



PRIVACY STATEMENT DATA PROTECTION NOTICE

For the purpose of processing personal data related to Procurement procedures in the European Union Rule of Law Mission in Kosovo

1. Introduction

The protection of your privacy including your personal data is of great importance to the European Union and to the CSDP European Union Rule of Law Mission in Kosovo (hereafter “EULEX Kosovo”) When processing personal data, we reflect the provisions of the charter on Fundamental Rights of the European Union, and in particular its Article 8. This privacy statement describes how EULEX Kosovo processes your personal data for the purpose it has been collected and what rights you have as a data subject.

Your personal data is processed in accordance with the principles and provisions laid down in the pertinent legislation on data protection, including the Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing regulation (EC) no 45/2001 and decision no 1247/2002/EC as of 11 December 2018, aligned with the provisions of the general data protection regulation (EU) 2016/679 and in accordance with the CivOpsCdr instruction 12-2018 and with the EULEX Kosovo Standard Operating Procedure(SOP) on the protection of personal data.

The Mission aims at implementing data protection fully in line with the standards set out in the new legal framework using flexible privacy friendly tools with appropriate safeguards. All data of a personal nature - namely data that can identify you directly or indirectly - will be handled fairly and lawfully with the necessary care.

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2. Purpose of the processing: Why do we process your data?

EULEX Kosovo collects and uses your personal information for the purpose of the management of procurement and grant award procedures, contract execution and grant implementation under direct management or indirect management.

3. Data processed: What data do we process?

The data, including personal data, which may be processed for that purpose are the following:

A. Personal data of tenderers, grant applicants, their staff, subcontractors, proposed experts, which may include in particular:

- Name;
- Function;
- Title;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Certificates for social security contributions and taxes paid and extract from judicial records;
- Bank account reference (IBAN and BIC codes), VAT number, passport number, ID number;

- Information for the evaluation of selection criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment;
- Declaration that they are not in one of the exclusion situations referred to in Articles 136 – 141 of the Financial Regulation;
- Declaration of availability of experts.

Since the information is often provided on CV, the tenderers, staff or subcontractors may supply additional information, such as gender, age, nationality.

B. Personal data of reference persons mentioned in the CVs of key experts, which may include in particular:

- Name;
- Contact details.

4. Data controller: Who is entrusted with processing your data?

The Controller determining the purpose and the means of the processing activity is EULEX Kosovo. The Unit responsible for managing the personal data processing is Procurement Unit, within the Mission Support Department and under the supervision of the Head of Mission.

5. Recipients of the personal data: Who has access to your data?

The recipients of your data may be:

- Mission staff of the Procurement Unit or directly involved in procurement procedure;
- Mission *ex ante* Verification Officers;
- Mission *ex post* Financial Controller;
- Relevant Authorizing Officers of the Mission; and
- External auditors from various EU bodies (Internal Audit Service, European Court of Auditors) or as appointed by European Commission.

The given information will not be communicated to third parties, except where necessary for the purposes outlined above.

6. Access, rectification, erasure of the data: What rights do you have?

You have the right to access your personal data and the right to request for correction of any inaccurate or incomplete personal data, as well as to request the removal of your personal data, if collected unlawfully, which will be implemented within one month after the receipt of your request. If you have any queries concerning the processing of your personal data, you may address them to the functional mailbox: info@eulex-kosovo.eu.

7. Legal basis for the processing operation: On what grounds we collect your data?

Legal basis in addition to the abovementioned data protection legislation:

- Council Joint Action 2008/124/CFSP, dated 4 February 2008 together with subsequent Council Joint Actions and Decisions amending and extending Joint Action 2008/124/CFSP, the latest being Council Decision (CFSP) 2025/1161;
- Revised Operational Plan (EEAS(2025/551 dated 19/05/2025);
- Civilian Operations Commander Instruction 12/2018 on the SOP on Personal Data Protection;
- EULEX Kosovo SOP on Personal Data Protection (2019-EULEX-0002/01);

- EULEX Kosovo SOP on Basic Rules of Procurement and Contract Management (2012-EULEX-0014-04);
- Procedure for Procurement of Services & Supplies normally covered by Kosovo Authorities (2014-EULEX-0008-02);
- Financial Guidelines Procurement Procedures (2012-EULEX-0015-01);
- Guidelines on Low Value Procurement (2013-EULEX – 0003-02);
- European Commission Service for Foreign Policy Instruments Vade-mecum on Financial and Accounting procedures for CSDP Missions (v. 3.0, 28 November 2021);
- European Commission Procurement Rules for Common Foreign and Security Policy (CFSP) Operations (v. 4.0) of 18 June 2021; and
- Article 7 (Data Protection) of the General Conditions of the contribution agreement

Processing personal data is needed for executing the mandate of the Mission.

