



RECORD OF A PERSONAL DATA PROCESSING ACTIVITY

according to Article 31 of [Regulation \(EU\) 2018/1725](#)

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| Title |
| Processing of personal data in the context of EFSA procurement and grant award procedures and the management of contracts and grants |

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| 1) Controller(s) ¹ of data processing activity (Article 31.1(a)) |
| EFSA unit in charge of the processing activity: Finance Unit |
| EFSA Data Protection Officer (DPO): DataProtectionOfficer@efsa.europa.eu |
| Is EFSA a co-controller? No |
| If yes , indicate who is EFSA's co-controller: |
| In case of an inter-agency procurement, EFSA is co-controller with the other EUIs involved in the call for tenders |
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| 2) Who is actually conducting the processing? (Article 31.1(a)) |
| The data is processed by EFSA itself X |
| <i>Indicate the EFSA units or teams involved in the data processing:</i> |
| <ul style="list-style-type: none"> - Procurement Team of EFSA for management and follow-up, including the preparation of procurement/grant calls, the organisation of opening and evaluation sessions, contract/grant management tasks - The members of the tenders/grants opening and evaluation committees |
| The processing operation is conducted together with an external party X |
| <i>Please provide below details on the external involvement:</i> |
| Occasionally the evaluation committee exists of external members, i.e. for interagency calls for tenders |

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| 3) Purpose of the processing (Article 31.1(b)) |
| The purpose of the personal data processing is the management of procurement and grant award procedures in accordance with the applicable legal framework and the management of |

¹ The controller decides on the purposes and means of the data processing. In case of joint controllership (e.g. systems of the European Commission applied by EFSA or jointly with another agency), EFSA is a co-controller.

contracts for services and supplies and of grant agreements. Procurement, grant calls and contract/grant management operations enable EFSA to rely on services and deliveries from contractors and grant holders in order to fulfil its mission defined in the EFSA Founding Regulation (EC) n° 178/2002

4) Legal basis and lawfulness of the processing (Article 5(a)–(d)):

Processing necessary for:

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|-----|---|-------------------------------------|
| (a) | a task carried out in the public interest or in the exercise of official authority vested in EFSA | <input checked="" type="checkbox"/> |
| (b) | compliance with a legal obligation to which EFSA is subject | <input type="checkbox"/> |
| (c) | performance of a contract with the data subject or to prepare such contract | <input checked="" type="checkbox"/> |
| (d) | The data subject has given consent (ex ante, explicit, informed) | <input type="checkbox"/> |

Further details on the legal basis:

- 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;
- The European Food Safety Authority's Financial Regulation and Implementing Rules, adopted on 19 December 2013;
- Regarding grant award procedures: Article 36 of EFSA's Founding Regulation (EC) No 178/2002 as well as Commission Regulation (EC) No 2230/2004 laying down detailed rules with regard to the network of organisations operating in the fields within EFSA's mission

5) Description of the categories of data subjects (Article 31.1(c))

Whose personal data are processed?

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|---|-------------------------------------|
| EFSA statutory staff | <input type="checkbox"/> |
| Other individuals working for EFSA (consultants, trainees, interims, experts) | <input type="checkbox"/> |
| Stakeholders of EFSA, including Member State representatives | <input type="checkbox"/> |
| Contractors of EFSA providing goods and services | <input checked="" type="checkbox"/> |
| The general public, including visitors, correspondents, enquirers | <input type="checkbox"/> |
| Relatives of the data subject | <input type="checkbox"/> |
| Other categories of data subjects (please detail below) | <input type="checkbox"/> |

Further details concerning the data subjects whose data are processed:

6) Type of personal data processed (Article 31.1(c))

a) General personal data

The personal data concerns:

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| Name, contact details and affiliation | <input checked="" type="checkbox"/> |
| Details on education, expertise, profession of the person | <input checked="" type="checkbox"/> |
| Curriculum vitae | <input checked="" type="checkbox"/> |
| Financial details | <input checked="" type="checkbox"/> |
| Family, lifestyle and social circumstances | <input type="checkbox"/> |
| Goods and services the person provides | <input checked="" type="checkbox"/> |
| Other personal data (please detail): | <input type="checkbox"/> |

b) Sensitive personal data (Article 10)

The personal data reveals:

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| Racial or ethnic origin of the person | <input type="checkbox"/> |
| Political opinions or trade union membership | <input type="checkbox"/> |
| Religious or philosophical beliefs | <input type="checkbox"/> |
| Health data or genetic or biometric data | <input type="checkbox"/> |
| Information regarding the person's sex life or sexual orientation | <input type="checkbox"/> |

Further details concerning the personal data processed:

- Identification data, Evidence on eligibility and absence of falling under exclusion criteria: extracts from the register of the Chamber of Commerce (procurement), legal entity form (procurement, grants) and partnership statements (grants), declaration of honour by tenderers and grant applicants and resp. consortium partners (procurement, grants), proofs on payment of social contributions, taxes, extract from judicial records. Extracts from judicial records are considered sensitive data in accordance with Article 10 of the Data Protection Regulation, the processing of which is authorised by virtue of the Financial Regulation;
- Financial identification data (also of individuals), including identification details, bank account details and VAT number; as part of grant application, the payslips of proposed experts are asked with the aim of correctly establishing the amount of the grant award;
- Information for the evaluation of tender bids and grant proposals against selection criteria, such as information on the financial capacity of tenderers based on turn-over figures and balance sheet data of previous financial years (up to maximum of three

years), information on the operational capacity of tenderers/applicants, including lists of personnel capable of performing the tasks described in the tender/grant specifications, lists of principle services and supplies delivered over the past 3 years, detailing sums, dates and recipients, curriculum vitae of project managers and (scientific) staff outlining their educational background, professional experience, technical skills, language proficiency, details on past and current employment;

