

PROTECTION OF PERSONAL DATA IN RELATION TO PROCUREMENT PROCEDURES AND CONTRACT MANAGEMENT

Identity of controller:

The Head of Unit responsible for the procurement or/and management of the subsequent contract: data to be found in point "General Administrative Provisions" of the (draft) contract.

Purpose of processing:

Procurement and contract management operations are needed so EMSA could employ external contractors in order to fulfil its tasks as in Arts. 1–3 of the Regulation No. 1406/2002 establishing a European Maritime Safety Agency.

Data concerned:

Staff and external collaborators of companies and institutions or individuals participating in procurement procedures and entering into a contractual relation with EMSA.

Type of data processed:

Data subjects submit their name, address, sometimes CV, as well as bank account information, financial data concerning economic performance and information covering absence of prior financial irregularities (excerpts from public databases)

Legal basis:

(a) Regulation (CE) n° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency, amended by Regulations (CE) N° 1644/2003 and 724/2004,

(b) Financial regulations of the European Maritime Safety Agency adopted by the Administrative Board at its meeting on 3 July 2003 (EMSA Financial Regulation), as amended

at: http://www.emsa.europa.eu/Docs/legis/03.07.2003_emsa_financial_regulation.pdf

adopted on the basis of the Council Regulation No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities and in particular on the basis of its Art. 185 (1),

(c) Regulation of the European Maritime Safety Agency adopted on 9 December 2003, which lays down detailed rules for the implementation of the financial regulation of 9 December 2003 which applies to the budget of the European Maritime Safety Agency (The implementing rules)

at: http://www.emsa.europa.eu/Docs/legis/09.12.2003_implementing%20rules.pdf

Recipients of the data processed:

Tendering process: Members and secretariat of the Opening and Evaluation Committees, secretariat of the Unit responsible for the procurement;

The name and address of the winner of the tender may be transmitted to the other participants of the tender if they request so.

Contract preparation and management: Relevant Project Officer(s), Head and secretariat of the Unit responsible for the procurement, financial and legal verifiers, office of the Executive Director;
Financial identification form (bank account information and the address of the owner of the bank account) and legal identify form (name, address, tel., email) are transferred to the European Commission in order to be included in the third party file of the ABAC system for electronic transactions.

Lawfulness of processing:

Processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract for the performance of tasks carried out in the public interest on the basis of the Treaties establishing the European Communities and in particular Regulation (CE) n° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency (as amended), as well as art. 5(c) of the Regulation (EC) N° 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

The data subject's rights:

Data subjects have the right to access and update or correct their data (in procurement procedures: until the closing date for submissions).

Data subjects are also entitled to have recourse at any time to the European Data Protection Supervisor: <http://www.edps.europa.eu>

Date when processing starts:

Date of submission.

Conservation periods:

Personal data relating to the performance of the awarded tender: 10 years from completion. Personal data of unsuccessful tenderers: 5 years. Extracts from judicial records: 2 years.

Contact information:

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