

INFORMATION ABOUT PROCESSING OF PERSONAL DATA

According to the art. 13 of the Regulation EU/2016/679 (General Data Protection Regulation - GDPR) relating to the protection of individuals with regard to the processing of personal data, as well as to the free circulation of such data (hereinafter also "GDPR"), Consip S.p.A. provides the following information on the processing of personal data during the tender and preliminary to the stipulation of the contract.

Purpose of the processing

It should be noted that:

- the personal data provided by the competitors are collected and processed by Consip S.p.A., as the contracting authority, to verify the requisites required by law for the purposes of participation in the tender and, specifically, for the purpose of verifying administrative and technical capacities of these subjects, as well as for the purpose of awarding the contract, in compliance with specific legal obligations connected with the legislation on procurement and public contracts;
- the personal data provided by the successful tenderer are collected and processed by Consip S.p.A. for the purposes of drafting and stipulating the Contract, for the fulfillment of the legal obligations connected with it, as well as for the economic and administrative management and execution of the contract and its conservation in accordance to the Italian law;
- all the data collected by Consip S.p.A. can also be processed for study and statistical purposes, in compliance with current legislation, for the institutional purposes carried out by the Enterprise in relation to consumption monitoring and expenditure control, as well as for the analysis of the additional achievable cost savings.

Legal basis and nature of the provision

The Competitor is obliged to provide the personal data to Consip S.p.A., in accordance to the legal obligations deriving from the legislation on procurement and public contracts. The refusal of providing the personal data requested by Consip S.p.A. could determine, depending on the case, the impossibility to admit the competitor to the tender or its exclusion from it or the forfeiture of the award, as well as the impossibility to stipulate the contract.

Nature of the processed data

The nature of personal data processed for the purposes specified above are the following: i) common personal data (eg. personal data and contact details); ii) data relating to criminal convictions and offence, pursuant to art. 10 GDPR, limited to the sole purpose of assessing the possession of the requisites and the qualities provided for by the applicable legislation in force for the purposes of participation in the tender and of the award. The data included in the "special categories of personal data" pursuant to art. 9 GDPR are not requested.



Data processing methods

The data processing may be processed using manual, computer and informatics tools and adopting appropriate and adequate security measures aimed at minimizing the risks of destruction or loss, even accidental, modification, unauthorized disclosure, as well as unauthorized access, even accidental or illegal, or treatment not allowed or not in accordance with the purposes of the collection.

Communication of personal data

The data will be processed by the personnel of Consip S.p.A. which handles the tender procedure, by the staff of other offices of the same Company that carry out activities pertaining to it and may be:

- communicated to independent collaborators, professionals, consultants, who provide consultancy or assistance to Consip S.p.A. with regard to the tender procedure, also for possible legal protection, or for sector studies or statistical purposes;
- communicated to any external parties that are part of the adjudication and testing committees that will be set up from time to time;
- communicated, subject to the conditions, to the Ministry of the Economy and Finance or to another Public Administration for which Consip S.p.A. carries out activities pursuant to the company by-laws, in relation to the data provided by the successful tenderer;
- communicated to other competitors who request access to the tender documents to the extent permitted under the law of 7 August 1990, n. 241;
- communicated to the National Anti-Corruption Authority, in compliance with the provisions of the AVCP Resolution no. 1 of 10/01/2008.

In compliance with legal obligations that imposes administrative transparency (article 1, paragraph 16, letter b, and paragraph 32 of Law 190/2012; article 35 of Legislative Decree No. 33/2013; as well as article 29 D.Lgs. No. 50/2016), the competitor / contractor acknowledges and agrees that the data and documentation that the law requires to be published, under specific conditions, through the websites www.consip.it , section "Società Trasparente".

In addition, the data concerning the Competitor's participation in the tender, within the limits and in application of the principles and provisions regarding public data and re-use of public sector information (Legislative Decree 36/2006 and Articles 52 and 68, paragraph 3, of Legislative Decree 82/2005 and subsequent amendments and supplements), may be used by the MEF and Consip, each for its own competence, including in aggregate form, to be made available to other public administrations , natural and legal persons, also as "open data".

Data retention period



The data retention period is 10 years from the conclusion of the execution of the Contract, due to the potential legal actions that can be exercised. Furthermore, the data may be stored, even in aggregate form, for study or statistical purposes in compliance with current legislation.

Automated decision making process

There is no automated decision making process.

Rights of the competitor / interested party

The natural person who the personal data refers to, has the rights referred to in Articles 15 et ss. of GDPR. In particular, he has the right to: i) obtain confirmation that a processing of personal data concerning himself is being processed; ii) access his personal data to know: the purpose of the processing, the category of personal data processed, the recipients or categories of recipients to whom the data are or will be communicated, the period of their storage or the criteria used to determine this period; iii) the right to request, and if necessary obtain, the correction and, where possible, the cancellation or, again, the limitation of the treatment and, finally, may oppose, for legitimate reasons, to their treatment; iv) the right to data portability that will be applicable within the limits set by art. 20 of GDPR.

If, in the event of exercise of the above rights the response to the request does not arrive within the terms of the law and / or is not satisfactory, the natural person may assert his rights before the judicial authority or by contacting the Supervisor Authority (for Italy “*Garante per la protezione dei dati personali*”) for the protection of personal data through a specific complaint, appeal or report.

Data Controller and Data Protection Officer

Data controllers is Consip S.p.A. with registered office in Rome, Via Isonzo n. 19 / D – 00198 Rome Italy, which has appointed its Data Protection Officer. Therefore any request regarding the processing of personal data and the exercise of rights must be addressed to the following addresses:

esercizio.diritti.privacy@consip.it

Consent to the processing of personal data

Once the above information has been acquired, with the presentation of the offer and / or the signing of the Contract, the legal representative pro tempore of the Competitor / contractor, acknowledges the processing of the personal data, including judicial data, concerning him. Furthermore, he undertakes to fulfill the obligations of information and consent, where necessary, towards the natural persons whose personal data are provided in the context of the awarding procedure, as regards the processing of their Personal Data by Consip S.p.A..