

APPENDIX 5 – DATA PROTECTION NOTICE



In the Procurement Documents, “Data Protection Law” means all applicable national and EU data protection laws, regulations and guidelines including but not limited to Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data such data, and repealing Directive 95/46/EC (**GDPR**), the Data Protection Acts, 1988 - 2018 and any guidelines and codes of practice issued by the Data Protection Commission or other supervisory authority for data protection in Ireland from time to time and the terms ‘personal data’, ‘process’, ‘controller’, ‘processor’ and ‘data subject’ shall have the meanings given to them under Data Protection Law.

As part of your response to this Request for Tenders you may provide personal data relating to you or your organisation, employees or other third parties. Where you provide personal data relating to third parties, you must ensure that such third parties are made aware of the contents of this Data Protection Notice in full.

The Contracting Authority will be a controller (where controller has the meaning given under the Data Protection Laws) in respect of any personal data (where personal data has the meaning given under the Data Protection Laws) required to be provided by the Tenderer in response to this Competition.

Where such personal data is provided, the relevant controller is IDA Ireland.

We may process the following personal data as part of this Competition:

- Name;
- Contact details;
- CV details (including but not limited to qualifications, education, experience, previous roles and responsibilities etc.);
- Details of proposed role(s) and responsibilities on this contract;
- Referee details;
- Any other data provided by you as part of your Tender Submission.

We collect personal data from you directly, and from the following sources:

- Your organisation;
- Other members of your consortium;
- Referees;

Any personal data provided will be processed for the purposes of the Competition, the administration of any contract awarded on foot of this Competition, reporting to any regulators or oversight bodies and/or any disputes relating to the Competition or the Contract. Our legal basis for processing such

personal data in accordance with the provisions of this Data Protection Notice is that it is necessary for the exercise of official authority vested in us.

In connection with the above, we may disclose your personal data to various recipients including:

- Your employer;
- Other members of your consortium;
- Our third party service providers, such as advisors and contractors; and
- Regulators or oversight bodies.

In connection with the above we may transfer your personal data outside the European Economic Area, including to a jurisdiction which is not recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union (a “**Third Country**”). If and to the extent that we do so, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers, which may include entering into a contract governing the transfer which contains the ‘standard contractual clauses’ approved for this purpose by the European Commission. Further details of the measures that we have taken in this regard are available on request from the Data Protection Officer.

Any personal data provided in relation to this Competition will be retained in accordance with our records retention policy.

Any data subjects in respect of which we hold, or process personal data have rights in relation to their personal data, including the right to request access to their data and, in certain circumstances to request rectification, erasure or restriction of the processing of their personal data. All such data subjects have the right to lodge a complaint with the Irish supervisory authority, the Data Protection Commission.

The Procurement Documents set out, in respect of each criterion or requirement, whether a response (including any personal data required in order to respond to the criterion or requirement) is required in order to avoid elimination from this Competition. Even where a failure to respond or to provide relevant personal data will not, of itself, lead to elimination, failure to provide such personal data may affect the completeness or quality of your response to the Procurement Documents (which may affect the assessment of such response).

The Tenderer, as controller in respect of any personal data provided by it in its Proposal, is required to confirm by way of statement in the Tenderers Statement of this RFT that all data subjects (where data subject has the meaning given under the Data Protection Laws) whose personal data is provided by the Tenderer have consented to the processing of such personal data by the Tenderer, the Contracting Authority, the evaluation team and the supplier of the etenders.gov.ie website (where relevant), for the purposes of the participation of the Tenderer in this Competition or that the Tenderer otherwise has a legal basis for providing such personal data to the Contracting Authority for the purposes of its participation in this Competition.

If you have any questions about our use of your personal data, you can get in touch with our Data Protection Officer by emailing DPO@ida.ie