

## Privacy Notice – Procurement

### Introduction

Procurement have provided this privacy notice to help you understand how we collect, use and protect your information when purchasing goods, services or works to ensure that all legislation and processes are abided by. The document below will describe how we may collect and process your personal information.

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The purpose of this document is to clearly acknowledge East Suffolk Services responsibilities in relation to the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

### Definitions

**Personal Data** means any information related to an identified or identifiable natural (living) person (**'data subject'**) i.e. a person that can be directly or indirectly identified by reference to a name, ID reference number, email address, location data, or physical, physiological, genetic, mental, economic, cultural or societal identifier

**Special Personal Data** previously known as 'sensitive personal data', relates to race, ethnic origin, politics, religion, trade union membership, genetic data, biometric data, health, sex life or sexual orientation. Records of criminal personal data must also be treated in a similar way.

**Data Controller** determines the purposes and means of processing personal data.

**Data Processor** is responsible for any operation which is performed on personal data on behalf of the controller e.g. collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or making available, alignment or combination, restriction, erasure or destruction.

**Third Party** is someone / somebody who is not the Data Controller, the Data Processor or the Data Subject.

### Who we are

The Procurement Team provides advice, guidance and support to conduct procurement procedures in line with East Suffolk Services Procurement Procedure Rules and applicable legislation. This includes the process of evaluating supplier proposals received in response to a Request for Quotation (RFQ) or Invitation to Tender (ITT) and the subsequent award of the contract to the supplier who meets minimum standards required and submits the most advantageous quotation / tender in terms of quality / price evaluation.

East Suffolk Services is the 'data controller' for the information which is collated and processed. This means we are responsible for deciding how we can use your information. If you want more information regarding the services delivered, please go to our [website](#).

East Suffolk Services regards lawful and correct treatment of personal information as critical to their successful operations, maintaining confidence between East Suffolk Services and those with whom they carry out business. East Suffolk Services will ensure that they treat personal information correctly in accordance with the law.

The services provided by the Procurement Team are statutory and are governed by:

- The Public Contracts Regulations 2015
- Procurement Act 2023 and Procurement Regulations 2024
- East Suffolk Services Procurement Procedure Rules
- Transfer of Undertakings (Protection of Employment) (TUPE)
- Local Government Act 1999 – to deliver best value duty
- Contract terms - the processing is necessary for a contract or taking specific steps before entering into a contract.

The Data Protection Officer for ESSL is the Risk & Compliance Manager and can be contacted via [RiskCompliance@eastsoffolkservices.co.uk](mailto:RiskCompliance@eastsoffolkservices.co.uk).

### How the law protects you

UK GDPR says that we are allowed to use personal information only if we have a proper reason to do so. Most commonly, we use it where:

- You have given consent to the processing activities taking place
- If the processing is necessary for the performance of the contract
- If the processing is necessary for compliance with a legal obligation to which we are subject
- If the processing is necessary for the legitimate interest pursued by us or our partners.
- If processing is necessary for a vital interest.

More information on how the law protects you can be found in East Suffolk Services Privacy Notice.

### Our Responsibilities

UK GDPR provides us with main responsibilities for processing personal data.

All personal information provided by you is held securely and in confidence by us in our computerised and other records. When we process your personal information, we do so in compliance with UK GDPR.

For further information on our responsibilities, please see the [East Suffolk Services Website](#).

## Your Rights

The UK GDPR provides you with the following rights:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making
- The right to withdraw consent
- The right to complain

Requests in relation to your rights with regards to the personal data we hold should be made verbally or in writing to the Risk & Compliance Manager.

For further information on your rights, please see the [East Suffolk Services Website](#).

## Your responsibilities

You are responsible for making sure you give us accurate and up to date information, and to let us know if any personal information we hold is incorrect.

## When do we collect information about you?

We collect information about you from different places, including:

- Tender documents
- Contract documents
- Quotation documents
- Conflict of Interest declarations
- Cabinet Office by way of the Find a Tender Service platform
- eProcurement Portal by way of In-tend

All of the information that is collected and obtained by us is in line with the above regulations and all information is collected for a purpose, for example, in order to complete the contract terms or to deliver a service.

## What information do we maintain?

The information about you which we will maintain will include:

- Personal contact details such as name, title, addresses, telephone numbers and personal email addresses of the dedicated contact on the tender submission and/or contract
- Date of Birth of Suppliers
- Nationality of Suppliers
- TUPE data (as applicable)
- Bank account details
- ESSL processes criminal conviction data where we have identified conditions under Schedule 1 of Data Protection Act 2018

## How do we use your information?

We will be using your information for/to:

- Tender purposes
- Contract management
- Manage and mitigate actual, potential or perceived conflicts of interest.
- Audit purposes
- Insurance
- Manage archived records for historical and research purposes

We will not use your personal data for other purposes other than for what it was collated unless we have obtained your consent or for other lawful purposes (e.g. detection and prevention of fraud).

## How long do we keep your information?

Statutory information: We will hold your personal information for:

- 6 years for all records in relation to successful tenders/contracts where the contract is under signature.
- 12 years for all records in relation to successful tenders/contracts where the contract is under seal.
- All records relating to unsuccessful tenders for 12 months from the date the contract was awarded or where a challenge is received until the matter is resolved.

This information is obtained for insurance purposes. You can request that your personal information is deleted at any time.

## Data Sharing

We may share your personal information between services within East Suffolk Services with the aim of successfully conducting a tendering, quote and contract management process.

We may share your personal information with third parties involved in the project relating to the procurement activity, however, you will know this beforehand from the procurement documents supplied.

We may share your personal information with the Cabinet Office by way of the Find a Tender Service (FTS) (Central Digital Platform) as required by the Procurement Act 2023 and Procurement Regulations 2024.

We may share your personal information with the Procurement Review Unit for the purposes of reviewing a procurement process as required by the Procurement Act 2023 and Procurement Regulations 2024.

We may share your personal information with an incoming supplier should you be the current incumbent supplier, for example if TUPE legislation applies.

**Transferring your information overseas**

Currently, we do not transfer any personal information outside of the European Economic Area (EEA).

**National Fraud Initiative (NFI)**

We may share information provided to us with other bodies responsible for auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. For further information, see the [East Suffolk Services Website](#).