

Privacy Statement on the processing of personal data in Procurement and Grant Procedures

1. Context and Controller

The personal information we collect from you ("the data subject") will be processed in line with Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ("Regulation (EU) No 2018/1725" or "EUDPR").

Your privacy is important to the Community Plant Variety Office ("CPVO" or "Office" or "the controller") and we feel responsible for the personal data that we process on your behalf. Therefore, we are committed to respecting and protecting your personal data and ensuring the efficient exercising of your data subject's rights.

2. What personal data do we process?

Personal data processed can concern the tenderer/applicant, their partners and affiliated entities, subcontractors and their staff (both natural and legal persons). The categories/types of personal data processed are the following:

a) identification data:

- name (first name, surname, previous surname);
- gender, nationality, place and date of birth;
- passport number and ID number;
- signature of person or authorised representative;
- title, position, functions, department and company;
- contact details (website and email address, fax, business and mobile telephone number, official postal address, country of residence);

b) personal data contained in certificates for social security contributions and taxes paid, extracts from judicial records;

c) bank account reference (IBAN and BIC codes), VAT number, national insurance number;

d) a declaration of absence of conflict of interest;

e) a financial identification composed of the name, first name, address and contact details of the natural person owning the account. Should the natural person represent a legal person, he or she should identify the company for which the tenderer works. Same issue if the owner of the account is different from the tenderer/applicant.

f) A financial identification composed of the name, first name, address and contact details of the natural person owning the account. Should the natural person represent a moral person, he or she should identify the company for which the tenderer works. Same issue if the owner of the account is different from the tenderer.

g) Proof of security clearance and declaration of honor that they are not in one of the exclusion situations and/or administrative sanctions referred to in Article 136 of 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, No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, hereinafter Regulation 2018/1046.

3. Why do we process your personal data?

The processing operation is necessary to enable the management of procurement and grant procedures and calls for expression of interest with the Office.

4. What are the legal bases and the grounds for lawfulness of processing?

The legal bases for the processing of data are the following:

Article 5.1 (a) of Regulation (EU) No 2018/1725 (processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority);

Article 5.1 (b) of Regulation (EU) No 2018/1725 (processing is necessary for compliance with a legal obligation to which the controller is subject);

Article 5.1 (c) of Regulation (EU) No 2018/1725 (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).

Personal data are collected and processed in accordance with the following legal instruments:

- 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;
- CPVO Financial Regulation;
- The contract or grant agreement awarded.

5. Who is responsible for processing the data?

The processing of personal data is carried out under the responsibility of the the Head of Legal, Procurement and Logistics service.

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

Personal data collected will be treated confidentially and processed solely by authorised staff members dealing with procurement and grant procedures, including staff dealing with financial matters, staff dealing with technical matters and members of the opening and evaluation committees, exclusively for management and administration purposes.

For procurement procedures involving contracts worth more than EUR 144.000, the following data will be published in supplement S of the Official Journal of the European Union and on the website of the Office: name of the contractor, subject matter of the contract, amount legally committed.

For grant procedures: a) the name of the beneficiary; b) the locality of the beneficiary, namely: i. the address of the recipient when the beneficiary is a legal person; ii. the region on NUTS 2 level when the beneficiary is a natural person; c) the amount legally committed; d) the nature and purpose of the grant.

Furthermore, upon request, data may be transferred to the legal advisors of the Office, the European Court of Auditors, the European Anti-Fraud Office (OLAF), the Internal Audit Service of the Office and the Court of Justice. The data transferred is limited to that strictly necessary for managing the procurement and/or grant procedures, or for official investigations or audits.

The personal data are not intended to be transferred to a third country.

For more information about how you can exercise your personal data rights, please see below.

7. How do we safeguard your personal data?

The controller implements appropriate technical and organisational measures in order to safeguard and protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to it.

As regards technical, strategical and other data which may render a tenderer identifiable, these cannot be disclosed without a prior review and decision of the CPVO authorities. CPVO staff members dealing with personal data in the management of log files must sign a confidentiality declaration and/or non-disclosure agreement.

Personal data collected are treated confidentially and processed solely by authorised staff members dealing with procurement, including staff dealing with financial matters and members of the opening and evaluation committees, exclusively for management and administration purposes. If applicable, external experts and contractors assisting the Office with evaluations may be granted access to personal data on a need-to-know basis after signing a Declaration of confidentiality and of absence of conflict of interests.

8. How long do we keep your data?

In accordance with the CPVO Decision of 31 March 2021 on retention period for personal data of candidates in CPVO recruitment procedures and for personal data in the files of CPVO staff members, data relating to unselected candidates to a call for a tender/grant procedure, data will be destroyed after a period of twenty-four months from the date of the decision of the Office appointing the successful candidate. Regarding successful candidates, the data will be at least retained during the whole period of validity of the concerned contract signed.

In accordance with Article 42(5) of the Financial Regulation and Article 21(d) of its Implementing Rules, all financial personal data and supporting documents is kept for five years from the date on which the budget authority, namely, the Administrative Council of the CPVO, grants discharge for the budgetary year to which the documents relate. Personal data contained in supporting documents shall be deleted where possible when those data are not necessary for budgetary discharge, control and audit purposes.

9. How can you obtain access to information concerning you and, if necessary, rectify it? How can you request the erasure of your personal data or restriction of processing or object processing? How can you request to exercise your right to data portability?

If you would like to request to obtain access to information concerning you and, if you think that it is necessary, to correct it, to request the erasure or restriction of processing of your personal data and/or object to processing of it; If you would like to request to receive the personal data concerning you in a structured, commonly used and machine-readable format and to transmit those data to another controller, you may contact us. In exercising your right to data portability, you also have the right to have your personal data transmitted to another controller, where technically feasible.

Right to object: We are using your personal data because we believe that it is necessary for the performance of a task carried out in the public interest on the basis or in the exercise of official authority vested in the CPVO. In case you disagree with the processing of your personal data, based on the aforementioned lawful ground, you have the right to object, at any time.

Right to access: You have the right to access and confirm what personal data we hold about you, at any time.

Right to rectification: You also have the right to correct inaccurate personal data.

Right to erasure: You have the right to "erase" your personal data.

Right to data portability: You have the right to receive your personal data, which we have collected from you based on your consent, from us and to transfer or have it transferred (where it is technically feasible) to another controller.

Right to restrict the processing: When certain conditions apply, you have the right to request that we restrict the processing activities relating to your personal data.

If you would like to exercise any of these rights, please send us your request. We will provide information on action taken on your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. We shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.

In case you wish to request access to your personal data, to verify which personal data we store on your behalf, have it modified, erased, restrict the processing, exercise your right to data portability, object or withdraw consent, please make use of the contact information mentioned, by explicitly and accurately describing your request.

In principle, we cannot accept verbal requests (telephone or face-to-face) as we may not be able to deal with your request immediately without first analysing it and reliably identifying you. Requests can be sent to the controller: Head of the Legal, Procurement and Logistics service by e-mail at dpc@cpvo.europa.eu.

10. Who should you contact if you have a question about the protection of personal data or in case you would like to lodge a complaint?

Should you have any queries in relation to the processing of your personal data, please address these to the data Controller, at the following email address: dpc@cpvo.europa.eu.

You may also consult the CPVO's Data Protection Officer: dpo@cpvo.europa.eu.

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