Information regarding the collection of personal data pursuant to Articles 13 and 14 of Regulation (EU) 2016/679 of 27 April 2016 – General Data Protection Regulation (GDPR)

Commons Codes GmbH takes the protection of your personal data very seriously. As a matter of principle, Common Codes GmbH maintains confidentiality regarding official matters that come to its attention in the course of its duties.

Common Codes GmbH processes your data in connection with the award procedure.

With this data protection information, Common Codes GmbH would like to inform you about the processing of your data in accordance with Article 13 GDPR.

1. Name and contact details of the person responsible for processing personal data:

2. Commons Codes GmbH, Zionskirchstraße 73a, 10119 Berlin, Geschäftsführung: Frau Anna Förster, Herr Dr. Torsten Lodderstedt und Herr René Wienholtz, privacy@common.codes

3. Contact details of the data protection officer:

Common Codes GmbH (Datenschutz), Zionskirchstraße 73a, 10119 Berlin, privacy@common.codes

4. Purpose and legal basis for the processing of personal data:

3a) Purpose of processing:

Conducting a procurement procedure

3b) Legal basis:

Article 6(1)(c) in conjunction with Article 6(3) GDPR and Sections 97 et seq. of the Act against Restraints of Competition

5. Recipients of personal data:

Pursuant to Section 19(4) of the Minimum Wage Act, Section 21(4) of the Posting of Workers Act and Section 21(1) of the Act to Combat Illegal Employment, the contracting authority is obliged to request information from the Competition Register regarding the tenderer to whom the contract is to be awarded, prior to awarding the contract.

Furthermore, contact details and staff profiles are required as part of the tender submission process.

Pursuant to Section 134(1) of the Act Against Restraints of Competition, the contracting authority shall, without delay and in writing, inform tenderers whose tenders are not to be considered of the name of the company whose tender is to be accepted, the reasons for the intended rejection of their tender, and the earliest date on which the contract is to be concluded. This also applies to candidates who were not provided with information regarding the rejection of their application before the notification of the award decision was sent to the tenderers concerned.

Pursuant to Section 62(1), first sentence, of the Public Procurement Regulation, the contracting authority shall immediately notify each candidate and each tenderer of its decisions regarding the conclusion of a framework agreement, the award of the contract or admission to participate in a dynamic purchasing system.

Under Section 62(2)(3) of the Public Procurement Regulation, the contracting authority shall, at the tenderer's request, inform each tenderer without delay – and at the latest within 15 days of receipt of the request in writing in accordance with Section 126b of the Civil Code – of the characteristics and advantages of the successful tender, as well as the name of the successful tenderer.

Under Section 39(1) of the Public Procurement Regulation, the contracting authority shall, no later than 30 days after the award of a public contract or the conclusion of a framework

agreement, submit a contract award notice setting out the results of the procurement procedure to the Publications Office of the European Union. The name and address of the economic operator to whom the contract was awarded shall also be published there.

In the event of review proceedings being initiated before the Public Procurement Tribunal, the contracting authority must, pursuant to Section 163(2), fourth sentence, of the Act against Restraints of Competition, make the tender documents available to the Tribunal immediately. This also applies to proceedings for an immediate appeal before the competent Higher Regional Court pursuant to Section 171 of the Act against Restraints of Competition. In these proceedings, personal data may also be disclosed to other parties to the proceedings where necessary.

6. Criteria for determining the duration of storage of personal data:

The benchmark for the duration of the storage of personal data is the retention periods under budgetary law or Section 8 (4) of the Public Procurement Regulation.

7. Rights of the data subject:

Right to information:
There is a right to information about the personal data processed by the contracting authority.

Right to rectification:
You have the right to rectification if the information relating to the applicant/tenderer is no longer accurate. Incomplete data can be completed.

Right to erasure:
There is a fundamental right to have personal data deleted. However, this right depends, among other things, on whether the data is still required for the fulfilment of tasks (see also Duration of storage).

Right to restriction of processing:
You have the right to request a restriction on the processing of the applicant's/bidder's data.

Right to object:
You have the right to object to the processing of data concerning you on grounds relating to your particular situation, unless there is an overriding public interest or legal requirement that prevents this.

8. Right to lodge a complaint with the data protection supervisory authority:

The competent data protection supervisory authority is:
Bundesbeauftragte für den Datenschutz und Informationsfreiheit
Graurheindorfer Straße 153
53117 Bonn

Any complaints should be addressed to this authority if the authority providing the information has not fulfilled its obligations or has not fulfilled them in full.

There is no obligation on the part of the controller to provide information regarding the collection of personal data from third parties (e.g. proof of suitability of third parties) in accordance with Article 14(5)(c) of the General Data Protection Regulation. Data collection is expressly regulated within the framework of the procurement procedure, which provides for the confidential treatment of data in order to protect the interests of the persons concerned (Sections 97 et seq. of the Act against Restraints of Competition, Sections 5, 8 of the Procurement Ordinance).

Further information can be found on the official website of Common Codes GmbH at https://common.codes/datenschutz and on the official website of the data protection supervisory authority at https://www.bfdi.bund.de/DE/Home/home_node.html.