



RECORD OF PERSONAL DATA PROCESSING – OPERATIONAL PROCUREMENT

Art. 31 of the *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* (henceforth the "Data protection regulation")

Record n°

N° 66

In accordance with Article 31 of the data protection regulation, individuals whose personal data are processed by the Executive Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Executive Agency has to keep records of their processing operations.

This record covers the following processes:

- 1) Mandatory records under Art 31 of the data protection regulation*
- 2) Compliance check and risk screening*

The ground for the record is (tick the relevant one):

- Regularization of a data processing activity already carried out.
 - Record of a new data processing activity prior to its implementation.
 - Change of a data processing activity.
 - Adaption of Agency's own record.
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PART 1 (This part is made public) Name of the processing operation		
1	Creation and last update of this record (if applicable)	NA/ New record
2	Title and one-sentence description of the processing	Procurement procedures and contracts management related to the implementation of the operational budget
(This part is made public) Part 1 - Article 31 Record		
2a	Legal basis	<p>Article 5(1) (a), (b), (c), (d) of the Regulation:</p> <p>(a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body; and for the management and functioning of the Union Institutions or bodies (Recital (22) of the Regulation):</p> <ul style="list-style-type: none"> • Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast), in particular Titles V (Common Rules); VII (Procurement and Concessions); • Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation; • Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 <p>(b) processing is necessary for compliance with a legal obligation to which the controller is subject:</p> <ul style="list-style-type: none"> • Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast), in particular Titles V (Common Rules); VII (Procurement and Concessions); • Regulation (EU)2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, in particular recital (87) and Article 53 and 54.

		<ul style="list-style-type: none"> • 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 and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU; • Commission Decision C(2021)952 of 12 February 2021 delegating powers to the European Research Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of Research and Innovation, Research of the Fund for Coal and Steel and Information Provision and Promotion Measures concerning Agricultural Products comprising, in particular, implementation of appropriations entered in the general budget of the Union; • Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes; • The financing decisions form part of the legal basis for a processing operation, where applicable, in line with Article 110 of the Financial Regulation; • Union law setting up specific funding programmes and initiatives, and work programmes is providing further legal basis for personal data processing but making reference to the Financial Regulation for actual implementation mechanisms. <p>(c) 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;</p> <p>(d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes.</p>
3	Function and contact details of the controller	<p>The controller is the European Research Executive Agency (REA), represented by its Director. For organisational reasons, the role of the data controller has been entrusted by the Director to the delegated controller and is exercised by REA Head of Unit, D3, Finance.</p> <p>The data controller may be contacted via functional mailbox: REA-LEGAL@ec.europa.eu</p>

4	Contact details of the Data Protection Officer (DPO)	REA-DATA-PROTECTION-OFFICER@ec.europa.eu
5	Name and contact details of joint controller (where applicable)	<p>Joint controllership is involved Yes, linked to the EU Funding & Tenders Portal (“the Portal”), the European Commission’s central online platform for accessing EU funding and procurement opportunities and SEDIA, a strategic initiative of the European Commission aiming at creating a master data repository of external stakeholders conducting business with the European Commission, specifically through grants or tenders - list-of-joint-controllers_en.pdf</p> <p>The essence of the Joint Controllership Arrangement is available here</p> <p>The joint processing operations consist of the following processing activities:</p> <ul style="list-style-type: none"> - Definition of purposes and design of the related means (business processes and IT systems) for processing operations related to the management of contracts via the SEDIA corporate initiative; - Registration, (re)assessment and (re)validation of participants in procurement procedures: <ul style="list-style-type: none"> • validation of legal existence of participants, their legal status and contact data; • validation of decision-making and delegation rights of participants’ legal representatives; • preparation of participants’ financial capacity; • preparation of participants’ ownership and control assessments; • encoding of bank account and legal entity files into the Commission’s accounting system.
6	Name and contact details of processor (where applicable)	Independent expert evaluators, reviewers and other external contractors (including in-house service providers and extra-muros). All of them are working on behalf of and under the responsibility of REA for the purposes of managing procurement procedures and contracts (including checks and reviews).
7	Purpose of the processing	<p>The processing of personal data is necessary for managing operational procurement procedures and the resulting contracts concluded, in accordance with the Financial Regulation. Award procedures comprising a contest for prizes are not covered.</p> <p>Entire life cycle of linked personal data concerning procurement processing operations, including (but not limited to) registration, accreditation, application, selection, evaluation, validation, entry into and monitoring of relevant type of legal commitment and all linked financial transactions are covered, as well as personal data processing operations related to “participants” and “recipients” as defined by Article 2 of the Financial Regulation.</p>

