Guidelines for handling personal information of bidders and grant applicants

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<tr>
<th>Date issued:</th>
<th>6 October 2020</th>
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<td>Issued by:</td>
<td>Deputy Director-General Noumea</td>
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<td>Issued under:</td>
<td>These guidelines are issued under:</td>
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<td>- regulation 5, Staff regulations,</td>
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<td>- Privacy Policy.</td>
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1. Purpose

1.1 SPC’s Privacy Policy provides a broad framework for how SPC handles any personal information it collects on a day-to-day basis. The intent of these guidelines is to help SPC:

   a. promote good practice and international standards for procurement and grants concerning the storage and use of bidders’ and grant applicants’ personal information;
   
   b. ensure the protection of the applicants’ personal information and privacy.

2. Personal information

2.1 Personal information is defined in the Privacy Policy as any information about an identified individual, or an individual who is reasonably identifiable. It is personal information, whether the information is true or not, and whether the information is recorded or not. Examples of personal information are a person’s name and address, photograph, details of qualifications, an email address or their geo-location.

3. Information SPC collects about applicants for bids and grants

3.1 In the course of awarding or managing procurements under SPC’s Procurement Policy or awarding and managing grants under SPC’s Grants and Sub-delegation Policy, SPC may collect personal information of bidders or grant applicants. The types of personal information may include:

   a. identifying details, such as name, surname, passport number, ID number, IP address;
   
   b. contact details which may not be publicly available;
   
   c. information collected for due diligence and probity checks, including tax records, extracts from judicial records;
   
   d. financial information, such as bank account reference (IBAN and BIC codes), or taxation numbers;
e. information necessary for the evaluation of selection criteria or eligibility criteria of personnel, such as expertise, technical skills and languages, educational background, professional experience, details on current and past employment; and

f. declarations provided to SPC as part of SPC’s due diligence procedure or complaints about behaviour.

4. Confidentiality

4.1 Bidders and grant applicants have a right to privacy. Staff are expected to uphold the confidentiality of any personal information and any confidential business information.

4.2 Staff are only to use or disclose personal information that they have access to in their roles for approved purposes.

5. Use of personal information

5.1 SPC may legitimately use personal information collected about its bidders or grant applicants to:
   a. assess their bids or grant applications;
   b. to manage the procurement or grant contract;
   c. to investigate any complaints and impose sanctions;
   d. to help SPC fulfil any duty of care it may owe to the bidder or grant applicant.

5.2 Examples of appropriate use of information include:
   • Division providing Finance with information about the contract to arrange payment
   • Procurement Team providing members of the Procurement Committee with details of past performance
   • Investigation team investigating potential misconduct
   • Procurement Team providing information on a matter to the Legal Unit seeking advice
   • A whistle-blower providing information about potential misconduct
   • Procurement Team using information to do a capacity assessment
   • A contract manager having a discussion with Procurement Team about a vendor or grant holder’s performance
   • Information being provided to a decision-maker for the decision-maker to make a fully informed decision about the vendor or grant holder

6. Disclosing information

6.1 SPC may disclose a bidder’s or grant applicant’s personal information to an entity outside of SPC where:
   a. the individual has consented either at the time of collection or afterwards;
   b. it is necessary to fulfil the purposes of the original collection of the information;
   c. it is necessary for the purposes of law enforcement; or
   d. SPC has been legally compelled to disclose the information.
6.2 Examples of appropriate disclosure of information include:

- Travel Unit providing SPC’s travel agent with the vendor’s or grant holder’s passport details to book a trip
- An assistant providing details on a conference enrolment form
- Posting a photo of the vendor or grant holder on SPC social media when the vendor or grant holder knew the photo was being taken for those purposes
- Responding to subpoenas or other legal orders (where SPC’s privileges and immunities have been waived)
- Procurement Team checking evidence with an external party to ensure the evidence is real
- Using the information to undertake due diligence checks
- Reporting possible illegal activity to police or another law enforcement entity
- Providing information to external auditors
- Providing a report or update to a development partner

7. Storage and security of personal information

7.1 SPC will take reasonable steps to ensure the safe storage and security of the personal information.

7.2 Where personal information is in an electronic form, it is stored on SPC’s servers. Information that is stored electronically will be limited to staff who have a clear business purpose to access and use that information.

7.3 All information received through a procurement or grants process will be stored for a period in accordance with SPC’s retention and disposal schedule.

8. Access and accuracy of personal information

8.1 A bidder or grant applicant may request access to their personal information held by SPC. SPC will make the information available as soon as practicable but no longer than thirty days.

8.2 A bidder or grant applicant may also request any incorrect personal information be updated or corrected. If such a deletion or correction would compromise SPC’s record keeping obligations, the staff member may request a note be added to the file to reflect why they consider the personal information is inaccurate.

9. Complaints

9.1 A bidder or grant applicant who is unhappy with how their personal information has been handled may make a complaint under SPC’s Privacy Policy.