

I. RECORD OF PERSONAL DATA PROCESSING OPERATION (Article 31 of Regulation (EU) No. 2018/1725)

1.	Name of the processing operation	Procurement procedures and contract management
2.	Reference number/Issue	ETF-DPR-12/Issue 1
3.	Date	18/12/2018
4.	Business owner	Cécile Beelaerts Head of Finance and Procurement Unit, Administration Department procurement@etf.europa.eu
5.	Controller	Cesare Onestini Director of the ETF Cesare.Onestini@etf.europa.eu
6.	Joint controller(s)	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)
7.	Processor(s)	Not applicable
8.	Data protection officer	Tiziana Ciccarone / Laurens Rijken DataProtectionOfficer@etf.europa.eu

9.	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.
10.	Legal basis for the processing	The Financial Regulation of the European Training Foundation (ref.GB/13/DEC/014 dated 20/12/2013), article 85 stipulates that as regards procurement Title VII of Regulation (EU, Euratom) 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.
11.	Categories of data subjects	Tenderers and contractors can be either natural persons or private/ public law bodies. For the purpose of this processing, data subjects are: 1. all natural persons who participate to ETF tenders 2. all natural persons who have a contractual relation with the ETF 3. staff of tenderers or contractors 4. subcontractors (including external consultants and experts) that are natural persons
12.	Categories of personal data	Personal data of tenderers and contractors, their staff and subcontractors (including external consultants and experts):

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		<p>Name, Function, Contact details (e-mail address, business/ mobile telephone number, business address, company and department), Certificates for social security contributions and taxes paid, Extract from judicial records, Declaration on honour on exclusion criteria and selection criteria, Declaration of exclusivity and availability for subcontractors (external consultants and experts) and in addition:</p> <ul style="list-style-type: none"> • Information in the early detection and exclusion system (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 past employment • 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 on travel ticket) • Information requested on Legal Entity File (LEF) and in Bank Account File (BAF) – see specific record on the Collection of third parties data in the LEF and in the BAF <p>Data processing on the contract management and administration may require other types of data as specified in the relevant documents.</p>
13.	Time limits for keeping of data	<p>Files for successful tenders are kept for 7 years.</p> <p>Files for unsuccessful tenders are kept for 5 years after the conclusion of the procurement procedure.</p> <p>Judicial records are kept for 2 years after the conclusion of the procurement procedure.</p> <p>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.</p>
14.	Categories of ETF recipients of data	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 and have been granted access to the data (electronic and paper files).
15.	Categories of external recipients of data	<p>External experts and contractors participating in the evaluation of tenders when external expertise is required.</p> <p>All information is shared and 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 108 of Regulation (EU, Euratom) No 966/2012.</p> <p>Members of the public in accordance with the obligation to publish</p>

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		information on the outcome of the procurement procedure (for natural persons: name and first name, year, object of the contract, contract amount).
16.	Transfers of data to third country or international organisation	Not applicable

17.	Technical and organisational security measures	<p>Original documents are kept in locked cupboards and/ or stored electronically in ETF local management systems. Access to local management systems is limited to authorised actors via user authentication (ID and password).</p> <p>All electronic data kept on Commission systems (e.g. e-tendering, e-submission, early detection and exclusion system) may be accessed by authorised actors via user authentication (ID and password). Data in these systems is kept under the responsibility of the joint controller.</p>
18.	Information to the data subject	<p>For procurement provided in privacy statement.</p> <p>For contracts information is contained in specific provisions.</p> <p>For Commission systems that can be accessed by tenderers and contractors, provided in privacy statement contained in the system itself.</p>

II. COMPLIANCE CHECK AND RISK SCREENING OF PERSONAL DATA PROCESSING OPERATION (Article 26 and 39 of Regulation (EU) No. 2018/1725)

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A. Compliance check

19.	Lawfulness (Legal basis and necessity for processing, point 10) <ul style="list-style-type: none"> <input type="checkbox"/> Necessary for performance of tasks in the public interest attributed by EU or MS legislation <input checked="" type="checkbox"/> Necessary for the management and functioning of the organisation <input checked="" type="checkbox"/> Necessary for compliance with legal obligation incumbent on controller <input checked="" type="checkbox"/> Necessary for performance of a contract to which the data subject is party <input type="checkbox"/> The data subject has given consent <input type="checkbox"/> Necessary in order to protect the vital interests of the data subject or of another natural person 	
20.	Purpose definition (Point 9) <ul style="list-style-type: none"> • Do you list all purposes? • Are the purposes specified, explicit, legitimate? • Where information is also processed for other purposes, are you sure that these are not incompatible with the initial purpose(s)? 	<ul style="list-style-type: none"> • Yes • Yes • Not applicable
21.	Data minimisation (Point 12) <ul style="list-style-type: none"> • Do you really need all data items you plan to collect? • Are there any you could do without? 	<ul style="list-style-type: none"> • Yes • No, however some data provided is not necessary for procurement and contract management (see comment above on exclusion and selection criteria documents)
22.	Accuracy (Point 12) <ul style="list-style-type: none"> • How do you ensure that the information you process about people is accurate? • How do you rectify inaccurate information? 	<ul style="list-style-type: none"> • 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. • As the presence of an inaccurate information is signalled, a check is put in place and as applicable relevant rectification is made. <p>In the context of procurement procedures, data</p>

