



## eTenders Data Protection Statement

Welcome to the privacy notice for the eTenders platform. This notice is to inform all registered users of this platform how their personal data is handled and their privacy rights. This notice aims to give information on how personal data is collected and processed through use of this platform, including any personal data provided when registering as a user or taking part in a tender competition on the platform.

### 1. Introduction

eTenders ([www.etenders.gov.ie](http://www.etenders.gov.ie)) is the Irish Government's electronic tendering platform administered by the Office of Government Procurement (OGP). The platform is a central facility for all public sector Contracting Authorities (buyers) to advertise procurement opportunities and award notices. When tender notices are published, Economic Operators (suppliers) can request to participate, access procurement documents and submit responses to the Contracting Authority who published the tender notice.

Whereas visitors can browse eTenders, the use of electronic procurement services requires registration on eTenders. The personal data provided as part of registration is collected for managing the electronic exchange of information between buyers and suppliers as part of tender competitions.

### ***What is the General Data Protection Regulation (GDPR)?***

Data protection law is a legal regime which regulates the seeking and giving of information (personal data) about an identifiable individual person (data subject). Data protection law sets out the rights of individuals regarding their personal data and the responsibilities of those who seek and use this information. From 25 May 2018, a new Europe wide data protection regime came into effect under the GDPR. The GDPR sets out the obligations and responsibilities for organisations and businesses on how they collect, use and protect personal data. The following key terms are defined in the GDPR and used throughout this statement:

- **Personal Data** means any information relating to an identified or identifiable natural person (data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- **Processing Data** means any operation or set of operations performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

- **A Data Controller** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.
- **A Joint Data Controller** is where two or more data controllers jointly determine the purposes and means of the processing.
- **A Data Processor** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

## 2. Who controls and uses personal data collected on eTenders?

- **Registration data:** The OGP is the data controller and is responsible for personal data collected as part of the registration process. Section 4 below provides details on registration data.
- **Competition data:** Contracting Authorities may seek personal data as part of the tender response documents from suppliers. For the conduct of all public procurement competitions on eTenders, OGP and the Contracting Authority are Joint Data Controllers for personal data received as part of tender response documents.

The OGP has a binding agreement with EUS Holdings Limited for hosting, processing and day-to-day management of the eTenders platform and to ensure the utmost security of personal data. EUS Holdings Limited is a Data Processor for both user registration and competition data. Contracting Authorities may share personal data included in tender response documents with members of their evaluation teams.

**Section 8** below sets out the rights of the Data Subject in respect of their personal data collected at user registration and at submission of tender response documents.

## 3. What is the basis for processing?

- **Registration data:** Processing of this data by OGP is necessary for the performance of its tasks carried out in the public interest and in the exercise of its official authority
- **Competition data:** Processing of this data by OGP is necessary for the performance of its tasks carried out in the public interest and in the exercise of its official authority. Processing of this data by the Contracting Authority is necessary for compliance with the Contracting Authority's legal obligations.

#### 4. Personal Data processed on eTenders for registration

The personal data collected and processed in respect of registration on the platform depends on the type of eTenders user. **Table 1** below shows the personal data required at registration for the various user types:

**Table 1: Registration Data and eTenders Registered User Types**

Personal Data	User Types			
	Contracting Authority Administrator/User	Trade Supplier Administrator/User	Sole Trader	Public Interest & Representative Body
First Name; Last Name	✓	✓	✓	✓
Email Address	✓ *	✓ *	✓ *	✓ *
Postal Address	✓	✓	✓ *	✓ *
Phone Number	✓	✓	✓ *	✓ *
Personal Public Services Number	N/A	N/A	✓ **	N/A

\* Possible identifier for a Data Subject

\*\* As part of the eTenders registration process, a VAT number (or Organisation Number) must be provided. Sole Traders may provide a Personal Public Services Number (PPSN) as their tax reference number.