- Information for the evaluation of tender bids and grant proposals against award criteria, such as a summary of the strategy of the tenderer/grant applicant related to the tender specification, such as a description of the goods and services they may propose (procurement) and related to the grant call, such as a description of the project for which funding is requested, the financial proposal including hourly/daily rates applied (procurement) and the estimated budget (grants);
- Appraisal data on tenders/grant proposals in evaluation reports, which may include observations on individuals/consultants/experts proposed for involvement in the contract/grant;
- For procurement and grant procedures related to a scientific or technical project, a Declaration of Interest by tenderers and/or by individuals employed or working as consultants in the sense of Articles 15 & 16 of the Decision of the Executive Director on Competing Interest Management, adopted on 29/06/2018.

7) Recipients of the data (Article 31.1(d))

Line managers of the data subject

☐

Designated EFSA staff members

☒

Other recipients (*please specify*):

☒

- The Head of Unit / Department responsible as Authorising Officer for the related contract or grant agreement and his/her staff;
- The Procurement Team within the Finance Unit for management and follow-up, including the preparation of procurement/grant calls, the organisation of opening and evaluation sessions, contract/grant management tasks, including the budgetary commitments and payments, the preparation of amendments, the updating of EFSA's electronic database for the recording of financial commitments (LCK-ABAC) and the contract/grant filing maintenance;
- The members of the tenders/grants opening and evaluation committees; Occasionally, the evaluation committee may be composed of external members of EU origin or in very rare occasions also from outside the EU. In such cases, the transmission or transfer of personal data to these external experts involved in the evaluation process shall be assessed on a case-by-case basis against the requirements of Article 9 of Regulation 2018/1725 (external experts from EU origin) or Articles 46-51 (external experts from outside the EU);
- Members of EFSA's Public Procurement Committee (PPC), advising EFSA Authorizing Officers on the legal compliance of the tender evaluation and selection process within their remit prior to the award decision;
- Staff of the Finance Unit and the Accounting Officer, in charge for the financial verification, budget commitments and payments;
- Staff of the Legal and Assurance Services Unit, providing legal advice throughout the contract/grant life cycle or in case of litigation and legal action against EFSA;
- 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;
- Personal data may be transferred to bodies in charge of a monitoring, auditing or

inspection task in accordance with European Union legislation, such as the internal audit services, the EU Court of Auditors or the European Anti-Fraud Office (OLAF), as well as to the EU Ombudsman, the European Data Protection Supervisor;

- In case of litigation, including for contractual liability claims, data may be transferred to the European Court of Justice or to a mediator appointed by the parties;
- Finally, pursuant to the publication requirements laid down in the Financial Regulation, limited personal data is made public as concerns the outcome of procurement procedures and grant calls. The information concerns in particular the name, address, year, amount awarded and the name of the project or programme for which the successful tenderers/applications are awarded a contract/grant. The data is published in supplement S of the Official Journal of the European Union as well as on the EFSA website.

8) Transfers to recipients outside the EEA (Article 31.1 (e))

Data are transferred to third country recipients:

Yes ☐ No ☒

If yes, specify to which third country:

If yes, specify under which safeguards:

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| Adequacy Decision of the European Commission | <input type="checkbox"/> |
| Standard Contractual Clauses | <input type="checkbox"/> |
| Binding Corporate Rules | <input type="checkbox"/> |
| Memorandum of Understanding between public authorities | <input type="checkbox"/> |

9) Technical and organisational security measures (Article 31.1(g))

How is the data stored?

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|--|-------------------------------------|
| On EFSA's Document Management System (DMS) | <input checked="" type="checkbox"/> |
| On a shared EFSA network drive or in an Outlook folder | <input type="checkbox"/> |
| In a paper file | <input type="checkbox"/> |
| Using a cloud computing solution (please detail the service provider and main characteristics of the cloud solution, e.g. public, private) | <input type="checkbox"/> |
| On servers of an external service provider | <input type="checkbox"/> |
| On servers of the European Commission or of another EU Institution | <input checked="" type="checkbox"/> |
| In another way (<i>please specify</i>): | <input type="checkbox"/> |

Please provide some general information on the security measures applied:

Offers are submitted via the e-Submission tool. In particular, the e-Submission tool requires prior registration in the European Commission's user authentication service (EU-Login) and has its own detailed Privacy Statement. Likewise, at EFSA the information is processed both on paper and electronically via the IT tools, abiding to the EFSA security policy.

10) Retention period (Article 4.1 (e))

Tender bids and grant applications not selected in the context of the respective contract/grant award procedure including all personal data contained therein, are kept for two years after the completion of the award procedure in question.
In application of Article 75 of the Financial Regulation, contracts and grant agreements, including personal data contained therein are kept for at least seven years after the end date of the contract or grant agreement in question.
Extracts from judicial records provided as part of tender bids are kept for maximum two years.

11) Consultation with the Information Security Officer

Was the ISO consulted on the processing operation ?

Yes ☒ No ☐

If yes, please provide some details on the consultation with the ISO:

The information security aspects of the e-submission tool were checked by the ISO

12) Information given to data subjects (Articles 15 and 16)

Has information been provided to data subjects on the way their data is processed including how they can exercise their rights (access, rectification, objection, data portability)? Usually this information is provided in a Privacy Statement, specifying the controller's contact details. As possible, please provide a link to the relevant Privacy Statement or a description.

A detailed privacy statement is available in the procurement / grant toolbox on the EFSA website

Last update of this record: 20/02/2020

Reference: DPO/GOV/2