



Record of processing activity

Procurement and selection of experts at the EBA

Record of EBA activities processing personal data, based on Article 31 of Regulation (EU) 2018/1725 (EUDPR)

Nr	Item	Description
Part 1 - Article 31 Record		
1	Last update of this record	24/01/2023
2	Reference number	EBA/DPR/2023/01
3	Name and contact details of controller	Controller: European Banking Authority (EBA), Tour Europlaza, 20 avenue André Prothin, CS 30154, 92927 Paris La Défense CEDEX, France Responsible department: Operations/Finance and Procurement Unit Contact: tenders@eba.europa.eu
4	Contact details of DPO	dpo@eba.europa.eu
5	Name and contact details of joint controller (where applicable)	Not applicable
6	Name and contact details of processor (where applicable)	1. European Commission 1049 Brussels – Belgium <ul style="list-style-type: none"> • DG BUDG provides the following system: ABAC: accounting system of the European Commission used to store identification and financial data of self-employed persons. • DIGIT provides the following systems: <ul style="list-style-type: none"> • eSubmission: a web-based service provided by the European Commission and used to make electronic submission of tenders possible. • Public Procurement Management Tool (PPMT): a web-based service provided by the European Commission used to input all

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		<p>details and documents of the procurement procedure to get approvals, automatically produce notices in the Official Journal of the European Union (EU), automatically create the call for tenders in eTendering and the tasks in eSubmission.</p> <p>Identification data of persons internal to the EBA is added to PPMT and eSubmission for the opening of tenders and for evaluation committees.</p> <p>Identification data of persons included in tenders and other documents as well as profiles of tenderers' staff are contained in the offers submitted by tenderers via eSubmission.</p> <ul style="list-style-type: none"> • EU SIGN: European Commission's qualified electronic signature system. • CIRCABC (Communication and Information Resource Centre for Administrations, Businesses and Citizens): a web-based service provided by the European Commission used to create collaborative workspaces. <p>2. Adobe Systems Software Ireland Limited 4-6 Riverwalk, Citywest Business Park 0000 Dublin 24, Ireland Adobe Sign platform is used to approve procurement documents by EBA staff and, in case of inter-agency procurement procedures, staff from other EU agencies part of evaluation committees.</p> <p>3. Microsoft Ireland Operations Limited Microsoft EU Data Protection Officer One Microsoft Place, South County Business Park, Leopardstown Dublin 18, D18 P521, Ireland https://aka.ms/privacyresponse Specific Microsoft Teams channels are used to store documents related to procurement procedures as of September 2019.</p> <p>4. Iron Mountain France 6/12 Avenue Descartes, Zone Industrielle des Sables 91420 Morangis, France Service provider of the EBA's physical archives, including Finance and Procurement Unit's paper archives until the implementation of paperless processes in September 2019.</p>
7	Short description and purpose of the processing	<p>The EBA processes personal data within the processing activity of 'Procurement and selection of experts' as follows:</p> <ul style="list-style-type: none"> • for procurement, personal data is processed to assess eligibility and capacity of potential contractors; to select the best tender and to decide to which economic operator a contract will be awarded; to subsequently manage the contracts awarded and obtain the services, supplies, and works required; • for selection of experts, personal data is processed for the selection of experts that subsequently become EBA experts.

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8	Description of categories of persons whose data the EBA processes and list of data categories	<p>Personal data received and processed depend on the relevant procurement procedure: in some cases, only contact details of an individual are needed to make a procurement or a purchase possible; in other cases personal data needed is more comprehensive (like financial statements in case of a self-employed professional, criminal records extract of managers, or profiles of staff of a tenderer) and is key to conclude that the tenderer is not in a situation of exclusion, fulfils the selection criteria, and/or has submitted the best tender. The latter is often the case in procurement and always the case for selection of experts.</p> <p>The EBA processes personal data of the following categories of persons:</p> <ul style="list-style-type: none"> • Internal to the EBA: <ul style="list-style-type: none"> • members of the evaluation committee (including staff members of other EU Institutions, Bodies and Agencies (EUI)); • Head of the Procurement Unit; • Head of the relevant requesting unit; • EBA Authorising Officer. <p>Personal data of the above-mentioned data subjects may be included in documents and platforms required to carry out procurement procedures such as: procurement approval documents; committees appointment documents; procurement evaluation documents; contracts; advanced electronic signature platform Adobe Sign; EU Sign, the European Commission’s qualified electronic signature; European Commission’s Public Procurement Management Tool; eSubmission; CIRCABC; EBA Microsoft Teams.</p> <ul style="list-style-type: none"> • External to the EBA: <ul style="list-style-type: none"> • staff of tenderers and contractors or subcontractors (providers of services or supplies) on which the tenderer or contractor relies to submit a tender or perform a contract; • self-employed tenderers and contractors; • experts (individuals) in the case of selection of experts. <p>Personal data of the above-mentioned data subjects are processed to carry out procurement procedures in the European Commission’s Public Procurement Management Tool and CIRCABC to assess eligibility, any situation of exclusion, selection criteria (financial statements), technical offers and to prepare any contract. Personal data are also processed in the advanced electronic signature platform Adobe Sign and the European Commission’s qualified electronic signature system.</p> <p>The EBA processes the following categories of personal data:</p> <ul style="list-style-type: none"> • Data subjects internal to the EBA: <ul style="list-style-type: none"> • Identification data: name, surname, title, and signature; • Contact details: work email address, work phone number.

