

TEMPLATE FOR DATA PROTECTION PRIVACY STATEMENT

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of procurement procedures

The protection of privacy is of high importance to the European Maritime Safety Agency ('EMSA'). EMSA is responsible for the personal data it processes. Therefore, we are committed to respecting and protecting the personal data of every individual and to ensuring efficient exercising of data subject's rights. All the data of personal nature, namely data that can identify an individual directly or indirectly, will be handled fairly and lawfully with the necessary due care.

This processing operation is subject to Regulation number 2018/1725 of the European Parliament and of the Council 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. The information in this Privacy Statement is given pursuant to Articles 15 and 16 of the Regulation number 2018/1725.

1. Nature and the purpose(s) of the processing operation¹

The purpose(s) of the processing of personal data is/are: performance of all stages in the procurement process and any associated activity.

EMSA will not reuse the personal data for another purpose that is different to the one stated above.

The processing is not intended to be used for any automated decision making, including profiling.

2. Categories/types of personal data processed

The categories/types of personal data processed are the following: personal data processed is revealing generic data such as personal details, association to economic operators on the market, educational/employment background and criminal offence data.

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the responsible manager (EMSA HoU/ HoD) of the EMSA Unit performing the procurement/contract management, acting as delegated EMSA data controller.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

The information in the context of performance of all stages in the procurement process and any associated activity will only be shared with people necessary for the implementation of such measures *on a need to know* basis. The data are not used for any other purposes nor disclosed to any other recipient.

¹ Please, provide a brief description of the processing operation and clearly define the purpose(s).

The information in question will not be communicated to third parties, except where necessary for the purpose(s) outlined above.

Personal data are not intended to be transferred to third countries.

5. Protecting and safeguarding personal information

EMSA implements appropriate technical and organisational measures in order to safeguard and protect data subjects' personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to them.

All personal data related to the performance of all stages in the procurement process and any associated activity are stored in secure IT applications according to the security standards of the Agency as well as in specific electronic folders accessible only to the authorised recipients. Appropriate levels of *access are granted* individually only to the above recipients.

The database is password protected under single sign-on system and automatically connected to the user ID. The e-records are held securely so as to safeguard the confidentiality and privacy of the data therein.

All persons dealing with personal data in the context of the procurement procedures, at any stage, sign a confidentiality declaration that is kept in the folder of the procedure.

Paper documents are kept in safe cupboards in the respective EMSA Unit performing the procurement/contract management.

6. Access, rectification, erasure or restriction of processing of personal data

Data subjects have the right to access, rectify, erase, and receive their personal data, as well as to restrict and object to the processing of the data, in the cases foreseen by Articles 17 to 24 of the Regulation number 2018/1725.

If data subjects would like to exercise any of these rights, they should send a written request explicitly specifying their query to the delegated data controller, namely the responsible manager (EMSA HoU/ HoD) of the EMSA Unit performing the procurement/contract management as referenced in the published procurement documents.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the respective procurement procedure.

The above requests will be answered without undue delay, and in any event within one month of receipt of the request. However, according to article 14 (3) of the Regulation number 2018/1725, that period may be extended by two further months where necessary, taking into account the complexity and number of the requests. EMSA shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

7. Legal basis for Data processing

Processing is based on Article(s) 5 (a) of the Regulation number 2018/1725.

The personal data are collected and processed in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council. Details concerning the processing of personal data are contained in the privacy statement "Information on personal data protection in procurement procedures".

8. Storing Personal data

EMSA does not keep personal data longer than necessary for the purpose(s) for which that personal data is collected.

The data will be only retained for a maximum period of 5 years in line with EU legislation and the EMSA Records Management Policy and Procedure, while the offer for the successful tenderer, as part of the contract shall be retained together with the contract documentation for 10 years.

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.

9. Data protection points of contact

Should data subjects have any queries/questions concerning the processing of your personal data, they should address them to the data controller, namely the responsible manager (EMSA HoU/ HoD) of the EMSA Unit performing the procurement/contract management, under the dedicated email address of the respective procedure as referenced in the published procurement documents.

Any data subject may also consult EMSA Data Protection Officer at: DPO@emsa.europa.eu.

Recourse:

Complaints, in cases where the conflict is not resolved by the Data Controller and/or the Data Protection Officer, can be addressed at any time to the European Data Protection Supervisor: edps@edps.europa.eu.