



Nr.	Item	Explanation
Procurement and Contracts (including Call of Expression of Interest)		
1.	Last update of this record	03.09.2021
2.	Reference number	054
Part 1 – Article 31 of Regulation (EU) 2018/1725 - Record (recommendation: Publicly available)		
3.	Name and contact details of the controller and of the staff member responsible	<p>Controller: European Union Aviation Safety Agency (EASA)</p> <p>Staff member responsible: Section Manager - Procurement Legal & Procurement Department: tenders@easa.europa.eu</p>
4.	Name and contact details of DPO	dpo@easa.europa.eu
5.	Name and contact details of joint controller (where applicable)	In the case of inter-institutional procurement procedures where EASA is not the leading institution, the Agency may process data as joint-controller in cooperation with the leading institution. Such processing starts upon receipt from the leading institution of the decision to award the contract. The contact details of the leading institution and participating bodies/agencies are published for each specific procurement procedure.
6.	Name and contact details of processor (where applicable)	Not applicable
7.	Purpose of the processing	<p>The data is collected and processed with the purpose of:</p> <ul style="list-style-type: none"> ➤ Evaluating the eligibility of economic operators and other tenderers / candidates (natural and legal persons) to participate in public procurement procedures and to be awarded procurement contracts in accordance with exclusion and selection criteria and award criteria as defined in the procurement documents and in compliance with Regulation (EU) 2018/1046 of 18 July 2018 (hereinafter the “Financial Regulation”);





		<ul style="list-style-type: none"> ➤ Contract implementation; ➤ Creating a list of preselected candidates (natural and legal persons) to be invited to submit tenders in response to future restricted invitations to tender or registering on the list of vendors any interested parties (natural and legal persons) to be invited to submit requests to participate or submit tenders;; ➤ Creating a list of experts applying for the Database of Independent External Experts under a Call of Expression of Interest (CEI).
8.	Description of categories of persons whose data are processed by EASA and list of personal data categories	<p>Categories of persons whose data are processed by EASA:</p> <p>External data subjects provide personal data when they:</p> <ul style="list-style-type: none"> ➤ participate in an award procedure regarding procurement, grants or the selection of experts; and ➤ execute a contract (procurement, expert) or implement an agreement (grant) that has been awarded to them (i.e., contract implementation). <p>Internal data subjects provide personal data when they:</p> <ul style="list-style-type: none"> ➤ manage and award procedure regarding procurement, grants or the selection of experts. ➤ manage the execution of a contract (procurement, expert) or implementation of an agreement (i.e., contract implementation); ➤ develop, maintain and support the use of corporate eProcurement IT systems which support the above purpose as part of business processes; and ➤ access corporate eProcurement IT systems for the purpose of acquisitions via a procurement procedure or contract, or for performing verifications, controls, monitoring, audit or inspection tasks in application of European Union law. <p>Types of personal data processed:</p> <p>The following list indicates the data typically relevant to the procurement process. Depending on whether the data subject is external or internal to the Agency, different data may be processed including:</p>





		<p><i>Data subject external to the Agency:</i></p> <ul style="list-style-type: none">➤ Identification data: name, surname, passport number, ID number, IP address;➤ Function;➤ Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company name and department, country of residence, internet address);➤ Certificates for social security contributions and taxes paid, extract from judicial records;➤ Financial data: bank account reference (IBAN and BIC codes), VAT number;➤ Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment;➤ Declaration on honour or the equivalent with regard to exclusion criteria, selection criteria and/or eligibility criteria; and➤ System related data required to access eProcurement tools (e.g., eSubmission). <p><i>Data subject internal to the Agency:</i></p> <ul style="list-style-type: none">➤ Identification data: name, surname, email address, IP address;➤ Organisational data: organisation, directorate, unit, etc.➤ Procedural data: Contracting Authority➤ Assignments and role;➤ System related data: European Commission Authentication Service (EU Login) login name and password (only stored in EU Login), security data/log files (for audit trails),➤ eProcurement IT systems.
9.	Time limit for keeping the data	<ul style="list-style-type: none">➤ Successful tenderers: documents relating to tender procedures are archived for ten (10) years following signature of the contract ;





