



Data Protection Notice

PROCUREMENT AND SELECTION OF EXPERTS AT THE EBA

The European Banking Authority (EBA) processes personal data based on [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 Text with EEA relevance (EUDPR).

The following information is provided as established in Articles 15 and 16 of the EUDPR.

Who is the controller?

The EBA is the controller with regard to the data processing activities described in this data protection notice.

Responsible service: Finance and Procurement Unit, tenders@eba.europa.eu

For more information on the EBA, please consult the EBA website <https://eba.europa.eu>.

The following processors are engaged as part of the processing activity 'Procurement and Selection of experts at the EBA':

1. European Commission – Belgium:
 - DG BUDG providing the accounting system ABAC;
 - DIGIT providing the eSubmission, Public Procurement Management Tool (PPMT), EU SIGN, CIRCABC systems;
2. Adobe Systems Software Ireland Limited – Ireland, providing the Adobe Sign platform;
3. Microsoft Ireland Operations Limited – Ireland, providing Microsoft Teams;
4. Iron Mountain France – France, providing the EBA's physical archives.

What personal data do we process, for what purpose, who can access it and how long do we keep them?

The EBA processes personal data within the processing activity of 'Procurement and Selection of experts' as follows:

- for procurement, personal data is processed to assess eligibility and capacity of potential contractors; to select the best tender and to decide to which economic operator a contract will be awarded; to subsequently manage the contracts awarded and obtain the services, supplies, and works required;
- for selection of experts, personal data is processed for the selection of experts that subsequently become EBA experts.

The EBA processes personal data of the following categories of persons:

- Internal to the EBA:
 - members of the evaluation committee (including staff members of other EU Institutions, Bodies and Agencies (EUI));
 - Head of the Procurement Unit;
 - Head of the relevant requesting unit;
 - EBA Authorising Officer.
- External to the EBA:
 - staff of tenderers and contractors or subcontractors (providers of services or supplies) on which the tenderer or contractor relies to submit a tender or perform a contract;
 - self-employed tenderers and contractors;
 - experts (individuals) in the case of selection of experts.

The EBA processes the following categories of personal data:

- Data subjects internal to the EBA:
 - Identification data: name, surname, title, and signature;
 - Contact details: work email address, work phone number.
- Data subjects external to the EBA:
 - Identification data: name, surname, title, and signature;
 - Contact details: work email address, work phone number;
 - Criminal records extract of potential contractor's managers/owners, in compliance with Articles 136 and 137 of [Regulation \(EU, Euratom\) 2018/1046](#).
 - Information for evaluation of tenderers and experts: professional profiles with identification data and information on academic background, professional experience and skills relevant to the selection or award phases of the procurement procedure.
- Categories of personal data processed for all involved data subjects while using the following systems:
 - ABAC

Legal Entity Form (LEF) and Bank Account identification Form (BAF) for self-employed contractors and experts: identification data as defined above, contact details as defined above, address, VAT number and bank account details.

LEF and BAF for companies: name and signature of the representative of the contractor.

- Public Procurement Management Tool (PPMT)

Name and surname.

- eSubmission

Name, surname and professional email address.

- CIRCABC

Personal details and contact information: username, first name, surname, email address, title, organisation, phone number, postal address, fax, URL address, open text/description.

- EU Sign

Personal details and contact information: name, surname, User ID of the requestor, professional email address, data present on the signing certificate for remote signing functionality (name, surname, data of birth, ID number, membership, title/role).

Technical data: type of operation requested (sign/seal, verify, extend), date and time of the operation, target of the operation (EC internal, Seal, Qualified Electronic Signature).

- Adobe Sign

Personal details: name, surname, title, signature, email address, date and time of a signature or transaction event, IP address, and other information about the browser or device used to send, sign, delegate, approve, or take other actions with respect to the document.

- Microsoft Teams

Identification data: name, surname, title;

Professional data: manager, title and description of function, rank;

Content data: e.g., exchange online emails and attachments, SharePoint Online site content, instant messaging conversation.

Personal data processed can be accessed as follows:

- Within the EUIs

- Personal data is processed within the EBA's Finance and Procurement Unit, by the procurement team, by the initiating unit (the contract owner) and other units in case they need to use the awarded contract, EUIs financial actors (e. g. OIAs/OVAs) for data entered into the EUIs accounting system ABAC.

- In case of inter-agency procurement procedures, personal data is also processed by staff from other agencies involved in the procurement procedure on a need-to-know basis when they participate to the evaluation of tenders and when personal data is contained in the inter-institutional contract.

- In case of an audit: the Internal Audit Service of the European Commission (IAS), the European Court of Auditors (ECA); the European Anti-Fraud Office (OLAF) for a potential investigation; and the European Data Protection Supervisor (EDPS), if procurement falls within the mandate of an inspection.

- European Commission: DG BUDGET for ABAC, PMO for ABAC (LEF and BAF); Directorate General IT for CIRCABC, EU Sign, eSubmission; Directorate General IT and the Joint Research Centre for Public Procurement Management Tool (PPMT).

- Publications Office of the European Union: for publication in the Official Journal of the European Union of contract award notices in case a self-employed contractor or an expert are awarded a contract above the relevant financial threshold.

- External to the EUIs

- Public: in case of contract award notices published in the Official Journal of the European Union.
- Adobe: Adobe Sign advance electronic signature system.
- Microsoft Ireland Operations Limited: digital archive in Microsoft Teams.
- Iron Mountain France: physical archives.

