



EUROPEAN COMMISSION  
Executive Agency for Small and Medium-sized Enterprises (EASME)

## RECORD OF PERSONAL DATA PROCESSING ACTIVITY

*Based on Article 31 of the Regulation (EU) 2018/1725<sup>1</sup> on the protection of natural persons with regards to the processing of personal data by the Union Institutions, bodies, offices and agencies and on the free movement of such data, each responsible EASME data controller has to maintain a record of the processing activities under his/her responsibility.*

**Record No: R-2019-23**

**Initial approval by Data Controller:** *see date of Ares signature*

**Previous Notification (if applicable): DPO-4-2013**

**Update (s) (if applicable): DPO-2-2017**

### NAME OF THE PROCESSING ACTIVITY

**Procurement procedures** (Articles 164 and 165 FR 2018)

### IDENTIFICATION OF THE DATA CONTROLLER

Executive Agency for Small and Medium-sized Enterprises (EASME),  
Heads of Unit A1, A2, A3, B1, B2, B3 and Heads of Department A, B and C  
place Rogier 16, B-1049 Brussels

### GROUND FOR THIS RECORD (*select relevant ground*)

- Record of a new type of processing activity of personal data (before its implementation)
- Record of a processing activity of personal data that is already in place (ex-post)
- Change/Amendment/ Update of an already existing previous record (or previous notification to DPO)

### DESCRIPTION OF THE PROCESSING ACTIVITY

The Agency organises procurement procedures to implement programmes it manages, (i.e. components of COSME, LIFE, Horizon 2020 and EMFF) as well as for the functioning of the Agency.

The aim of the procurement procedures is to select a contractor to provide goods or to carry out services of public interest, such as a study, a helpdesk, a web service, an event, an analysis of indicators, etc or works.

Tender submissions are mostly received electronically from legal entities as temporary association of economic operators (consortia) and eventually natural persons. Tenders contain data of legal and natural persons (CVs).

Individual experts are also contracted mainly through low-value procedures as expert evaluators, monitors, coaches or trainers.

The procedures are carried out in compliance with the Financial Regulation (FR) 2018 and in conformity with the Agency's Guidelines on Tender Procedures. All phases of the open tender procedures are conducted through the Commission's eProcurement tools: eNotice, eTendering and eSubmission as well as internal management tools such as PPMT.

Middle and low-value procedures and negotiated procedures without a Contract Notice are carried out electronically generally by using a functional mailbox.

The members of Opening and Evaluation Committees of tenders are appointed by the authorising officer responsible for the procedure based on the Procurement Directive threshold and must declare their non-conflict of interest, impartiality and commitment to confidentiality before having access to the tenders. Complaints are assessed by the responsible authorising officer, assisted by the members of the appointed Evaluation Committee, the Agency's legal team and the procurement team.

<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).

# 1. INFORMATION ON THE PROCESSING ACTIVITY of Procurement Procedures

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725**<sup>2</sup> on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

## 1.1. The Data Controller is:

The respective authorising officer in charge of the underlying procurement procedure:

Head of Unit A1, A2, A3, B1, B2, B3, C1, C2 or Head of Department A, B, C at the Executive Agency for Small and Medium-sized Enterprises (EASME), Place Charles Rogier 16, B-1049 Brussels and can be contacted at: [EASME-PROCUREMENT@ec.europa](mailto:EASME-PROCUREMENT@ec.europa) and the functional mailboxes provided in the relevant documents of the underlying procurement procedure.

*In case of joint-controllership with other Institutions and European Commission services (e.g. DIGIT, BUDG):* the joint controllers are identified in the relevant documents of the procurement procedure such as in case of inter-institutional procurement procedures based on administrative arrangements, where a data controller is identified for the framework contract and the responsibility of the data controller is attributed to each contracting authority signing a specific contract under the framework contract.

## 1.2. The following entity(ies) is/are acting as Processor(s):

European Commission Directorate General Informatics (DIGIT) for the use of the Commission's IT platform; Research Executive Agency (REA) for legal validation and financial viability assessment in PDM and JRC as central helpdesk for PPMT (Public Procurement Management Tool) web-based internal application to plan, schedule, track and monitor procurement procedures.

## 1.3. The legal basis for the processing based on Article 5(1) of Regulation (EU) No 2018/1725:

- (a) the 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<sup>3</sup>;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation (EU) No 2018/1725) ;
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject;
- (c) the 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;
- (d) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes for not mandatory personal data;
- (e) the processing is necessary in order to protect the **vital interests** of the data subject or of another

<sup>2</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>3</sup> EASME 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; Regulation (EU) No 1287/2013 of the European Parliament and of the Council of 11 December 2013 establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 - 2020) and repealing Decision No 1639/2006/EC, Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council. Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC, Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007

natural person.

