

Information on the implementation of data protection law provisions under the General Data Protection Regulation (GDPR) when awarding public contracts

The awarding body (Ministry of Economic Affairs, Labour and Housing Baden-Württemberg, Department 62) processes personal data in addition to company data within the scope of awarding public contracts. We would like to inform you of the processing of your personal data in this data protection notice.

1. Who is responsible for data processing?

Ministry of Economic Affairs, Labour and Housing Baden-Württemberg
Department 62
Daniel Mondon
Schlossplatz 4 (Neues Schloss)
70173 Stuttgart
Germany

2. What are the data protection officer's contact details?

Ministry of Economic Affairs, Labour and Housing Baden-Württemberg
Department 13
Mr. Heidrich
Schlossplatz 4 (Neues Schloss)
70173 Stuttgart
Germany

3. What is the legal basis and purpose of processing with respect to the personal data?

The awarding body (Ministry of Economic Affairs, Labour and Housing Baden-Württemberg, Department 62) must comply with procurement law when awarding public contracts. This particularly includes the Act against Restraints on Competition (Gesetz gegen Wettbewerbsbeschränkungen, GWB), the Regulation on Awarding Public Contracts (Vergabeverordnung, VgV) and the State Budgetary Regulations (Landeshaushaltsordnung, LHO).

The processing of personal data serves to implement the procurement process and takes place on the basis of Section 4 of the Federal Data Protection Act (Landesdatenschutzgesetz, LDSG) in connection with point e of Article 6 (1) of the GDPR and points b and c of Article 6 (1) of the GDPR.

Without data and the necessary information, a contract cannot be awarded as the offers submitted would be incomplete and thus excluded.

4. What personal data is processed?

We collect, process and use data that you provide us with within the scope of the procurement process. This particularly includes:

- personal contact details and names of bidders if they are natural persons or partnerships and contact details of bidder contact partners (e.g. first name, surname, address, e-mail address, telephone number);
- data regarding the qualification/suitability of bidder employees used; and
- references regarding comparable services carried out in the past.

Data is also only collected if we are legally obliged to do so or if you have consented to this.

5. How do we process this data?

Your data is documented as part of the procurement process and attached to the tender file.

6. Is personal data shared?

All personal data processed within the scope of legal obligations is only shared if transmission is legally permissible or if you have consented to this.

In particular, recipients due to legally permissible transmissions may include:

- unsuccessful bidders who have submitted an application in accordance with Section 62 (2) of the VgV or must be informed of the features and advantages of the successful offer and the name of the successful bidder pursuant to Section 46 (1) of the Threshold Regulation on the Awarding of Contracts (Unterschwel­lenvergabeordnung, UVgO).
- When awarding public contracts with a contract amount greater than EUR 30,000 (without VAT), the public contracting authority must obtain details for the bidder to be awarded the contract from the central commercial register (Gewerbezentralregister; in future: competition register).
- In the event of restricted tenders without competitive bidding and negotiated procurement without competitive bidding where the contract value is greater than EUR 25,000, information regarding each contract awarded will be available on our website for a period of three months. This information also details the name of the contracting company as a minimum.

- The body to review alleged breaches of procurement provisions (Procurement Chamber, Vergabekammer).
- Courts in the event of legal action.

7. How long is personal data processed for?

Retention periods for procurement documents apply to the processing and storage of personal data in accordance with specific country law.

8. What rights do data subjects have?

You have various rights under the GDPR. More detailed information can particularly be found in Articles 15 to 18 and 21 of the GDPR.

In specific cases, it may be the case that the right cannot or may not be used. If this is prohibited by law, we will provide you with a reason for the refusal.

Right of access

There is a right of access to the personal data processed by the awarding body.

Right to rectification

There is a right to rectification if personal data is not or is no longer true for the data subject. If the data is incomplete, a request may be made for it to be completed, taking into account the purposes of processing.

Right to erasure

The data subject may request the erasure of his/her personal data. However, among other things, entitlement to this depends on whether the data is still required to carry out tasks.

Right to restriction of processing

The data subject has the right to request that processing is restricted. The restriction is not in contravention of processing if there is an important public interest in the processing.

Right to object

If the data subject's personal data is processed on the basis of Section 4 of the LDSG in connection with point e of Article 6 (1) of the GDPR, the data subject has the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her, unless an overriding public interest or a legal provision prevents this. If processing continues to be required to carry out the procurement process or the processing of the contract, these facts may also prevent this.

The objection must be sent to a person responsible for data processing at the awarding body (see point 1).

Right of withdrawal

If the processing of personal data is based on the data subject's consent, he or she has the right to withdraw consent with future effect. The lawfulness of processing previously carried out on the basis of consent will not be affected by this.

The withdrawal must be sent to a person responsible for data processing at the awarding body (see point 1).

Right to lodge a complaint

Without it affecting other legal rights, each data subject may lodge a complaint with the state representative for data protection and freedom of information if he or she believes that the body providing information has not met its obligations or has not met them in full.

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