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		<ul style="list-style-type: none"> • Data subjects external to the EBA: <ul style="list-style-type: none"> • Identification data: name, surname, title, and signature; • Contact details: work email address, work phone number; • Criminal records extract of potential contractor's managers/owners, as some offences are considered exclusion criteria based on Articles 136 and 137 of Regulation (EU, Euratom) 2018/1046; • Information for evaluation of tenderers and experts: professional profiles with identification data and information on academic background, professional experience and skills relevant to the selection or award phases of the procurement procedure. • Categories of personal data processed for all involved data subjects while using the following systems: <ul style="list-style-type: none"> • ABAC Legal Entity Form (LEF) and Bank Account identification Form (BAF) for self-employed contractors and experts: identification data as defined above, contact details as defined above, address, VAT number and bank account details. LEF and BAF for companies: name and signature of the representative of the contractor. <ul style="list-style-type: none"> • Public Procurement Management Tool (PPMT) Personal details: name and surname. <ul style="list-style-type: none"> • eSubmission Personal details and contact information: name, surname and work email address. <ul style="list-style-type: none"> • CIRCABC Personal details and contact information: username, first name, surname, email address, title, organisation, phone number, postal address, fax, URL address, open text/description. <ul style="list-style-type: none"> • EU Sign Personal details and contact information: name, surname, User ID of the requestor, professional email address, data present on the signing certificate for remote signing functionality (name, surname, date of birth, ID number, membership, title/role). Technical data: type of operation requested (sign/seal, verify, extend), date and time of the operation, target of the operation (EC internal, Seal, Qualified Electronic Signature). <ul style="list-style-type: none"> • Adobe Sign Personal details and contact information: name, surname, title, signature, email address, date and time of a signature or transaction event, IP address, and other information about the browser or device used to send, sign, delegate, approve, or take other actions with respect to the document. <ul style="list-style-type: none"> • Microsoft Teams Identification data: name, surname, title. Professional data: manager, title and description of function, rank.

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9	Time limit for keeping the data	<p>Content data: e.g., exchange online emails and attachments, SharePoint Online site content, instant messaging conversation.</p> <hr/> <p>Time limit to keep the above-mentioned categories of personal data is as follows:</p> <ul style="list-style-type: none"> • Selection of experts <p>Personal data related to the selection of experts are kept by the procurement team in electronic archives:</p> <ul style="list-style-type: none"> - for a period of ten (10) years for successful experts, following the budget discharge of the year when the relevant contract terminates, and - five (5) years for unsuccessful experts, following the completion of the selection of experts procedure. <ul style="list-style-type: none"> • Procurement procedures <p>Personal data from successful tenderers are kept by the procurement team in the electronic archives for a period of ten (10) years following the budget discharge of the year when the contract or the framework agreement terminates.</p> <p>Personal data from unsuccessful tenderers are kept by the procurement team in the electronic archives for five (5) years following the signature of the contract with the awarded tenderer(s).</p> <p>Criminal records extracts (requested only to awarded tenderers) are kept by the procurement team in the electronic archives for two (2) years following the signature of the contract with awarded tenderers.</p> <p>For procurement contracts and framework contracts, personal data written on them and acquired during the management of the contract are kept by the EBA Unit responsible for the contract in the electronic archives for a period of ten (10) years following the budget discharge of the year when the contract or the framework contract terminates.</p> <p>For the purpose of a possible audit, the above-mentioned personal data are kept until the end of such audit if started before the end of the above retention periods.</p> <p>Once the retention periods described above have elapsed, the tender and contract files containing personal data are destroyed or deleted.</p> <p>Since September 2019 the Finance and Procurement Unit does not use paper. The retention periods above apply also to the paper archives created before that date and stored with the external physical archives service provider.</p> <p>Time limit to keep the above-mentioned personal data while using the below systems is as follows:</p> <ul style="list-style-type: none"> • ABAC <p>Time limit for keeping personal data per data category is a maximum of ten (10) years after the last transaction for data related to natural</p>

