



EUROPEAN COMMISSION  
DIRECTORATE GENERAL FOR RESEARCH & INNOVATION

The Director-General

Brussels,  
RTD/SRJ (2011)

**NOTE FOR THE ATTENTION OF**

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**MR. FRANCO BISCONTIN (RTD.DDG1.M)**

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**Subject: Protection of personal data in RTD public procurement procedures –  
Update of the model notification DPO-2978 on public procurement.**

**Reference: m/note n°RTD R6/TB/I(2009)11291 of 10/06/2009**

DG BUDG has modified in March 2010 in its public procurement model contracts the clauses relating to personal data protection issues. In particular, a clause concerning the processing of personal data on behalf of the Commission by its contractors, and which my predecessor had asked to be used in RTD procurement contracts from 10<sup>th</sup> June 2009, has been incorporated in these model contracts.

The related generic notification, DPO-2978, has been updated accordingly (*from version 2 to version 3*), as well as the corresponding model privacy statement. Please note that this 3<sup>rd</sup> version of this notification also covers the selection of experts out of the scope of framework programmes projects evaluation, selection and review, which are addressed through the front-end and back-office RTD notifications DPO-978 and DPO-2382 (*currently in a revision process*).

The purpose of notification DPO-2978 is to manage and administrate procurement procedures respectfully of Regulation (EC) N° 45/2001<sup>1</sup>, including in particular the provision of evidence of the technical and professional capacity of tenderers, their staff and subcontractors. It is applicable to RTD public procurement procedures from their launch up to the conclusion of the contracts, cancellation or abandonment, or up to the publicity of the results.

Therefore, I am pleased to circulate an update of the annexes of the note in reference: the notification DPO-2978 V3 in Annex 1, the data protection clauses for invitations to tender in Annex 2, the model specific privacy statement<sup>2</sup> in Annex 3, the updated contract clauses in Annex 4, as well as guidelines to be followed by processors in Annex 5.

I thank you to review the situation of the use and storage of personal data within your directorate and to make sure that the above instructions are complied with.

Robert-Jan SMITS  
Director-General

Enclosure: 5 Annexes

**Copies:** A. Pauli, W. Burtscher, R. Strohmeier (*DGAs*), C. Sebastiani, N. Gillissen, T. Bourgeois (*DPC*)

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<sup>1</sup> Of 18 December 2000 on the protection of individuals with regard to processing of personal data by the Community institutions and bodies and on the free movement of such data.

<sup>2</sup> The link to which is provided in the model of Invitation to tender.