

## **Privacy Notice – Procurement and Contract Management**

### **Introduction**

Bòrd na Gàidhlig is tasked by the Gaelic Language (Scotland) Act 2005 (the Act) to promote and develop the Gaelic language. As part of that role, we are required to regularly communicate with people who have a responsibility under the Act or those with an interest in Gaelic language, Gaelic education or Gaelic culture.

Bòrd na Gàidhlig uses personal information for a range of purposes and our privacy notices provide information about why we obtain and collect personal information, and how we process it.

This privacy notice explains how Bòrd na Gàidhlig uses information for procurement and contract management purposes. It is important to note that the privacy information provided below relates to information that is considered personal data under data protection laws. It will not necessarily apply to corporate or company data, unless you are working for Bòrd na Gàidhlig in an individual capacity, for example as a sole trader. It will also apply to any personal information that is included in tender submissions or contracts, regardless of company status.

**Please do not include any personal information in tender submissions that has not been requested or does not directly support or evidence a specific part of your tender submission. Any personal information that is submitted that is deemed to be excessive may be removed from the submission and destroyed.**

**Note - any organisation submitting a tender proposal must also ensure that they have a lawful basis for including any personal information, and is required to provide a copy of this privacy notice to any person whose personal information has been included.**

### **What Information is Collected?**

Bòrd na Gàidhlig collects information for the purposes of procurement (including commissioning) and contract management. Much of the information collected for managing procurement is laid down by the Scottish Government, and the process follows the legal requirements in the Scottish Procurement Regulations. In tender submissions, the information required is likely to include at least company representative information, and you may also be asked to provide relevant experience of key personnel. **Please do not include CVs unless you are specifically asked to do so.**

Once a contract is awarded, information contained within any tender submissions will usually form part of the contract and any personal information collected or obtained during the contract will relate to the provision of services and contract management. This will vary according to the contract.

Bòrd na Gàidhlig also uses Scottish Government Framework agreements and will use information from those frameworks to enter into agreements as permitted by procurement rules and regulations.

### **How will my information be used?**

Tender submissions will be evaluated following the procurement regulations referred to above. Personal information will be processed with a view to entering into a contract with the organisation submitting the winning tender, which is the lawful basis for processing the submission from an individual, including sole traders.

Personal information included in submissions for larger organisations will be processed under the lawful basis of legitimate interests as it is in the interests of both Bòrd na Gàidhlig and the organisation submitting the tender, as well as in the general public interest to obtain value for money, to do so. As stated above, winning tender submissions will usually form part of the contract although information about organisation contacts will be maintained and kept up to date.

Once a contract is entered into, personal information will be processed for the performance of a contract where that contract is with the individual, or legitimate interests where it is required for contract management purposes.

On completion of the contract, any information that specifically related to deliverables of a contract will be retained in accordance with Bòrd na Gàidhlig's retention schedules, explained further below.

### **Will my information be passed to anyone else?**

Information in tender submissions will be evaluated by the appropriate team within Bòrd na Gàidhlig. In some cases, Bòrd na Gàidhlig may use other organisations (data processors) to help us evaluate submissions and manage contracts if it for a specialist piece of work. If you have any queries relating to this, you should contact the person managing the procurement process.

Payment information will be processed by the Finance Team. Bòrd na Gàidhlig uses data processors to provide IT systems, which includes the system for managing and paying invoices. Your information will also be passed to organisations that manage the payment process, for example, the banks.

Data processing agreements are place with all organisations that process personal information on Bòrd na Gàidhlig's behalf, which require processing to be carried out within the EEA, or for appropriate safeguards to be in place where it is carried out by an international organisation. As far as we are able to establish, information relating to procurement and contract management is not transferred internationally.

Other than described above, Bòrd na Gàidhlig will never pass images to any other third party, unless there is a statutory requirement to do so or the processing is otherwise lawful.

### **What happens when my information is no longer required?**

Information relating to procurement and contracts is retained in accordance with Bòrd na Gàidhlig's retention schedules. Information that relates to a contract is usually retained for five years from the date of the end of the contract.

Submissions from organisations that are unsuccessful will usually be retained for one year. This is to allow for the legal period of challenge and for the investigation of any complaints.

### **Additional Rights**

Under the GDPR, you have a number of rights in relation to your personal information. Please note these rights relate to personal information only and not to any corporate information. You have the right to:

- i. request access to your personal information;
- ii. request rectification of your personal information which means you are able to have inaccurate personal information corrected without undue delay;
- ii. request erasure of your personal information when certain conditions apply;
- iii. restrict processing under certain circumstances;
- iv. object to processing;
- v. data portability in some circumstances.

Requests that relate to rectification, erasure or restricting processing will be passed to any recipients of your personal information. Details of recipients can be found under the section [Will My Information be Passed to Anyone Else?](#)

There may be occasions when Bòrd na Gàidhlig is unable to comply with requests to exercise the rights above. Should this apply to a request you make, it will be explained to you why Bòrd na Gàidhlig is unable to comply with the request and any options available to you.

Where your personal information is being processed using consent, one further right is the right to withdraw your consent at any time. You can find out how your personal information is being lawfully processed under the section [How Will My Information Be Used?](#)

### *Complaints*

Should you be unhappy with the way in which Bòrd na Gàidhlig have processed your personal data, you have the right to lodge a complaint with the Information Commissioner, who regulates data protection legislation across the UK. Their contact details can be found at <https://ico.org.uk/>.

### **Contact Details**

Bòrd na Gàidhlig is the Data Controller (or Controller) for personal information processed as described in this notice. Website: <http://www.gaidhlig.scot/>.

If you have any queries regarding any of the information in this privacy notice, in the first instance please contact:

Head of Corporate Services/Data Protection Officer  
Bòrd na Gàidhlig  
Great Glen House  
Leachkin Road  
Inverness IV3 8NW  
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