

Privacy Notice for Corporate Procurement

**DATE
V1.0**



Corporate Procurement

Our core data protection obligations and commitments are set out in the Council's **primary** privacy notice at www.bolton.gov.uk

This notice provides additional privacy information for:

- People accessing the Corporate Procurement Service
- Partners working with Bolton Council

It describes how we collect, use and share personal information about you

- In relation to the Corporate Procurement Service
- the types of personal information we need to process, including information the law describes as 'special' because of its sensitivity

It is important that you read this notice, together with any other privacy information we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

The information collected and held will vary dependent on the service used.

Purpose(s)

We collect your personal information for the following purpose(s):

- To evaluate the proposals received in response to a call for quotation/tender referring to exclusion and award criteria as set out in an ITT, RTP or ITQ document
- Contacting you in connection with a procurement exercise
- Contacting you in respect of establishing or managing a contract between the Council and its suppliers
- To confirm that you are registered with HMRC for self-assessment tax purposes (where you are a self-employed trader, using your UTR number)
- To enable tenderers to price their bids for replacement contracts when the Transfer of Undertakings (Protection of Employment) Regulations apply
- Considering requests made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004

Categories of personal data

In order to carry out these purposes we collect and obtain:

- Contact information including name, address, telephone number and email address
- Identity information and documentation

- Salary, age pension, length of service and other workforce information for replacement contracts when the Transfer of Undertakings (Protection of Employment) Regulations apply
- Information contained in complaints and allegations of misconduct made during the course of a procurement exercise or subsequent delivery of contract
- Information provided about breach of the grounds for exclusion set out in Regulation 57 of the Public Contracts Regulation 2015

Legal basis for processing

The legal basis for processing your personal information is:

We use your personal data to carry out tasks that are in the Public interest, as well as providing services that we are under a statutory obligation to provide, for example under:

- The Local Government Act 2003
- The Public Contracts Regulations 2015 (regulations 56 to 67 inclusive)
- The Transparency Code 2015
- Other legislation cited in the Constitution of Bolton Council, including Financial Procedural Rules and Contract Standing Orders

We also use your personal data to comply with legal obligations and/or the necessity for the performance of a contract.

Article 6 basis:

- It is necessary to perform our public tasks (Art 6(1)(e))
- You have entered into a contract with us (Art 6(1)(b))
- It is required by law (Art 6(1)(c))

Article 10 basis:

- Criminal data will only be used or processed because it is necessary for the fulfilment of our legal obligations. The law provides safeguards to protect the use of any information concerning criminal convictions.
- When the processing is authorised by EU or Member State Law (this means the Data Protection Act 2018 and any other laws set out by Parliament).
- There are necessary reasons in the substantial public interest. Legal Claims for the purpose or in connection with any legal proceedings, is necessary for the purpose of obtaining legal advice, or is necessary for the purpose of establishing, exercising or defending legal rights.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you or we may be prevented from complying with our legal obligations.

Information sharing/recipients

We may share personal information about you with the following: -

- Procurement staff
- Council employees involved with the management of the contract or framework once awarded
- Other public authorities and public partnerships (e.g. councils, schools, NHS providers, Police, government departments etc.)
- Enforcers and regulators, including the Local Government Ombudsman, the Care Quality Commission, Ofsted, HMRC and the Health and Safety Executive
- External consultants in the evaluation team of your submitted tender
- Voluntary and non-commercial sector organisations that help us deliver services
- People and organisations that have been nominated as referees by tenderers
- People and organisations that suppliers, service providers or contractors have asked us to provide a reference to
- Businesses that we contract with to help us deliver services
- Internal and External Auditors and Inspectors
- Cabinet Office
- Other Council departments
- Professional bodies such as the General Medical Council or Law Society, in respect of alleged misconduct
- Debt recovery services, bailiffs and investigators where necessary to recover a debt owed to us.
- The Disclosure and Barring Services, Disclosure Scotland their equivalents in other countries (where a basic disclosure or DBS check is required in respect of a particular role) and agents who submit details to such an organisation on our behalf.

We will not normally share your information with organisations other than our partner organisations; however, there may be certain circumstances where we would share without consent such as where we are required to do so by law, to safeguard public safety, and in risk of harm or emergency situations. Only the minimum information for the purpose will be shared.

As well as information collected directly from you, we also obtain or receive information from:

- Personal information may be collected from suppliers as part of their tender submissions and ongoing contract management arrangements.
- Personal information may also be collected from existing suppliers where the re-procurement of a contract involves the transfer of staff from an existing employer to the new contract holder in accordance with TUPE legislation.

- Employee, Elected Member and service user personal information is collected for the purpose of making travel and hotel bookings.
- Personal information is collected from the supplier of the agency workers contract

Data retention/criteria

We will only keep your personal information for as long as the law specifies or where the law does not specify this, for the length of time determined by our business requirements.

Rights of individuals

You may exercise certain rights in relation to the council's use of your personal information.

To find out more about how these rights apply in particular circumstances, please refer to our [Guide to exercising your Rights](#) or alternatively visit the Information Commissioner's web site at <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you wish to exercise your rights (as outlined above) or to raise a concern about the handling of your personal information by the council, please contact our DPO

Patricia Ashcroft
DPO@bolton.gov.uk

Bolton Town Hall
Victoria Square
Bolton
BL1 1RU

Updates to Privacy Notice

We may update or revise this Privacy Notice at any time so please refer to the version published on our website for the most up to date details