

Specific privacy statement for processing of personal data related to procurement procedures

In the course of a procurement procedure certain personal data needs to be provided to the Agency. Below you will find more information about the processing and the Data Protection safeguards put in place by the Agency to make sure any processing of your personal data is in line with 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.

What is the purpose and legal basis for processing your personal data?

Any personal data shall be collected and processed solely for the management and administration of the related procurement procedure.

The legal bases for processing your personal data are:

- ECHA Management Board decision on ECHA's Financial Regulation (MB/29/2019 final), in particular Article 89, "the ECHA Financial Regulation";
- 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, "the Financial Regulation".

What personal data is collected?

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

- Identification data:
 - Name;
 - Nationality, gender, place and date of birth;
 - Title, function, department and company;
 - Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, country of residence, internet address);
- Certificates 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 for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment;
- Declaration on honour that you are not in one of the exclusion situations referred to in Article 86 of the ECHA Financial Regulation and Articles 136 to 141 of the Financial Regulation.

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

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 or inspection task in accordance with European Union law:

- Agency staff for the purposes of management of the call for expression of interest, the procurement procedure and evaluation of tenders and, providing opinions and advice in specific cases;
- Occasionally, external experts/contractors participating in selection/evaluation committees. In such cases, the transfer of personal data will be assessed on a case-by-case basis against the requirements of Article 9 of Regulation (EU) 2018/1725;
- Members of the public; In case you are awarded a contract by the Agency, your personal data may be made public, in accordance with the Agency's obligation to publish information on the outcome of the procurement procedure (Articles 163 and 38 of the 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 Agency.

Who is the data controller?

All processing of personal data during the procurement procedure takes place under the responsibility of the authorising officer or authorising officer by delegation that is initiating the procurement. However, the procurement team within ECHA's Finance Unit has a coordinating role, so please send any enquiries to procurement@echa.europa.eu.

How long are your personal data kept?

Your personal data are kept:

- For successful tenderers/candidates: files relating to tender procedures, including personal data, are to be retained in the service in charge of the procedure until the procedure is finalised. Tender files are retained in the archives for seven years after the signature of the contract with the exception of the extracts from the judicial records that are kept only for two years after the end of the procedure;
- For unsuccessful tenderers/candidates: files relating to tender procedures, including personal data, are to be retained in the service in charge of the procedure until the procedure is finalised. Tender files are retained in the archives for five years after the end of the procedure;

Files relating to a call for expression of interest will be retained in the service in charge of the call concerned until the end of the procedure for which an application is submitted, and in the archives for seven years after the end of the procedure. However, files relating to unsuccessful applicants will be retained in the archives for five years;

- The above limits can be extended until the end of a possible legal proceeding, investigation or audit if one started before the end of the above period.

What are your rights?

Anyone submitting personal data to the Agency has the right to access it and to update or correct it at any time. Under certain conditions, a right to erasure, restriction, objection

and/or data portability also applies. Finally, you also have the right to withdraw your consent for ECHA to process your personal data at any time, however, this leads to the exclusion from the procurement procedure. To exercise these rights, contact ECHA via the above mentioned functional mailbox.

NB: The right to rectify the information already provided can only apply to the factual data processed within the concerned procurement procedure. This right can only be exercised up to the closing date for submission of tenders. However, inaccurate identification data may be rectified at any time during and after the procurement procedure.

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 exclusion as stated in Article 86 of the ECHA Financial Regulation and Article 169 of the EU Financial Regulation.

When experiencing difficulties in exercising these rights, you can contact ECHA's Data Protection Officer (data-protection-officer@echa.europa.eu) or have recourse to the European Data Protection Supervisor.