



16 September 2022
EMA/573064/2022

Records of data processing activity of personal data in the context of public procurement procedures (public)

1.	Last update of this record, version number:	16 September 2022, version 2
2.	Reference number:	A46
3.	Name and contact details of controller:	The controller of this processing is the relevant Head of Division indicated in the 'Invitation to tender letter'.
4.	Name and contact details of DPO:	dataprotection@ema.europa.eu
5.	Name and contact details of joint controller (where applicable)	Not applicable
6.	Name and contact details of processor (where applicable)	Not applicable
7.	Purpose of the processing	Upon receipt of a pre-qualification questionnaire for restricted tender procedures or a tender by EMA, personal data is collected and processed for the purpose of the management and administration of procurement award procedures by EMA.
8.	Description of categories of persons whose data EMA processes and list of data categories	Personal data collected and further processed will concern the applicant or tenderer, its staff, and any subcontractors. Information can relate to the following data: <ul style="list-style-type: none">• Name (title, first name, surname) and function;• Contact details (company and department, postal address, country of residence, business telephone number, mobile telephone number, fax number, e-mail address, website address);• Bank account details (account number, name of the account holder, name and address of the bank, IBAN and BIC codes);



		<ul style="list-style-type: none"> • Passport/ID number (natural persons) or company registration number (legal persons), VAT number and/or membership in a trade or professional organisation; • Information for the evaluation of selection criteria: financial and economic capacity (bank statements or professional risk indemnity insurance or balance sheet or statement of turnover), expertise, technical and language skills, educational background, professional experience including details on current and past employment; • Certificates for social security contributions and taxes paid, extracts from judicial records; • Other personal data contained in CVs (e.g. gender, place and date of birth, nationality); • Other personal data contained in the offer; • Declaration on honour that the applicant or tenderer is not in a situation of exclusion referred to in Article 136 of the general Financial Regulation.
9.	Time limit for keeping the data	<p>Original signed contracts which include specifications of the call for tender and winning tender submissions are archived for seven years from the expiry of the resulting contract. The remaining documentation is destroyed five years after the award decision.</p> <p>List of names for Curricula Vitae are destroyed following finalisation of the procurement procedure in question. The Curricula Vitae are kept for five years after signature of the award decision in question.</p> <p>Extracts from judicial records are kept for two years after signature of the award decision in question.</p>
10.	Recipients of the data	<p>For the purpose indicated above, access to your personal data is given to authorised staff members dealing with procurement procedures which may include the Head of Division, Department or Service for the relevant procurement procedure, procurement officers, staff dealing with financial matters and the Accounting Officer, appointed members of evaluation committees, external experts or project managers responsible for contract implementation, members of the Agency's Advisory Committee on Procurement and Contracts, staff in the Legal Department.</p> <p>Authorised staff members from external bodies in charge of a monitoring, auditing or inspection task in accordance with European Union legislation (such as the European Court of Auditors, the Internal Audit service of the European Commission, the European Anti-Fraud Office (OLAF) as well as the EU Ombudsman or the European Data Protection Supervisor) may also have access to relevant personal data for audit control and other monitoring purposes.</p> <p>Data of economic operators who are in one of the exclusion situations referred to in Article 136 of the Financial Regulation may be included in the Early Detection and Exclusion System (EDES) and communicated to the designated persons of the European Commission, other EU institutions, agencies, authorities and bodies mentioned in Articles 142 and 143 of the Financial Regulation. This refers as well to the persons with</p>

		<p>powers of representation, decision-making or control over the said economic operators.</p> <p>In case of litigation, including for contractual liability claims, data may be shared with the competent courts (e.g., General Court of the European Union, Courts of Amsterdam, the Kingdom of the Netherlands).</p> <p>Pursuant to the publication requirements laid down in the Financial Regulation, limited personal data is made public as concerns the outcome of procurement procedures. This information concerns the name, address and amount awarded for which successful tenderers are awarded a contract. The data is published in supplement S of the Official Journal of the European Union as well as on the EMA corporate website:</p> <p>https://www.ema.europa.eu/en/about-us/procurement/procurement-archive</p>
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	<i>Not applicable</i>
12.	General description of security measures, where possible.	The collected personal data and all related information are stored securely by EMA and on servers of EMA with appropriate levels of security.
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the privacy statement:	Details concerning the processing of personal data are available on the Agency's website at: Privacy Statement on the processing of personal data in the context of public procurement procedures