

Information notice about collecting, processing and protecting of personal data in ESPON

1. Context

As the ESPON Managing Authority collects and further processes personal data, it is subject to the General Data Protection Regulation No 679/2016 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. Regarding the collection and processing of personal data, operations are undertaken under the responsibility of the ESPON Managing Authority.

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

Types of personal data

Personal data collected and processed for Public Procurement

- Name
- Function
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address)
- Certificate for social security contributions and taxes paid,
- Extracts from judicial records
- Bank account reference (IBAN and BIC codes), VAT number, passport number, ID number
- Information provided for the evaluation of selection criteria or eligibility criteria of tenders: expertise, technical skills and languages, educational background, professional experience including details on current and past employment
- Declaration on honour that tenderers are not in one of the exclusion situation

Personal data collected and processed for communication and evaluation purposes

- Name
- Organisation
- Position
- Contact details (e-mail address; telephone number)

Personal data collected and processed for programme management and implementation purposes

- Name
- Organisation
- Position/function
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address)
- Bank account reference (IBAN and BIC codes), VAT number, passport number, ID number;
- Employment related information (salary slip, social security payment, holidays, sick leaves, work contract and addendums)¹;
- Data related to mission co-financed by the ESPON 2020 Programme (travel dates, flight tickets, accommodation and related supporting documentation necessary for travel costs reimbursement);

Purpose

Upon reception of your tender, request, claim, your personal data is collected and further processed for the purpose of programme management and implementation, the management and administration of procurement procedures, as well as other procedures of the ESPON Managing Authority's services.

For the communication and evaluation activities, your personal data is collected and processed for the legitimate interest of implementing the ESPON 2020 Cooperation Programme, and specifically for communication and evaluation activities.

Legal bases

The legal bases for the processing operations on personal data are:

- Regulation (EU, Euratom) no 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union ("Financial Regulation");
- Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union;
- Luxembourgish law on public procurement in force, in particular, the law on public procurement of 8th of April 2018 (« Loi sur les marchés publics du 8 avril 2018 ») and the regulation of 8th of April 2018 (« Règlement grand-ducal du 8 avril 2018 portant exécution de la loi du 8 avril 2018 sur les marchés publics »);

¹ Employment related data is collected only for staff whose salary is co-financed by the ESPON 2020 Programme

- General Data Protection Regulation No 679/2016 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

Technical means through which data is collected and processed

Personal data collected and processed for Public Procurement purposes is provided during the tendering procedure by yourself or by a third part duly authorized by you before submission of the tender.

Personal data collected and processed for communication and evaluation purposes is provided by yourself by completing a registration form when participating at events organised and/or financed by the ESPON 2020 Cooperation Programme or by opting in to receive updates on our activities.

Personal data collected and processed for programme management and implementation purposes is provided by your employer or by yourself when submitting the application form and progress reports and by yourself when submitting travel reimbursement requests to the ESPON 2020 Managing Authority.

The information is collected in files stored in an isolated secure system. The information is processed by the ESPON Managing Authority staff and might only be transferred to other institutions in order to accomplish public procurement procedures, programme management tasks or for the purposes of audits, under the responsibility of the ESPON Managing Authority.

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

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 or control task in accordance with European Union law:

- ESPON Managing Authority staff as well as outside experts and contractors who work on behalf of the ESPON Managing Authority for the purposes of management of the programme, procurement procedure and tender evaluation, and the bodies charged with a monitoring or inspection or control task in application of Union law (e.g. internal audits, Financial Irregularities Panel, European Anti-fraud Office - OLAF).
- The general public: in case you are awarded a contract by the ESPON Managing Authority, some personal data will be made public, in accordance with the obligations to publish information on the outcome of the procurement procedure deriving from the budget of the European Union. The information will concern in particular your name and address, the amount awarded and the name of the project or programme for which you are awarded a contract. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the ESPON Programme.
- The ESPON Certifying Authorities for the purpose of verifications and audits.

- Financial Controllers or auditors, as relevant, who work on behalf of the ESPON Managing Authority for the purpose of audits.

4. How do we protect and safeguard your information?

The collected personal data and all related information are physically stored in the ESPON Managing Authority premises and/or on the computer servers of the ESPON Managing Authority.

5. How can you verify, modify or delete your information?

In case you wish to verify which personal data is stored, have it modified, corrected, or deleted, please make use of the contact information mentioned below, by explicitly describing your request. Special attention is drawn to potential consequences of a request for deletion, as this – in case of a procurement procedure - may lead to an alteration of the terms of the tender and lead to exclusion.

Concerning the personal data collected and processed for communication and evaluation purposes, please note that you can ask us at any time and to update your personal data or to be deleted from our contact list by sending a request to espon2020@espon.mat.etat.lu.

In relation to modification, deletion of the personal data collected for the programme management and implementation purposes, please refer to section 6, in particular the obligation of the ESPON Managing Authority for retaining personal data in compliance with the article 140-1 of the Regulation 1303/2013.

6. How long do we keep your personal data?

Your personal data is kept:

- According to article 140, point 1 of the EU Regulation 1303/2013, the Managing Authority of the ESPON 2020 Programme has to ensure that all supporting documents regarding expenditures supported by the Funds are made available to the European Commission and the European Court of Auditors upon request for a period of three years from December 31 following the submission of the accounts in which the expenditure of the operation is included. The submission of the accounts is planned to take place during 2023, meaning that your data will be kept at least until 31st of December 2026. In some exceptional cases, the submission of the accounts can take place during the years following 2023, in which case the stocking of your related data will be extended accordingly. The abovementioned time periods can be interrupted either in case of legal proceedings or by duly justified request of the EC.
- Personal data relating to communication and evaluation activities will be kept until the closure of the ESPON 2020 Programme. (31 March 2025)



7. Contact information

For any further question concerning the collection and processing of your personal data, feel free to contact the ESPON Managing Authority, by using the contact email espon2020@espon.mat.etat.lu and by explicitly specifying your request.