



# EUAM UKRAINE PRIVACY STATEMENT – DATA PROTECTION NOTICE

## FOR THE PURPOSE OF PROCESSING PERSONAL DATA RELATED TO PROCUREMENT PROCEDURES IN THE EUROPEAN UNION ADVISORY MISSION IN UKRAINE

<b>1. INTRODUCTION</b>
<p>THE PROTECTION OF YOUR PRIVACY INCLUDING YOUR PERSONAL DATA IS OF GREAT IMPORTANCE TO THE EUROPEAN UNION AND TO EUAM UKRAINE. WHEN PROCESSING PERSONAL DATA WE REFLECT THE PROVISIONS OF THE CHARTER ON FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, AND IN PARTICULAR ITS ARTICLE 8 ON DATA PROTECTION. THIS PRIVACY STATEMENT DESCRIBES HOW EUAM UKRAINE PROCESSES YOUR PERSONAL DATA FOR THE PURPOSE IT HAS BEEN COLLECTED AND WHAT RIGHTS YOU HAVE AS A DATA SUBJECT. YOUR PERSONAL DATA BY EUAM UKRAINE IS PROCESSED IN ACCORDANCE WITH THE PRINCIPLES AND PROVISIONS LAID DOWN IN THE PERTINENT LEGISLATION ON DATA PROTECTION, INCLUDING 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 COMMUNITY 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 AS OF 11 DECEMBER 2018, ALIGNED WITH THE PROVISIONS OF THE GENERAL DATA PROTECTION REGULATION (EU) 2016/679/ AND IN ACCORDANCE WITH THE CIVOPS/CDR INSTRUCTION 12-2018 AND WITH THE EUAM UKRAINE SOP ON THE PROTECTION OF PERSONAL DATA.</p> <p>ALL DATA OF A PERSONAL NATURE - NAMELY DATA THAT CAN IDENTIFY YOU DIRECTLY OR INDIRECTLY - WILL BE HANDLED FAIRLY AND LAWFULLY WITH THE NECESSARY CARE.</p>
<b>2. PURPOSE OF THE PROCESSING : Why do we process your data?</b>
<p>Upon reception of tenderer's expression of interest, tender or request to participate by EUAM Ukraine, personal data is collected and further processed for the purpose of the management and administration of the procurement procedures by EUAM Ukraine.</p>
<b>3. DATA PROCESSED: What data do we process?</b>
<p>The data, including personal data, which may be processed for that purpose are the following:</p> <ul style="list-style-type: none"><li>• Name, age, gender, date of birth, nationality, civil status, education, passport number, ID number, country of residence, certificate of 'no criminal record';</li><li>• Professional Function;</li><li>• Contact details (e-mail address, telephone number, fax number, address, company and department, internet address);</li><li>• Certificates for social security contributions and taxes paid, certificates on absence of criminal records;</li><li>• Bank account reference (IBAN and BIC codes), VAT number;</li><li>• Information for the evaluation of selection criteria or eligibility criteria: expertise; technical skills and languages, educational background, professional experience; including details on current and past employments;</li><li>• Declaration on honour regarding not being in one of the exclusion situations referred to in article 136 of the Financial Regulation.</li></ul>
<b>4. DATA CONTROLLER: Who is entrusted with processing your data?</b>
<p>The Controller determining the purpose and the means of the processing activity is the CSDP Mission EUAM Ukraine. The EUAM Ukraine section responsible for managing the personal data processing is PROCUREMENT UNIT under the supervision of the Head of Mission Antti Hartikainen.</p>
<b>5. RECIPIENTS OF THE PERSONAL DATA: Who has access to your data?</b>
<p>The recipients of your data may be</p> <ul style="list-style-type: none"><li>▪ Mission staff of the Procurement Unit or directly involved in procurement procedure</li><li>▪ Mission ex-ante verification officers</li><li>▪ Mission ex-post financial controller</li><li>▪ Relevant Authorizing Officers of the Mission</li><li>▪ External auditors from various EU bodies (Internal Audit Service, European Court of Auditors) or as appointed by EU Commission</li></ul> <p>The given information will not be communicated to third parties, except where necessary for the purposes outlined above.</p>
<b>6. ACCESS, RECTIFICATION, ERASURE OF THE DATA: What rights do you have?</b>

You have the right to access your personal data and the right to request for correction of any inaccurate or incomplete personal data, as well as to request the removal of your personal data, if collected unlawfully, which will be implemented within one month after the receipt of your request. If you have any queries concerning the processing of your personal data, you may address them to the functional mailbox: [tenders@euam-ukraine.eu](mailto:tenders@euam-ukraine.eu)

#### **7. LEGAL BASIS FOR THE PROCESSING OPERATION: On what grounds we collect your data?**

Legal basis:

- 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
- Council Decision 2014/486/CFSP, 22 July 2014, and its subsequent amendments, latest being Council Decision 2019/761/CFSP, dated 13 May 2019
- Revised Operational Plan (doc. 8250/19, dated 5 April 2019)
- Civilian Operations Commander Instruction 12/2018 on the SOP on Personal Data Protection
- EUAM SOP on Data Protection 2019-EUAM-1232
- European Commission Service for Foreign Policy Instruments Vademecum on Financial and Accounting procedures for CSDP Missions (ver 1.0, 19 March 2018)
- European Commission Procurement Rules for Common Foreign and Security Policy (CFSP) Operations (v. 3.0) of 10 April 2019.

Processing personal data is needed for executing the mandate of the Mission.

#### **8. TIME LIMIT FOR STORING DATA: For what period and how we process your data?**

##### Retention of data

Personal data is kept for a period of five years from the end date of relevant Contribution Agreement between the EUAM Ukraine and European Commission.

In case of security incident/criminal investigation concerned data is under specific legislation (Ukrainian or EU or EU Member State).

##### Security of data

Appropriate technical and organisational measures are ensured:

- *Electronic format:* the data will be stored on the servers that abide by the pertinent security rules. Personal data will be processed by assigned staff members. Files have authorised access. Measures are provided to prevent non-responsible entities from accessing data. General access to all collected personal data and all related information is only possible to the recipients with a User ID/Password.
- *Physical Files:* When not in use, physical copies of the collected personal data will be stored in a properly secured and locked storage container.
- to prevent any unauthorised person from gaining access to computer systems; any unauthorised reading, copying, alteration or removal of storage media; any unauthorised memory inputs; any unauthorised disclosure, alteration or erasure of stored personal data; unauthorised persons from using data-processing systems by means of data transmission facilities;
- to ensure that authorised users of a data-processing system can access no personal data other than those to which their access right refers; the possibility to check logs; and that personal data being processed on behalf of third parties can be processed only on instruction of the controller; furthermore that, during communication or transport of personal data, the data cannot be read, copied or erased without authorisation;
- to record which personal data have been communicated, at what times and to whom.

#### **9. MISSION DATA PROTECTION ADVISOR: Any questions to MDPA?**

In case you have questions related to the protection of your personal data, you can also contact the Mission Data Protection Advisor (MDPA) – Legal Adviser - at the functional mailbox of the mission [data.protection@euam-ukraine.eu](mailto:data.protection@euam-ukraine.eu)

#### **10. RECOURSE**

You have at any time the right of recourse that you may send to the Head of the Mission within EUAM Ukraine, with the MDPA (Legal Adviser) in copy.