Bonneagar Iompair Éireann
Transport Infrastructure Ireland

Data Protection, Freedom of Information & Access to Information on the Environment

On-Boarding Policy

TII542 Facilities Management Contract

Data Protection

As part of your response to the procurement documents for this competition, you may provide personal data relating to you, your organisation, employees or other third parties. In the procurement documents, "Data Protection Law" means all applicable data protection law including, the General Data Protection Regulation (Regulation (EU) 2016/679) and the Data Protection Act 2018, and the terms 'personal data', 'process', 'controller', 'processor' and 'data subject' shall have the meanings given to them under Data Protection Law.

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.

Where such personal data is provided, the relevant controller is Transport Infrastructure Ireland. If you have any questions about our use of your personal data, please contact us at procurement@tii.ie. Alternatively, you can get in touch with our Data Protection Officer at dataprotection@tii.ie.

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; and
- Any other data provided by you as part of your submission.

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

- Your organisation;
- Other members of your consortium; and
- 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 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 TII does so, TII will ensure that appropriate measures are in place to comply with its 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 and/or other transfer obligations/arrangements as may be specified by the Commission. Further details of the measures that we have taken in this regard are available on request from us.

All tender submissions including personal data will be retained securely until three years after the completion of the contract for which the tender submissions where made. Tender submissions including personal data may be incorporated into a resulting contract where deemed appropriate by TII.

Any data subjects in respect of whom 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).

Freedom of Information & Access to Information on the Environment

Transport Infrastructure Ireland (TII) is subject to the provisions of the Freedom of Information (FOI) Act 2014 and Access to Information on the Environment (AIE) Regulations 2007-2018, allowing public access to information held by public bodies.

If Applicants consider that any of the information they provide in response to this procurement procedure should not be disclosed on the basis that it is deemed to be commercially sensitive, is personal in nature or is confidential information that relates to matters affecting the Applicant's business, or otherwise, Applicant's must, when providing the information, clearly identify the specific information they consider should not be disclosed and clearly specify the reasons. It is not sufficient for an Applicant to include a statement that all records provided are commercially sensitive, personal and/or confidential in nature. Where an Applicant considers that none of the information supplied as part of the Tender is sensitive, the Applicant should make a statement to that effect and include it as part of its Tender. Statements under this clause shall be by way of letter from the Applicant appended to the Form of Tender.

TII will have regard to such a statement in considering any request for access to records/information held by it where a request for disclosure of an Applicant's records is received. TII may, however, decide to disclose the records despite the Applicant's stated position. In this regard, the statutory requirements of FOI Act and AIE Regulations will in all circumstances supersede the statements provided by Applicants. The Office of the Information Commissioner, the Office of the Commissioner for Environmental Information and in turn the Irish Courts, and where applicable the European Courts, shall have exclusive jurisdiction in relation to any disputes arising from the potential release of procurement related records.