Time limits to store personal data are as follows:

Selection of experts

Personal data related to the selection of experts are kept by the procurement team in electronic archives: for ten (10) years for successful experts, following the budget discharge of the year when the relevant contract terminates; five (5) years for unsuccessful experts, following the completion of the selection of experts procedure.

Procurement procedures

Personal data from successful tenderers are kept by the procurement team in the electronic archives for a period of ten (10) years following the budget discharge of the year when the contract or the framework agreement terminates.

Personal data from unsuccessful tenderers are kept by the procurement team in the electronic archives for five (5) years following the signature of the contract with the awarded tenderer(s).

Criminal records extracts (requested only to awarded tenderers) are kept by the procurement team in the electronic archives for two (2) years following the signature of the contract with awarded tenderers.

For procurement contracts and framework contracts, personal data written on them and acquired during the management of the contract are kept by the EBA Unit responsible for the contract in the electronic archives for a period of ten (10) years following the budget discharge of the year when the contract or the framework contract terminates.

For the purpose of a possible audit, the above-mentioned personal data are kept until the end of such audit if started before the end of the above retention periods.

Since September 2019 the Finance and Procurement Unit does not use paper. The retention periods above apply also to the paper archives created before that date and stored with the external physical archives service provider.

Time limit to keep the above-mentioned personal data while using the below systems is as follows:

- ABAC

Time limit for keeping personal data per data category is a maximum of ten (10) years after the last transaction for data related to natural persons other than the EUIs staff and a maximum of one hundred (100) years after the date of recruitment for the EUIs staff.

- Public Procurement Management Tool (PPMT)

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- eSubmission

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- CIRCABC

Time limit for keeping identity and contact information is one (1) year after the user stops belonging to any active group. The user account is then deleted.

- EU Sign

Time limit for keeping personal data, administrative data related to the user of the electronic signature service, technical data related to the usage events of electronic signature service, history of all operations performed (for troubleshooting purposes) by an individual is twenty-five (25) months.

- Adobe Sign

With regards to data entered into the Adobe Sign platform and documents, EBA's Admin account manages for how long the data and documents are retained. The EBA has set up its Adobe Sign accounts so that data and documents are stored only for one (1) day after a document is signed by all signatories and are then deleted automatically.

- **Microsoft Teams**

Identification data i.e., guest user email address: for as long as the guest user account is active, and ninety (90) days after deletion of the guest user account.

Content data: up to ninety (90) days upon expiration/termination of the subscription.

Service generated data: until the business purposes for which the data was collected or transferred have been fulfilled.

Why do we process your personal data and under what legal basis?

The lawfulness of the processing activity of 'Procurement and Selection of experts at the EBA' is based on: Article 5(1)(a) EUDPR whereby processing is necessary for the performance of a task in the public interest attributed by EU legislation and for the management and functioning of the EBA; Article 5(1)(b) EUDPR whereby processing is necessary for compliance with legal obligation incumbent on controller; Article 5(1)(c) whereby processing is necessary for the performance of a contract to which the data subject is party.

The legal bases are the following:

- [Regulation \(EU\) No 1093/2010](#) of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC.
- [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, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.
- [Financial Regulation of the European Banking Authority \(EBA\)](#), Decision by the Management Board of 28 October 2019.

Will the processing of your personal data involve any transfer outside of the EU?

Personal data processed in the EBA's and the European Commission's servers using the tools listed above are not subject to any international transfers. Neither are the physical documents stored in the physical archives with Iron Mountain France transferred internationally.

Regarding the use of Microsoft Teams, please refer to the [Record of Processing Activity 'Audio-video Communication and Collaboration Services'](#) published on the EBA website.

Regarding the use of Adobe, the EBA has signed a Data Processing Agreement (DPA) for Adobe Cloud Services, with EU Standard Contractual Clauses, with Adobe Systems Software Ireland Limited.

Adobe commits to enable secure management of servers in Adobe data centre facilities whereby all management connections to the servers occur with encrypted channels and remote access requires a two-factor authentication. Administrative data is encrypted in transit.

A list of Adobe's sub-processors is available at <https://www.adobe.com/privacy/sub-processors.html>.

Adobe commits to have entered into an agreement with the applicable sub-processor which ensures that such sub-processor meets equivalent obligations as those set out in the DPA and that Adobe enters into the Standard Contractual Clauses (SCC) with sub-processors located in a third country which does not provide adequate protection for personal data.

What are your rights regarding your personal data?

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. We will consider your request, take a decision and communicate it to you. For more information, please see Articles 14 to 21, 23 and 24 EUDPR.

You can send your request by post in a sealed envelope or via email (see section on contact details below).

You have the right to lodge a complaint

If you have any remarks or complaints regarding the way we process your personal data, we invite you to contact the Data Protection Officer (DPO) of the EBA (see section on contact details below).

You have, in any case, the right to [lodge a complaint with the European Data Protection Supervisor](#), our supervisory authority for data protection matters.

Contact details for enquiries regarding your personal data

Should you wish to contact the EBA, we encourage you to do so by email to tenders@eba.europa.eu by stating in the subject "Data Protection Enquiry".

If you wish to contact the DPO of the EBA personally, you can send an e-mail to dpo@eba.europa.eu or a letter to the postal address of the EBA marked for the attention of the DPO of the EBA.

The postal address of the EBA is DEFENSE 4 – EUROPLAZA, 20 Avenue André Prothin, CS 30154, 92927 Paris La Défense CEDEX, France.

You can also find contact information on the EBA's website: <https://eba.europa.eu/contacts>