

**STATEMENT ON PERSONAL PROTECTION WITH REGARD TO THE PROCESSING OF PERSONAL DATA  
(GDPR EU 2016/679, art. 13)**

Pursuant to Article 13 of EU Regulation 2016/679 on personal protection with regard to the processing of personal data and on the free movement of such data (hereinafter EU Regulation or GDPR), the contracting authority provides the following information on the processing of personal data.

**Purposes of the processing**

- The data provided by the candidates are collected and processed by the Administration in order to verify that the legal requirements to take part in the tender are met and, in particular, for the purpose of verifying the administrative and technical-economic abilities of the subjects in question;
- All data acquired by the Administration may also be processed for study and statistical purposes in accordance with the rules laid down in the EU Regulations.

**Legal basis and nature of conferment**

The candidate/tenderer is required to provide data to the Administration by reason of the legal obligations arising from the legislation on tenders and public contracts. Refusal to provide the data requested by the Administration could result, depending on circumstances, in the impossibility of admitting the candidate to take part in the tender or his exclusion from it or his forfeiture of the contract, as well as the impossibility of stipulating the contract.

**Nature of the data processed**

The data to be processed for the purposes specified above are of the following nature: i) common personal data (e.g. personal details and contact details); ii) data relating to criminal convictions and offences (so-called "judicial" data) as per Art. 10 of the EU Regulations, limited to the sole purpose of assessing possession of the requisites and qualities required by the legislation in force for the purposes of taking part in the tender and the award of the contract. On the other hand, data falling within the "special categories of personal data" (so-called "sensitive"), pursuant to Article 9 of the EU Regulations, are not requested.

**How data are processed**

Data will be processed by the Administration in such a way as to guarantee the necessary security and confidentiality and may involve manual, paper-based, IT or telematic tools suitable for processing the data in compliance with the security measures contemplated in the EU Regulations.

**Sphere of data communication and circulation**

The data may be:

- processed by Administrative staff occupied in the tender procedure and execution of the Contract, by the staff of other Administrative offices carrying out related activities, as well as by the offices engaged in activities for study and statistical purposes;
- communicated to free-lancers, professionals, consultants, who provide consultancy or assistance to the Administration in matters of the tender procedure and the execution of the Contract, for any legal protection that may be necessary, or for sector studies or statistical purposes;

- communicated to outside parties who are members of Commissions evaluating candidate applications and tenders;
- communicated to other candidates who may request access to tender documents within the limits permitted under Law No 241 of 7 August 1990;
- communicated to the National Anti-Corruption Authority, in compliance with the provisions of AVCP Determination no. 1 of 10/01/2008;
- communicated to the other control bodies of the MAECI.

The name of the successful tenderer and the price at which the contract has been awarded will be published in the Official Journal of the European Union (OJEU). In addition to the above, in compliance with legal obligations requiring 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 of Legislative Decree no. 50/2016), the candidate/contractor acknowledges and agrees that the data and documentation that the law requires to be published, may be published and disseminated, where the conditions are met, through the "Transparency" section of the website [www.esteri.it](http://www.esteri.it) and on the website of the contracting authority: <https://www.consfrancoforte.esteri.it>

The data may be transferred to an international organisation in order to comply with legal obligations, in which case the transfer will take place in compliance with the requirements of the EU Regulations.

#### **Data retention period**

As regards management of the call for tenders, the data will be retained for a maximum period of 15 years from its conclusion or, where applicable, its cancellation, in accordance with the combined provisions of Articles 157, 317 and 161 of the Criminal Code. Said period is suspended in the event of ongoing legal proceedings. Furthermore, the data may be stored, in aggregate form also, for study or statistical purposes, in accordance with Article 89 of the EU Regulations and Articles 97-110 bis of Legislative Decree 196/2003 and subsequent amendments and additions.

#### **Automated decision-making process**

In the context of the tender stage, there is no automated decision-making process.

#### **Rights of the tenderer/data subject**

"Data subject" means any natural person whose data are transferred by the tenderer to the Administration.

The data subject is entitled to the rights set out in Articles 15 to 23 of the EU Regulations. In particular, the data subject has the right to: i) obtain, at any time, confirmation as to whether or not personal data concerning him/her are being processed; ii) the right to access his/her personal data in order to find out the purpose of the processing, the category of data being processed, the recipients or categories of recipients to whom the data are or will be communicated, the period of retention of the data or the criteria used to determine this period; iii) the right to request rectification of the data, under the conditions provided for in the applicable legislation; iv) the right to request, within the limits of the law and without consequences as regards participation in the tender or the awarding of the contract, the erasure of data, as well as limitation of the processing or to object to the processing; iv) the right to data portability, which shall be applicable within the limits of Art. 20 of the EU Regulations.

If, in the event of exercising the right of access and related rights, the response to the request is not received within the time limits laid down by law and/or is not satisfactory, the data subject may assert his or her rights by lodging a complaint or appeal with the Supervisor for the protection of personal data or with the judicial authorities.

### **Data controller**

The data controller is the Ministry of Foreign Affairs and International Cooperation (MAECI) - which operates, in this specific case, through the Consulate General of Italy in Frankfurt am Main, based in Danziger Platz, no. 12, 60314 Frankfurt am Main, PEO (normal email): [canc.francoforte@esteri.it](mailto:canc.francoforte@esteri.it), PEC (certified email): [cons.francoforte@cert.esteri.it](mailto:cons.francoforte@cert.esteri.it) - which has appointed its own Data Protection Officer (DPO).

Any request regarding the processing of personal data provided and the exercise of rights should be addressed to the DPO, who may be contacted at the following address: Ministry of Foreign Affairs and International Cooperation, Piazzale della Farnesina 1, 00135 ROME, telephone: 0039 06 36911 (switchboard), PEO: [rpd@esteri.it](mailto:rpd@esteri.it); PEC: [rpd@cert.esteri.it](mailto:rpd@cert.esteri.it).

### **Consent to the processing of personal data**

Having acquired the above information, by submitting the tender/offer and signing the contract, the legal representative *pro tempore* of the tenderer/contractor acknowledges and expressly consents to the processing of personal data as defined above, including judicial data, concerning him.

The tenderer undertakes to comply with the obligations of information and consent, where necessary, pertaining to natural persons (data subjects) whose personal data are provided as part of the contracting procedure, as regards the processing of their personal data, including judicial data, by the Administration for the purposes described above.