

Data protection comments in connection with the awarding of public contracts

1. Introduction

We take data protection very seriously, and this naturally also applies to the data which we process in the context of the awarding of public contracts. Information is provided here on how we process your data, and which claims and rights you have pursuant to statutory data protection regulations (information obligations when collecting data on affected persons pursuant to Section 13 General Data Protection Regulations, and the data not collected from the affected person pursuant to Section 14 GDPR).

Personal data refers to all data with which you can be personally identified. This also includes the kind of information with which you can only be indirectly identified such as by assignment to an identifier such as a name, an identification number, location data, or to an online identification number. A person is also considered to be identifiable when that person can be identified by one or more specific characteristics, such as expressions of the physical, physiological, genetic, psychological, economic, cultural or social identity of this natural person

2. Contact data of the responsible authority

JadeWeserPort Realisierungs GmbH & Co. KG

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Fax: (04421) 4098088

[Email: Info@jadeweserport.de](mailto:Info@jadeweserport.de)

Container Terminal Wilhelmshaven JadeWeserPort-Marketing GmbH & Co. KG

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Tel.: (04421) 409800

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3. Contact data of the data protection officer

Dr. Uwe Schläger
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Konsul-Smidt-Str. 88
28217 Bremen
Tel.: 0421 – 69 66 32 0
Fax: 0421 – 69 66 32 11
[Email: office@datenschutz-nord.de](mailto:office@datenschutz-nord.de)

4. Your rights

You have the right to receive **information** free of charge upon request concerning your personal data which has been stored. In addition, you have the right to the **rectification** of incorrect data, **restricting the processing** of too comprehensively processed data, and the right to **erasure** of illegally processed personal data or such data which has been stored for too long (insofar as there is no statutory retention obligation and no other reasons pursuant to Section 17 (3) GDPR). Moreover, you also have the right for the transfer into a standard data format of all of your personal data transferred to us (right of data portability), insofar as the data was transferred to us as part of a declaration of consent or to satisfy a contract.

To exercise your rights, simply send us an email to the following address office@datenschutz-nord.de. In the event that you wish to exercise the aforementioned rights, the relevant public body checks to determine whether the statutory preconditions in this case have been satisfied.

In addition, you also have a right to appeal to the state data protection officer for the state of Niedersachsen:

Die Landesbeauftragte für den Datenschutz Niedersachsen
Prinzenstraße 5
30159 Hannover
Telephone 0511 120-4500
Fax 0511 120-4599

5. Processed data and purposes of data processing

Typical professional contact data as well as relevant reference data are processed from bidding companies and their employees, this includes for example:

- Professional email addresses
- Professional telephone numbers
- Professional postal addresses
- Your function in your company
- Professional qualifications
- Description of the work performed in reference projects
- Description of the role in the reference projects

The data is processed for the purposes of implementing the tendering procedure, in particular:

- Preparing award documents
- Answering applicant/bidder inquiries
- Query and review of the existence of exclusion criteria
- Query and review of participation documents, in particular the suitability
- Evaluating the offers
- Satisfying contractual law transparency obligations

In addition, your data may also be processed for the following purposes:

- Administering a bidder file
- Document and contract management
- Satisfying statutory data protection obligations
- Undertaking relevant communications

6. Permissions

The processing of the aforementioned personal data for the purposes of undertaking a tendering procedure is carried out on the basis of Section 6 (1) (c) and (e) GDPR as well as Section 3 of the Lower Saxony Data Protection Act (NDSG), because we are legally obliged pursuant to Section 97 ff. German Restrictive Practices Act (GWB) to implement this tendering procedure and therefore act in the exercise of official authority.

Moreover, the processing is also undertaken regularly on the basis of Section 6 (1) (b) GDPR because the data processing as part of the tendering procedure has to be undertaken as a precontractual measure.

Data processing which goes beyond the aforementioned measures is only undertaken if you have given your explicit approval to do so. If the data processing based on your approval is supported by Section 6 (1) (a) GDPR, then you have the right at any time to revoke your approval. Your data will no longer be processed within the context of the

tendering procedure immediately from the time you issue your revocation, insofar as no other permission exists.

7. Origin of the data

The data is derived from your participation and offer documents. We exclusively process the data made available by you yourself.

8. Voluntariness of provision of data

The provision of your personal data is fundamentally voluntary. The provision of personal data is, however, necessary for the successful implementation of the tendering procedure and the submission of a participation application and/or offer. If this data is not provided, it is possible that this will prevent the tendering procedure from being successfully concluded and/or the failure to transact the contract to be closed.

9. Recipients and forwarding of the data to third parties

Within JadeWeserPort Realisierungs GmbH & Co. KG, and Container Terminal Wilhelmshaven JadeWeserPort-Marketing GmbH & Co. KG, access to your data is given to those departments which require it to satisfy their statutory and contractual obligations.

Beyond this, your personal data is explicitly not passed on to third parties unless this is legally approved, or there is a statutory obligation to forward the contractual award, participation and offer documents to an authority.

Pursuant to Section 19 (4) Minimum Wage Act, the issuing office, in the case of contracts worth more than Euro 30,000 excluding turnover tax, requires from the bidder which has been selected to receive the contract, that information is provided from the commercial central register pursuant to Section 150a Industrial Code prior to the awarding of the contract.

10. Duration of data retention

Your data is erased after the purpose of the processing has been completed or no longer applies, insofar as this is permissible in compliance with the statutory retention time limits. This primarily reflects the budgetary retention periods of the state of Niedersachsen.