

## **Data Protection Statement - Office of Government Procurement**

This Data Protection Statement provides information about the ways in which the Office of Government Procurement ('the OGP') collects, stores and uses personal data relating to individuals (data subjects). This Data Protection Statement relates to personal data received by the OGP where data subjects contact, or request information from, the OGP directly, and also personal data received by the OGP indirectly, and as set out below.

### **THE Office of Government Procurement**

#### **Who we are**

The OGP, which operates as an office of the Department of Public Expenditure and Reform, is headed by the Government Chief Procurement Officer, Mr. Paul Quinn, to lead on the Public Procurement Reform Programme by:

- Integrating procurement policy, strategy and operations in one office;
- Strengthening spend analytics and data management;
- Securing sustainable savings.

#### **Controller contact details**

The OGP is the controller for the personal data it processes. You can contact the OGP by ringing OGP Support at 0761008000 or [emailing support@ogp.gov.ie](mailto:support@ogp.gov.ie)

#### **DPO contact details**

In accordance with Article 37 of the GDPR, the OGP has appointed a Data Protection Officer in conjunction with the Department of Public Expenditure and Reform. If you wish to contact our Data Protection Officer in relation to the processing of your personal data by the OGP, you can do so by e-mailing [dataprotection@per.gov.ie](mailto:dataprotection@per.gov.ie).

### **DATA PROTECTION LEGISLATION**

The OGP processes personal data in the context of its role in providing a range of flexible, quality, customer focused procurement solutions for the public service.

#### **The GDPR**

The GDPR came into force on 25 May 2018 and significantly changed data protection law in Europe, strengthening the rights of individuals and increasing the obligations on organisations. The GDPR is designed to give individuals more control over their personal data. (A copy of the GDPR is available [here](#)).

The key principles relating to the processing of personal data under the GDPR are lawfulness, fairness and transparency; purpose limitation; data minimisation; accuracy; storage limitation; integrity and confidentiality; and accountability (Article 5 of the GDPR).

Although the GDPR is directly applicable as a law in all Member States, it allows for certain issues to be given further effect in national law. In Ireland, the national law, which amongst other things, gives further effect to the GDPR, is the Data Protection Act 2018 ('the 2018 Act'). (A copy of the 2018 Act is available [here](#)).

## **PROCESSING OF PERSONAL DATA BY THE OGP**

The OGP processes personal data for a number of different purposes, which arise from its functions and duties.

Some examples of the purposes for which the Commission may collect personal data in accordance with its functions are:

- Personal contact details of suppliers using our procurement solutions,
- Personal contact details of staff members of public sector clients using our procurement solutions,
- Personal details of OGP staff,
- Personal contact information of staff of suppliers, supplied during the tender process,
- Personal details of members of the public who contact the OGP via FOIs, Reps, Data Access Requests etc.
- Job applications – including personal data received from persons applying for roles within the OGP; and
- Conferences and events – including personal data relating to attendees at conferences and events organised by the OGP.

## **WHAT PERSONAL DATA DOES THE OGP PROCESS?**

### Personal data

As set out above, the OGP processes personal data. This includes, as set out above, personal data received by the OGP where data subjects contact, or request information from, the OGP directly, and personal data received by the OGP indirectly.

The personal data that we process may include (i) basic personal information, such as a data subject's name / surname; date of birth; the company or organisation a data subject works for; (ii) contact information, such as a data subject's postal address, email address and phone number(s); and (iii) any other personal data that is provided to the OGP during the course of the performance of its functions.

## **HOW DOES THE OGP COLLECT PERSONAL DATA?**

### **PHONE CALLS TO THE OGP:**

The OGP does not audio record or retain audio recordings of phone conversations.

Where an individual contacts the OGP by phone, caller numbers are automatically stored on the recipient phone in the Commission for a limited period of time in a list of inbound and outbound calls, and may be included on D365, our Customer Relationship Management tool.

During the course of dealing with a query, complaint or other matter, the OGP may record personal data received by it during the course of phone calls in the form of notes made on the relevant case file.

### **EMAILS:**

All emails sent to the OGP are recorded, forwarded to the relevant section of the OGP and are stored for the purposes of the matter/case file to which the email relates. The sender's email address will remain visible to all staff tasked with dealing with the query.

Please be aware that it is the sender's responsibility to ensure that the content of their emails does not infringe the law. Unsolicited unlawful material, together with the details of the sender, may be reported to An Garda Síochána and/or other relevant authorities and further emails from such recipients may be blocked.

### **POST:**

All post received by the OGP is scanned, forwarded to the relevant section of the organisation and stored for the purpose of the matter to which the post item relates.

