

<b>Privacy Statement</b>	Document number: FO.DAPR.011-4
	Approval date: 12/09/2024



## Privacy Statement for Processing Personal Data in Procurement Procedures and Contracts

This privacy statement, in line with Articles 15 and 16 of [Regulation \(EU\) 2018/1725](#)<sup>1</sup>, provides information to the data subjects relating to the processing of personal data of individuals carried out by the European Union Agency for Law Enforcement Training (CEPOL) in fulfilling its tasks.

The purpose of this document is to describe how CEPOL complies with its obligations to protect personal data under Regulation (EU) 2018/1725 and to provide individuals with information about CEPOL's processing of personal data and their rights under the Regulation.

### What is the purpose of the processing?

Data is collected and managed to evaluate the eligibility of economic operators, partners and subcontractors to participate in procurement procedures, to evaluate the content of tenders submitted during the procurement procedure with a view to awarding the contract and to implement contracts awarded. In addition, for the management of resulting contracts personal data are processed for the purpose of the service provision or supplies and for the execution of the contract in all its modalities (including the reporting and payments).

### What is the legal basis for the processing of personal data?

Regulation (EU) 2018/1725 and in particular Article 5(1)(a),(b) and (c).

Regulation (EU, Euratom) No 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.

Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA<sup>2</sup>.

### Who is the data controller?

The data controller is the Head of Corporate Services Unit ([HeadofCSU@cepol.europa.eu](mailto:HeadofCSU@cepol.europa.eu)).

### Who are the data subjects?

The tenderers and their partners/subcontractors/staff (both natural and legal persons).

<sup>1</sup> 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.

<sup>2</sup> OJ L 319, 4.12.2015, p.1-20.

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## Which types of data are being processed?

The categories/types of personal data processed are as follows:

- identification data:
  - name (title, first name, surname);
  - electronic signature of person or authorised representative;
  - position, functions, department and company;
  - contact details (website and email address, fax, business and mobile telephone number, official postal address, country of residence);
- personal data contained in certificates for social security contributions and taxes paid, extracts from judicial records;
- bank account reference (IBAN and BIC codes), VAT number, national insurance number;
- documents for the evaluation of selection criteria or eligibility criteria (CVs including expertise, technical skills and languages, educational background, professional experience including details on current and past employment);
- declaration of honour that they are not in one of the exclusion situations and/or administrative sanctions referred to in Article 136 of 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.

## How is data processed?

Members of staff who have access to personal data related to procurement procedures are required to protect it in a manner consistent with this privacy statement.

Offers are submitted electronically. The received offers are stored in folders in the P drive with restricted access rights.

Following the closure of the procurement procedure, personal data and all related information is securely gathered and stored in folders in the P drive.

## Who are the recipients of the data being processed?

In accordance with the purpose of the procedures, access to personal data may be granted on a need-to-know basis. The following recipients have been identified:

- The Procurement Sector within the Corporate Services Unit, providing overall guidance and support throughout the procurement procedure and later on throughout the contract life cycle;
- The members of the opening and evaluation committees after signing a Declaration of confidentiality and of absence of conflict of interests. If needed, externals experts and contractors assisting with evaluations may be granted such access after signing a Declaration of confidentiality and of absence of conflict of interests as well;
- Staff of the Finance Sector, Procurement Sector –including the Accounting Officer-, in charge for the financial verification, budget commitments and payments;
- The Authorising Officer;

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- Data of economic operators which are in one of the exclusion situations referred to in Articles 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 Article 142 and 143 of the general Financial Regulation. This refers as well to the persons with powers of representation, decision making or control over the said economic operators;
- Some personal data is also disclosed to the public in order to meet the obligation to publish information on the outcome of procurement procedures. The information is published on CEPOL website for procurement procedures involving contracts worth more than EUR 15,000 and up to the Directive threshold (143,000 EUR) and in supplement S of the Official Journal of the European Union for procurement procedures involving contracts worth more than the Directive threshold (143,000 EUR). The information disclosed concerns the name of the contractor, the subject matter of the contract and the amount legally committed;
- CEPOL Internal Audit Panel and/or the Internal Control Officer (if relevant);
- EU bodies: European Court of Justice, European Ombudsman, European Data Protection Supervisor, European Anti-Fraud Office (OLAF), Internal Audit Service of the European Commission, European Court of Auditors (upon request).

