

Privacy Statement for the processing of personal data related to procurement procedures

1. Data Protection legal framework applicable to the European Central Bank

All personal data are processed in accordance with EU Data Protection Law¹.

2. The European Central Bank as controller of processing personal data

The European Central Bank (ECB) is the controller of the processing of personal data related to procurement procedures.

3. Purposes for processing personal data

The ECB collects and processes personal data for the management and administration of procurement procedures.

4. Lawfulness of the European Central Bank's data processing operations

The processing of personal data in procurement procedures is necessary within the meaning of Article 5(1)(a), (b) and (c) of Regulation (EU) 2018/1725, in conjunction with ECB Decision (EU) 2016/245 (ECB/2016/2)² as well as any subsequent legal acts replacing or amending this Decision.

The processing of personal data included by interested parties in the electronic tendering system as an indication of interest for procurement opportunities is necessary within the meaning of Article 5(1) (d) of Regulation (EU) 2018/1725. By providing the requested personal data, interested parties consent to the processing of their personal data under the conditions of this Privacy Statement.

5. Categories of personal data processed by the European Central Bank

The following personal data may be processed in relation to tenderers or candidates, their staff, their subcontractors and the subcontractors' staff (natural persons), natural persons mentioned in references and individuals registered in the electronic tendering system:

- **identification data**, e.g. full name, ID/passport number;
- **position and function** in a company;
- **contact details**, e.g. e-mail address, business/mobile telephone number, fax number, postal address, company and department, country of residence, internet address;
- **financial data**, e.g. bank account (IBAN and BIC codes), VAT number;
- **information for the evaluation of selection or eligibility criteria**, e.g. expertise, technical skills, languages, educational background, professional experience including details on current and past employment, test results;
- **information relating to eligibility or selection criteria**, e.g. declaration of honour, certificates for social security contributions and taxes paid, extracts from judicial records and any other information required to verify compliance with Article 30 of Decision (EU) 2016/245 (ECB/2016/2).

6. Access to personal data processed by the European Central Bank

Access to personal data processed by the ECB in relation to procurement procedures may be given to the following persons:

- staff members of the ECB's Central Procurement Office and dedicated staff members of the procuring business area;
- dedicated ECB staff members providing opinions and advice in specific cases in relation to procurement procedures, e.g. staff from Legal Services or Budget 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).

² Decision (EU) [2016/245](#) of the European Central Bank of 9 February 2016 laying down the rules on procurement (ECB/2016/2) (OJ L 45, 20.2.2016, p. 15).

- dedicated ECB staff dealing with appeal procedures;
- a limited number of staff of the ECB's Internal Audit function who are involved in audits or conduct specific inquiries related to procurement procedures may further process some of the personal data in line with their mandate;
- staff of the National Central Banks of the European System of Central Banks;
- external experts and contractors working on behalf of the ECB for the purpose of managing the procurement procedure and tender evaluation;
- Union institutions and bodies charged with monitoring or inspection tasks in the application of Union law (e.g. the European Commission, internal auditors, the European Anti-Fraud Office);
- other tenderers or candidates in the same procurement procedure executing their right to request information;
- members of the general public in the event of a contract award, some personal data of the winning tenderer (name, address, the amount awarded and the subject matter of the contract) will be published in supplement of the Official Journal of the European Union and/or on the ECB's website in accordance with Articles 34 and 36 of Decision (EU) 2016/245 (ECB/2016/2).

7. Protection of personal data

Personal data are stored as follows:

- in a single isolated secure system (SAP sourcing), the **ECB's electronic tendering system**, prior to and during the procurement procedure;
- in the **ECB's record management system** following the closure of the procurement procedure.

8. Retention periods of personal data

Personal data are stored as follows:

- Personal data are stored for **a maximum period of 5 years** following the completion of the procurement process.
- In the event that administrative (e.g. appeal) or judicial proceedings are initiated, **the retention period ends two years after such proceedings are concluded by a final decision or 5 years following the completion of the procurement process**, whichever is longer. This further retention of data is considered necessary for the respective legal remedies.
- Personal data of successful tenderers for contracts related to the construction/ purchase of the ECB's buildings are stored for an **unlimited period** in accordance with the ECB's retention policy. Data subjects may request the deletion of their personal data from the specific procurement dossier. This request will be addressed in accordance with Section 9.
- Personal data provided as an indication of interest regarding future procurement are managed directly by the interested party. In particular: (a) the data remain in the ECB's electronic tendering system for as long as an account is in use, (b) the data can be updated and overwritten with new information by the interested party, and (c) the ECB may delete the account and related data after a period of prolonged inactivity of the account.

9. Your rights as a data subject

You have the right to access your personal data and correct any data that is inaccurate or incomplete. You also have (with some limitations) the right to the following:

- delete your personal data;
- restrict or object to the processing of your personal data in line with the relevant provisions of Regulation (EU) 2018/1725.

For personal data provided as an indication of interest into the electronic tendering system for procurement opportunities, consent can be withdrawn at any time. Withdrawal of consent will lead to deletion of personal data stored in the electronic tendering system.

10. Contact information in case of queries and requests

You can exercise your rights by contacting the ECB contact person for a specific procurement procedure using the contact details mentioned in the tender documentation, and specifying the nature of the request.

For all queries relating to personal data, please contact the ECB's Data Protection Officer at dpo@ecb.europa.eu.

11. Addressing the European Data Protection Supervisor

You have the right to lodge a complaint with the [European Data Protection Supervisor](#) at any time if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data.

12. Changes to this Privacy Statement

This Privacy Statement may be changed to take into account new legal developments.