



EUROPEAN UNION CAPACITY BUILDING MISSION SOMALIA

PRIVACY STATEMENT ON PROCUREMENT PROCEDURES DATA

I. LEGAL BASIS AND SCOPE:

The protection of your privacy including your personal data is of great importance to the European Union and to EUCAP Somalia. 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 EUCAP Somalia processes your personal data for the purpose for which it has been collected and what rights you have as a data subject. Your personal data collected by EUCAP Somalia 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 CivOpsCdr instruction 12-2018 and with the EUCAP Somalia SOP on the protection of personal data.

All data of a personal nature - namely data that can identify you directly or indirectly - will be handled FAIRLY, LAWFULLY AND with the necessary care.

II. PURPOSE: Why we process your data?

The main purpose of processing personal data is to enable the Mission management and administration to process tenderer's expression of interest or tender according to EUCAP Somalia procurement procedures.

III. DATA PROCESSED: What data we process?

The data, including personal data, which may be processed¹ for that purpose are the following:

- Name, age, gender, date of birth, nationality, civil status, education, passport number, copy of driver's license, ID number, country of residence,
- Professional function;
- Contact details (e-mail address, telephone number, fax number, address, company and department);
- Certificates for social security contributions and taxes paid;
- Information for the evaluation, including expertise, technical skills and languages, educational background, professional experience, including details on current and past employments.

IV. DATA CONTROLLER: Who is entrusted with processing your data?

The Controller determining the purpose and the means of the processing activity is the CSDP Mission EUCAP Somalia. The Mission's Procurement Unit is primarily responsible for managing the personal data processing in the procurement context, under the supervision of the Head of Mission.

¹ *While this list may not be exhaustive it includes most of the relevant and standard documents processed.

V. ACCESS: Who has access to your data?

The recipients of your data may be:

- Procurement Unit and Mission Members involved in procurement procedures, including evaluations;
- Mission ex-ante verification officers;
- Mission ex-post financial controller;
- Relevant Authorizing Officers of the Mission;
- External auditors from various EU bodies (Internal Audit Service, European Court of Auditors) or as appointed by EU Commission.

Information will not be communicated to third parties, except where necessary for the purposes outlined above.

VI. ACCESS, RECTIFICATION, ERASURE OF DATA: What rights do you have?

You have the right to access your personal data and to request correction of any inaccurate or incomplete personal data. You also have the right to request the removal of your personal data if collected unlawfully, in which case it 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@eucap-som.eu

VII. LEGAL BASIS: On what grounds we collect your data?

- 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 2012/389/CFSP of 16/06/2012 and subsequent amendments, latest Council Decision (CFSP) 2020/2031 of 10/12/2020;
- Revised Operational Plan (doc. 5679/20);
- Civilian Operations Commander Instruction 12/2018 on the SOP on Personal Data Protection;
- EUCAP Somalia SOP on Data Protection of 17/07/2019;
- European Commission Service for Foreign Policy Instruments Vademecum on Financial and Accounting procedures for CSDP Missions;
- European Commission Procurement Rules for Common Foreign and Security Policy (CFSP) Operations.

Processing of personal data is needed in order to execute the Mission's mandate.

VIII. DATA STORAGE AND SECURITY: How is it organized?

As a general rule all data is stored electronically and is solely available to authorized mission staff. All data is stored and retained in accordance with the law and regulations, including the EUCAP SOP on Personal Data Protection.

Data are stored and secured in:

- Electronic format: the data will be stored on the Mission's 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 collected personal data and related information is only possible by duly authorized and accredited staff.
- Physical Files: When not in use physical copies of the collected personal data will be stored in a properly secured lockers and safes.

Specifically, appropriate technical and organisational measures apply:

- to ensure that authorised users can only access personal data relevant to their function and within their accreditation (access rights.) The possibility to check logs and access personal data potentially being processed on behalf of third parties can be processed only on instruction of the controller. Furthermore, during transfer of personal data the data cannot be read, copied or erased without authorization;

- to record which personal data have been communicated, at what times and to whom;
- to prevent any unauthorised individual(s) from gaining access to computer system, including unauthorised reading, copying, alteration or removal of storage media, as well as, any unauthorised memory inputs, unauthorised disclosure, alteration or erasure of stored personal data and to prevent unauthorised persons from using data-processing systems by means of data transmission facilities.

IX. RETENTION PERIOD: How long is data retained?

Personal data is kept for a period of ten years from the end date of the relevant Contribution Agreement between the EUCAP Somalia and the European Commission.

X. MISSION DATA PROTECTION ADVISOR: Any questions to the MDPA

In case you have questions related to the protection of your procurement process data please contact the Mission's Data Protection Advisor (MDPA) on: data-protection@eucap-som.eu

XI. RECOURSE

In accordance with the right of recourse you may at any time address a request or complaint in writing to the HOM of EUCAP Somalia, with the MDPA (Legal Adviser) in copy.