|  |
| --- |
| Appendix 1 to tender specificationsNotification of processing of personal data**Declaration concerning notification** of processing of personal data in connection with a tender process |

# Information to the tenderer

As part of this procurement, the contracting authority expects to receive personal data from the tenderers. This is mainly due to the fact that the tenderers, as part of their submission of tender, must submit CV’s of the participating consultants in the project.

The purpose of this document is to ensure that persons who are the subject of the contracting authority’s processing of data are notified thereof by the tenderer. Such obligation to notify follows from the provisions of the General Data Protection Regulation ("GDPR")[[1]](#footnote-1). In order to ensure that this obligation is complied with, the tenderer is asked to do the following:

* Provide all persons whose personal data[[2]](#footnote-2) are included in the tender documents with the information stated in paragraph 2 ("Notification of processing of personal data").
* Fill in all fields marked in blue below.
* Sign the declaration in paragraph 3 (entitled "Declaration on notification of processing of personal data").
* Enclose the duly filled in and signed document with the tender documents.

# Notification of processing of personal data in connection with a tender process

In connection with [Insert company name of the tender]'s (the "Tenderer") submission of tender for the project “[Insert the title of the tender]”, the contracting authority has collected certain data about you. The data are competencies and experiences described in the CV attached to the tender. The data of the CV’s comprise general information and not personal or sensitive information about the consultants provided.

Pursuant to the GDPR, the contracting authority is the data controller in connection with our processing of your data.

The purpose of the processing of data about you is to evaluate the offered competencies and the experiences relevant to the work to be provided by the Tenderer.

The contracting authority only processes data about you that the Tenderer has submitted in connection with the submission of tender.

Your data are processed under the authority of Danish act (*udbudsloven) [[3]](#footnote-3)* and Article 6(1) point (e) of the GDPR regarding processing that is necessary for compliance with a legal obligation to which the controller is subject and processing that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The contracting authority may entrust your data with the contracting authority consultants and partners in the Nordic Countries comprised by the project, e.g. in connection with legal assistance and/or assistance with the evaluation of tenders, or with data processors, and the contracting authority may furthermore disclose your data to appeals authorities.

The contracting authority will process your data until the data are filed or discarded pursuant to the rules of the Danish Archives Act *(arkivloven)*[[4]](#footnote-4), however at least for as long as they are necessary for the procurement process, including until the process is completed and the deadline for lodging complaints with the appeals authorities is exceeded.

Your rights

Pursuant to Article 15 of the GDPR you are in principle entitled to access the processing of your data. This means that you may request that we provide you with information on our processing of your data.

Pursuant to Article 16 of the GDPR, you are entitled to rectification of any data that turn out to be inaccurate, misleading or, in a similar manner, incomplete. In addition, you are in certain cases entitled to erasure or restriction of processing of data, including if the data turn out to be inaccurate or, in a similar manner, processed in breach of the law. This is stipulated in Articles 17 and 18 of the GDPR.

Pursuant to Article 21 of the GDPR you are furthermore entitled to object to our processing of your data. If so, the contracting authority will decide whether your objection is justified. If this is the case, the contracting authority will no longer be entitled to process the data in question.

If you wish to exercise your rights under the GDPR, please contact the Danish Ministry of Environment, Frederiksholms Kanal 26, 1220 København K, CVR nr. 12854358.

Public authorities are required under the GDPR to have a data protection officer to whom you may also direct your inquiries if you have any questions to our processing of your personal data. The data protection officer of the contracting authority is dpo@mim.dk.

The contracting authority may entrust your data with the contracting authority’s consultants and partners among Nordic authorities comprised by the project, e.g. in connection with legal assistance and/or assistance with the evaluation of tenders, or with data processors. The contracting authority may furthermore disclose your data to appeals authorities. The information on Data protection and processing of personal data in the Nordic authorities that are expected to take part of the evaluation of tenders can be found below:
<https://ym.fi/en/data-protection>
<https://www.government.se/how-sweden-is-governed/the-principle-of-public-access-to-official-documents/>
<https://www.naturvardsverket.se/om-oss/om-webbplatsen/behandling-av-personuppgifter/>
<https://www.regjeringen.no/no/om-nettstedet/personvernerklaring/id650340/#tocNode_17>
<https://www.government.is/publications/legislation/lex/2018/01/08/Act-on-the-Protection-of-Privacy-as-regards-the-Processing-of-Personal-Data-No.-77-2000/>
<https://www.government.is/ministries/government-offices-services-/>

Complaints

Any complaints regarding our processing of your data may be lodged with the Danish Data Protection Agency *(Datatilsynet)*. You may contact the Danish Data Protection Agency from your digital mailbox at [www.borger.dk](file:///C%3A%5CNRPortbl%5CActive%5CNRY%5Cwww.borger.dk), by ordinary e-mail to [dt@datatilsynet.dk](file:///C%3A%5CNRPortbl%5CActive%5CNRY%5Cdt%40datatilsynet.dk%C2%A0)or by ordinary post to the Danish Data Protection Agency, Carl Jacobsens vej 35, DK-2500 Valby.

Laws and regulations

The rules on processing of personal data of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing and free movement of personal data and repealing Directive 95/46/EC (general data protection regulation) are available at [www.eur-lex.europa.eu](http://eur-lex.europa.eu/legal-content/DA/TXT/PDF/?uri=CELEX:32016R0679&from=DA). The Danish provisions supplementing the GDPR are set out in Act no. 502 of 23 May 2018 on supplementary provisions on the regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (the Danish Data Protection Act) at [www.retsinformation.dk](file:///C%3A%5CNRPortbl%5CActive%5CNRY%5Cwww.retsinformation.dk).

# Declaration concerning notification of processing of personal data in connection with a tender process

Name of tenderer: [insert name of Tenderer]

By my signature I declare that I have notified all persons whose personal data[[5]](#footnote-5) are included in the tender documentation with the information stated in clause 2 ("Notification of the processing of personal data in connection with a tender procedure").

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Country and town

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Name of signer (block letters)s

1. Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing and free movement of personal data and repealing Directive 95/46/EC (general data protection regulation). [↑](#footnote-ref-1)
2. See Article 4(1) of the General Data Protection Regulation [↑](#footnote-ref-2)
3. Act. No 1564 of 15 December 2015 as amended. [↑](#footnote-ref-3)
4. Consolidated Act no. 1201 of 28 September 2016 (the Archives Act) as amended by Act no. 503 of 23 May 2018. [↑](#footnote-ref-4)
5. See section 3, para. (1) of Act no. 429 of 31 May 2000 regarding the processing of personal data, as amended. [↑](#footnote-ref-5)