



Specific Privacy Notice – Procurement and selection of experts at the European Banking Authority

We process your personal data based on Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions and 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 (hereinafter “the EUDPR”). We provide you with the information that follows based on Articles 15 and 16 of the EUDPR.

Who is the controller and processor?

The European Banking Authority (“EBA”) as the controller, represented by its executive director/acting executive director is processing your personal data. The controller is indicated in the Call for Expression of Interests or the Invitation to Tender. Should your personal data be processed by a processor on behalf of the controller, this would be indicated in the Call for Expression of Interests or the Invitation to Tender.

What personal data do we process and who can access it?

Personal data we process

For the purposes of procurement and selection of experts, the EBA staff processes personal data related to the tenderer and its staff or subcontractors (natural persons). Such personal data can include:

- Identification data: name & contact details of representatives and staff of tenderers, including consortium partners and subcontractors data;
- Evidence on eligibility and absence of falling under exclusion criteria: extracts from the register of the Chamber of Commerce, Legal Entity form, declaration of honour by tenderers and respective consortium partners and for what concerns tenderers proposed for contract award, turnover statements and balance sheets of the previous financial years (up to maximum of three years), proofs on payment of social contributions, taxes, extract from judicial records. Extracts from judicial records are considered sensitive data in accordance with Article 10 of the Data Protection Regulation, the processing of which is authorised by virtue of the Financial Regulation;

- Financial identification data (also of individuals), including identification details, bank account details and VAT number;
- Information for the evaluation of tenders against selection criteria, such as information on the financial capacity of tenderers based on turn-over figures and balance sheet data of previous financial years (up to maximum of three years), information on the operational capacity of tenderers, including lists of personnel capable of performing the tasks described in the tender specifications, lists of principle services and supplies delivered over the past 3 years, detailing sums, dates and recipients, curriculum vitae of project managers and staff outlining their educational background, professional experience, technical skills, language proficiency, details on past and current employment;
- Information for the evaluation of tender against award criteria, such as a summary of the methodology of the tenderer related to the tender specification, such as a description of the goods and services they may propose, the financial proposal including hourly/daily fixed or any other kind of rates applied;
- Appraisal data on tenders in evaluation reports, which may include observations on individuals/consultants/experts proposed for involvement in the contract;

The provision of personal data in the context of procurement procedures is in principle not mandatory, however failure to provide certain information may imply the exclusion from the evaluation and award procedure.

Who can access it?

For the purpose detailed above, access to your personal data are given to the following persons, without prejudice to a possible transmission to the bodies in charge of a monitoring or inspection task in accordance with European Union law:

- EBA's staff members [members of the EU institutions, EU agencies and EU bodies participating in the procurement procedure in case of inter-institutional procurement] as well as external experts and contractors who work on behalf of the EBA for the purposes of management of the expert selection procedure or the procurement procedure and tender evaluation on a need-to-know basis, and the bodies charged with a monitoring, audit or inspection task in application of European Union law (e.g. internal audits performed by the European Court of Auditors, investigations performed by European Anti-fraud Office - OLAF);
- Members of the public; In case you are awarded a contract by the EBA, your personal data will be made public, in accordance with the EBA's obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the Union's budget (Article 163 and Article 38(2) of the Financial Regulation, respectively). The information will concern in particular your name and address, the amount awarded and the name of the project or programme for which you are awarded a contract. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the EBA.

For what purpose do we process your personal data?

The purpose of processing of your personal data is the management and administration of experts or procurement by the European Banking Authority.

What is the legal basis for processing your personal data?

In compliance with Article 5(1)(a) of Regulation (EU) 2018/1725, processing of your personal data is necessary for the performance of a task carried out in the public interest, namely the management and functioning of the European Banking Authority in compliance with 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 966/2012,² (hereafter "the Financial Regulation"), in particular Articles 160-179 for the procurement procedures and Articles 237-238 for selection of experts and EBA's Financial Regulation adopted on 1 July 2019.

Where did we get your personal data?

Your personal data is provided to the EBA by submission of your expression of interest or your tender in the context of calls for expressions of interest or procurement procedures.

What technical means do we apply and how do we protect and safeguard the information?

In the context of procurement procedures, offers are submitted either on paper or on an electronic device, such as a USB key or CD-ROM or in form of an electronic document via email or via the e-Submission tool. In particular, the e-Submission tool requires prior registration in the European Commission's user authentication service ([EU-Login](#)) and has its own detailed [Privacy Statement](#). Likewise, at EBA the information is processed both on paper and electronically via the IT tools, abiding to the EBA security policy.

After completion of the award procedure, the Procurement Team manages the filing of signed contracts, including all the documentation on the related procurement procedure in paper and in EBA's electronic Document Management System with restricted access on a need-to-know basis.

EBA inserts the legal entity and financial data including the bank account reference (IBAN and BIC codes) and VAT numbers and other information on contracts in EBA's database for the recording of financial commitments (ABAC). The legal entity and financial data collected by EBA using the Legal Entity and Financial Identification forms and processed in ABAC are the subject of a separate [Privacy Statement](#). ABAC is a financial management tool owned and managed by the European Commission that is also the subject of a separate [Privacy Statement](#).

How long do we keep your personal data?

Your personal data will be kept for as long as needed for the specified purpose. For:

- selection of experts, in the electronic archives for a period of 5 years following the budget discharge of the year when your contract ended.
- tender procedures, personal data are to be retained by the service in charge of the procedure until it is finalised, and in the electronic archives for a period of 7 years following the signature of the contract. However, tenders from unsuccessful tenderers will be kept only for 5 years following the signature of the contract. The extracts of judicial records will be kept for 2 years following the signature of the contract.
- procurement contracts and framework contract awarded further to a procurement procedure published in the Official Journal of the EU, personal data are to be retained by EBA in the electronic archives for a period of 10 years following the budget discharge of the year when the contract or the framework agreement ended.
- for the purpose of a possible audit, until the end of such audit if one started before the end of the above period.

Once the retention periods described above have elapsed, the tender and contract files containing personal data are destroyed or deleted.

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. Any correction of your personal data will be taken into consideration from the data protection point of view. Special attention is drawn to the consequences of a request for deletion, as this may lead to an alteration of the terms of the tender. In the context of procurement procedures, factual data can only be rectified or updated up to the submission deadline for offers for the tender procedure in question. Information that would change the nature of the offer made to EBA cannot be changed after the submission deadline since this would compromise the award procedure. When the provision of personal data had been at the procurement procedure a requirement necessary to enter into a contract, the consequence of deleting such data may result in an alteration of the terms of the tender and lead to rejection as per Article 141(1)(c) of the Financial Regulation.

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 DPO of the EBA (see section on contact details below).

You have, in any case, the right to lodge a complaint with the EDPS as a supervisory authority for data protection: https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en.

Contact details for enquiries regarding your personal data

Should you wish to contact the EBA, we encourage you to do so by email: 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>.