		<p>The record covers all processes related to contract management (including but not limited to signature, amendments, reporting, payments.)</p> <p>The record also covers all internal and external checks, audits, investigations and other proceedings, that users of public funds of European Union are subject to, to assess the legality and regularity of the transactions underlying the implementation of the European Union budget. The audit and control activities can be conducted at any time during the performance of the programme/contract, as well as thereafter, and can concern any aspect, depending on the needs of the contracting authorities. The audit and control activities may be carried out on documents; and/or on the spot in any place where the funds in question are managed or used; the geographical scope is therefore worldwide.</p> <p>The record covers both external and internal data subjects. The Joint Controllers may use limited personal data obtained through the Portal for the purposes of monitoring, evaluating, and improving their programmes and initiatives; to account for these in front of the legislative authorities (the European Parliament and Council of the European Union); to comply with their public reporting obligations; and as a source of information for policy-making.</p> <p>The personal data will not be used for an automated decision-making including profiling.</p>
8	<p>Description of the categories of data subjects</p>	<p><i>Within the Agency:</i></p> <ul style="list-style-type: none"> • Agency’s staff involved in the procurement procedures and contracts management; • Members of the REA Procurement Committee. <p><i>Outside of to the Agency:</i></p> <ul style="list-style-type: none"> • Staff of the European Commission and of other Union institutions, bodies and agencies (EUIBA) involved in the procurement procedures and contracts management; • Natural persons who are: economic operators, tenderers, contractors (including in-house service providers, consultants, and <i>extra-muros</i> service providers), subcontractors, staff of contractors, subcontractors and other entities on which a tenderer relies, members of the evaluation committees. • Third-party platform provider authorised by the Commission/REA

<p>9</p>	<p>Description of personal data categories</p> <p>Indicate all the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p>	<p><i>Categories of personal data:</i></p> <ul style="list-style-type: none"> - Identification data: first name, middle name & last name (including maiden name), gender, title, nationality, Participant Identification Code (PIC) (when the participant is a natural person), other person identifiers linked to other sources (e.g. ORCID ID or Researcher ID), ID document number (passport/other); - Contact data: e-mail, contact (phone) numbers – including all types, such as personal, business, GSM, landline, fax, voice over IP etc., personal address(es) submitted (such as origin, permanent, current, previous residences); - Employment and career related data: current employment status (such as employer’s name & address, department, function/position, staff category), employment contracts, salaries, timesheets, missions/meetings minutes/reports, supporting documents related to travel costs, work experience and professional expertise; - Financial data of natural persons: bank account related data (such as account number, name and address of the holder, name and address of the bank), ownership and tax related data (such as revenues and patrimony, number / value of shares or voting right held by natural persons or group of natural persons, social security contributions, VAT and other taxes paid); - Data necessary for management of procedural /evaluation/performance related aspects: eligibility (access to procurement market) criteria related personal data, exclusion criteria related personal data (including declaration on honour and extracts from judicial records for natural persons), selection criteria related personal data, award criteria related personal data, performance related personal data linked to legal commitment with REA (such as quality of performance of participant (if a natural person) or participant’s staff during the execution of relevant legal commitment, any other procedural (application, evaluation process related, contract reporting and monitoring etc.) data that is of personal nature and linked to points listed above; - Authentication and access data: EU Login credentials, IP address, security data/log in files; - Health related data: information related to health conditions in relation to claims (e.g. for special costs or triggering a change for a contractual condition (suspension, amendment, parental leave etc.)); - Other incidental and unsolicited data: third party personal data: the supporting documents submitted by the participant may contain personal data of third persons (such as other experts mentioned in proposals,
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		<p>board members etc.) not necessary for purposes of processing, data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and sexual orientation - if these data appear in the documents (CVs, ID documents, other documents) provided by the data subjects without the request of REA, (references to) personal data freely available on social networks and the Internet, personal data that could be incidentally transmitted to REA (although not solicited) in the context of the contractual obligation of the contractors to report on ethics and Code of conduct matters.</p> <p>The data categories listed above are exhaustive, but the listed data fields are non-exhaustive.</p> <p><i>The processing operation concerns any 'special categories of data' which fall(s) under Article 10(1), which shall be prohibited unless any of the reasons under Article 10(2) applies?</i></p> <p>Yes, the processing may concern data concerning health.</p> <p>Data subjects may provide voluntary health-related data for obtaining additional reimbursement due to special needs and possible additional costs. In addition, in the course of its audit/control activities, REA might process special categories of personal data (related to maternity/illness/special leaves).</p> <p>Such processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the entity of the controller or of the data subject in the field of employment and social security.</p> <p>Processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued.</p> <p><i>The data being processed contains sensitive data which fall(s) under Article 11 'criminal convictions and offences'?</i></p> <p>Yes, official extract of judicial/police record may be requested by the responsible authorising officer (RAO) to prove the absence of exclusion of the entity or related persons.</p>
10	<p>Retention time (time limit for keeping the personal data)</p>	<p>REA applies the principles and retention periods indicated in Common Retention List of the Commission by analogy.</p> <p>Personal data shall be stored for no longer than is necessary for the achievement of the purposes for which the data was collected or further processed.</p> <ul style="list-style-type: none"> - Data related to managing award procedures (for unsuccessful tenderers and candidates) – retention period of maximum 5 years after the end of the year of the call submission deadline.

