

ANNEX 3 – NOTIFICATION OF PROCESSING OF PERSONAL DATA

(Declaration concerning notification of processing of personal data in connection with a tender process)

Information to the BIDDER

As part of this procurement, the contracting authority expects to receive personal data from the bidders.

This is mainly due to the fact that the bidder, as part of their offer, must submit CVs.

The purpose of this document is to ensure that persons who are the subject of the contracting authority processing of data are notified thereof. Such obligation to notify follows from the provisions of the European General Data Protection Regulation (hereinafter referred to as "GDPR")¹. In order to ensure that this obligation is complied with, the bidder is asked to do the following:

- Provide all persons whose personal data² are included in the offer with the information stated in paragraph 1 ("Notification of processing of personal data").
- Fill in all fields marked in green below.
- Sign the declaration in paragraph 2 (entitled "Declaration on notification of processing of personal data").
- Enclose the duly filled in and signed document with the offer.

1. NOTIFICATION OF PROCESSING OF PERSONAL DATA IN CONNECTION WITH A TENDER PROCESS

In connection with [name of the bidder] (hereinafter referred to as "bidder") offer for EPR guidelines, the contracting authority has collected certain data about you. The data concerning are general, non-sensitive personal data about your previous and current working conditions, skills and other conditions described in your CV.

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing and free movement of personal data and repealing Directive 95/46/EC (general data protection regulation).

² See Article 4(1) of the General Data Protection Regulation

Pursuant to the GDPR, the contracting authority is the data controller in connection with our processing of your data.

The purpose of the processing of data about you is to evaluate which bidder the tender should be assigned.

The contracting authority only processes data about you that the bidder has submitted in connection with the offer.

Your data are processed under the authority of the Public Procurement Act and Article 6(1) point (c and e) of the GDPR regarding processing that is necessary for compliance with a legal obligation to which the controller is subject and processing that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The contracting authority may entrust your data with the contracting authority's consultants, e.g. in connection with legal assistance and/or assistance with the evaluation of offers, or with data processors, and the contracting authority may furthermore disclose your data to appeals authorities.

The contracting authority will transfer your personal data to recipients outside the EU and the EEA. The recipients concerned are the Ministry of Environment and Forestry and the National Environmental Management Authority in Kenya. We can inform you that in accordance with Article 49,1 litra d of the GDPR, CVs will be partly pseudo anonymised before transfer from the Danish Environmental protection Agency to the Kenyan partners. The degree of pseudo anonymization will depend on the content of the CVs.

The contracting authority will process your data until the data are filed or discarded pursuant to the rules of the Danish Archives Act³, however at least for as long as they are necessary for the procurement process, including until the process is completed and the deadline for lodging complaints with the appeals authorities is exceeded.

Your rights

Pursuant to Article 15 of the GDPR you are in principle entitled to access the processing of your data. This means that you may request that we provide you with information on our processing of your data.

Pursuant to Article 16 of the GDPR, you are entitled to rectification of any data that turn out to be inaccurate, misleading or, in a similar manner, incomplete. In addition, you are in certain cases entitled to erasure or restriction of processing of data, including if the data turn out to be inaccurate or, in a similar manner, processed in breach of the law. This is stipulated in Articles 17 and 18 of the GDPR.

³ Consolidated Act no. 1201 of 28 September 2016 (the Archives Act) as amended by Act no. 503 of 23 May 2018.

Pursuant to Article 21 of the GDPR you are furthermore entitled to object to our processing of your data. If so, the contracting authority will decide whether your objection is justified. If this is the case, the contracting authority will no longer be entitled to process the data in question.

If you wish to exercise your rights under the GDPR, please contact the contracting authority, the Danish Environmental Protection Agency, Tolderlundsvej 5, 5000 Odense, CVR 25798376, dpo@mim.dk.

Public authorities are required under the GDPR to have a data protection officer to whom you may also direct your inquiries if you have any questions to our processing of your personal data. The data protection officer of the contracting authority can be contacted on dpo@mim.dk or telephone 93 59 70 11 (from 10-12 AM).

Complaints

Any complaints regarding our processing of your data may be lodged with the Danish Data Protection Agency. You may contact the Danish Data Protection Agency from your digital mailbox at www.borger.dk, by ordinary e-mail or by ordinary post to the Danish Data Protection Agency, Borgergade 28, 5, DK-1300 Copenhagen K.

Laws and regulations

You can find the rules on processing of personal data of in the Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing and free movement of personal data and repealing Directive 95/46/EC (general data protection regulation). You can find the Danish provisions supplementing the GDPR in Act no. 502 of 23 May 2018 on supplementary provisions on the regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (the Danish Data Protection Act).

2. DECLARATION CONCERNING NOTIFICATION OF PROCESSING OF PERSONAL DATA IN CONNECTION WITH A TENDER PROCESS

Name of bidder: [name of bidder]

By my signature I declare that I have notified all persons whose personal data⁴ are included in the offer with the information stated in clause 1 ("Notification of the processing of personal data in connection with a tender procedure").

Date

Country and town

Signature

Name of signer (block letters)

⁴ See Article 4(1) of the General Data Protection Regulation