



## DATA PROTECTION NOTICE for processing of personal data related to SELECTION and MANAGEMENT of EXPERTS, GRANT and PROCUREMENT

### 1. Context and Controller

When the Executive Agency for Small and Medium-sized Enterprises (EASME) collects and further processes personal data, it is subject to Regulation (EU) 2018/1725<sup>1</sup> 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..

Processing operations are under the responsibility of the Controller, indicated in the Call for Expression of Interests, the Invitation to Tender, the Grant Application Form or a related invitation, regarding the collection and processing of personal data.

### 2. What personal information do we collect, for what purpose, under which legal bases and through which technical means?

#### *Types of personal data*

Personal data collected and further processed concern the expert, grant applicant, tenderer and its staff or subcontractors (natural persons). Information can relate to the following data:

- Identification data: Name, surname, passport number, ID number;
- Function;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company 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 employments;
- Declaration on honour that you are not in one of the exclusion situation referred to in Article 136 and 141 of the EU Financial Regulation<sup>2</sup>.

#### *Purpose*

Upon reception of your expression of interest, grant application, tender or request to participate by EASME, your personal data is collected and further processed for the purpose of the selection, management and administration of experts, grant or procurement procedures by EASME services, including related communication on similar topics or opportunities and monitoring of the related EU programmes.

#### *Legal bases*

The legal bases for the processing operations on personal data are:

- Article 5(a) of Regulation (EU) 2018/1725 because processing is necessary for the performance of a task carried out in the public interest<sup>3</sup> and in particular Articles 160 to 179 (procurement procedures), Articles 180 to 200 (grant procedures) and Articles 237 and 238 (selection of experts) of the EU Financial Regulation 2018/1046;
- Article 5(d) of Regulation EU 2018/1725 if processing is based on your explicit consent (for non-mandatory personal data).

#### *Technical means*

Your personal data is provided by submission of your grant application, tender or expression of interest. The information is collected in files stored in an isolated secure system. The information is processed by EASME and Commission personnel and transferred to Agency or Commission systems (as described in point 4.), under the responsibility of the Controller mentioned in the Call for Expression of Interests, Grant Application Form or Invitation to Tender or a related invitation. The processing of your data will not include automated decision-making.

### 3. Who has access to your personal data and to whom is it disclosed?

For the purposes detailed above, access to your personal data is given, without requiring your consent, to the following authorised staff, according to the “need-to-know” principle:

- EASME staff, authorised staff of other European Commission services, EU institutions, bodies and agencies, as well as external experts and contractors staff who work on behalf of EASME or EU Institutions for purposes of

<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 295/39 of 21.11.2018).

<sup>2</sup> [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 (OJ L 193/1 of 30.07.2018).

<sup>3</sup> Act of Establishment: Commission Implementing Decision C(2013/771/EU) of 17 December 2013 establishing the 'Executive Agency for Small and Medium-sized Enterprises' and repealing Decisions 2004/20/EC and 2007/372/EC in relation with the related EU programme (H2020, COSME, EMFF programme).

- the management of the experts, the procurement procedure and tender evaluation, the grant procedure, all in their various stages (publication, evaluation, contract execution, checks, reviews, ex-post controls);
- the staff of bodies charged with a monitoring, audit or inspection task in application of European Union law (e.g. internal audits, Court of Auditors, Financial Irregularities Panel referred to in Article 93 of the EU Financial Regulation, Exclusion Panel referred to in Article 143 of the EU Financial Regulation, European Anti-fraud Office - OLAF);
  - Members of the public: In case you are awarded a contract by EASME, your personal data will be made public, in accordance with EASME's obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the Union's budget (Articles 38(2), 163 and 189(2) of the EU Financial Regulation). 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. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the Commission (see the [Financial Transparency System](#) of the European Commission) and/or on the website of the EASME. Additionally, selected experts may be listed in the [Register of Expert Groups of the Commission](#)<sup>4</sup>.

#### **4. How do we protect and safeguard your information?**

The collected personal data and all related information are stored for the duration of the multi-annual programme for which you submitted an expression of interest, or after closure of the procurement procedure, or after closure of the grant procedure, on the premises of EASME or the European Commission and on servers of a computer centre of either DG DIGIT or EASME. EASME premises and operations of all computer centres abide by the Commission's security decisions and provisions established by the Security Directorate of Directorate General Human Resources and Security.

#### **5. How can you verify, modify or delete your information?**

In case you wish to verify which personal data is stored on your behalf by the responsible Controller, have it modified, corrected, or deleted, or restrict the processing, or object to it or to exercise the right to data portability, all based on Regulation (EU) 2018/1725, please make use of the contact information mentioned in the Call for expression of interest or grant application or invitation to tender, by explicitly describing your request. Any correction of your personal data will be taken into consideration from the data protection point of view. 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 as stated in Article 112 of the EU Financial Regulation.

If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

Your request to exercise one of the above rights will be dealt with without undue delay and within one month.

#### **6. How long do we keep your personal data?**

Your personal data are kept:

- For selection of experts, until the end of the multi-annual programme for which you submitted an expression of interest in the service in charge of the procedure, and in the archives for a period of 5 years following the end of the programme.
- Files relating to tender procedures, including personal data, are to be retained in the service in charge of the procedure until it is finalised, and in the archives for a period of 10 years following the signature of the contract. However, tenders from unsuccessful tenderers have to be kept only up to 5 years following the signature of the contract.
- Files relating to grant procedures, including personal data, are to be retained in the service in charge of the procedure until it is finalised, and in the archives for a period of 10 years following the signature of the grant agreements or decisions. However, applications from unsuccessful applicants are kept only up to 5 years after the finalization of the call.
- Extract from judicial records are kept up to 2 years after the finalisation of the call.
- Until the end of a possible audit if one started before the end of the above period.
- After the period mentioned above has elapsed, the files containing personal data are sampled to be sent to the historical archives of EASME and/or the European Commission for further conservation. The non-sampled files are destroyed.

#### **7. Contact information**

For any questions related to the processing of your personal data and to exercise your rights mentioned above, contact the Controller, by using the contact information mentioned in the Call for expression of interest, a related invitation, Call for tenders or Grant Application Form, and by explicitly specifying your request. The processing of your personal data is detailed in the EASME register of processing activities. You may also contact the [EASME Data protection officer](#).

#### **8. Recourse**

If you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of personal data, you have the right to lodge a complaint the European Data Protection Supervisor ([https://edps.europa.eu/data-protection/our-role-supervisor/complaints\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en)).

<sup>4</sup> For more information see notification 2194 to the Data Protection Officer in the registry available on <http://ec.europa.eu/dataprotectionofficer>. EASME Data protection notice for processing of personal data for experts, procurement or grant procedures, update December 2018.