

A9 -Data Protection

Weighting: Pass/Fail

Pass requirement: All questions in this section are mandatory and must be completed. Tenderers must indicate either Yes or No for each requirement and provide the narrative response requested. Failure to complete any mandatory question or to provide the required narrative response will result in the Tenderer being excluded from further participation in the competition. Tenderers must demonstrate compliance with all mandatory requirements in order to achieve a pass.

Minimum requirement to remain eligible in the competition: Applicants must demonstrate compliance with the General Data Protection Regulation (EU) 2016/679 (GDPR), the Data Protection Act 2018, applicable Irish and EU data protection legislation and ATU's GDPR requirements. The Contracting Authority reserves the right to seek further information to verify compliance. A mere affirmation will not suffice. Tenderers must indicate Yes or No and provide a narrative/response.

Note: Responses should reflect the Tenderer's current approach and capability to comply with GDPR. Detailed technical, hosting, and data residency arrangements will be defined at Stage II (Invitation to Tender). All Sections **MUST** be completed.

The Contracting Authority reserves the right to seek clarification and/or request additional information or supporting evidence to demonstrate compliance.

Data Protection Requirement		Yes	No
DP 1	We confirm that we comply with the General Data Protection Regulation (EU) 2016/679, the Data Protection Act 2018, and all applicable Irish and EU data protection legislation.	☐	☐
DP 2	We confirm that we have appropriate governance, policies, and procedures in place to ensure personal data is processed lawfully, fairly, and transparently in accordance with GDPR principles.	☐	☐
DP 3	We confirm that we will process personal data only on documented instructions from the Contracting Authority and in accordance with applicable law.	☐	☐
DP 4	We confirm that we have implemented, and will maintain, appropriate technical and organisational measures (TOMs) in accordance with Article 32 GDPR to ensure a level of security appropriate to the risk.	☐	☐
DP 5	We confirm that we have processes in place to support data subject rights, including access, rectification, erasure, restriction, portability, and objection.	☐	☐

DP 6	We confirm that we have procedures for detecting, reporting, and managing personal data breaches in accordance with EU and Irish GDPR requirements.	☐	☐
DP 7	We confirm that we have controls in place for the appointment and management of sub-processors, including appropriate contractual safeguards and due diligence.	☐	☐
DP 8	We confirm that we have the capability to implement compliant data hosting, access, and transfer arrangements, including lawful mechanisms for any international data transfers where applicable.	☐	☐
DP 9	We confirm that we will assist the Contracting Authority, where required, in fulfilling its obligations under GDPR, including Data Protection Impact Assessments (DPIAs), audits, and regulatory engagement.	☐	☐
DP 10	We confirm that the solution will enable the Contracting Authority (ATU) to securely export its data in a usable format and/or ensure the complete and irreversible deletion of all ATU data upon expiry or termination of the contract.	☐	☐
DP 11	We confirm that we accept that the Contracting Authority shall not accept any liability clauses where Data Processors are indemnified against fines or claims under the GDPR.	☐	☐

AI Governance and Compliance (Where Applicable)

Note: The AI Governance and Compliance requirements apply only where the proposed solution includes Artificial Intelligence (AI) or automated decision-making functionality.

Item	Requirement	Yes	No
AI 1	We confirm that we have governance measures in place to assess and manage risks associated with AI systems, including transparency, accountability, and human oversight where appropriate.	☐	☐
AI 2	We confirm that any use of AI will comply with GDPR principles, including data minimisation, purpose limitation, and fairness.	☐	☐
AI 3	We confirm that the data of ATU data subjects will not be used to train an AI model (if applicable).	☐	☐
AI 4	We confirm that we can provide information on AI system functionality, decision logic (where applicable), and risk classification.	☐	☐

AI 5	We confirm that appropriate safeguards are in place to mitigate risks of bias, discrimination, or unintended outcomes in AI-enabled processing.	☐	☐
AI 6	We confirm that AI systems (if applicable) will be subject to appropriate security, monitoring, and human oversight controls.	☐	☐
AI 7	We confirm that, where our solution includes Artificial Intelligence (AI) or automated decision-making capabilities, we will comply with the applicable requirements of the EU Artificial Intelligence Act.	☐	☐

Please provide a narrative on your approach to GDPR:

Please provide a concise narrative describing your approach to GDPR compliance. This should include, at a minimum:

- Governance and accountability structures (e.g. DPO, policies, training)
- Data hosting, access controls, and security arrangements
- Data residency and storage locations
- Sub-processor selection, due diligence, and oversight
- International data transfer mechanisms and safeguards
- Technical and organisational security measures
- Data retention and secure deletion policies
- Procedures for supporting the Contracting Authority in fulfilling its obligations under Irish and EU data protection law (e.g. data subject rights, breach notification, DPIAs)

[Insert Response Here]

I confirm that evidence of compliance will be provided promptly on request.	Yes		No	
---	-----	--	----	--

This Declaration is made for the benefit of the Contracting Authority

I certify that the information provided in this declaration is accurate and complete to the best of my knowledge and belief. I understand that the provision of inaccurate or misleading information in this Declaration will lead to my organisation being excluded from participation in this and future tenders and I am signing on behalf of:

Name of Economic Operator:	
Authorised Signatory:	
Name in Block Capitals:	
Position:	

