

Privacy information for the conduct of tenders and supplier management

to the senses of art.13 of the Regulation EU 2016/679

1. HOLDER OF THE TREATMENT OF THE DATA

The data controller is the **CNR** in its organizational structure of the Institute on Atmospheric Pollution with institutional headquarters at the Research Area Rome 1 Provincial Road 35d) Montelibretti (Rome) whose contact point for replying to the interested party is the 'Ing Francesco Petracchini Director of the Institute on Air Pollution (in short CNR-IIA) contactable at the following address:

Pec : protocollo.ia@pec.cnr.it

e-mail: direttore@ia.cnr.it

secretariat email: segreteria.direzione@ia.cnr.it

2. DATA PROTECTION OFFICER

The contact details of the CNR Data Protection Officer (RPD for short) are the following e-mail address: rpdcnr@ia.cnr.it

3. DATA PROCESSING PURPOSE AND LEGAL BASIS

Personal data is collected according to and for the purposes relating to: the management of tenders announced by CNR-IIA, the management of directly assigned suppliers and operators present on the MePA portal and will be processed in full compliance with current legislation for the purposes of carrying out the procedures *for purchasing goods and services*

3.1 Type of data processed

The personal data processed fall into these categories:

- Common data of natural persons : personal data, identity document, contact data, economic-financial, income, tax data, curriculum vitae, career data.
- Judicial Data : are processed for the purposes of verifying the absence of causes for exclusion pursuant to art. 80 Legislative Decree no. 50/2016, in compliance with the provisions of the procurement code (Legislative Decree no. 50/2016) and Presidential Decree no. 445/2000. In particular, there is data regarding criminal records, registry of administrative sanctions dependent on crime and related pending charges, or the status of accused or suspect, anti-mafia certification.

The particular categories of personal data referred to in the art. are not processed. 9 par. 1 GDPR

3.2 Purpose

These data are processed exclusively for carrying out the contractor selection procedure, in particular in compliance with the Legislative Decree. 50/2016 (and related implementation provisions) which provides for the obligation for the contracting authority to acquire the data relating to the participation in the tender procedures and the consequent acts (admission, exclusion, award, stipulation)

By way of example and not exhaustively, the following purposes are indicated:

- Collection of purchase requests, processing and choice of the administrative purchase procedure;
- Management of the procurement procedure for the assignment of works, services, supplies, in which the interested party has decided to participate;
- Verification of possession of the professionalism and moral suitability requirements;
- Fulfillment of the obligations established by the tender or equivalent notice, by law, by regulations and by community legislation for carrying out the purchase procedure;
- Preparation of any tax and accounting documentation;
- Management of charges deriving from the stipulation of the contract;

3.3 Legal Bases

The legal bases of the processing operations are:

- As regards common data: art. 6 co.1, letter. b), EU Reg. n. 2016/679 (execution of a contract of which the interested party is a party or of pre-contractual measures), in relation to the processing necessary for carrying out the tender operations for which the participation request was submitted and art. 6 co. 1, letter. c), EU Reg. n.2016/679, for carrying out the processing necessary to fulfill the legal obligations to which the owner is subject.
- With reference to data relating to criminal convictions and crimes: articles. 10 EU Reg. n. 2016/679, and 2-octies, co. 1 and 3, lett. i), Legislative Decree 196/03, as amended by Legislative Decree 101/2018, in relation to the assessment of the moral suitability requirement of those who intend to participate in tenders, in compliance with the provisions of the legislation on procurement;
- For both types, the processing of data connected to the management of any complaints or disputes and for the prevention and repression of fraud and any illicit activity is justified in the articles. 6, letter. f) and 9 lett. f), of Legislative Decree 196/03, as amended by Legislative Decree. 101/2018
- CNR public employee code of conduct

4. RECIPIENTS OR CATEGORIES OF RECIPIENTS AND POSSIBLE TRANSFER OF DATA TO A THIRD COUNTRY OR TO AN INTERNATIONAL ORGANIZATION

Within the scope of the above purposes, the processed data will be communicated or will in any case be accessible to employees and collaborators assigned to the competent offices of the CNR-IIA who, for the processing of data, will be adequately instructed by the Manager.

The data may also be communicated to other public or private entities in cases where communication is necessary for the management of the purchase procedure, and may be

communicated to all those public or private entities for which, in the presence of the relevant conditions, communication is required by community provisions, laws or regulations.

Personal data may also be transmitted to subjects who process the same data in execution of specific contracts and who will, for this purpose, be appointed as Data Processors and duly instructed by the Data Controller.

Among the recipients of personal data we can include, by way of example only:

- Certifying administrations when checking the substitute declarations made for the purposes of Presidential Decree 445/2000;
- Other participants in the tender by virtue of the rules on transparency, pursuant to Legislative Decree 50/2016, and any requests for access to documents;
- Judicial authority.
- to the Banking Credit Institute for the crediting of the fees due to the contractor;
- authority for the supervision of public contracts for works, services and supplies, pursuant to art. 1 paragraph 32 Law no. 190/2012 for procurement contracts;

The dissemination of data is limited to the publication on the CNR URP website in the "Transparent Administration" section of the data required by the regulations on Transparency and Anti-Corruption.

Outside of the aforementioned cases, personal data is not communicated or disclosed to third parties in any way or for any reason.

5. MANDATORY OR OPTIONAL PROVISION OF DATA

The provision of personal data is required according to current legislation, and is also necessary for the purposes of participation in the public tender procedure.

Refusal to provide the requested data will not allow participation in the public tender procedure.

6. TREATMENT METHODS

The data provided by the Data Controller will be processed mainly using IT and telematic methods, exclusively by designated personnel. The data will not be disclosed, except in cases specifically provided for by national or European Union law, including the legal obligations in force regarding publicity and transparency of data.

There documentation paper And preserved in locals adequate to access limited And tracked with means traditional or electronic. During there movement he comes guaranteed there continuity from the tracking from the chain Of custody.

The documentation in electronic format is stored in high reliability on devices with limited and tracked access to designated personnel only. The staff belonging to the CNR IIA have been correctly informed on aspects relating to the processing of personal, particular and judicial data;

7. DATA RETENTION

the processing, without prejudice to any legal and/or litigation obligations, will have a duration no longer than that necessary to achieve the purposes for which the personal data

were collected or for the entire duration of the administrative purchase procedure and any extensions possibly granted, and in any case according to the terms applicable by law, including the prescriptive ones, provided for the exercise of the rights deriving from the administrative procedure and from the contractual relationship even after its definitive termination.

With reference to the contractor, personal data are kept for the entire duration of the procurement contract and for the following ten years from the date of termination of the contractual relationship.

8. RIGHTS OF THE INTERESTED PARTY

With reference to the personal data provided, the interested party may exercise the following rights:

- a) access to your personal data pursuant to art. 15 GDPR;
- b) revocation of any consent given for non-mandatory data processing, with the clarification that the revocation of consent does not affect the lawfulness of the processing carried out up to the revocation itself;
- c) rectification, cancellation or limitation of data processing pursuant to articles. 16, 17 and 18 GDPR, in the cases permitted by law;
- d) opposition to data processing, where applicable;
- e) data portability (law applicable only to data in electronic format) pursuant to art. 20 GDPR;

The interested party also has the right to lodge a complaint with the Privacy Guarantor using the forms available on the Guarantor's website: www.garanteprivacy.it (art, 15 paragraph 1 letter f) ;

In order to exercise the above rights, the interested party can contact, through the contact point of the Manager, segreteria.direzione@iia.cnr.it

This information is considered accepted upon acknowledgment of the interested party at the same time as forwarding the document to which it is attached.