### **SOCIAL MEDIA:**

The OGP also receives personal data through its social media interactions on Twitter and LinkedIn. The OGP operates social media accounts on these platforms in support of its functions (under Article 57, GDPR) to promote awareness of, and compliance, with data protection legislation. Messages or posts received by the OGP on these social media platforms are viewed by the OGP but the personal data contained in the messages/posts is not logged or stored other than on the relevant social media platform, and no further processing of such personal data is carried out by the OGP.

### **CCTV:**

We operate closed-circuit television at our Spencer Dock Office located at 3A, Mayor St Upper. We have CCTV cameras located to the front and rear points of entry/exit of the OGP's offices on the fourth and fifth floor.

The purpose for our processing of personal data collected by the CCTV in operation at our offices, is for security and safety. The legal basis of the processing is Article 6(1)(f), GDPR, which allows us to process personal data on the basis that it is necessary for the OGP's legitimate interests. CCTV footage is retained by the OGP for a period of 14 days.

### **WEBSITE:**

The OGP's website ([www.ogp.gov.ie](http://www.ogp.gov.ie)) uses certain cookies. Our Website & Cookie Policy can be accessed [here](#).

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## WHAT IS THE LEGAL BASIS FOR THE PROCESSING OF PERSONAL DATA BY THE OGP?

The legal basis for the processing of personal data by the OGP will depend on the legislative framework that applies and the purpose for which the processing is being carried out.

### GDPR

Under the GDPR, the tasks which the OGP is responsible for carrying out are, *inter alia*, set out in Article 57.

Where the OGP is processing personal data for the purpose of the performance of its functions, the primary legal bases under the GDPR are:

- (i) where the processing is necessary for compliance with a legal obligation to which the controller is subject (Article 6(1)(c) GDPR);
- (ii) where the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Article 6(1)(e)GDPR);

Other applicable legal bases under the GDPR which may apply to processing carried out by the OGP include:

- (iii) where the data subject has given consent to the processing of his or her personal data for one or more specific purposes (Article 6(1)(a) GDPR).
- (iv) where the processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract (Article 6(1)(b) GDPR).

## WHO ARE THE RECIPIENTS OF PERSONAL DATA PROCESSED BY THE OGP?

### Disclosure to third parties

Personal data collected by the OGP is held confidentially and is not shared by the OGP with any third parties, with the following exceptions:

- **Where the sharing of the personal data is necessary for the performance by the OGP of its functions.** This may arise, for example, in the context of the running of a procurement competition where provision of personal data forms part of the tender process.
- **For the purpose of legal proceedings.** In the event that the matter or complaint in question is brought before the Courts (whether the Irish Courts, the Court in the Member State of any other data protection supervisory authority or the Court of Justice of the EU), the materials, including any information, documents or submissions provided by an individual, may be made public in open court.

- **In the case of service providers or suppliers to the OGP.** The OGP uses data processors to provide certain services to the OGP. The OGP requires such processors to abide by certain terms to protect any personal data which is processed by the service provider/supplier during the course of providing the service, in accordance with the requirements set out at Article 28(3) of the GDPR.

## **HOW LONG DOES THE OGP RETAIN PERSONAL DATA?**

The retention periods for personal data held by the OGP are based on the requirements of the data protection legislation set out above at Section 2 of this Data Protection Statement and on the purpose for which the personal data is collected and processed. For example, in the case of complaints, the OGP will retain personal data (as contained on its case file) for as long as is necessary for the handling of the complaint and for any subsequent action that is required.

The retention periods applied by the OGP to personal data which it processes are also, in certain circumstances, based on legal and regulatory requirements to retain information for a specified period and on the relevant limitation periods for taking legal action.

## **YOUR DATA PROTECTION RIGHTS**

Under data protection law, data subjects have certain rights.

Subject to certain restrictions, which are set out below, you can exercise these rights in relation to your personal data that is processed by the OGP.

The data subject rights are:

1. The right to be informed about the processing of your personal data;
2. The right to access your personal data;
3. The right to rectification of your personal data;
4. The right to erasure of your personal data;
5. The right to data portability;
6. The right to object to processing of your personal data;
7. The right to restrict processing of your personal data;
8. Rights in relation to automated decision making, including profiling.

## **YOUR RIGHT TO COMPLAIN**

If you have any concerns in relation to the manner in which we process your personal data, you can contact us on [dataprotection@per.gov.ie](mailto:dataprotection@per.gov.ie).

If you are dissatisfied with how we process your personal data, you have the right to complain to the Data Protection Commission as the Irish supervisory authority. General guidance as to how the Commission handles complaints can be accessed [here](#).

## **CHANGES TO OUR DATA PROTECTION STATEMENT**

This Data Protection Statement is kept under regular review and is therefore subject to change.

If you have any comments or queries in relation to this Data Protection Statement, please forward same to our DPO at [dataprotection@per.gov.ie](mailto:dataprotection@per.gov.ie).