		<ul style="list-style-type: none">➤ As regards data collected when managing the execution of the contract, these are retained for ten (10) years following last payment made under the contract;➤ Extracts from judicial records are kept for two (2) years following signature of the contract;➤ Unsuccessful tenderers or candidates: Tenders and requests to participate are kept for five (5) years following the closure of the procedure (award decision);➤ For candidates to a CEI, data specific to the candidate are retained for, whichever is later: 1) 5 years after the list's validity end date; 2) 5 years after the signature of the last contract concluded with a procedure based on the list; 3) 10 years after the signature of the last contract concluded with a procedure based on the list for which the candidate was a successful tenderer;➤ Data regarding the drawing up and maintaining of experts' lists and the management of experts' contracts are retained for 10 years, while data related to unsuccessful experts are eliminated five years after the closure of the procedure; <p>After these periods have elapsed, the documents are to be destroyed.</p> <p>Where personal data are published in compliance with Article 38 of the Financial Regulation, the information shall be removed two years after the end of the financial year in which the funds were legally committed. This shall also apply to personal data referring to legal persons whose official name identifies one or more natural persons.</p>
10.	Recipients of the data	<ul style="list-style-type: none">➤ Specific or selected staff of the Agency in charge of the operational, procedural, administrative or financial processes involved such as members of the Legal & Procurement Department, Finance team, Opening and Evaluation Committee members, Contract Managers, Auditors, Operational Initiating and Verifying Agents, Authoring Officers);➤ Exceptionally external experts involved in a procedure/contract (e.g. during an evaluation or for contract management;➤ Members of the public: in case you are awarded a contract by EASA, in accordance with Article 38 of the Financial Regulation, EASA has the obligation to publish the information on the outcome of the procurement procedure (except for very low value contracts i.e., below EUR 15. 000). The information will concern in particular your name, the amount awarded and the name of the project or programme for which you are awarded a contract;





		<ul style="list-style-type: none"> ➤ Authorised staff of other EU Institutions, bodies and agencies in case of inter-institutional procurement procedures; ➤ EASA staff members, external experts and contractors who work on behalf of EASA/the Commission for the purposes of developing, maintaining and supporting the use of corporate IT systems used for procurement purposes.
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	Only exceptionally for specific projects (e.g., for International Cooperation activities or IT). The data protection rules are laid down in the respective contractual agreement.
12.	General description of security measures, where possible.	<p>Data is processed within the Procurement Section in accordance with processes clearly defined:</p> <ul style="list-style-type: none"> ➤ Physical and Electronic Security (access to computer systems, public access or restricted access to locations, storage, transport of equipment, etc.). The access to computer systems and storage of hard copies is protected and limited to the Procurement Section. Data stored in drives is with restricted access to staff members directly involved and authorised to access the documents. ➤ Logical security (Coding control, undue removal or transmission of data, passwords, encrypted directories, backup, audit trails for data processing and communication, etc.). EU authentication via European Commission Authentication Service (EU Login) login name and password is required to access documentation submitted. ➤ Staff security (restricted access codes, conditions of subcontracting, etc.). The Opening and Evaluation Committee members sign a declaration of absence of conflict of interests and confidentiality prior to the start of any opening/evaluation. Other staff members are covered by the Staff Regulations and Code of Conduct for the staff of EASA. In rare, exceptional cases it might occur that external experts are involved in the preparation of the tender specifications or participate in an evaluation. The experts are asked to sign a declaration of impartiality and confidentiality and declaration of absence of conflict of interests.





		➤ Database of experts - CVs of experts provided to a requestor only upon signature of Declaration of Confidentiality and no Conflict of Interests; sent encrypted via EASA file Box or handover on an USB stick.
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the below privacy statement.	See privacy statement.





