

Health Family eCommercial System

Privacy Notice

Welcome to the privacy notice for the Health Family eCommercial System. This notice is to inform all registered users of this system how their personal data is handled and their privacy rights. This notice aims to give information on how personal data is collected and processed through use of this system, including any personal data provided when registering as a user or taking part in a tender competition through the system.

1. Introduction

Health Family eCommercial System (<http://health.atamis.co.uk/>) is the Department of Health and Social Care's (DHSC) electronic tendering and contract management system administered by the DHSC. The system is a central facility for health family Contracting Authorities to advertise procurement opportunities, manage procurement notices, carry out market engagements, manage contracts and manage suppliers. When tender notices are published, suppliers can request to participate, access procurement documents and submit responses to the Contracting Authorities who published the procurement opportunity.

Unregistered visitors can browse procurement opportunity summary information and supporting documents without the system requesting or automatically retaining any data. Registration is required before an individual can express an interest in an opportunity, submit clarification questions or submit a tender response.

Any personal data provided by suppliers as part of their responses to individual tender documents is used for the purposes of allowing Contracting Authorities to manage tender competitions and evaluate tender submissions.

Any personal data provided by suppliers as part of their registration or by managing their profile is used for the purposes of:

- DHSC's administration of the Health Family eCommercial System, including issuing of emails to registered users with updates for which they have subscribed and / or communicating other system-pertinent information (e.g. notification of changes, maintenance, technical issues or requests to update information);
- management by Contracting Authorities of the electronic exchange of information between buyers and suppliers as part of tender competitions;
- communications by buyers and relevant central bodies in relation to public procurement notices;
- market engagement activities, contract management for contracts awarded to suppliers and supply chain management by DHSC and other health family buyers; and
- conducting occasional surveys of registered user satisfaction;
- arranging contract awards and variations to existing contracts;
- managing contracts, for example to provide updates to key performance information and management of contractual risks and issues; and

- managing the relationship between suppliers and contracting authorities, for example to confirm that certifications such as public liability insurance is current.

What is the General Data Protection Regulation (GDPR)?

Data protection law is a legal regime which regulates the seeking and giving of information (personal data) about an identifiable individual person (data subject). Data protection law sets out the rights of individuals regarding their personal data and the responsibilities of those who seek and use this information. From 25 May 2018, a Europe wide data protection regime came into effect under the GDPR. The GDPR sets out the obligations and responsibilities for organisations and businesses on how they collect, use and protect personal data. The following key terms are defined in the GDPR and used throughout this statement:

- **Personal Data** means any information relating to an identified or identifiable natural person (data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- **Processing Data** means any operation or set of operations performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- **A Data Controller** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.
- **A Joint Data Controller** is where two or more data controllers jointly determine the purposes and means of the processing.
- **A Data Processor** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

2. Who controls and uses personal data collected on Health Family eCommercial System?

- **Registration data:** DHSC is the data controller and is responsible for personal data collected as part of the registration process. Section 4 below provides details on registration data;
- **Competition data:** Contracting Authorities may seek personal data as part of the SQ and ITT responses documents from suppliers. For the conduct of all public procurement competitions on Health Family eCommercial System, DHSC and the Contracting Authority are Joint Data Controllers for personal data received as part of SQ / ITT response documents. Further information on this arrangement is available in [Appendix 1](#) of this privacy notice.

DHSC and Contracting Authorities may share personal data included in SQ and tender response documents with individuals who evaluate tender responses.

DHSC has a binding agreement with Atamis Ltd for hosting, processing and day-to-day management of the Health Family eCommerce System and to ensure the utmost security of personal data. Atamis Ltd is a Data Processor for both user registration and competition data. The agreement with Atamis also includes binding requirements relating to the use and extent of sub-contractors by Atamis:

- **Salesforce:** the Atamis application operates on the Salesforce platform, no data, personal or otherwise can be accessed from the native Salesforce platform.
- **Dun and Bradstreet:** the Atamis application receives data from the Duns and Bradstreet system(s), in some cases reports may include personal details of controlling persons
- **DocuSign:** the Atamis application requests contract signature/agreement through DocuSign. The email address, name and role title of the individual who signs the contract are recorded within the DocuSign system for audit purposes.
- **Capita Procurement Services:** the Atamis helpdesk is operated by Capita Procurement Services. Whilst they may enter and recall the calling persons name and email address and telephone number in the Atamis system, no data is recorded within any Capita systems.

