



Privacy Notice – Procurement and Contract Management

Introduction

Caledonian Maritime Assets Limited (CMAL) owns the ferries, ports, harbours and infrastructure necessary for vital ferry services serving the West coast of Scotland, Clyde Estuary and the Northern Isles.

We are wholly owned by the Scottish Government with Scottish Ministers being the sole shareholders.

The Caledonian Maritime Assets Limited Board has an executive management team and supporting staff at headquarters in Port Glasgow.

We aim to provide efficient, cost-effective and safe ferries, harbours and port infrastructure for operators, communities and users in and around Scotland.

- Maintaining, improving and enhancing assets such as vessels and the land and property around piers and harbours.
- Seeking extra investment to invest in ferries and harbour facilities, making a real difference for people and businesses using these life line services.
- Working with stakeholders within Scotland and the wider maritime community to be acknowledged as the principal provider of the most cost-effective yet innovative ferries and port infrastructure to the benefit of the communities we serve.

CMAL 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 CMAL 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 CMAL 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 (which will include any preliminary stages such as completion of the ESPD) 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.



Organisations who are responsible for sub-contracting staff on behalf of CMAL must also ensure all sub-contractors receive a copy of this notice.

What Information is Collected?

CMAL collects information for the purposes of procurement 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. CMAL will also collect and retain appropriate contract performance information. This may potentially include personal data such as the collection of images. If you have any queries about the types of information that could be collected to monitor contract performance, please speak to the contract manager.

CMAL uses sub-contractors on projects and will retain information about who is on site as well as information relating to the contract including performance.

CMAL uses Scottish 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 CMAL 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 that is held in relation to that contract will be processed for the performance of a contract where that contract is with an individual, or legitimate interests where it is a larger organisation.



Some Contracts are awarded under framework agreements and may involve CMAL working in partnership with other organisations. There may be some circumstances where there is likely to be multiple contractors working on a particular project and limited personal information will be shared with other contractors. Information will always be shared for a purpose that is related to managing the contract and one example is information that requires to be shared for health and safety purposes. This will be the minimum necessary as determined by the contract.

On completion of the contract, any information that specifically relates to deliverables of a contract will be retained in accordance with CMAL 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 CMAL and all contracts will usually have a contract manager that will co-ordinate contract administration throughout the term of the contract. In some cases, CMAL may use other organisations (data processors) to help us evaluate submissions and subsequently manage contracts. 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. CMAL uses data processors to provide IT support, which includes systems for managing and paying invoices. Your information will also be passed to organisations who manage the payment process.

Data processing agreements are place with all organisations that process personal information on CMAL'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.

CMAL has a contracted service for the provision of a Data Protection Officer and your information may be processed on CMAL's behalf in the course of providing that service, for example for the purposes of auditing data protection compliance.

Other than described above, CMAL 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 CMAL retention schedules. Information that relates to a contract is usually retained for five years from the date of the end of the contract, unless the contract relates specifically to land and buildings and has a value of more than £50,000, when they will be retained for 20 years from the date of the end of the contract.



Submissions from organisations that are unsuccessful will be retained for one year from the date of the award of the contract. This is to allow for the legal period of challenge and for the investigation of any complaints relating to the process. Where there is a challenge or investigation, submissions will be kept for as long as required to conclude the work required.

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 CMAL 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 CMAL 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 CMAL 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

CMAL is the Data Controller (or Controller) for personal information processed as described in this notice. Website: <http://www.cmassets.co.uk/>.

If you have any queries relating to procurement, please contact the nominated contact for the process in the first instance. Contracts procured by CMAL are available from <https://www.publiccontractsscotland.gov.uk/> and includes relevant contact information. If



you have any queries regarding the information in this privacy notice, please contact the Data Protection Officer: dpo@cmassets.co.uk