		<ul style="list-style-type: none"> - Data related to management of contracts (contractors, subcontractors, guarantors) – retention period of maximum 10 years following the final payment made under the contract. - Any extracts from judicial records provided by the data subjects are not kept longer than 2 years after the end of the year in which the particular procedure was accomplished. <p><i>Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged?</i></p> <p>Yes. In such cases, these personal data are clearly identified, and appropriate safeguards are in place to ensure data minimisation: pseudonymisation.</p> <p>At the end of the pre-defined retention period, the files are usually subjected to sampling for transfer to the Commission’s historical archives for further conservation. The vast majority of files are not sampled and are destroyed. In the rare occurrence that a file is selected or sampled at the end of the retention period, some data may be retained in the Commission’s Historical Archives.</p> <p>Any retention of data may be temporarily extended if a monitoring, audit or inspection task in application of European law (e.g. internal audits, the Panel referred to in Articles 93 and 145 of the Financial Regulation, European Anti-fraud Office - OLAF or Court proceedings) are ongoing; any action performed in corporate eProcurement IT systems by data subjects under their EU login is recorded in order to enable queries on financial, contractual and accounting matters as well as for audit trail purposes.</p>
11	Recipients of the data	<p><i>Who will have access to the data within the Agency?</i></p> <p>Based on the need-to-know principle:</p> <ul style="list-style-type: none"> • The Director of the Agency; • REA Operational and/or Administrative Units in charge of the call for tenders, procurement, the management of the contract, financial and legal matters as specified in the relevant data protection notice; • Members of the REA Procurement Committee; • The authorised staff for the legal validation and preparation of financial viability assessment in PDM, if applicable. <p><i>Who has access to the data outside the Agency?</i></p> <p>Based on the need-to-know principle:</p> <ul style="list-style-type: none"> • Any EUIBA working with the Portal processing operations covered by the privacy statement or entitled by law, and any legal and natural persons who is covered by the privacy statement and is in a

