

Data protection information for public procurement procedures in accordance with the EU General Data Protection Regulation (GDPR)

In accordance with Art. 13 GDPR, we hereby inform you about the processing of personal data by the Agentur für Innovation in der Cybersicherheit GmbH (Cyberagentur) in the context of public procurement procedures.

1. Who is responsible for data processing and who can you contact?

CONTROLLER:

Agentur für Innovation in der Cybersicherheit GmbH
Große Steinstraße 19
06108 Halle (Saale)
phone: +49 151 44150645
e-mail: presse@cyberagentur.de

DATENSCHUTZBEAUFTRAGTE:

Agentur für Innovation in der Cybersicherheit GmbH
Beauftragte für den Datenschutz
Große Steinstraße 19
06108 Halle (Saale)
e-mail: datenschutz@cyberagentur.de

2. What personal data we use?

We process the personal data provided by you as part of the performance of the award procedure insofar as this is necessary for this purpose.

The following types of data may be subject to processing:

- Personal master data: Surname, first name
- Contact details: Address, e-mail address, telephone number(s)
- Data on your qualifications: depending on the scope of the tender documents, e.g. references, certificates, attestations, etc.
- Meeting notes: transcripts from telephone calls, from e-mail correspondence, possibly from bidder meetings
- Evaluation data: e.g. analysis sheet
- Log data in general from IT systems, web applications and software such as time, date, sender, IP address, upload data in the allocation portal, from e-mail communication, from files (PDF, Word, Excel), connection data
- Bank details

In addition, constellations may arise in which we process personal data that are not mentioned here or whose purposes are not communicated here. In such a case, we will provide separate data protection information on a case-by-case basis and inform you in advance if this is required by law.

3. What is the legal basis for processing?

The processing of personal data takes place during procurement procedures of Cyberagentur in preparation for a contractual relationship on the basis of Article 6 (1) (b), (c) and (e), Article 6 (3) GDPR in conjunction with § 3 BDSG. Furthermore, legal bases may arise from other legal regulations that we must observe, such as §§ 7, 55 Bundeshaushaltsordnung (BHO), §§ 97 et seq. Gesetz gegen Wettbewerbsbeschränkungen (GWB), Vergabeverordnung (VgV), VSVgV, Unterschwellenvergabeordnung (UVgO).

In the event of an assignment (conclusion of contract), we process the personal data of contractual partners and any subcontractors or other contact persons named by them in accordance with Article 6 (1) (b) GDPR that are necessary for the fulfilment of the contractual relationship.

4. Who receives personal data and where it is processed?

Within our company, only those employees who need your personal data to fulfil our contractual or legal obligations will have access to it. In the context of evaluations, the (personal) data required to carry out the evaluation may be passed on to a jury. As a rule, evaluations are conducted by a panel of experts from the Cyberagentur and from authorities and organisations involved in national security provision, who are obliged to maintain confidentiality.

Furthermore, in accordance with § 19 (4) Mindestlohngesetz (MiLoG), § 21 (4) Arbeitnehmer-Entsendegesetz (AEntG) and § 21 (1) Schwarzarbeitsbekämpfungsgesetz (SchwarzarbG), we are obliged to request information from the competition register for the bidder who is to be awarded the contract before the contract is awarded for contracts with a value of EUR 30,000 (net) or more. For this purpose, the required personal data (name and address) will be forwarded to the Competition Register for Public Procurement at the Bundeskartellamt.

In the event that the future contractor is a natural person, please also note the following:

In accordance with the regulations under public procurement law (cf. § 134 (1) GWB, § 62 (2) VgV, § 36 (2) VSVgV or § 46 (1) UVgO), we will inform the bidders or participants whose bids are not to be considered of the name of the company whose bid is to be accepted. In the case of an EU-wide procedure, this company name will be published in the contract award notice in the Supplement to the Official Journal of the EU in accordance with § 39 VgV or § 35 VSVgV.

The data is only processed within the European Union and countries within the European Economic Area (EEA). There is no transfer to a third country.

5. Is there an obligation to provide personal data?

Participation in our procurement procedures is neither contractually nor legally required. In the event of participation, the provision of personal data is necessary for the performance of the procedure and for the planned conclusion of the contract. If the required information is not provided, the review and evaluation of requests to participate or tenders may not be possible or may not be complete, with the result that they must be excluded.

6. How long the data is stored?

The personal data transmitted in connection with the procurement procedure will be stored for the proper budgetary, cash and accounting management of the Cyberagentur and as proof of the proper conduct of the procedure in accordance with the retention periods under budgetary law of the Bundeshaushaltsordnung (BHO) and the periods applicable to the retention of documents under the German Handelsgesetzbuch (HGB) and the relevant procurement law regulations.

7. What rights do you have?

All data subjects have the right of access under Article 15 GDPR, the right to rectification of their data under Article 16 GDPR, the right to erasure under Article 17 GDPR, the right to restriction of processing of their data under Article 18 GDPR, the right to data portability under Article 20 GDPR and the right to object to processing (Article 21 GDPR). Restrictions may apply to the right of access and the right to erasure in accordance with Sections 34 and 35 BDSG.

You have the right to lodge a complaint with the data protection supervisory authority (Article 13(2)(d) GDPR). The supervisory authority for Cyberagentur is:

Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit
(The Federal Commissioner for Data Protection and Freedom of Information)
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GERANY
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e-mail: poststelle@bfdi.bund.de