



EUCAP PRIVACY STATEMENT

For processing personal data related to procurement procedures and contracts execution by the Mission EUCAP Sahel Niger

1. INTRODUCTION

The protection of your Privacy, including your personnel data is of great importance to EUCAP Sahel Niger. When processing personal data we reflect the provisions of the Charter on Fundamental Rights of the European Union, and in particular its Art.8. This privacy statement describes how the EUCAP Sahel processes your personal data for the purpose it has been collected and what rights you have as a data subject.

Your personal data are processed in accordance with the principles and provisions laid down in the pertinent legislation on data protection, including the Regulation (EU) 2018/1725 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 movement such as data, aligned with Regulation (EU) 2016/679, The General Data Protection Regulation. In this privacy statement, you find information about how the Mission EUCAP Sahel Niger processes your personal data and what right you have as a subject.

All data of a personal nature, namely data that can identify you directly or indirectly, will be handled fairly and lawfully with the necessary care.

2. PURPOSE OF THE PROCESSING OPERATION

The purpose of the present processing operation is to ensure:

- Management and administration of procurement procedures by EUCAP services. Procurement procedures include the public tenders, including conclusion of contracts for the purchase or rental of a building, supply contracts, works contracts and service contracts, as defined in Article 2, paragraph 49, of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 – “Financial Regulation” (FR).
- Execution of contracts concluded between EUCAP services and economic operators.

3. DATA PROCESSED

The data, including personal data, which may be processed for that purpose are the following:

- Identification data: Name, surname, passport number, ID number, etc.
- 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 such as certificates for social security contributions and taxes paid, extract from judicial records, certificates related to insurances and licences / authorizations concerning the subject of the procurement
- Financial data: Bank account reference (IBAN and BIC codes), VAT number
- Legal Entity File (LEF) and Bank Account File (BAF)
- 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 they are not in one of the exclusion situation referred to in Articles 136 to 141 of the FR
- Other non-required information that may be provided by the tenderer, its staff or subcontractors, such as gender, age or nationality, which is not necessary for the purpose of the procurement or contract execution

Appropriate organisational and storage security measures will be ensured according to the data protection legislation applicable to EU institutions and bodies:

- *Electronic Files:* the collected personal data are stored on the servers that abide by the pertinent security rules. Assigned staff members will process personal data. Files will have authorised access. Measures are provided to prevent non-responsible entities from accessing data.
- *Physical Files:* When not in use, physical copies of the collected personal data will be stored in a properly secured and locked office or safe (offers during the consultation phase and performance

guarantees).

4. CONTROLLER OF THE PROCESSING OPERATION

The Controller determining the purpose and the means of the processing operation is the EUCAP Sahel. The service, i.e. the mission section responsible for managing the personal data processing operation is the Procurement Unit, under the supervision of the Head of Mission or the Deputy acting on his/her behalf.

5. RECIPIENTS OF THE DATA

The recipients of your data may be:

- Staff of the Mission EUCAP or CPCC participating in management of procurement procedures and in contract execution;
- External experts, including those established outside the Mission EUCAP and contractors participating in the evaluation of tenders when external expertise is required, on the basis of Article 237 of the Financial Regulation;
- Staff from the Mission EUCAP, CPCC or EU institutions or bodies charged with a monitoring or inspection task in application of Union law: e.g. staff of OLAF, EPPO, IDOC, IAS (Internal Audit Services), IAC (Internal Audit Capability), the Legal Service of the Mission EUCAP or Commission as well as staff of other DGs of the European Commission (SG, budget and clearinghouse) and of other EU institutions upon request necessary in the context of official investigations or for audit purposes in application of European Union law (e.g. internal audits, Financial Irregularities Panel referred to in Article 93 of the Financial Regulation, Exclusion Panel referred to in Article 143 of the Financial Regulation, European Anti-fraud Office - OLAF);
- Staff of the European Commission Directorate General for BUDGET (DG BUDG) with regard to the Legal Entity Form (LEF) and Bank Account File (BAF).
- Members of the public: in case you are awarded a contract, your personal data might be made public, in accordance with the obligation to publish information on the outcome of the procurement procedure (Article 163 of the Financial Regulation). The information concerns in particular name and address, the amount awarded and the subject matter of the contract. It could be published in the Official Journal of the European Union and/or on the website(s) of the Mission EUCAP and/or CPCC.

