



Information on data processing in connection with Federal Agency for Foreign Affairs tendering procedures

1. Purpose and legal basis for the processing of data

The Federal Agency for Foreign Affairs (BfAA) conducts tendering procedures within the meaning of section 97 of the Act against Restraints of Competition (GWB) and section 55 of the Federal Budget Code (BHO) and expression of interest procedures pursuant to section 7 (2) of the BHO.

Participation in tendering procedures is effected by submitting requests for participation, tenders and expressions of interest and requires the participating companies or persons to cooperate, in particular by making available the data specified in paragraph 2.

The BfAA uses personal data in this context for the purpose of communication with candidates and tenderers, to assess their suitability (skills and capacities) and to evaluate tenders (cf. sections 122 and 127 of the GWB). The processing of the data is therefore lawful pursuant to Article 6, paragraph 1 (b) of the General Data Protection Regulation (GDPR) in conjunction with section 3 of the Federal Data Protection Act (BDSG), because it is necessary for the performance of tasks within the remit of the BfAA.

2. Type of data processed

The following types of data will ordinarily be processed:

- Contact details of the tenderer's staff (e.g. name, position in the company, office telephone number and email address).
- Data needed to assess the skills of the tenderer's employees (e.g. professional qualifications and experience).

3. Retention and deletion of data

Requests for participation, tenders, expressions of interest and related documentation from a tendering procedure shall be stored until the contract or framework agreement expires, or at least for three years from the date of the award of contract (section 8 (4) of the Ordinance on the Award of Public Contracts (VgV), section 6 (2) of the Rules of Procedure Governing Supply and Service Contracts Below the EU Thresholds (UVgO), section 20 EU of Part A of the Award and Contract Procedure for Construction Services (VOB/A), section 6 (3) of the Ordinance on the Award of Concessions (KonzVgV). Other retention periods specified in legal and administrative regulations, e.g. pursuant to the Administrative Regulation for Payments, Accounts and Invoices (VV-ZBR BHO) shall remain unaffected. Documents will be destroyed or deleted at the end of the relevant period.

4. Data recipients

The BfAA may work together with external service providers and shall, if necessary, grant them access to personal data for the performance of their tasks. External service providers are used as a rule:

- to run the electronic tendering platform (Procurement Office of the Federal Ministry of the Interior) and
- to assist in the preparation and conduct of tender procedures, including the evaluation of tenders and any review procedures (external legal, specialist and organisational consultants).

The service providers are only permitted to process the personal data on behalf of the BfAA and not for their own purposes and are under an obligation to treat the data confidentially.

5. Your rights

All data subjects have a number of rights with respect to the processing of their personal data, in particular:

- right of access to information (Article 15 GDPR)
- right to rectification (Article 16 GDPR)
- right to erasure of data that is no longer needed (Article 17 GDPR)
- right to restriction of processing (Article 18 GDPR)

In accordance with Article 21 (1) of the GDPR, all data subjects have the right to object, on grounds relating to their particular situation, at any time to processing of personal data concerning them which is based on point (b) of Article 6 (1). Data subjects also have a right to lodge a complaint with the supervisory authorities pursuant to Article 77 of the GDPR. The supervisory authority responsible for the BfAA is the Federal Commissioner for Data Protection and Freedom of Information:

Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit (BfDI)
Graurheindorfer Str. 153
53117 Bonn
Germany
Email: poststelle@bfdi.bund.de.

6. Contact points for data subjects

The data controller within the meaning of the GDPR is the BfAA:

Bundesamt für Auswärtige Angelegenheiten
Referat BF-D-ZE (Zentraler Einkauf)
Kirchhofstraße 1 – 2
14776 Brandenburg
Germany

The Data Protection Commissioner of the BfAA can be contacted as follows:

Der Datenschutzbeauftragte des Bundesamtes für Auswärtige Angelegenheiten
Kirchhofstraße 1 – 2
14776 Brandenburg
Germany