Section 8 below sets out the rights of the Data Subject in respect of their personal data collected at user registration and at submission of tender response documents.

3. What is the basis for processing?

- **Registration data:** Processing of this data by DHSC is necessary for the performance of its tasks carried out in the public interest and in the exercise of its official authority; and
- **Competition data:** Processing of this data by DHSC is necessary for the performance of its tasks carried out in the public interest and in the exercise of its official authority. Processing of this data by the Contracting Authority is necessary for the performance of its tasks carried out in the public interest and for compliance with the Contracting Authority's legal obligations.

For DHSC and members of the Health Family such processing (and tasks incidental to this, such as market engagements, contract management and supply chain management) is also necessary for the performance of, or to enter into a contract to which the supplier would be a party, for example, where we hold user contact details in relation to a business matter, it will be based on the contract you have with your employer.

With criminal convictions personal data processed, the processing by us of personal data relating to criminal convictions and offences or related security measures is carried out only under official authority. The legal basis for the processing by us of personal data relating to criminal convictions and offences or related security measures it is 'necessary for reasons of substantial public interest for the exercise of a function of a government department' (Article 6 of The General Data Protection

Regulation (**GDPR**). It is in the public interest that government checks this information about its suppliers.

4. Personal Data processed on Health Family eCommercial System for registration

The personal data collected and processed in respect of registration on the platform is as follows:

- First name
- Last Name
- Email Address
- Postal Address, if the persons residential address is also the Company Address.

5. Personal Data processed on Health Family eCommercial System for tender competitions

Personal data is processed on Health Family eCommercial System in relation to public procurement competitions, contract management and supplier management. The following list shows the processing activities on Health Family eCommercial System where personal data may be required and to what extent:

- Information relating to controlling persons within supplier business to verify compliant business practice, including compliance with appropriate legislation.
- Information relating to the accreditation or qualifications of supplier representatives to verify that they have skills and mandated professional qualifications required to perform activity on behalf of the supplier.
- The name of individuals that send and receive procurement clarification messages are recorded within the system for audit purposes.
- The name, email address and role title of supplier representatives that sign contracts on their organisation behalf are recorded for audit purposes.
- Information relating to the performance of Contract Key Performance Indicators, for example within a contract to provide a helpdesk to a contracting authority, the names of supplier staff who have answered helpdesk calls may be included within management information to assist with training.
- The names, email addresses and work phone numbers of supplier account management staff are detailed within supplier records to enable contracting authorities to contact them about supplier activity in relation to the suppliers ability to deliver contracts.

6. Security measures taken to safeguard Personal Data on Health Family eCommercial System

The personal data collected at user registration or as part of a tender competition is treated confidentially on the system. DHSC, members of the Health Family or Atamis Ltd (as Data Processor) will not share or transfer personal data to any third parties except where obliged to do so by law. The Health Family eCommercial System is

hosted within UK based data centres, data is not transferred outside the European Economic Area (EEA).

DHSC in agreement with Atamis Ltd, through the provision of a secure and robust operating environment, have high security standards in place to ensure that personal data is kept secure. The Health Family eCommerce System provides user authentication through a secure username and password unique to that registered user. If registered users raise a query through the Health Family eCommerce System helpdesk, they will be requested to provide information entered at registration in order to verify their identity. This information is used to respond to the registered user's specific query.

7. Retention

- DHSC retain procurement response data for up to 8 years, from the date of Procurement response deadline.
- DHSC retain contract data for up to 8 years, from the date of Contract expiry.