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		<p>persons other than the EUIs staff and a maximum of one hundred (100) years after the date of recruitment for the EUIs staff.</p> <ul style="list-style-type: none"> • Public Procurement Management Tool (PPMT) <p>Selection of experts</p> <p>Personal data related to the selection of experts are kept by the procurement team in electronic archives:</p> <ul style="list-style-type: none"> - for a period of ten (10) years for successful experts, following the budget discharge of the year when the relevant contract terminates, and - five (5) years for unsuccessful experts, following the completion of the selection of experts procedure. <p>Procurement procedures</p> <p>Personal data from successful tenderers are kept by the procurement team in the electronic archives for a period of ten (10) years following the budget discharge of the year when the contract or the framework agreement terminates.</p> <p>Personal data from unsuccessful tenderers are kept by the procurement team in the electronic archives for five (5) years following the signature of the contract with the awarded tenderer(s).</p> <p>Criminal records extracts (requested only to awarded tenderers) are kept by the procurement team in the electronic archives for two (2) years following the signature of the contract with awarded tenderers.</p> <p>For procurement contracts and framework contracts, personal data written on them and acquired during the management of the contract are kept by the EBA Unit responsible for the contract in the electronic archives for a period of ten (10) years following the budget discharge of the year when the contract or the framework contract terminates.</p> <p>For the purpose of a possible audit, the above-mentioned personal data are kept until the end of such audit if started before the end of the above retention periods.</p> <ul style="list-style-type: none"> • eSubmission <p>Selection of experts</p> <p>Personal data related to the selection of experts are kept by the procurement team in electronic archives:</p> <ul style="list-style-type: none"> - for a period of ten (10) years for successful experts, following the budget discharge of the year when the relevant contract terminates, and - for a period of five (5) years for unsuccessful experts, following the completion of the selection of experts procedure. <p>Procurement procedures</p> <p>Personal data from successful tenderers are kept by the procurement team in the electronic archives for a period of ten (10) years following the budget discharge of the year when the contract or the framework agreement terminates.</p>

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		<p>Personal data from unsuccessful tenderers are kept by the procurement team in the electronic archives for five (5) years following the signature of the contract with the awarded tenderer(s).</p> <p>Criminal records extracts (requested only to awarded tenderers) are kept by the procurement team in the electronic archives for two (2) years following the signature of the contract with awarded tenderers.</p> <p>For procurement contracts and framework contracts, personal data written on them and acquired during the management of the contract are kept by the EBA Unit responsible for the contract in the electronic archives for a period of ten (10) years following the budget discharge of the year when the contract or the framework contract terminates.</p> <p>For the purpose of a possible audit, the above-mentioned personal data are kept until the end of such audit if started before the end of the above retention periods.</p> <ul style="list-style-type: none"> • CIRCABC Time limit for keeping identity and contact information is one (1) year after the user stops belonging to any active group. The user account is then deleted. • EU Sign Time limit for keeping personal data, administrative data related to the user of the electronic signature service, technical data related to the usage events of electronic signature service, history of all operations performed (for troubleshooting purposes) by an individual is twenty-five (25) months. • Adobe Sign With regards to data entered into the Adobe Sign platform and documents, the EBA's Admin account manages for how long data and documents are retained. The EBA has set up its Adobe Sign accounts so that data and documents are stored only for one (1) day after a document is signed by all signatories and are then deleted automatically. • Microsoft Teams Identification data i.e., guest user email address: for as long as the guest user account is active, and ninety (90) days after deletion of the guest user account. Content data: up to ninety (90) days upon expiration/termination of the subscription. Service generated data: until the business purposes for which the data was collected or transferred have been fulfilled.
10	Recipients of the data	<p>Recipients of personal data processed within the context of this processing activity are as follows:</p> <ul style="list-style-type: none"> • Within the EUIs <ul style="list-style-type: none"> • Personal data is processed within the EBA's Finance and Procurement Unit, by the procurement team, by the initiating unit (the contract owner) and other units in case they need to use the awarded

