



PRIVACY STATEMENT

PROCUREMENT PROCEDURES

1. Context and Controller

This privacy statement explains why we process, how we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you may exercise in relation to your data (the right to access, rectify, block etc.).

As the FCH 2 JU collects and further processes personal data, it is subject to *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*.

Processing operations are under the responsibility of Executive Director of the FCH 2 JU - the Controller.

The FCH 2 JU may be contacted by sending an e-mail to fch-ju@fch.europa.eu, or at the following postal address: TO 56-60, 1049 Brussels, Belgium

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

Types of personal data

Personal data of tenderers, their staff or subcontractors, as follows:

- Contact information: name, function and contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address).
- Certificates of social security contributions and taxes paid, extract from judicial records;
- Banking information (IBAN and BIC codes), VAT number etc.
- Information for the evaluation of selection criteria (expertise, technical skills and languages, educational background, professional experience including details on current and past employment).
- A declaration on their honour that they are not in one of the exclusion situation referred to in article 106 and 107 of the Financial Regulation.
- Data processing on implementation of contract and decision may require other types of data as specified in the relevant documents.
- Since the information is often provided on a CV, the tenderers, staff or subcontractors may supply additional information, which is not necessary for the purpose of procurement (such as title, age, or nationality).

Article 10 of Regulation (EC) 2018/1725 does not apply to collected data.

Purpose and Technical means of personal data processing

Upon reception of your expression of interest, tender or request to participate by the FCH 2 JU, your personal data is collected and further processed for the purpose of the management and administration of procurement procedures by the FCH 2 JU, including in particular the provision of evidence of the technical and professional capacity of tenderers, their staff and subcontractors.

The information is collected in files stored in an isolated secure system. The information is processed by the FCH 2 JU personnel under the responsibility of the Controller mentioned in the Invitation to Tender

Lawfulness of the processing operation:

The data processing is considered lawful because it is necessary:

- For the performance of tasks carried out on the basis of the Financial Regulation and Implementing Rules;
- To ensure compliance of the Controller with the legal obligations stated in the Financial Regulation and Implementing Rules;
- To perform an administrative task before entering into contract, for concluding a contract with the data subject as described in points (a), (b) and (c) of art. 5 of Regulation 2018/1725.
- To comply with Articles 29.3(b) and 33 of the Regulation 2018/1725 when the contractor acts as data processor.

Legal basis

The legal basis for the processing operations on tenderers' personal data are:

- Financial Rules of the Fuel Cells and Hydrogen 2 Joint Undertaking
- Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012 (2012 Financial Regulation)

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

All recipients are on a "need to know" basis.

For the purposes 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:

- FCH 2 JU staff as well as outside experts and contractors who work on behalf of the FCH 2 JU for the purposes of management of the procurement procedure and tender evaluation.
- Members of the public: In case you are awarded a contract by the FCH 2 JU, your personal data will be published on the FCH 2 JU website, in accordance with the FCH 2 JU's obligation to publish information on the outcome of the procurement procedure. The data to be made public includes your name and address, the amount awarded and the name of the project or programme for which you are awarded a contract.



4. What are your rights and how can you exercise them?

Access

In case you wish to access your personal information, you can contact the FCH 2 JU Data Protection Officer at Data-Protection@fch.europa.eu

You may make a request to access the FCH 2 JU Register of data processing operations in order to obtain more detailed information on how we treat and protect your personal data, in accordance with Article 17 of Regulation (EU) 2018/1725 .

Rectification

You can, if need be, rectify any inaccurate personal data throughout the entire selection process by sending a written request to the above mentioned email address.

You cannot, however, send us any changes of your personal data related to the admissibility criteria after the application deadline.

Erasure

You may make a request for erasure of your personal data under the conditions laid down by Article 19 of Regulation (EU) 2018/1725. In this case, you should send us a written request to the same email address mentioned under section "Access".

We will respond to your request without undue delay and at the latest within one month.

You could further request cancellation of your application and deletion of all linked personal data by making use of the contact information mentioned above.

Restriction of processing

You may make a request for restricting the processing of your personal data under the conditions laid down by Article 20 of Regulation (EU) 2018/1725 for the following reasons: you would like to contest the accuracy of the personal data; you consider that the processing is unlawful and you would oppose the erasure of the personal data and request the restriction of the use of the personal data instead; when the FCH 2 JU as controller no longer needs your personal data for the purposes of the processing, but it is required by you as data subject for the establishment, exercise or defence of legal claims; or when you have objected to processing pursuant to Article 23(1) of Regulation (EU) 2018/1725, pending the verification of legitimate grounds.

In this case, you should send us a written request to the same email address mentioned under section "Access".

Right to data portability

You have the right to receive the personal data which you have provided to us in a structured, commonly used and machine readable format, and you may also request us to transmit this data to any other controller under the conditions of Article 22 of Regulation 2018/1725. In this case, you should send us a written request to the same email address mentioned under section "Access".



Right to object

You may object at any time to processing of your personal data under the conditions laid down by Article 23 of Regulation (EU) 2018/1725, on grounds relating to your particular situation. In this case, you should send us a written request to the same email address mentioned under section “Access”.

5. How long do we keep your personal data?

Files including personal data relating to procurement procedures are to be retained in the service in charge of the procedure until it is finalised, and in the archives for a maximum period of 10 years following the signature of the contract in order to satisfy control and audit purposes.

However, data from unsuccessful tenderers have to be kept only for 5 years following the signature of the contract in question. These 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 to be sent to the historical archives of the Commission for further conservation. The non-sampled files are destroyed.

6. Contact information

For any questions related to your rights, feel free to contact the Data Controller at Data-Protection@fch.europa.eu by indicating ‘Data Protection’ in the subject and explicitly specifying your request.

Any information relating to processing of your personal data is detailed in the register of the Data Protection Officer of the FCH 2 JU.

7. Recourse

You have the right to submit a complaint at any time directly to the European Data Protection Supervisor:

Rue Wiertz 60 - MO 63

B-1047 Bruxelles

Belgium

Tel: +32 2 283 19 00

Fax: +32 2 283 19 50

Email: edps@edps.europa.eu