8. Data Subject rights

Under certain circumstances, data subjects have rights under data protection laws in relation to their personal data, including:

- You have the right to request information about how your personal data are processed, and to request a copy of that personal data.
- You have the right to request that any inaccuracies in your personal data are rectified without delay.
- You have the right to request that any incomplete personal data are completed, including by means of a supplementary statement.
- You have the right to request that your personal data are erased if there is no longer a justification for them to be processed.
- You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.
- You have the right to object to the processing of your personal data where it is processed for direct marketing purposes.
- You have the right to object to the processing of your personal data.

Your personal data will not be subject to automated decision making, except in some cases to deliver targeted marketing information, for example a newsletter in relation to a framework you are part of.

In relation to video or audio recordings (if applicable): You have the right to withdraw consent to the processing of your personal data at any time.

8.1 User Registration data

A registered user who wishes to access and amend their personal data can do so by logging onto Health Family eCommercial System to review or edit their user profile.

Support for accessing user profiles is also available through the Health Family eCommercial System Helpdesk, Email: support-health@atamis.co.uk. In order to protect privacy and security, reasonable steps are taken to verify user identities before granting access for correcting personal data.

If a registered user wishes to be removed from the processing activities described in paragraph 4 or 5 above, they should contact their organisation's User Manager administrator as set out in section 3.3 of the Terms of Use, or contact support-health@atamis.co.uk

If a registered user wishes to erase personal registration data, they should contact their organisation's User Manager administrator, as set out in section 3.3.1 of the Terms of Use, or contact support-health@atamis.co.uk

8.2 Tender Response Documents

If a Data Subject wishes to access personal data submitted as part of tender response documents, they should contact the relevant Contracting Authority. Where personal data has been collected as part of a tender response document and the closing deadline has expired, it will not be possible to amend or erase this information as this must be maintained under the public procurement regulations and / or due to National Archives requirements.

9. Contact Us

Should you have any comments or questions regarding this privacy notice please do contact us.

Registered users on Health Family eCommercial System can raise queries or complaints in connection with the processing of personal data through the designated buyer or contract owner of the relevant Contracting Authority as indicated in the specification or contract.

Alternatively, you may contact us using the Health Family eCommercial System Helpdesk email: support-health@atamis.co.uk.

10. Complaints

If you consider that your personal data has been misused or mishandled please do contact us using the details above to give us the opportunity to respond. You also have the right to make a complaint to the Information Commissioner, who is an independent regulator.

The Information Commissioner can be contacted at:
Information Commissioner's Office
Wycliffe House

Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113
casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

Appendix 1

Joint Data Controller Arrangements - Health Family eCommercial System

When do DHSC and a Contracting Authority act as Joint Data Controllers in connection with the Health Family eCommercial System?

DHSC and the Contracting Authorities act as Joint Data Controllers where personal data is received as part of SQ / ITT response documents. We have referred to this as Competition Data in this privacy notice.

This means that DHSC and a Contracting Authority may jointly determine the purposes and means of processing Competition Data.

DHSC and each Contracting Authority have entered into an arrangement to determine their roles and responsibilities for complying with GDPR and ensuring data subjects can exercise their rights in relation to Competition Data.

What are the main principles of the Joint Data Controller arrangements between DHSC and each Contracting Authority?

DHSC and each Contracting Authority have established the following principles in relation to processing Competition Data:

- DHSC is responsible for providing privacy information to data subjects in the form of this privacy notice;
- DHSC has responsibility for determining the appropriate technical and organisational security measures for the Health Family e-Commercial System; and
- the Contracting Authority is the primary point of contact for any data subject requests. The Contracting Authority will be responsible (as between DHSC and the Contracting Authority) for responding to such request(s).

How may you exercise your rights in relation to Competition Data?

Should you wish to exercise your data subject rights (as further described in Section 8 'Data Subject Rights' of this privacy notice) in relation to any Competition Data please contact the relevant Contracting Authority in the first instance. Appropriate contact details will likely be indicated in the associated tender specification or contract.

DHSC will assist and co-operate with both the Contracting Authority and, where necessary, you to ensure that your rights may be exercised.

If you require further assistance please use the contact details in Section 10 'Contact Us' of this privacy notice.