

PN109 – PROCUREMENT PRIVACY NOTICE

Torfaen County Borough Council is committed to protecting your privacy when you use our services. This Privacy Notice is designed to give you information about the data we hold about you, how we use it, your rights in relation to it and the safeguards in place to protect it.

TCBC Service Area:	Resources
Work area:	Procurement
Contact Details:	Jason Lewis Director – Corporate Services
Privacy Notice Name:	Procurement

Data Controller:

Torfaen County Borough Council
Civic Centre
Pontypool
NP4 6YB

If you wish to raise a concern about the handling of your personal data, please contact the Data Protection Officer using the details below.

01495 766200

dpa@torfaen.gov.uk

This Privacy Notice details the processing of personal information required by the Procurement team for the tendering of goods and services for the provision of supplies and services by the Council.

1) Who provides your data to the Council?

The personal information we process is provided to us directly by any potential supplier to the Authority.

2) How does the Council collect this information:

Procurement data is collected by electronic and paper submissions.

3) What information does the Council collect about you?

We collect personal and financial information supplied by contractors which is pertinent and relevant to the tendering of goods and services for Council service areas to provide supplies and services.

This information can include details of individuals and/or organisations with whom the authority will establish trading relationships in accordance with provision of goods, works and service requirements.

This information may include:

- Organisation and Business Information including name, address, contact information (telephone and email where appropriate)
- CVs of staff proposed for the provision of the goods/services.
- Responses to questions as set out in the Invitation to Tender (ITT), Request for Quotations (RFQs) and the Supplier Qualification Information Database (SQuID) – eg criminal convictions
- Copies of certificates of different nature eg quality assurance and insurance details

4) Why does the Council process your personal data?

Under Article 6 of the UK General Data Protection Regulation (GDPR), the lawful bases we rely on for processing this information are:

- (b) We have a contractual obligation
- (e) We need it to perform a public task

We use it to process your quotes and tenders; to carry out financial and business checks to assess the transfer of undertakings (protection of employment) or TUPE; to create legal contracts; and to make payments for the goods, works and services that we procure.

5) Special categories of personal data:

We do not collect any special category data.

We may collect data regarding any Criminal Convictions/Offences as part of the SQuID data requests because we ask about criminal convictions and bankruptcy orders. The basis for this is the Procurement Contract Regulations PA 2023 and PA (Wales) 2024

Where we collect criminal data, this is processed within the Council under Article 10 of the UK GDPR.

6) Who has access to your data?

Your data is shared internally only with the appropriate staff where it is necessary for the performance of their roles including the IT, finance, internal audit teams and legal services.

Your data may also be shared externally with other public sector providers where we undertake any collaborative procurement activity. These may include, but not be limited to:

Awarding of contracts may be published on FTS (find my tender) and Sell2Wales when values exceed current thresholds.

Awarding of some contracts under the new procurement act PA 2023 when the value is above £25,000 must be published on Sell2Wales.

Apart from where previously stated, we do not pass your details to third parties unless we are lawfully required do so for the prevention and detection of crime and fraud, or for the collection of taxes.

Is the Data transferred out of the UK?

No

7) How does the Council keep your data secure?

The Council has internal policies in place to ensure the data it processes is not lost, accidentally destroyed, misused, or disclosed. Access to this data is restricted in accordance with the Council's internal policies and in compliance with the UK GDPR.

Data will be stored securely in:

- an IT procurement management system in electronic format

Where the Council engages third parties to process personal data on its behalf, they do so on the basis of written instructions. These third parties are also under a duty of confidentiality and are obliged to implement appropriate measures to ensure the security of data.

8) **How long does the Council keep your data?**

The Council will hold your personal data only for the period that is necessary and will follow organisational and Local Authority standards in this area. At the end of the retention period the Council will securely destroy or dispose of the data in line with retention schedules.

- 7 years after the end of the financial year in which the records were created.
- Any information relating to contracts made under seal will be destroyed twelve years after the contract termination as stated in our retention policy.

9) **Are we making automated decisions/profiling with your data?** No

Your rights

You have a number of Rights you can exercise:

- Access - to obtain a copy of your data on request.
- Rectification – to require the Council to change incorrect or incomplete data.
- Object, Restrict or Delete - under certain circumstances you can require the Council to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing.
- Data portability – to receive and/or transmit data provided to the Council to other organisations (this applies in limited circumstances)
- Withdraw your consent at any time (where consent has been given)
- To know the consequences of failing to provide data to the Council
- To know the existence of any Automated Decision-making, including profiling, and the consequences of this for you.
- To lodge a complaint with a supervisory authority (Information Commissioners Office)

If you would like to exercise any of these rights, please contact Jason Lewis, Director – Corporate Services 07388 112167, Jason.lewis@torfaen.gov.uk

The Information Commissioner can be contacted at: The Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone 0330 414 6421 or e-mail Wales@ico.org.uk.