8. Time limit for storing data: For what period and how we process your data?

Retention of data

EULEX Kosovo only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing. The retention periods are aligned with the Common Commission-Level Retention List (CRL)¹ of the European Commission.

Files relating to tender and/or grant procedures including personal data are to be retained in the service in charge of the procedure until it is finalised, and in the archives for a period of 10 years following the signature of the contract (point 7.1.2 and 7.1.4 of CRL).

However, tenders from unsuccessful tenderers must be kept only for 5 years following the signature of the contract into question (Annex I, T2 of CRL). Applications from unsuccessful applicants must be kept only for 5 years following the finalisation of the call (Annex I, T1 of CRL).

Files relating to contracts including personal data are to be retained in the service in charge of the procedure until the closure of the contract and in the archives for a period of 10 years following the closure of the contract. (point 7.1.3 and 7.1.5 of CRL).

These files could be retained until the end of a possible audit if one started before the end of the above periods.

After the periods mentioned above have elapsed, the files containing personal data are sampled to be sent to the historical archives of the Commission for further conservation. The non-sampled files are destroyed.

EULEX Kosovo operates based on a Contribution Agreement signed between the Commission and EULEX Kosovo under Article 62 of the Financial Regulation. Therefore, files which may cover both technical and financial documentation of the programme or project, as well as any evaluations or audits thereof are kept for 10 years from the closure of the programme (point 7.4 CRL).

¹ Annex 1 to SEC (2019)900.

In case of investigations where irregularities are suspected or have been established in relation to an open file, it can only be closed when: (1) it has finally been established that no irregularity took place; or (2) the irregularity has been rectified, possibly, but not necessarily, as a result of litigation.

The extracts from the judicial records can be kept only for 2 years after the accomplishment of a particular procedure. According to Article 75 of the Financial Regulation, personal information contained in supporting documents should be deleted when these data are NOT necessary for budgetary discharge control and audit purposes.

EULEX Kosovo's contractors/beneficiaries are under contractual obligation to keep records for a seven/five-year period after the final payment made under the contract. These documents comprise any documentation concerning income and expenditure and any inventory, necessary for the checking of supporting documents, including but not limited to timesheets, plane and transport tickets, pay slips for the remuneration paid to the experts and invoices or receipts for incidental expenditure.

In case of security incident/criminal investigation concerned data is under specific legislation (Kosovar or EU or EU Member State).

Security of data

Appropriate technical and organisational measures are ensured:

- Electronic format: the data will be stored on the servers that abide by the pertinent security rules. Personal data will be processed by assigned staff members. Files have authorised access. Measures are provided to prevent non-responsible entities from accessing data. General access to all collected personal data and all related information is only possible to the recipients with a User ID/Password;
- Physical Files: When not in use, physical copies of the collected personal data will be stored in a properly secured and locked storage container;
- To prevent any unauthorised person from gaining access to computer systems; any unauthorised reading, copying, alteration or removal of storage media; any unauthorised memory inputs; any unauthorised disclosure, alteration or erasure of stored personal data; unauthorised persons from using data-processing systems by means of data transmission facilities;
- To ensure that authorised users of a data-processing system can access no personal data other than those to which their access right refers; the possibility to check logs; and that personal data being processed on behalf of third parties can be processed only on instruction of the controller; furthermore that, during communication or transport of personal data, the data cannot be read, copied or erased without authorisation; and
- To record which personal data have been communicated, at what times and to whom.

9. Mission data protection advisor: Any questions to MDPA?

In case you have questions related to the protection of your personal data, you can also contact the Mission Data Protection Advisor (MDPA) – Legal Adviser - at the functional mailbox of the mission MDPA@eulex-kosovo.eu.

10. Recourse

You have at any time the right of recourse that you may send to the Head of the Mission within EULEX Kosovo with the MDPA (Legal Adviser) in copy.