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		<p>contract, EUIs financial actors (e. g. OIAs/OVAs) for data entered into the EUIs accounting system ABAC.</p> <ul style="list-style-type: none"> • In case of inter-agency procurement procedures, personal data is also processed by staff from other agencies involved in the procurement procedure on a need-to-know basis when they participate to the evaluation of tenders and when personal data is contained in the inter-institutional contract. • In case of an audit: the Internal Audit Service of the European Commission (IAS), the European Court of Auditors (ECA); the European Anti-Fraud Office (OLAF) for a potential investigation; and the European Data Protection Supervisor (EDPS), if procurement falls within the mandate of an inspection. • European Commission: DG BUDGET for ABAC, PMO for ABAC (LEF and BAF); Directorate General IT for CIRCABC, EU Sign, eSubmission; Directorate General IT and the Joint Research Centre for Public Procurement Management Tool (PPMT). • Publications Office of the European Union: for publication in the Official Journal of the European Union of contract award notices in case a self-employed contractor or an expert are awarded a contract above the relevant financial threshold. • External to the EUIs <ul style="list-style-type: none"> • Public: in case of contract award notices published in the Official Journal of the European Union. • Adobe: Adobe Sign advance electronic signature system. • Microsoft Ireland Operations Limited: digital archive in Microsoft Teams. • Iron Mountain France: physical archives.
11	<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>Personal data processed in the EBA's and the European Commission's servers using the tools listed above are not subject to any international transfers. Neither are the physical documents stored in the physical archives with Iron Mountain France transferred internationally.</p> <p>Regarding the use of Microsoft Teams, please refer to the Record of Processing Activity 'Audio-video Communication and Collaboration Services'.</p> <p>Regarding the use of Adobe, the EBA has signed a Data Processing Agreement (DPA) for Adobe Cloud Services, with EU Standard Contractual Clauses, with Adobe Systems Software Ireland Limited. Adobe commits to enable secure management of servers in Adobe data centre facilities whereby all management connections to the servers occur with encrypted channels and remote access requires a two-factor authentication. Administrative data is encrypted in transit. A list of Adobe's sub-processors is available at https://www.adobe.com/privacy/sub-processors.html. Adobe commits to have entered into an agreement with the applicable sub-processor which ensures that such sub-processor meets equivalent obligations as those set out in the DPA and that Adobe enters into the</p>

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12	General description of security measures, where possible	<p>Standard Contractual Clauses (SCC) with sub-processors located in a third country which does not provide adequate protection for personal data.</p> <p>The main security measure is that only individual staff members, on a need-to-know basis, have access to the personal data processed within this processing activity, for purposes strictly related to a specific procurement procedure, selection of experts or contract management.</p> <p>Secondly, the data transit and are stored within the EBA IT infrastructure and within the European Commission’s IT infrastructure (eSubmission, Public Procurement Management Tool (PPMT), EU Sign, CIRCABC and ABAC, all hosted and managed by the Directorates General IT and BUDGET).</p> <p>The company providing the physical archives of paper documents created before September 2019, Iron Mountain France, implemented physical security and data protection measures (ISO 27001). Documents transferred are confidential and not accessible. Link to information on data protection: https://www.ironmountain.com/fr/utility/legal/terms-and-conditions</p> <p>The EBA limits the categories of personal data required to sign using Adobe Sign to name, surname, email address, title, and signature. To minimise storage of personal data in Adobe’s servers, the EBA Admin account has applied a setting such that documents are erased from the platform one day after being signed by all signatories.</p> <p>Adobe Sign Data Protection Notice can be accessed via the following link : https://helpx.adobe.com/ca/sign/using/gdpr-compliance.html#:~:text=Adobe%20Acrobat%20Sign%20fully%20supports,(GDPR)%20for%20all%20users. See section called “How users can request that their data be removed from Acrobat Sign”</p> <p>Adobe’s general privacy policy: Adobe Privacy Center</p> <p>Adobe Sign specific privacy policy: Adobe Privacy Center</p>
13	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:	Data Protection Notice ‘ Procurement and Selection of experts at the EBA ’