

# Privacy Notice

## Corporate Procurement – Tenderers

### Who we are and what we do

Durham County Council's Corporate Procurement Team will provide bidding organisations with contract information and details to enable them to submit tenders for contracts to do business with the Council and, in some cases, partner organisations who will be identified in those tender documents.

### What we do

It is a requirement of the Public Contracts Regulations 2015, supplemented by Statutory Guidance on Supplier Section that as part of the tender process, the Council may obtain some information which is classified as personal data.

Most of these tender exercises will be conducted through the NEPO ProContract electronic tender system, which is hosted at [www.nepo.org](http://www.nepo.org), and is used the principal Local Government e-Tendering system used by NEPO, North East local authorities, and NEPO affiliates, enabling them to carry out a fair and transparent online procurement process. This information is collected by the consent of the bidding organisation, in line with the terms and conditions for use of the NEPO ProContract system.

### **What type of personal information will the Corporate Procurement Team collect and how do we collect it?**

The information to be collected, if required would be as follows: -

- Name of the Person of Significant Control (PSC):
- Date of Birth:
- Nationality:
- Country, state or part of the UK where the PSC usually lives;
- Service address;
- The date he or she became a PSC in relation to the company (for existing companies, the date of 6<sup>th</sup> April 2016 will apply);
- Which conditions of ownership or control for being a PSC are met:
  - Over 25% up to (and including) 50%,
  - More than 50% and less than 75%,
  - 75% or more.

### How we collect Personal Information

The information collected from companies bidding for contracts with Durham County Council may be collected in paper form, an online form, email, telephone or through the NEPO Portal. The NEPO Portal is the primary means of collecting this data.

## **What is our power to obtain and use personal data?**

When we collect and use your personal information we rely on one of the following

**Consent:** You or a legal representative have given consent.

**Contract:** You have or are going to have entered in to a contract with us.

**Legal Obligation:** It is necessary to meet a legal obligation.

## **What is your personal information used for?**

This information is used to ensure bidding organisations meet basic requirements for contracting with the council as required by the Public Contracts Regulations 2015. As a UK contracting authority the Council is legally obliged, under the direction of Procurement Policy Note 8/16, to collect this information.

The information may also be used: -

- For the purposes of counter-fraud activity, crime prevention, and for the implementation of mandatory financial sanctions as directed by the Office of Financial Sanctions Implementation and HM Treasury.
- Management of the tender process.
- Management of contracts.
- For the purposes of statistical analysis.
- To respond to a complaint.
- FOI complaints
- An ICO request.

## **Will your personal information be shared?**

“We share information with the Cabinet Office which is entitled to request this information from us at any time in accordance with Regulation 84 of the Public Contract Regulations 2015.

In addition the information held by the Council relating to Persons of Significant Control or otherwise where we have a statutory obligation to share such information, such as for purposes of the prevention or detection of crime, or for legal proceedings.

## **How do we keep your personal information secure?**

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal Information. We will also only collect the personal information that we are required to, by law.

All data is stored securely on the NEPO ProContract system, which has secure password-controlled access limited to approved procurement professionals employed directly by the authority. Copies of submitted tenders may also be stored securely on the Council's own network, which again has password-controlled access.

We will use your information in a way that follows data protection laws and council policies and procedures.

Everyone working for the council is subject to the Common Law Duty of Confidence. Information provided in confidence will only be used for the purposes advised and consented to, unless it is required or permitted by the law.

All council staff are required to undertake mandatory Information Governance training, which covers how personal information should be processed and kept secure.

## **How long will we keep your personal information?**

After we award contracts to you and you deliver a service we have to keep your information as a business record of what was delivered. The type of service delivered will determine how long we have to keep it. Our corporate guidelines [retention guidelines](#) show how long we keep it for different services. This ranges from months for some records to decades for more sensitive records.

For contracts let in the form of an agreement, information will be retained for six years following the end of the contract term.

For contracts let in the form of a deed, information will be retained for twelve years following the end of the contract term.

NOTE: NEPO is currently reviewing data retention protocols for the NEPO ProContract system and this information will be added to this draft Privacy Notice as soon as it is available.

<http://www.proactis.com/Footer-Links/Privacy> - This is most recent notice. Last updated in September 2017?

## **Is your personal information processed outside the European Union (EU)?**

We do not process your personal information outside the EU.

## What are your Information Rights?

Your Information Rights are set out in law. Subject to some legal exceptions, you have the right to:

- To have any inaccuracies corrected;
- To have your personal data erased;
- To place a restriction on our processing of your data;
- To object to processing; and
- To request your data to be ported (data portability).

**To exercise any of these rights please contact the relevant service in the first instance.**

You also have the right to request a copy of the personal information council holds about you. To do this, you can apply on line or download an application form from the [DCC website](#) or you can contact the data protection team at [dataprotection@durham.gov.uk](mailto:dataprotection@durham.gov.uk)

To learn more about these rights please see the [ICO website](#).

If something goes wrong with your personal information, or you have questions about how we use it, please contact the Data Protection Officer at [DPO@durham.gov.uk](mailto:DPO@durham.gov.uk) or by calling.

If we have not been able to deal with your complaint, you can also contact the [Information Commissioner's Office](#)

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Telephone:** 0303 123 1113 (local rate) or 01625 545 745  
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