PRIVACY STATEMENT

Procurement and Contracts

Ref 054

The European Union Aviation Safety Agency (hereinafter “EASA” or the “Agency”) is committed to protect your personal data and to respect your privacy. The Agency collects and further processes personal data pursuant to 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 (repealing Regulation (EC) 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and which rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

This privacy statement concerns the processing operation ‘managing award procedures for procurement, grants and the selection of experts, and managing the execution of (procurement and experts) contracts and implementation of agreements (grants)’, undertaken by the Agency as presented below.

1. What personal data do we collect?

Categories of persons whose data are processed by EASA:

External data subjects provide personal data when they:

- participate in an award procedure regarding procurement, grants or the selection of experts; and
- execute a contract (procurement, expert) or implement an agreement (grant) that has been awarded to them (i.e., contract implementation).

Internal data subjects provide personal data when they:





- manage an award procedure regarding procurement, grants or the selection of experts;
- manage the execution of a contract (procurement, expert) or implementation of an agreement (i.e., contract implementation);
- develop, maintain and support the use of corporate eProcurement IT systems which support the above purpose as part of business processes; and
- access corporate eProcurement IT systems for the purpose of acquisitions via a procurement procedure or contract, or for performing a monitoring, audit or inspection task in application of European Union law.

Types of personal data processed:

The following list indicates the sort of data typically relevant to a procurement process. Depending on whether the data subject is external or internal to the Agency, different data may be processed including:

Data subject external to the Agency:

- Identification data: name, surname, passport number, ID number, IP address;
- Function;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company name and department, country of residence, internet address);
- Certificates for social security contributions and taxes paid, extract from judicial records, non-bankruptcy certificate or equivalent;
- Financial data: bank account reference (IBAN and BIC codes), VAT number;
- Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment;
- Declaration on honour or the equivalent with regard to exclusion criteria, selection criteria and/or eligibility criteria; and
- System related data: European Commission Authentication Service (EU Login) login name and password (only stored in EU Login), security data/log files (for audit trails).

Data subject internal to the Agency:

- Identification data: name, surname, email address, IP address;
- Organisational data: organisation, directorate, unit, etc. ;
- Procedural data; Contracting Authority;





- Assignments and role;
- System related data: European Commission Authentication Service (EU Login) login name and password (only stored in EU Login), security data/log files (for audit trails);
- Declaration of absence of conflict of interests and of confidentiality (to be signed by Opening and Evaluation Committee members).

2. For what purpose do we collect personal data and on which legal basis?

The processing of personal data is necessary to run procurement procedures and manage the resulting contracts in the context of the performance of the Agency's activities in the public interest, namely the management and functioning of EASA.

The processing operations on personal data carried out in this context are necessary and lawful under Article 5(1)(a), (b) and (c) of Regulation (EU) 1725/2018:

- (a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;
- (b) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (c) 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.

Moreover, the legal bases confirming the lawfulness of the respective data processing operations can be found in the following legal acts:

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 (the 'Financial Regulation') and in particular Articles 160-179 for the procurement procedures, Articles 180-200 for the grant application and Articles 237-238 for selection of experts. In addition, financing decisions form part of the legal basis for a processing operation, where applicable, in line with Article 110 of the Financial Regulation.

The processing of data relating to offences and criminal convictions in the form of an extract from judicial records or declaration of honour is justified in view of Article 11 of Regulation 2018/1725 since it is explicitly foreseen in the Financial Regulation.

Article 75 of Regulation (EU) 2018/1139 on the establishment and functions of EASA.





