



Name of tender:

**Study on
Value Chain and Manufacturing Competitiveness Analysis for Hydrogen
and Fuel Cells technologies**

Reference number: FCH contract 192

Question received

Answer of the Contracting Authority

1. The specifications (section 2.3, page 10) state:

*The contractor may act only under the supervision of the FCH 2 JU as **data controller**, in particular with regard to the purposes of the processing, the categories of data that may be processed, the recipients of the data and the means by which the data subject may exercise its rights.*

To avoid ambiguity, we believe this to mean that the contractor is a **data processor**, and the FCH 2 JU is the data controller. Please could you confirm this, or explain if in fact the contractor is the data controller.

The Tender Specifications state that “*the contractor may act only under the supervision of the **FCH 2 JU as data controller**”*, with the meaning **that the FCH 2 JU is the data controller and will supervise data processing operation accordingly.**

To avoid any confusion, we confirm that the contractor would be indeed the data processor, and not the controller.

The same provision is stated in article II.9 of the Draft Service contract (“Processing of personal data”) as follows:

*“II.9.4 If the contract requires the contractor to process any personal data, **the contractor may act only under the supervision of the data controller** (A/N: i.e. the FCH 2 JU), in particular with regard to the purposes of the processing, the categories of data that may be processed, the recipients of the data and the means by which the data subject may exercise its rights.”*