



## **PRIVACY STATEMENT ON PROCESSING OF PERSONAL DATA IN: PROCUREMENT PROCEDURES and CONTRACT MANAGEMENT**

### **1. Context**

The European Union Satellite Centre (SatCen) processes the personal data of a natural person in compliance 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

This privacy notice explains SatCen's policies and practices regarding its collection and use of your personal data in procurement and contract management, and sets forth your data protection rights.

### **2. Identity of the controller and Data Protection Officer:**

- **Controller:** European Union Satellite Centre (SatCen), Head of Legal Services, Base Aérea de Torrejón de Ardoz, Avenida de Cádiz, Ed. 457, 28850 Torrejón de Ardoz (Madrid) Spain, [procurement.satcen@satcen.europa.eu](mailto:procurement.satcen@satcen.europa.eu)
- **Data Protection Officer:** SatCen Data Protection Officer, Base Aérea de Torrejón de Ardoz, Avenida de Cádiz, Ed. 457, 28850 Torrejón de Ardoz (Madrid) Spain, [dpo@satcen.europa.eu](mailto:dpo@satcen.europa.eu)

### **3. Why does the SatCen process personal data?**

The SatCen conducts procurement procedures and signs contracts in order to ensure the fulfilment of the SatCen mission and activities set out in Art. 2 of the Council Decision 2014/401/CFSP of 26 June 2014 on the establishment of the European Union Satellite Centre.

In the context of the procurement procedures, the SatCen needs to evaluate the submitted requests to participate and tenders according to the same set of criteria provided in the procurement documents in order to ensure the optimal use of financial resources. The requests to participate and tenders received may contain personal data, which is processed by the SatCen.



#### **4. For what purposes does the SatCen process personal data?**

- Management and administration of procurement procedures
- Additionally, and only with regard to the personal data of the awarded tenderer(s), the preparation of the contract
- Management of the contracts signed.

#### **5. What personal data does the SatCen process?**

##### **Procurement:**

Personal data processed concern the tenderer and its staff or subcontractors (natural persons).

The data processed on the tenderers and subcontractors (if any), can include:

- Identification data: Name, surname, passport number, ID number, function;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Certificates for social security contributions and taxes paid;
- Data related to criminal convictions and offences of:
  - Members of the administrative, management or supervisory body of tenderers,
  - Natural persons who have powers of representation, decision or control of the tenderer;
  - Owners of the tenderers as defined in Article 3(6) of Directive (EU) 2015/849,
  - Natural persons assuming unlimited liability for the debts of the tenderers;
  - Natural persons who are essential for the award or the implementation of the contract.Such data is collected through the submission of the declaration on honour.
- Financial data: bank account reference (IBAN and BIC codes, address of respective bank branch), VAT number;
- Information for the evaluation of selection criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment;
- List of similar services provided by the tenderer and relevant information on those services;

Data relating to the tenderers' staff members is limited to identification, contact details (name and surname, function, e-mail address, business telephone number), and Curriculum Vitae (including expertise, technical skills and languages, educational background, professional experience including details on current and past employment);

The provision of personal data by the tenderers is a requirement necessary to enter into a contract.

##### **Contract management:**

Personal data processed during contract implementation may concern the contractor, its subcontractors and staff. The data processed may include: contact details of the contractor's personnel or its



subcontractors that may be included in deliverables, such as name and last name, gender, telephone number, email address, postal address organisation and position within the organization.

The provision of personal data by the contractors is a contractual requirement.

## **6. What are the legal bases for the processing?**

Articles 5(1)(a), 5(1)(c) and 11 of Regulation (EU) 2018/1725.

### **Lawfulness of the processing:**

- **Article 5(1)(a)** - the processing is necessary for the performance of a task carried out in the public interest, specifically the management and functioning of the SatCen through the launching of procurement procedures and signature of contracts.
- **Article 5(1)(c)** - the processing 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 SatCen processes the personal data of the data subjects at their request (by submitting a request to participate or tender) in order to take the necessary steps prior to enter into a contract with the awarded tenderers;
  - During contract management, the SatCen processes the personal data of the data subjects in order to assure the performance of the contract.
- **Article 11** – the processing of personal data relating to criminal convictions and offences shall be carried out only when authorised by Union Law:
  - Processing of such data contained in the extracts from the judicial records or declaration on honour is explicitly foreseen in articles 136-140 of the Financial Regulation<sup>1</sup>.

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

- SatCen staff members (and members of the institutions, agencies and bodies participating in the procurement procedure in case of inter-institutional procurement);
- If applicable, external experts assisting the SatCen with evaluations;
- The bodies charged with a monitoring, audit or inspection task in application of European Union law (e.g. internal audits, Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, Exclusion Panel referred to in Article 143 of the Financial Regulation, European Anti-fraud Office – OLAF, European Commission auditors or appointed entities);
- Members of the public:

---

<sup>1</sup> 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



- In case you are awarded a contract by the SatCen, your personal data will be made public, in accordance with the SatCen's obligation to publish information on the outcome of the procurement procedure (Article 163 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 SatCen, depending on the contract value.

#### **8. For how long does the SatCen keep your data and how is it stored?**

- a) Successful tenderers: 10 years after the signature of the contract;
- b) Unsuccessful tenderers: 5 years after the signature of the related contract;
- c) The data is also kept until the end of a possible audit if it started before the end of the above period.
- d) In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.

The collected personal data and all related information is stored:

- Electronically on SatCen servers with access control measures (one authentication and limited access to the legal services) hosted by the SatCen;
- Electronically on SatCen backup servers, with access control measures hosted by a third party, located in the EU;
- Physically in the SatCen archives, in the SatCen Headquarters in Torrejón de Ardoz.

Please note that the SatCen applies the Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information, as amended by the Council Decision 2014/233/EU of 14 April 2014, complying with strict physical and technologic security rules.

#### **9. What are your rights concerning your personal data?**

Data subjects have the right of access, rectification, erasure and reception of their personal data or restriction of processing at any time, provided that there are grounds for the exercise of this right, as per Articles 17 to 24 of Regulation (EU) 2018/1725.

In case you wish to verify which personal data is stored on your behalf by the SatCen, have it modified, corrected, or deleted, or restrict the processing, or object to it or to exercise the right to data portability, please send an explicit written request to contacts detailed below. Any correction of your personal data will be taken into consideration from the data protection point of view.

Identification data of individuals can be corrected at any time. Special attention is drawn to the fact that the right to rectification is restricted after the time limit for receipt of requests to participate or tenders has expired. Information that would change the nature of the tender submitted cannot be changed after the deadline for submission of tenders since this would compromise the award procedure.



Your request will be answered without undue delay, and in any event within 1 month of receipt of the request. However, according to Article 14(3) of Regulation (EU) 2018/1725, this period may be extended by up to 2 months where necessary, taking into account the complexity and number of requests. The SatCen will inform you of any such extension within 1 month of receipt of the request, together with the reasons for the delay.

**10. Whom should you contact if you have questions/queries concerning the processing of your personal data?**

Any query concerning the processing of personal data in the context of a procurement procedure or in signed contracts should be directed to the Procurement Office to the following email address: [procurement.satcen@satcen.europa.eu](mailto:procurement.satcen@satcen.europa.eu)

You may also contact the Data Protection Officer of the SatCen ([dpo@satcen.europa.eu](mailto:dpo@satcen.europa.eu)).

**Recourse**

You have the right to lodge a complaint to the European Data Protection Supervisor if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data at: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)