



DATA PROTECTION NOTICE for processing of personal data related to SELECTION and MANAGEMENT of EXPERTS, GRANTS and PROCUREMENT

1. Context and Controller

The European Innovation Council and SMEs Executive Agency (EISMEA) collects and further processes personal data in accordance with Regulation (EU) 2018/1725¹ 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 (repealing Regulation (EC) 45/2001). Processing operations are under the responsibility of the Controller, indicated in the Call for Expression of Interests, Call for Tenders, Call for proposals, a related Invitation or the Grant Application Form, for the collection and processing of your personal data.

2. What personal information do we collect, for what purpose, under which legal bases and through which technical means?

Types of personal data

Personal data collected and further processed concern you as the expert, grant applicant, tenderer and its staff or staff of subcontractors (natural persons). Information can relate to the following data, if applicable:

- Identification data: name, surname, Function; passport number, ID number;
- Contact details: e-mail address, phone number, postal address, company and department, country of residence, Internet address;
- Certificates for social security contributions and taxes paid, extract from judicial records;
- Financial data: Bank account reference (IBAN and BIC codes), VAT number;
- Information for the evaluation of selection or eligibility criteria: expertise, technical skills and languages, education, professional experience including details on current and past employments;
- Declaration on honour or the equivalent with regard to exclusion criteria², selection criteria and/or eligibility criteria; and
- System related data: European Commission Authentication Service (EU Login) login name and password (only stored in EU Login), security data/log files (for audit trails).

Purpose

Upon reception of your expression of interest, grant application, proposal or tender your personal data are collected and further processed for 'managing award procedures for procurement, grants and the selection of experts, and managing the execution of (procurement and experts) contracts and implementation of agreements (grants)', by Agency services or its contractors, including follow-up, related communication on similar topics or opportunities and monitoring of the related EU programmes.

Legal bases

The legal bases for the processing operations of personal data are based on:

- Article 5(1)(a) of Regulation (EU) 2018/1725 as the processing is necessary for the performance of a task carried out in the public interest EISMEA is entrusted with³ and in particular Articles 160 to 179 (procurement procedures), Articles 180 to 200 (grant procedures) and Articles 237 and 238 (selection of experts) of the EU Financial Regulation⁴;
- Article 5(1)(b) of Regulation (EU) 2018/1725 as the processing is necessary to comply with a legal obligation to which the controller is subject;
- Article 5(1)(c) of Regulation (EU) 2018/1725 as the processing is necessary for the performance of a contract to which you as data subject are party or in order to take steps at your request prior to entering into a contract;
- Article 5(1)(d) of Regulation (EU) 2018/1725 if processing is based on your explicit consent (for non-mandatory personal data).

Technical means

Your personal data is provided by submission of your grant application, proposal, tender or expression of interest. The information is collected in files stored in secured IT systems and processed by authorised Agency and Commission staff under the responsibility of the Controller mentioned in the Call for Expression of Interests, Call for Tenders or Call for Proposals or a related Invitation. The processing of your data will not include automated decision-making.

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

For the purposes detailed above, access to your personal data is given, without requiring your consent, to the following authorised staff, based on the "need-to-know" principle:

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295/39 of 21.11.2018).

² Article 136 and 141 EU Financial Regulation.

³ Act of Establishment: Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency (repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU) (OJ L 50/9 of 15.2.2021).

⁴ 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 (OJ L 193/1 of 30.07.2018). - the EU Financial Regulation.

- authorised staff of the Agency or other European Commission services, EU institutions, bodies and agencies, as well as authorised external experts and contractors staff who work on behalf of the Agency or other EU Institutions for 'managing award procedures for procurement, grants and the selection of experts, and managing the execution of (procurement and experts) contracts and implementation of agreements (grants)', in all their various stages (publication, evaluation, contract execution, checks, reviews, ex-post controls);
- bodies charged with a monitoring, audit or inspection task in application of European Union law (i.e. 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 EU Financial Regulation, European Anti-fraud Office–OLAF);
- the public: In case you are awarded a contract by the Agency, your personal data will be made public, in accordance with the obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the Union's budget (Articles 38(2), 163 and 189(2) of the EU 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 applicable website of the Commission (see the Financial Transparency System⁵ of the European Commission) and/or of the Agency. Additionally, selected experts may be listed in the Register of Expert Groups of the Commission⁶.

4. How do we protect and safeguard your information?

Your personal data are stored on servers of the Agency or the European Commission subject which abide by which abide by the European Commission's security Decisions 2017/46 of 10 January 2017 and 2015/443 of 13 March 2015. Only designated persons have access to the data kept for the purposes outlined above. Personal data kept in paper format are stored in the premises of the Agency or the European Commission. Access to and within the premises is controlled.

5. How long do we keep your personal data?

Your personal data contained in the below files are kept:

- For selection of *experts*, are to be retained for 5 years after the end of the multi-annual programme for which you submitted an expression of interest and 10 years after the last payment made under the contract, while data related to unsuccessful experts are eliminated five years after the closure of the procedure.
- Files relating to *tender procedures*, including personal data, are to be retained for a period of 10 years following the closure of the procedure. However, data of unsuccessful tenderers or candidates have to be kept only up to 5 years following the closure of the procedure.
- Files relating to *grant procedures*, including personal data, are to be retained for a period of 10 years following the closure of the procedure and 10 years after the last payment under the agreement. However, applications from unsuccessful applicants are kept only up to 5 following the closure of the procedure.
- Extract from *judicial records* are kept up to 2 years after closure of the procedure.
- Until the end of a possible monitoring, audit on 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).

After the period mentioned above has elapsed, the files containing personal data are sampled to be sent to the Commission's Historical Archives for further conservation. The non-sampled files are destroyed.

Any action performed in corporate eProcurement IT systems under 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.

6. How can you verify, modify or delete your information?

You have specific rights in application of Articles 14 to 25 of Regulation (EU) 2018/1725, in particular the right to access or the right to rectify if your data is inaccurate or incomplete; where applicable you have the right to request erasure of your personal data and the right to restrict the processing of your personal data; where applicable, you also have the right to request a copy or to object to the processing on grounds relating to your particular situation.

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 Articles 151 and 141 of the EU Financial Regulation.

If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

Your request to exercise the above rights will be dealt with without undue delay and within one month.

Your right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the applicable Restriction Decision in accordance with Article 25 of Regulation (EU) 2018/1725 available via the EISMEA website⁷.

7. Contact information

For any questions related to the processing of your personal data and to exercise your rights mentioned above, contact the Controller, by using the contact information mentioned in the Call for expression of interest, Call for tenders, Call for proposals, Invitation to submit a proposal or tender or Grant Application Form, and by explicitly specifying your request. The processing of your personal data is detailed in the Agency Register of processing activities.

8. Recourse

If you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of personal data, you have the right to lodge a complaint to the EISMEA Data protection officer via EISMEA-DPO@ec.europa.eu or to the European Data Protection Supervisor (edps@edps.europa.eu).

⁵ https://ec.europa.eu/budget/fts/index_en.htm.

⁶ See <http://ec.europa.eu/transparency/regexpert>; for more information on the provision of this register see record DPR-EC-00656 in the register of the Data Protection Officer of the European Commission on <http://ec.europa.eu/dataprotectionofficer>.

⁷ https://eisma.ec.europa.eu/eisma-data-protection-notice_en.