

## PRIVACY STATEMENT

### FOR PROCESSING OF PERSONAL DATA RELATED TO THE PUBLIC PROCUREMENT PROCEDURES BY THE SINGLE RESOLUTION BOARD

#### 1. Introduction

The Single Resolution Board (herein after "SRB") is committed to protect your personal data and to respect your privacy.

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

#### 2. Legal grounds

Regulation (EU) 2018/1725 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, applies to the processing of personal data carried out in the process of procurement organised by the SRB.

The processing operations on personal data carried out in this context of are necessary and lawful under Article 5(1)(a), (b) and (c) of Regulation (EU) 1725/2018:

- (a) 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;
- (b) processing is necessary for compliance with a legal obligation to which the controller is subject ;
- (c) 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.

The processing of personal data is namely necessary to run procurement procedures and manage corresponding contracts in the context of the performance of a public interest task or in the exercise of official authority vested in the SRB. The data processing is considered lawful because it is necessary for the performance of tasks as well as to ensure compliance with the legal obligations stated in the SRB Financial Regulation<sup>1</sup> and the EU Financial Regulation<sup>2</sup> as well as any subsequent legal acts replacing or amending them.

#### 3. Who is responsible for processing your personal data?

The SRB is the data controller determining the purposes and means for the processing of your personal data.

The SRB Procurement Team (e-mail: [SRB-Procurement@srb.europa.eu](mailto:SRB-Procurement@srb.europa.eu)) organises the procurement procedure and is responsible for the processing.

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<sup>1</sup> Financial Regulation of the Single Resolution Board (SRB/PS/2015/05) as amended by the Decision of the Plenary Session of the Board of 16/03/2016 on amending the Financial Regulation of the Single Resolution Board (SRB/PS/2016/13)

<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

#### 4. Why do we process your personal data?

The purpose of the processing is to collect and further process the data for the purpose of the management and administration of the procurement procedures, for contract awards and subsequent contract management.

#### 5. What categories of personal data are processed?

The categories of data collected and used for the processing operations are:

- **identification data**, e.g. full name, ID/passport number;
- position and function in a company;
- **contact details**, e.g. e-mail address, business/mobile telephone number, postal address, company and department, country of residence;
- **financial data**, e.g. bank account (IBAN and BIC codes), VAT number;
- **information for the evaluation of selection or eligibility criteria**, e.g. expertise, technical skills, languages, educational background, professional experience including details on current and past employment;
- **information relating to eligibility or selection criteria**, e.g. declaration of honour, certificates for social security contributions and taxes paid, extracts from judicial records and any other information required.
- **appraisal data** on tenders in evaluation reports, which may include observations on individuals, consultants and/or experts proposed.

#### 6. Who has access to your personal data?

When the SRB processes personal data for the above-mentioned purposes, the following persons may access your personal data on a strict need-to-know basis:

- SRB Authorising Officer and Authorising Officers by delegation/subdelegation;
- SRB Board Members
- SRB Opening and Evaluation Committee Members
- SRB Project Officer and Contract Managers
- SRB Procurement and Financial Initiating and Verifying Agents
- SRB Accountant
- SRB Legal Officers
- the European Anti-Fraud Office (OLAF),
- the European Court of Auditors (ECA) - the European Ombudsman
- the European Data Protection Supervisor (EDPS) in case of complaint
- the European Court of Justice in case of litigation

**Transfer of your data to third countries / international organisations:** Data may be transferred to third countries/international organisations as deemed necessary for the performance of the procurement procedure and/or contract in line with the requirements of Chapter 5 of the Regulation (EU) 2018/1725.

#### 7. How long will the SRB keep your personal data?

The SRB keeps your personal data for the time necessary to fulfil the purposes mentioned at point 4.

Your personal data are kept as follows:

For a procurement award procedure, data are retained for a period of 10 years following the procedure's closure, although:

- for unsuccessful tenderers, data specific to the tenderer are retained for 5 years following the closure of the procedure;

- for unsuccessful candidates in response to an invitation to participate or successful candidates who did not subsequently tender, data specific to the candidate are retained for 5 years following the closure of the procedure; and
- for candidates to a calls for expressions of interest, data specific to the candidate are retained for, whichever is later:
  - 1) 5 years after the list's validity end date;
  - 2) 5 years after the signature of the last contract concluded with a procedure based on the list;
  - 3) 10 years after the signature of the last contract concluded with a procedure based on the list for which the candidate was a successful tenderer.

As regards data collected when managing the execution of the contract, these are retained for 10 years following last payment made under the contract.

Data collected during the grant award procedure are retained for 10 years, although data from unsuccessful applicants are retained for 5 years following the closure of the procedure.

As regards data collected when managing the implementation of the grant agreement, these are retained for 10 years following the last payment under the agreement.

Data regarding the drawing up and maintaining of experts' lists and the management of experts' contracts are retained for 10 years, while data related to unsuccessful experts are eliminated five years after the closure of the procedure.

Notwithstanding the above retention periods, it should be noted that:

- any retention of data may be temporarily extended if a monitoring, audit or inspection task in application of European law (e.g. internal audits, the Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, the Exclusion Panel referred to in Article 143 of the Financial Regulation, European Anti-fraud Office - OLAF) is ongoing; and
- any action performed in corporate eProcurement IT systems by data subjects under their EU login is recorded without time limit in order to enable queries on financial, contractual and accounting matters as well as for audit trail purposes.

## **8. Your rights with respect to your data**

You have the rights to access your personal data and correct any data that are inaccurate or incomplete. You also have the rights to delete your personal data, restrict or object to the processing of your personal data in line with the relevant provisions of EUDPR.

You can exercise your rights by contacting us at [SRB-Procurement@srb.europa.eu](mailto:SRB-Procurement@srb.europa.eu).

The SRB Data Protection Officer is available by e-mail at [SRB-DPO@srb.europa.eu](mailto:SRB-DPO@srb.europa.eu) for any clarification about your rights under Regulation (EU) 2018/1725.

You have the right to lodge a complaint with the European Data Protection Supervisor at any time if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data.