#### 5. Personal Data processed on eTenders for tender competitions

Personal data is processed on the eTenders platform in relation to public procurement competitions. The following table shows the procurement processing activities on eTenders where personal data is required:

**Table 2: eTenders Procurement Processing Activities**

Personal Data	Procurement Processing Activities					
	Publish Tender Notice*	Request to Participate	Access to Procurement Documents	Tender Clarifications	Tender Submission and Evaluation	Publish Contract Award Notice
First Name; Last Name	✓	✓	✓	✓	✓	✓
Email Address	✓	✓	✓	✓	✓	✓
Postal Address	✓	✓	✓	✓	✓	✓
Phone Number	✓	✓	✓	✓	✓	✓
Personal Public Services Number**	N/A	N/A	N/A	N/A	N/A	✓
Other Personal data sought by the Contracting Authority (eg, CV data)	N/A	N/A	N/A	N/A	✓	N/A

**\*Contracting Authority users only**

**\*\*May be used by Sole Traders as their tax reference number**

## **6. Security measures taken to safeguard Personal Data on eTenders**

The personal data collected at user registration or as part of a tender competition is treated confidentially on the platform. The OGP or EUS Holdings Limited (as Data Processor) will not share or transfer personal data to any third parties except where obliged to do so by law. The eTenders platform is hosted in EUS Holdings Limited’s data centre in Stockholm and data is not transferred outside the European Economic Area (EEA).

The OGP in agreement with EUS Holdings Limited, through the provision of a secure and robust operating environment, have high security standards in place to ensure that personal data is kept secure. The eTenders platform provides user authentication through a secure username and password

unique to that registered user. If registered users raise a query through the eTenders helpdesk, they will be requested to provide information entered at registration in order to verify their identity. This information is used to respond to the registered user's specific query.

## **7. Data retention**

The OGP is subject to the National Archives Act, 1986, and, as such, has limited control in terms of record disposal. Under this legislation, OGP is bound to hold information until directed by the National Archives to dispose of it.

## **8. Data Subject rights**

Under certain circumstances, data subjects have rights under data protection laws in relation to their personal data, including:

- the right to request access to their personal data;
- the right to correction of their personal data;
- the right to request erasure of their personal data;
- the right to object to processing of their personal data;
- the right to request restriction of processing their personal data.

### **8.1 User Registration data**

- A registered user who wishes to access and amend their personal data can do so by logging onto eTenders to review or edit their user profile. Please refer to the FAQ document (link below) for more information on this action. Support for accessing user profiles is also available through the eTenders Helpdesk, Email: [etenders@eu-supply.com](mailto:etenders@eu-supply.com). In order to protect privacy and security, reasonable steps are taken to verify user identities before granting access for correcting personal data.
- If a registered user wishes to be removed from the processing activities described in **Table 2** above, they should contact their organisation's eTenders administrator. Please refer to the FAQ document for more information or contact the eTenders Helpdesk.
- If a registered user wishes to erase personal registration data, they should contact their organisation's eTenders administrator. Please refer to the FAQ document for more information or contact the eTenders Helpdesk.
- The FAQ document can be accessed by clicking [HERE](#).

### **8.2 Tender Response Documents**

- If a Data Subject wishes to access personal data submitted as part of tender response documents, they should contact the relevant Contracting Authority. Where personal data has been collected as part of a tender response document and the closing deadline has expired, it will not be possible to amend or erase this information as this must be maintained under the public procurement regulations and / or due to National Archives requirements.

## 9. Questions and Complaints

Registered users on eTenders can raise queries or complaints in connection with the processing of personal data through the relevant Contracting Authority or;

Office of Government Procurement: 3A Mayor St Upper, Dublin 1 D01 PF72

E-mail: [corporateoffice@ogp.gov.ie](mailto:corporateoffice@ogp.gov.ie)

Registered users also have the right to lodge a complaint with the Data Protection Commission if they are unhappy with the processing of personal data. Details of how to lodge a complaint can be found on the [www.dataprotection.ie](http://www.dataprotection.ie) website, or you can call the Data Protection Commission on 1890 252 231.