**1.4. The purpose(s)** of this processing is to purchase works, supplies and services by the Agency through the selection of a contractor and management of the contract including payments in the respect of the applicable rules, especially the Financial Regulation.

**1.5. The categories of data subjects** concerned by this processing are on a need-to-know basis:

- the legal representatives and contact persons of entities that apply for the call for tenders and/or are invited to submit offers;
- individuals invited to express interest to apply for the call for tenders and/or to submit offers;
- the staff of contractors and subcontractors;
- the Agency and Commission staff as well as external experts involved in the evaluation processes;
- the Agency and Commission staff involved in the further management of the contract and related payments.

**1.6. The following personal data** are collected:

The following personal data of tenderers/applicants may be processed:

- Identification and contact details: name, date of birth, nationality, VAT number, bank details, ID number, phone number, e-mail address, postal address;
- CVs with information about the experience, education, university degrees, traineeships, skills, etc.
- Data relating to offences and criminal convictions in the form of an extract from the judicial record, compliance with payment of taxes or social security contributions in the form of a certificate issued by administrative authority of the country of registration (if a physical person is mentioned) or declaration of honour, in order for tenderers to demonstrate that they fully comply with the exclusion criteria in accordance with Article 136, 137 and 140 of the FR;
- Health-related data is normally not processed but might be collected in isolated cases and treated with appropriate confidentiality.

Data is provided directly by the data subjects.

The above mentioned personal data are **mandatory** for the purpose(s) outline above.

In addition, **non-mandatory** personal data might be collected such as photo, videos, social media accounts and can only be processed based on your explicit prior consent.

**The recipients** to whom the personal data will or might be disclosed are on a need-to-know basis and where it is strictly necessary: the Director of the Agency, Heads of Department, Heads of Unit, Heads of Sector, Team leaders, Agency Procurement team (ProCell) staff, internal and external evaluators, authorised Agency and Commission staff involved in the procurement procedures, members of the opening and evaluation committees, the implementation of the signed contract or the implementation of the policy, and bodies charged with monitoring or inspection tasks in application of EU law (e.g. internal audits, Court of Auditors, European Anti-fraud Office – OLAF).

All transmission of personal data to or between the recipients mentioned in this section are accompanied by a reminder that the personal data should only be processed for the purposes for which they are collected or a purpose compatible with these purposes.

**1.7. Personal data will not be transferred to third countries or international organisations**, unless a transfer is duly justified in the provisions of the call for tender or related procurement procedure in exceptional cases and subject to adequate organisational and technical safeguards.

**1.8. The processing of this personal data will not include** automated decision-making (such as profiling).

**1.9. The following technical and organisational security measures** are in place to safeguard the processing of this personal data:

Paper files are stored in locked archive rooms, accessible to authorised persons only. Electronic files are stored on servers subject to EC policy and in Ares. Computers are password protected. Internal sensitive communications are encrypted. Access to offers received in eSubmission are secured through EU login. The Agency is subject to the Commission Decision [2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

**1.10. The personal data concerned will be kept according to the following maximum periods** and will be deleted at the end of this period. Your personal data contained in :

- judicial records are kept for 2 years;
- files of successful tenderers for a period of 10 years;
- files of unsuccessful tenderers will be kept for 5 years following the signature of the contract of the concerned procedure;
- until the end of a possible audit if one started before the end of one of the above periods;
- after the period mentioned above has elapsed, the tender files in paper version are sampled for the historical archives of the European Union/Commission for further conservation. The non-sampled files are destroyed;
- audit trail entries in system logs tracing the activity of users in the system (in cases of e-submission of tenders) are kept up to 12 months after the submission of the tender.

**1.11. Data Subjects are informed** on the processing of their personal data via a **data protection notice on their rights** :

- to access their personal data held by a controller;
- to request their personal data held by a controller to be corrected;
- to obtain in some situations erasure of their personal data held by a controller, e.g. when data are held unlawfully (right to be forgotten);
- to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
- **of recourse** at any time to the **EASME Data Protection Officer** at [EASME-DPO@ec.europa.eu](mailto:EASME-DPO@ec.europa.eu) and to the **European Data Protection Supervisor** at <https://edps.europa.eu>.

In case of investigations for irregularities or fraud (i.e. OLAF, IDOC), security or similar procedures, data subject rights might be restricted based on Article 25 Regulation (EU) No 2018/1725.

**Request from a data subject to exercise a right** will be dealt within **one month**.

Any queries concerning the processing of personal data have to be addressed to the Data Controller(s) indicated above in point 1.1. via [EASME-PROCUREMENT@ec.europa.eu](mailto:EASME-PROCUREMENT@ec.europa.eu) during the procurement procedure and to the Data controller identified in the relevant documents of the procurement procedure or contract during the implementation. In case of *joint controllership* the contacts details of all competent data controllers and their respective Data Protection Officer(s) are included in the relevant documents of the related procurement procedure (framework contract and specific contracts).

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