### Is data transferred to third countries or international organisations?

CEPOL is implementing capacity-building projects in some countries outside of the European Union/European Economic Area. As a result, as far as the implementation of the projects in these countries entails provision of services there, transfer of certain data to parties outside of the EU/EEA may take place. In such cases, Chapter V of Regulation (EU) 2018/1725 in relation of personal data to third countries or international organisations applies. In particular, in absence of an adequacy decision, CEPOL controls whether any of the appropriate safeguards listed in Article 48 of Regulation (EU) 2018/1725 are in place. In absence of appropriate safeguards, CEPOL requests the explicit consent of the data subjects concerned, in line with Article 50(1)(a) of Regulation (EU) 2018/1725.

### What rights do data subjects have?

Data subjects have the right to access their personal data and the right to request from the controller rectification or erasure of personal data.

However, factual data can only be rectified or updated up to the submission deadline for offers for the tender procedure in question (without prejudice to the exceptions of making clarifications or correcting administrative errors). Information that would change the nature of the offer made cannot be changed after the submission deadline since this would compromise the award procedure.

Data subjects have the right to request restriction of processing of personal data concerning them or to object to the processing of their data. In addition, where applicable, data subjects have the right to receive their personal data in a structured, commonly used and machine-readable format.

Substantiated requests should be emailed to [HeadofCSU@cepol.europa.eu](mailto:HeadofCSU@cepol.europa.eu) The time limit to block/erase data on justified grounds at the request of data subjects is 15 working days from the date of receipt of such a request.

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General requests can be emailed to the CEPOL Data Protection Officer at [DPO@cepol.europa.eu](mailto:DPO@cepol.europa.eu)

### How long is your data retained by CEPOL?

Data related to successful candidates or tenderers are kept for 7 years after the signature of the respective contract. For unsuccessful tenders the retention period lasts for a period of 5 years from the date of the decision granting discharge in respect of the implementation of CEPOL's budget.

Extracts from judicial records are kept for 2 years after the signature of the contract or cancellation or abandonment of the procurement procedure.

### Who should you contact for more information on the processing of your personal data by the Agency?

#### Data Protection Officer (DPO)

Within CEPOL, there is a data protection officer. This person is independently responsible for ensuring the internal application of Regulation (EU) 2018/1725 and that the rights and freedoms of the data subjects are not likely to be adversely affected by the processing operations. The DPO keeps a register of all processing operations of personal data carried out by the Agency.

The DPO also provides advice and makes recommendations on rights and obligations of data controllers and data subjects. CEPOL's DPO can be contacted at [dpo@cepol.europa.eu](mailto:dpo@cepol.europa.eu).

#### European Data Protection Supervisor (EDPS)

The [European Data Protection Supervisor](#) is an independent supervisory authority with responsibility for monitoring and ensuring the application of data protection rules by EU Institutions and Bodies, which includes CEPOL. The EDPS provides advice to EU Institutions and Bodies on all matters relating to the processing of personal information and cooperates with national supervisory authorities to improve protection of personal information.

### What should you do if you believe your data is being misused by the Agency?

If you believe your data is being misused by CEPOL, or is otherwise not compliant with your rights and freedoms under Regulation (EU) 2018/1725, you should notify the data controller Head of CSU ([HeadofCSU@cepol.europa.eu](mailto:HeadofCSU@cepol.europa.eu)).

You may also inform the Agency's DPO to inform him/her of any issues related to the processing of your data. If the problem is not rectified after contact with the data controller and DPO, every data subject has the right of recourse to lodge a complaint with the EDPS, as provided for by Article 63 of Regulation (EU) 2018/1725.