



Council of the European Union
General Secretariat

Privacy Statement¹
Information on the protection of your personal data
Public Procurement record
081R00

This Privacy Statement explains the essential details about the way in which the personal data of candidates and tenderers in public procurement procedures are processed by the General Secretariat of the Council (GSC) in the context of these procedures. In relation to that data processing activity this document also provides information about your right as the individual concerned (i.e. as a ‘data subject’) to access and to rectify your personal data which are processed.

1. Who is responsible for the handling of your personal data at the GSC?

The Head of the Procurement Coordination Unit, Finance Directorate, Directorate-General for Organisational Development and Services, GSC, for procurement with a value above EUR 15 000. Below that amount, the data controller is the department indicated in the procurement documents.

However, for the purpose of managing the contract resulting from a procurement procedure, the data controller is always indicated in the contract.

Contact details (functional mailbox): tendering@consilium.europa.eu

2. Contact details of the GSC’s Data Protection Officer

Data Protection Officer: data.protection@consilium.europa.eu

¹ Your personal data is handled in accordance with Regulation (EU) 2018/1725.

3. What categories of personal data do we handle?

The following personal data may be collected, depending on your role in a procurement procedure:

1. *If you represent an economic operator (a private company) competing for a procurement contract:*

your first name, surname, address, phone number(s), fax number, email address, position (role in the company).

2. *If you are an individual competing for a procurement contract:*

- your first name, surname, address, phone number(s), fax number, email address;
- proof of your status as a self-employed worker or an extract from the trade register;
- a copy of your passport or national identity card;
- a bank reference stating your financial situation;
- your bank account number (IBAN and BIC codes) and bank information;
- a statement as to your overall turnover and turnover for the supplies and/or services referred to in the procurement procedure;
- certificates for the social security contributions and taxes you have paid, an extract from your judicial records, your VAT number;
- an extract from the register of bankruptcy and reorganisation proceedings;
- an extract from the register of debt regulations or a certificate issued by a creditor;
- documents attesting to your professional standing (curriculum vitae, copies of diplomas, certificates, references regarding your professional activities);
- proof of your security clearance;
- a declaration on honour that you are not in one of the exclusion situations referred to in Articles 136, 137 and 141 of the Financial Regulation.

3. *If you are an employee or subcontractor of an economic operator (private company) competing for a procurement contract, your personal data are included in the application or the tender:*

- your first name, surname, address, phone number(s), fax number, email address, position (role in/for economic operator);
- proof of your status as a self-employed worker or an extract from the trade register;

- a copy of your passport or national identity card;
- a bank reference stating your financial situation;
- your bank account number (IBAN and BIC codes) and bank information;
- a statement as to your overall turnover and turnover for the supplies and/or services referred to in the procurement procedure;
- certificates for the social security contributions and taxes you have paid, an extract from your judicial records, your VAT number;
- an extract from the register of bankruptcy and reorganisation proceedings;
- an extract from the register of debt regulations or a certificate issued by a creditor;
- documents attesting to your professional standing (curriculum vitae, copies of diplomas, certificates, references regarding your professional activities);
- proof of your security clearance;
- a declaration on honour that you are not in one of the exclusion situations referred to in Articles 136, 137 and 141 of the Financial Regulation.

4. For what purpose do we handle your personal data?

Within the framework of public procurement procedures, certain data included in the applications and tenders submitted by you as an economic operator may fall into the category of personal data.

Your data are collected and processed for the purpose of the management and administration of the procurement procedure and possibly for the management and administration of the resulting contract if you are awarded a contract.

5. What is the legal basis for the handling of your personal data?

The GSC processes your personal data in accordance with Regulation (EU) 2018/1725 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. Its Article 5(1)(c) states that processing is lawful where it is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

The legal basis for the collection and processing of data for procurement is 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, OJ L 193, 30.7.2018, p. 1 ('the **Financial Regulation**').

6. Not applicable

7. Are you obliged to provide us with your personal data and what are the consequences of not doing so?

Refusal to provide your data where requested for the conduct, evaluation and award of procurement contracts will result in rejection of the request to participate or the tender.