		<p>contractual relationship with Union institutions, bodies and agencies (EUIBA).</p> <ul style="list-style-type: none"> • DG Budget (BUDG) for Legal Entity and Bank Account Files • Secretariat-General (SG) - Ares; • DG for Informatics of the European Commission (DIGIT) - Outlook, shared drives. • any natural/legal person with whom Union institutions, bodies and agencies are under regulatory duty; or who needs the data in the public interest, , if the recipient needs the data for legitimate performance of tasks within its competence (such as: authorized persons representing the Member States; EEA countries; and associated or beneficiary third countries (if relevant for the programme) in various programming/legislative bodies (programme committees; advisory groups; national authorities/agencies; contact points etc.); authorized persons representing the industry in the case of the EU joint-undertakings' operations etc.); • any natural person who has a contractual relationship with a joint controller and who is working as processors on behalf of the Agency in various stages of the procurement procedures (publication, evaluation, contract execution, checks, reviews, ex-post controls), if applicable; • any natural/legal person who has a contractual relationship with a joint-controller and who is working on behalf of and under the responsibility of that joint-controller for the purposes of performing the tasks of the relevant contract, or has a need-to-know stemming from the contract (external experts); • authorised staff of contractors acting as processors for a specific processing operation (external auditors; event organisers etc.) <p>In addition, data may be disclosed to public authorities, which are not regarded as recipient but may receive personal data in the frame of a particular inquiry in accordance with Union and Member State law, namely:</p> <ul style="list-style-type: none"> • The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure; • The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004; • The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union and Article 20, paragraph 5 of Regulation (EC) No 58/2003; • The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
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12	<p>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</p>	<p>Transfer may occur under certain procurement procedures and contracts in the context of evaluation of tenders and award of contracts to persons/entities from non-EU/EEA countries, when necessary for REA to carry out its budget implementation tasks, or to comply with its obligations under the applicable legislation and specific agreements with the international organisations.</p> <p>REA may transfer personal data to recipients in a third country in accordance with the Regulation.</p> <p>Personal data may be transferred to the following recipients in non-EU countries: non-EU based contractors;</p> <p>Legal basis: Art 47 and 48; for specific situations derogations may apply: Art 50 of the Regulation.</p>

13	<p><u>General description of the technical and organisational security measures</u></p>	<p>All personal data in electronic format (emails, documents, databases, etc.) that are processed during this processing activity are stored on the servers of the European Commission. All Commission IT systems are compliant with the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.</p> <p>In addition, external contractors run IT systems on behalf of the Commission in line with the provisions of Regulation 2018/1725. They act only upon written instructions from the Controllers and undertake to adopt appropriate technical and organisational security measures having regard to the risks inherent to the processing and to the nature of the personal data concerned. Appropriate technical and organisational security measures are in place to address all data processing risks (preventing unauthorised access, reading, copying, alteration or deletion of personal data etc.):</p> <p>Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed.</p> <p>Organisational measures include restricting access to personal data solely to authorised persons with a legitimate need-to-know for the purposes of this processing operation. Access to data is only available to registered users as approved by their hierarchy through a separate access control module (EU Login and SECUNDA+), and according to the need-to-know principle. The security module logs which user has requested access to the system, together with the date and timestamp. Authentication is based on the EU Login mechanism.</p> <p>The access rights for the accounting system are defined via the accounting system security modules. The authentication to the accounting system, the document management system etc. is accomplished via the EU Login mechanism, which is designed to increase the security of Commission's IT systems.</p> <p>The paper files are stored in locked/secured cupboards and /or storage offices. Access is limited and is on a need-to-know basis.</p>
14	<p><u>Data subject rights/restrictions</u></p>	<p>A data subject can exercise his/her rights (Articles 14 to 24 of the Regulation) by submitting a request concerning access, rectification, erasure, restriction or objection to processing of their personal data to the Controller (Article 14(3) of the Regulation) by sending their request to REA-LEGAL@ec.europa.eu</p> <p>These rights may be restricted only under certain specific conditions as set out in the applicable Restriction Decision in accordance with Article 25 of the Regulation. Also due to communication of a personal data breach or due to the confidentiality of electronic communications.</p>

		<p>Further to the above, data subjects may contact the REA Data Protection Officer (DPO): REA-DATA-PROTECTION-OFFICER@ec.europa.eu</p> <p>In case of conflict, complaints can be addressed to the European Data Protection Supervisor: EDPS@edps.europa.eu</p>
15	Information to data subjects/Data protection notice (DPN)	<p>Privacy Statement relevant to this data processing is available under the legal notices in the Portal on this link: privacy-statement-procurement_layer2_en.pdf as well it is published on REA Public Central Data Protection Records and it is transmitted by the data controller to the data subjects, where applicable.</p>