

PRIVACY STATEMENT

For processing of personal data in relation to procurement procedures &
Management of the resulting contracts

Legal Basis:

As the SJU collects and further processes personal data, it is subject to Regulation (EC) 45/2001 of the European Parliament and of 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 legal basis for SJU procurement is laid down in:

Article 85 of the SJU Financial Rules adopted by the Administrative Board on a provisional basis by Decision ADB (D) 14-2013.

Regulation (EU, Euratom) No 966/2012 (the Financial Regulation), and Delegated Regulation (EU) No 1268/2012 (the Framework Financial Regulation) on procurement procedures.

Data concerned:

Personal data collected and further processed concern the expert, the tenderer and its staff, including consortium partners and subcontractors, participating in procurement procedures and entering into a contractual relation with the SJU (hereinafter referred to as “*data subjects*”).

Personal data means any information relating to an identified or identifiable natural person. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity. In particular, personal data can relate to the following:

- Name,
- Function;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Certificate for social security contributions and taxes paid;
- Extract from judicial records;
- Bank account reference (IBAN and BIC codes),
- VAT number;
- Passport number;
- ID number;
- Information on the evaluation of the exclusion criteria: Declaration on honour that the tenderer is not in one of the exclusion situations referred to in Articles 93 and 94 of the Regulation (EC, EURATOM) N°1605/2002 of the Council of 25 June 2002.

Personal data processing operations: operation which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.

Purpose of processing:

Upon reception of your expression of interest, tender or request to participate by the SJU, your personal data is collected and further processed for the purpose of procurement procedures (including the selection of experts and the evaluation of tenders) and the management of the resulting contracts.

Controller of the processing:

The SJU Head of Legal Affairs & Procurement Sector

Recipients of the data processed:

For the purpose detailed above, access to your personal data is given to the following persons, without prejudice to a possible transmission to the bodies in charge of a monitoring and inspection task in accordance with European Union law (e.g., European Court of Auditors, European Anti-Fraud Office, etc.) or to the competent national courts in case of dispute arising between the contracting parties:

- **SJU staff** as well as **outside experts and contractors** who are invited to participate in the procurement procedures (opening and selection of tenders) as well as in the management of the resulting contracts;
- **Members of the public:** in case of contract award, in accordance with the SJU's obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the budget of the European Union, the information concerning in particular the name and address of the winner, the amount awarded and the name of the project or programme for which the winner is awarded a contract, will be published in supplement S of the Official Journal of the European Union (<http://ted.europa.eu>) and/or on the website of the SJU (www.sesarju.eu);
- **Directorate-General of Budget of the European Commission:** *Financial Identification Form* and *Legal Entity Form* of the winner are transferred to the European Commission in order to be included in the third party file of the ABAC System for electronic transactions (please refer to the Register of the Data Protection Officer:
http://ec.europa.eu/dataprotectionofficer/register/index.cfm?TargetURL=D_REGISTE R).

Lawfulness of the processing operation / Consent of the data subject:

In line with Article 5 (a) of Regulation 45/2011, the processing is necessary for the performance of a task carried out in the public interest on the basis of the EU treaties or other instruments adopted on the basis thereof and for the legitimate exercise of official authority vested in the SJU. In particular, the procurement procedure is necessary for the management of the SESAR Programme.

In addition, since the data processing operation falls under Article 5 (c) as well, this further ensures the lawfulness of the procedure.

You are free to give your data on a voluntary basis. In line with Article 5 (d), all tenderers and contractors, including consortium partners and subcontractors, submitting an offer and providing information including personal data to the SJU by any means (in particular by paper or electronic form) are deemed to have unambiguously given their consent for the subsequent processing operations. The same applies for data subjects (e.g. experts) applying for an selected within a call for expressions of interest.

Storage of data:

The personal data is kept:

- For selection of experts:
 - until the expiry date of the list resulting from the call for expression of interest, as indicated in the call specifications,
 - in the archives for a period of **5 years** following the expiry date referenced hereabove;
- Files relating to tender procedures, including related personal data:
 - In case of successful (awarded) tenderers: all personal data related to the management of the procurement procedure and the service contract is to be retained at the SJU premises for a period of **5 years** following the signature of the contract, or until the dissolution of the SJU, whichever is earlier. Original successful tenders are stored at the SJU premises, while the copies of the successful tenders are not kept.
 - In case of unsuccessful tenderers: the personal data in the original unsuccessful tenders is kept in the archives for a period of **5 years** following the signature of the contract with the successful tenderer. The copies are destroyed.
- Until the end of a possible audit if one started before the end of the above period.
- Conservation period for extracts from judicial records is 2 years

After the period mentioned above has elapsed, the tender files are destroyed.

The data subject's rights:

Data subjects have the right to access and update or correct their data.

As a general rule, **tenderers** have the right for information and the right to access their personal data; in addition, the tenderers have the right for rectification and the right for erasure of their inaccurate or incomplete factual personal data.

After the deadline of submitting tenders, personal data related to the exclusion, selection and award criteria cannot be accessed, rectified or erased with the exception of obvious clerical errors, while personal data related to the identification of the tenderer can be rectified at any time during the procedure and while the data is kept by the SJU.

The rights of data subjects can be exercised only based on a written request. They cannot result in unequal treatment of the tenderers and cannot be exercised in a way that is contrary or harmful to the aim of the procurement procedure or to its confidentiality.

Contractors may, on written request, gain access to their personal data and rectify any personal data that is inaccurate or incomplete, as long as it does not call into question the decision awarding the contract and result in unequal treatment.

Contact information:

In case of queries concerning the processing of personal data, the data subjects may send their written requests to the following e-mail address: SJU Legal Affairs & Procurement Sector (entity acting as data controller), at the following email: Procurement@sesarju.eu. Such requests for access, rectification, erasure, etc., are handled within 30 days after the receipt of the request.

Recourse:

The data subjects have the right of recourse at any time to the Data Protection Officer of the SJU (sju.data-protection@sesarju.eu) and to the European Data Protection Supervisor (edps@edps.europa.eu) for matters relating to the processing of their personal data.