Refusal to do so for the performance of the contract may lead to termination of the contract.

8. If we did not receive the personal data directly from you for this purpose, how did we obtain them?

You may have provided the data as a subcontractor or freelancer, as a partner in a group of companies or as a member of staff of the company competing for a procurement contract.

9. Who will have access to your personal data?

1. Members of the Procurement Coordination Unit or the authorising department

Because of the nature of their work, all members of the Procurement Coordination Unit are given access to procurement files. Access is also given to designated members of the authorising department if it is responsible for the management of a procurement procedure.

The successful tenderer's tender is part of the contract (resulting from the procurement procedure) which is signed and managed by the authorising department. All personal data relevant for the performance of the contract are handled by the authorising department as the contract owner.

2. Members of the Tender Evaluation Committee (TEC)

The TEC is composed of members of the Procurement Coordination Unit, the relevant authorising department of the institution, and other involved departments of the institution, and only exceptionally external experts who are not officials of the institution.

3. GSC Legal Service

For contracts with a value above the threshold set out in Directive 2014/24/EU, the results of the tender evaluation are submitted to the GSC Legal Service as part of the legal compliance procedure.

4. Accounting Unit

Data required for the execution of the payment according to the contracts awarded as a result of procurement procedures (legal entity data, bank account data) are transmitted to the Accounting Unit. These data fall into the category of personal data only when the operator awarded the contract is a natural person.

5. Court of Justice, national courts or tribunals, Internal Audit Service, OLAF, Court of Auditors, panel provided for in Article 143 of the Financial Regulation

For the purposes of litigation (procurement procedure or performance of the resulting contract), audits, exclusion, financial irregularities or discharge of the budget, the abovementioned institutions/entities are given access to all documents related to individual procurement procedures upon request.

6. The general public

In the event that a contract is awarded to a natural person, certain data will be made public, in accordance with the obligation to publish information on the outcome of the procurement procedure. The information will concern in particular identification data and contact information, the amount awarded and the contract reference. It will be published in supplement S of the Official Journal of the European Union and/or on the GSC's website.

7. Technical staff involved in the technical management of and technical support for the GSC financial management system, eTendering, GSC email, GSC file shares

If given duly authorised access rights and under the conditions relevant to managing the GSC's electronic financial management system, the European Commission's eTendering (eSubmission), the PCU's functional mailbox (part of the GSC's email system), or the PCU's file share (part of the GSC's file storage infrastructure).

10. Will your personal data be transferred to a third country or an international organisation? If so, what safeguards are in place, if any?

No.

11. For how long will we keep your personal data?

Data will be stored for a maximum of ten (10) years from the date on which a final decision was taken on the outcome of the procurement procedure.

12. The handling of your personal data does not involve automated decision-making or profiling.

13. What are your rights² and how can you exercise them?

You have the right to request access to your personal data, and to ask for your personal data to be corrected or deleted.

Under certain circumstances, you may have the right to object to the handling of your personal data or to ask for it to be restricted.

Any rectification of your personal data will be taken into consideration from the perspective of data protection. If the exercise of one of the abovementioned rights (especially the right to restrict or delete) concerns information that is necessary for the management, administration or evaluation of applications and tenders, executing your request may lead to rejection from the evaluation and award procedure.

You can exercise these rights by sending an email to the person responsible for the handling of your personal data (see point 1), with a copy to the Data Protection Officer (see point 2).

² Articles 17 to 22 of Regulation (EU) 2018/1725.

With your request, you must provide a copy of an identification document to confirm your identity (ID card or passport). This document should contain an identification number, the country of issue, the period of validity, and your name, address and date of birth. Any other data contained in the copy of the identification document, such as a photo or any personal characteristics, may be blacked out.

- 14. You have the right to lodge a complaint with the European Data Protection Supervisor:**
edps@edps.europa.eu

Before you do so, it is recommended that you first try to obtain a remedy by contacting the person responsible for the handling of your personal data at the GSC (see point 1) and/or the Data Protection Officer (see point 2).