The data is collected and processed with the purpose of:

- Evaluating the eligibility of economic operators and other tenderers / candidates (natural and legal persons) to participate in public procurement procedures and to be awarded procurement contracts in accordance with exclusion and selection criteria and award criteria as defined the procurement documents and in compliance with the Financial Regulation;
- Contract implementation;
- Creating a list of preselected candidates (natural and legal persons) to be invited to submit tenders in response to future restricted invitations to tender or registering on the list of vendors any interested parties (natural and legal persons) to be invited to submit requests to participate or submit tenders;;
- Creating a list of experts applying to the Database of Independent External Experts under a Call of Expression of Interest (CEI).

3. Who may receive your personal data?

For the purpose detailed above, access to your personal data is granted to the following persons:

- Specific or selected staff of the Agency (members of the Legal & Procurement Department, Finance team, Opening and Evaluation Committee members, Contract Managers, Auditors, Operational Initiating and Verifying Agents, Authoring Officers) and further hierarchy (if appropriate);
- Exceptionally external experts involved in a procedure/contract (e.g. during an evaluation or for contract management);
- Members of the public: in case you are awarded a contract by EASA, in accordance with Article 38 of the Financial Regulation, EASA has the obligation to publish the information on the outcome of the procurement procedure (except for very low value contracts i.e., below EUR 15. 000). 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.
- Authorised staff of other EU Institutions, bodies and agencies in case of inter-institutional procurement procedures.
- EASA staff members, external experts and contractors who work on behalf of EASA/the Commission for the purposes of developing, maintaining and supporting the use of corporate IT systems used for procurement purposes.

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 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.





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 powers of representation, decision-making or control over the said economic operators.

Your personal data may be further processed for archiving purposes in the public interest and subject to appropriate safeguards.

4. How long are your personal data kept?

Your personal data are kept as follows:

- **Successful tenderers:** documents relating to tender procedures are archived for ten (10) years following signature of the contract;
- **Extracts from judicial records** are kept for two (2) years following signature of the contract;
- As regards **data collected when managing the execution of the contract**, these are retained for ten (10) years following last payment made under the contract;
- **Unsuccessful tenderers or candidates:** Tenders and requests to participate are kept for five (5) years following the signature of the contract;
- **For candidates to a CEI, data specific to the candidate** are retained for, whichever is later: 1) 5 years after the list's validity end date; 2) 5 years after the signature of the last contract concluded with a procedure based on the list; 3) 10 years after the signature of the last contract concluded with a procedure based on the list for which the candidate was a successful tenderer.
- **Data regarding the drawing up and maintaining of experts' lists and the management of experts' contracts** are retained for 10 years, while data related to unsuccessful experts are eliminated five years after the closure of the procedure.

- After these periods have elapsed, the documents are to be destroyed.

Where personal data are published in compliance with Article 38 of the Financial Regulation, the information shall be removed two years after the end of the financial year in which the funds were legally committed. This shall also apply to personal data referring to legal persons whose official name identifies one or more natural persons.

5. What are your rights?

You have the right to request from EASA access to and rectification or erasure of your personal data or restriction of processing.





You also have the right to object to processing of your personal data.

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 and lead to rejection in line with Articles 151 and 141 of the Financial Regulation.

EASA should provide information on action taken on a request within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

A breach concerning your personal data should be communicated to you under certain circumstances. EASA should also ensure the confidentiality of electronic communications.

6. Who is the data controller and how to exercise your rights?

EASA should exercise the tasks of the data controller for the purpose of these processing operations.

In the case of inter-institutional procurement procedures where EASA is not the leading institution, the Agency may process data as joint-controller in cooperation with the leading institution. Such processing starts upon receipt from the leading institution of the decision to award the contract. The contact details of the leading institution and participating bodies/agencies are published for each specific procurement procedure.

To exercise the mentioned rights, you can contact the controller by sending an e-mail to: Section Manager Procurement: tenders@easa.europa.eu.

If you consider your data protection rights have been breached, you can always lodge a complaint with the EASA's Data Protection Officer (dpo@easa.europa.eu) or with the European Data Protection Supervisor: edps@edps.europa.eu.

