

# Privacy Notice for Procurement Process

## Introduction

This notice is provided within the context of the changes required by the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This document will therefore be subject to ongoing review to ensure it continues to align with the requirements of all applicable legislation.

## Service description

This is a specific privacy notice on the collection and processing of personal data by Thanet District Council\* as part of a public procurement exercise in order to evaluate the proposals received in response to a call for quotation/tender referring to exclusion and award criteria set out in the Invitation to Tender (ITT) documents or Invitation to Quote (ITQ) documents.

And, to award the contract to the best candidate who meets minimum standards required and submits the most economically advantageous quotation/tender in terms of quality/price evaluation.

## What information we hold

In order to provide these services, we may need to process some personal data, including;

- Contact details of bidders, their staff or sub-contractors such as their name, address, telephone number and email addresses;
- Copy of the company registration;
- Bank account details;
- Financial turnover/accounts;
- Evidence of Insurances held;
- Details of any Professional misconduct;
- TUPE data (as applicable);
- Criminal Activity/Criminal Record;
- Health and Safety Records;
- Evidence of the payment of social taxes; and
- Any other information gathered from other documents required in the ITT or ITQ documentation

## Where we get your information from

- Tender/quotation documents;
- CV's of staff proposed for the provision of the goods/services/works;
- Responses to questions as set out in a Standard Selection or Suitability Questionnaire of the ITT or ITQ;
- Copies of certificates of different nature; and
- Other documentation required in the ITT or ITQ documentation

## How your information will be used

The purpose of the processing is to use the various information in order to evaluate the proposals received in response to a call for quotation/tender referring to exclusion and award criteria as set out in the ITT or ITQ documentation and award the contract to the best candidate in terms of the most economically advantageous submission based on quality/price.

The purpose of publishing a call for tender/quotation is to open the competition, to increase the choice of potential suppliers, thereby achieving a better value for money result, while at the same time developing market opportunities for companies.

## Lawful basis for processing data under GDPR

Local authorities can use information to carry out tasks that are in the public interest, as well as to provide services that we are under a statutory obligation to provide. Most personal information is processed in order to comply with a legal obligation and/or due to necessity for the performance of contract to which a tender is submitted<sup>1</sup>.

Some acts of law provide a duty to process information, these include:

- The Local Government Act 2003;
- The EU Public Contracts Directive 2014;
- The Public Contracts Regulations 2015;
- The Transparency Code 2015; and
- The Constitution of Thanet District Council, including Financial Procedural Rules and Contract Standing Orders.

## Additional lawful basis for processing other categories of data

Some of the information that is collected is classified as **special category personal data** or personal data consisting of **criminal convictions and offences** (including alleged offences).

In order to process special category of data, the Council needs to have an additional lawful basis to above. In this instance, special category of data is processed<sup>2</sup> for exercising specific rights of the council (under the regulations above). And where the Council collects and process criminal convictions information<sup>3</sup>, this is done lawfully under the provisions of the Data Protection Act 2018 (DPA).

## Who we will share your information with

Asides from members of the Evaluation Panel and to the Contract lead Procurement, Financial & Legal staff of Thanet District Council, we may share your information with:

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<sup>1</sup> Under Article 6 of GDPR

<sup>2</sup> Under Article 9 of GDPR

<sup>3</sup> Under Article 10 of GDPR

- Consultants commissioned by Thanet District Council to assist with the Procurement Process;
- Other Local Authorities or the Council's Shared Service Providers e.g. East Kent Human Resources or it's Arm's Length Management Organisations (ALMO), East Kent Housing, members of their staff participation on the Evaluation Panel where the Council collaborates on Joint Procurement activity;
- Other tenderers who have been unsuccessful as part of a debrief, in instances where the Council intends to award you a contract by sharing your personal information including the advantages of your tender/quotation including advantages of your quality/price submission, ahead of a formal award in accordance with the Council's obligation to notify outcome of the procurement procedure and spend as required by the EU Public Contracts Directive, the Public Contracts Regulations 2015 and The Local Government Transparency Code 2015;
- Bodies charged with a monitoring or inspection task in application of EU/UK law (e.g. internal audits, Crown Commercial Services);
- Members of the public, in accordance with the Council's obligation to publish information on the outcome of the procurement procedure and spend as required by the EU Public Contracts Directive, the Public Contracts Regulations 2015 and the Transparency Code 2015.

These publications will be in the Official Journal of the European Union, on Contracts Finder [www.gov.uk/contracts-finder](http://www.gov.uk/contracts-finder) , Kent Business Portal [www.kentbusinessportal.org.uk](http://www.kentbusinessportal.org.uk) , on the Council's website [www.thanet.gov.uk](http://www.thanet.gov.uk)

### **How long do we keep your personal information?**

Information of a successful bidder is kept for at least 6 years following the discharge of the contract in question when agreement is signed under hand and for agreements sealed as a deed this is 12 years following the discharge of the contract. For unsuccessful bidders documentation held is destroyed 1 year after commencement of the contract.

### **Your Rights**

The Data Protection Act 2018 in conjunction with the General Data Protection Regulation (GDPR) grants you a number of other rights. You have the right to request information that is held about you and this is known as the 'right of subject access'. Making a request for your personal information is known as a 'Subject Access Request'. You are entitled to receive a copy of your records free of charge and within a month. For more information on how we process your personal information and how to make a subject access request, please visit <https://www.thanet.gov.uk/privacy-statement/>

Please note that in certain circumstances access to your records may be limited, for example, if the records you have asked for contain information relating to another person.

You also have the right to rectify errors in your records, the right to withdraw consent given to process your data, and the right to have your data erased when you have withdrawn

consent. If you wish to exercise any of these rights, you should contact the Data Protection officer using the contact details provided below..

You have the right to be told if we have made a mistake whilst processing your data and we will self-report breaches to the Information Commissioner.

### **Further information**

If you would like to know more about how we use your information or to exercise any of your rights, please contact the Data Protection Officer (DPO) at Thanet District Council:

Data Protection Officer  
Thanet District Council  
Cecil Street  
Margate  
CT9 1XZ  
Email: [dataprotection@thanet.gov.uk](mailto:dataprotection@thanet.gov.uk)  
Tel: 01843 577 000

### **How do I complain?**

You also have the right to complain to the Information Commissioner's Office, at:  
The Information Commissioner  
Wycliffe House, Water Lane, Wilmslow, Cheshire  
SK9 5AF  
Phone: 0303 123 1113 or 01625 545745  
Website: [www.ico.org.uk](http://www.ico.org.uk)