		can be rectified and updated up to the submission deadline.
23.	Storage limitation (Point 13) <ul style="list-style-type: none"> Explain why you chose the storage period(s) mentioned Are they limited according to the maximum or minimum “as long as necessary, as short as possible”? In case you only need some information for longer, can you split storage periods? 	<ul style="list-style-type: none"> In principle, in accordance with the ETF Financial Regulation, data shall be kept for 5 years upon the European Parliament discharge for the relevant budgetary year As short as possible ETF has decided to reduce the storage period for particular types of personal data in line with the “Guidelines on the processing of personal data in the context of public procurement, grants as well as selection and use of external experts” issued by the EDPS in June 2013
24.	Transparency (Point 18) <ul style="list-style-type: none"> How do you tell people about your processing? If you do not want to inform people (or only inform them after the fact), consult your DPO 	<ul style="list-style-type: none"> For procurement with privacy statement in tender documents and on procurement section on ETF website. The contracts have specific provisions on data subject rights. For Commission systems that can be accessed by tenderers and contractors, provided in privacy statement contained in the system itself. Not applicable
25.	Data subjects rights (Point 18) <ul style="list-style-type: none"> Can people contact you if they want to know what you have about them, want to correct or delete the data, have it blocked or oppose to the processing? Could there be situations where you would want to refuse e.g. granting access? In case so please describe them 	<ul style="list-style-type: none"> Yes. Yes, right to rectification may be refused where the submission deadline has passed and / or the content of the tender would substantially change.

B. Risk screening

26.	Does the processing involve any of the following? <ul style="list-style-type: none"> Data relating to health, (suspected) criminal offences or otherwise considered sensitive <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Evaluation, automated decision- making or profiling <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Monitoring data subjects <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No New technologies that may be considered intrusive <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Exclusion databases <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Large-scale processing of special categories of personal data (disease surveillance, pharmacovigilance, central databases for law-enforcement cooperation) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Internet traffic analysis breaking encryption <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Management of personal files <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Staff evaluation procedures <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Staff selection procedures <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Establishment of rights upon entry into service <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Access control systems <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Video surveillance <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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C. Conclusions

	Actor	Date	Signature
27.	Business owner Cécile Beelaerts Head of Finance and Procurement Unit, Administration Department Conclusion Threshold assessment required according to Risk screening		
	Data Protection Officer: Tiziana Ciccarone / Laurens Rijken Conclusion I confirm that a threshold assessment is required		

III. THRESHOLD ASSESSMENT OF PERSONAL DATA PROCESSING OPERATION (Article 26 and 39 of Regulation (EU) No. 2018/1725)

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A. Criteria for high risks identification

28.	Systematic and extensive evaluation of personal aspects or scoring, including profiling and predicting	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
29.	Automated- decision making with legal or similar significant effect: processing that aims at taking decisions on data subjects	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
30.	Systematic monitoring : processing used to observe, monitor or control data subjects, especially in publicly accessible spaces. This may cover video-surveillance but also other monitoring, e.g. of staff internet use.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
31.	Sensitive data : data revealing ethnic or racial origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data, biometric data for identification purposes, data concerning health or sex life or sexual orientation, criminal convictions or offences and related security measures or otherwise considered sensitive. The processing is authorised by articles 105a, 106, 107, 108 of Regulation (EU, Euratom) No 966/2012 and articles 141, 142, 143, 144 of Delegated Regulation (EU) No 1268/2011. These articles explain the means of detection of risks and imposition of administrative sanctions to protect Union's financial interests through the early detection and exclusion system.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
32.	Data processed on a large scale , whether based on number of people concerned and/or amount of data processed about each of them and/or permanence and/or geographical coverage	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
33.	Datasets matched or combined from different data processing operations performed for different purposes and/or by different data controllers in a way that would exceed the reasonable expectations of the data subject.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
34.	Data concerning vulnerable data subjects : situations where an imbalance in the relationship between the position of the data subject and the controller can be identified.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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35.	Innovative use or applying technological or organisational solutions that can involve novel forms of data collection and usage. Indeed, the personal and social consequences of the deployment of a new technology may be unknown	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	
36.	Preventing data subjects from exercising a right or using a service or a contract.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Articles 106 and 108 of Regulation (EU, Euratom) No 966/2012 and articles 141 and 142 of Delegated Regulation (EU) No 1268/2012 define the exclusion criteria for tenderers/ contractors for participating to a procurement procedure and/ or concluding a contract with the ETF.	
37.	Number of criteria with positive answers (Yes)	2

B. Conclusion

	Actor	Date	Signature
38.	<p>Business owner Cécile Beelaerts Head of Finance and Procurement Unit, Administration Department</p> <p>Conclusion No further action required despite the matching criteria for high risk identification. See justification below</p> <p>Justification that risks are not high: Processing operations are performed on the basis of specific legal provisions contained in Regulation (EU, Euratom) No 966/2012 and Delegated Regulation (EU) No 1268/2012 and with the scope to protect the Union's financial interest. The early detection and exclusion system is set up and operates under the responsibility of the Commission services. The ETF enters data in the system in order to carry out the necessary verification in respect of ongoing procurement procedures and existing contracts.</p>		
	<p>Data Protection Officer: Tiziana Ciccarone / Laurens Rijken</p> <p>Conclusion I confirm that no further action is required</p>		
	<p>Data Controller Cesare Onestini, Director of the ETF</p>		