

# Privacy Statement concerning the processing of personal data related to Procurement Procedures

## 1. Context and data controller

As the European Central Bank (ECB) collects and processes personal data, it is subject to Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Processing operations are under the responsibility of the ECB as data controller.

## 2. What personal information do we collect, for what purposes, on what legal basis and by what technical means?

### *Types of personal data*

Personal data collected and processed relate to the tenderer, its staff and its subcontractors (natural persons). The data may concern information such as:

- name;
- function;
- contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- bank account reference (IBAN and BIC codes), VAT number, passport number, ID number;
- self-declaration and supporting documents confirming compliance with the eligibility criteria set out in Article 24 of the Decision of the ECB laying down the Rules on Procurement. For instance, whether the candidate/tenderer is bankrupt or being wound up or having its affairs administered by a court or has entered into an arrangement with creditors, has been convicted of an offence concerning its professional conduct, has been guilty of grave professional misconduct, or has not fulfilled obligations relating to the payment of social security contributions or the payment of taxes;
- information relating to the selection criteria for assessing the candidate's/tenderer's capacity to perform the contract. This information may relate to the candidate's/tenderer's economic, financial, technical or professional capacity. Examples of such information include information relating to balance sheets or turnover, technical skills and languages, educational background, and professional experience, including details of current and past employment, professional accreditations.

### *Purpose*

Upon receipt of your application or tender, your personal data are collected and processed for the purpose of the management and administration of the procurement procedure by the ECB.

### *Legal basis*

The legal basis for the processing of personal data is provided by:

Article 11.6 of the Statute of the European System of Central Banks and of the European Central Bank (OJ C 326, 26.10.2012, p. 230)

Decision of the European Central Bank of 3 July 2007 laying down the Rules on Procurement (ECB/2007/5) (OJ L 184, 14.7.2007, p. 34), as last amended by Decision ECB/2012/10 (OJ L 178, 10.7.2012, p. 14)

### ***Technical means***

The information is collected in files stored in an isolated secure system (SAP sourcing) and transferred to the ECB's secure document management system (as described in point 4).

### **3. Who has access to your personal data and to whom is it disclosed?**

For the purpose indicated above, access to your personal data is given to the following persons:

- ECB staff, staff of the national central banks of the European Union or of Union institutions and bodies, outside experts and contractors working on behalf of the ECB for the purpose of managing the procurement procedure and tender evaluation, and bodies charged with monitoring or inspection tasks in application of Union law (e.g. the European Commission, internal auditors, the European Anti-Fraud Office – OLAF);
- members of the public. If you are awarded a contract by the ECB, your personal data may be made public in accordance with Articles 28 and 30 of the Decision of the ECB laying down the Rules on Procurement. The information will concern your name and address and the amount of your award. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the ECB.

### **4. How do we protect and safeguard your information?**

The collected personal data and all related information are stored

- in the procurement system prior to and during the procurement procedure or
- in the ECB's record management system following the closure of the procurement procedure and are retained in accordance with the ECB's retention policy (see below).

Signed physical contracts are held physically on the ECB's premises or in secure premises available to the ECB.

### **5. How can you verify, modify or delete your information?**

Our procurement systems allow you to manage your personal data. You may also contact the relevant ECB contact person (contact details mentioned in the tender documentation) to ask for data to be modified, corrected, or deleted.

Please be aware of the potential consequences of any request for deletion, as this could lead to non-compliance with the terms of the tender and result in exclusion.

## 6. How long do we keep your personal data?

- Data managed directly by the data subject will remain on the system for as long as the account is in use. The ECB may delete the account and related data after a period of prolonged inactivity.
- Files relating to tender procedures, including those that contain personal data are retained in the business area in charge of the procedure or in the Central Procurement Office until its completion, and in the archives for up to a maximum of 5 years following the signing of the contract.

In the event of a legal dispute, the above retention periods will be extended to two years after completion of all relevant proceedings.

After the period mentioned above has expired, the files concerned are destroyed.

## 7. Whom to contact for further information?

If you have any further questions related to your data protection rights, please contact the relevant ECB contact person using the contact details mentioned in the tender documentation, stating the nature of your request.

## 8. Recourse

Complaints concerning infringements of rights under European data protection legislation may be addressed to the European Data Protection Supervisor (<https://secure.edps.europa.eu>).