

Guidelines for handling personal information of bidders and grant applicants

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

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*.