting documents for payment and documentary evidence, including statements of reimbursables, referring to natural persons (e.g. name and first name on travel ticket)
- Information requested on Legal Entity File (LEF) and in Bank Account File (BAF) – see specific privacy statement attached to the LEF and BAF form
- Data processing on the contract management and administration may require other types of data as specified in the relevant documents.

### Recipients of the personal data

For the purpose detailed above, access to personal data is provided to the following processing entities:

- Within the ETF: designated financial actors (procurement officers, opening and evaluation committee members, initiating agents, operational and financial verifying officers, responsible authorising officers) who are involved in procurement and contract management
- In addition, your data may be provided to the following external entities:
  - External experts and contractors participating in the evaluation of tenders when external expertise is required

- For exclusion criteria: the information is accessible to the user community in the EU early detection and exclusion system; specific information on exclusion criteria is processed by the panel referred to in Article 143 of Regulation (EU, Euratom) No 2018/1046
- Members of the public in accordance with the obligation to publish information on the outcome of the procurement procedure (for natural persons: name and first name, year, object of the contract, contract amount)

## Transfer to third countries/international organisations

Not applicable

## Further information

### Data retention

Files for successful tenders are kept for 7 years. Files for unsuccessful tenders are kept for five years after the conclusion of the procurement procedure.

Judicial records are kept for two years after the conclusion of the procurement procedure.

All personal data recorded in the Commission systems (e.g. e-tendering, e-submission, early detection and exclusion system) are retained under the responsibility of the joint controller.

For systems that can be accessed by tenderers and contractors, the information on retention can be viewed in the privacy statement contained in the system itself.

### Right of access, rectification or erasure, restriction, objection

Any request to access, rectify or erase personal data, or to restrict or object to the processing of personal data shall be addressed in writing to Head of Finance and Procurement Unit, Administration Department, [procurement@etf.europa.eu](mailto:procurement@etf.europa.eu), giving details of the request.

Special attention is drawn to the consequences of such requests in the context of procurement procedures:

- Data can be rectified up to the tender submission deadline. The evaluation committees and / or the responsible authorising officer may request clarification / rectification of obvious clerical errors, as long as these do not substantially change the tender
- Request for erasure may lead to the exclusion of the tender

### Right to withdraw consent

Not applicable

### Right to lodge complaint

Data subjects can at any time lodge a complaint on the processing of their personal data to the ETF Data Protection Officer ([DataProtectionOfficer@etf.europa.eu](mailto:DataProtectionOfficer@etf.europa.eu)) or to the European Data Protection Supervisor (<http://www.edps.europa.eu>).

## Necessity of provision of data

The provision of personal data is a requirement in order to participate to a procurement procedure and to enter into a contract.

Failure to provide necessary data imply the exclusion from the procurement procedure or contract.