The given information will not be communicated to third parties, except where necessary for the purposes outlined above. Personal data is not intended to be transferred to a Third Country. Personal data is not intended to be transferred to a third country or to an international organisation. Data may be transmitted to EU Institutions, bodies or agencies.

6. PROVISION, ACCESS AND RECTIFICATION OF THE DATA

You have the right to access your personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of your personal data, if collected unlawfully, which will be implemented within 10 working days after your request will have been deemed legitimate.

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, please make use of the contact information mentioned in the call for expression of interest or in the 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. For more information, please see Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. In specific cases, a restriction to the right of rectification under Article 25 of the aforementioned Regulation may apply. 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 Financial Regulation. You can exercise your rights by contacting the controller and if you have any questions concerning the processing of your personal data, you may address them to the following functional mailbox of the Data Controller (the mailbox used by EEAS service organising the procurement procedure for communication on the tender procedure)

If you have any queries concerning the processing of your personal data, you may address them to the functional mailbox: data.protection.adviser@eucap-sahel.eu

7. LEGAL BASIS FOR THE PROCESSING OPERATION

The processing of personal data related to the selection, recruitment and administrative management of Contract Agents is necessary for the performance of a task carried out in the public interest [Article 5(1)(a) of Regulation (EU) 2018/1725], as mandated by the Treaties, in particular by articles 5, 11, 20, 21-40, 42, 43 of the Treaty on European Union (TEU) and 2 (4) and (5), 205, 220-221, 326 – 334 of the Treaty on the Functioning of the European Union (TFEU). Specific legal references:

- 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, "Financial Regulation", in particular Title V – Common rules, Title VII – Procurement and concessions and Annex I – Procurement.

- For contract execution, the legal basis is the particular contract.

Further legal reference: Council Decision 2012/392/CFSP of 16 July 2012 on the European Union CSDP mission in Niger (EUCAP Sahel Niger).

8. TIME LIMIT FOR STORING DATA

Personal data would be retained as follows:

- 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 closure of the contract in conformity with the Common Commission-Level Retention List (SEC(2012)713 under revision). However, requests to participate and tenders from unsuccessful tenderers have to be kept only for 5 years following the closure of the contract.

- Files related to implementation of contracts are kept by EUCAP and by the data processor (contractor) for up to 10 years from the date on which the European Parliament grants discharge for the budgetary year to which the data relates (end of the contract).

- Files could be retained until the end of a possible audit if one started before the end of the above periods. - After the periods mentioned above have elapsed, the files containing personal data are sampled and sent to the identified historical archives by CPCC for further conservation, as applicable. The non-sampled files are destroyed.

Storage of data:

The information is collected in files stored in an isolated and secured system. The collected personal data and all related information are stored after closure of the procurement procedure on the premises of EUCAP and on servers of the EUCAP.

Security of data:

Appropriate organisational and technical measures are ensured according to Article 33 of Reg. (EU) 2018/1725. The collected personal data are stored on servers that abide by pertinent security rules. Data is processed by assigned staff members. Files have authorised access. Measures are provided to prevent unauthorised entities from access, alteration, deletion, disclosure of data. General access to personal data is only possible to recipients with a UserID/Password. Physical copies of personal data are stored in a properly secured manner.

9. DATA PROTECTION CONTACT: MISSION DATA PROTECTION ADVISOR

In case you have questions related to the protection of your personal data, you can also contact the Mission Data Protection Adviser (MDPA) at the functional mailbox of the mission:

data.protection.adviser@eucap-sahel.eu

10. RECOURSE

You have at any time the right of recourse that you may send to the Head of the Mission within the EUCAP Sahel, with the MDPA in copy.