



DATA PRIVACY POLICY

PROCUREMENT DEPOSITORY

Version 1.0

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POLICY STATEMENT

PURPOSE

In accordance with Section 26 of the Public Procurement and Disposal of Public Property Act 2015, as amended, (“the Act”), the Office of Procurement Regulation (“the Office”) has the legal authority to establish a Procurement Depository. The Procurement Depository (“the Depository”) is a database to which Suppliers/ Contractors shall submit information with respect to, among other things, their qualifications and experience.

This data privacy policy (together with our Terms of Use) seeks to explain how the Office will use personal, sensitive personal and commercially sensitive information collected from Suppliers/ Contractors in the Depository.

REFERENCES

The Public Procurement and Disposal of Public Property Act, 2015 (as amended)

The Data Protection Act, Chap. 22:04

The Exchequer and Audit Act and Financial Regulations, Chap. 69:01

The Freedom of Information Act, Chap 22:02

* All referenced laws are laws of the Republic of Trinidad and Tobago

SCOPE

Information stored in the Office’s Depository

DEFINITIONS

TERM	MEANING
Accounting Officer	Any person appointed by the Treasury and charged with the duty of accounting for any service in respect of which moneys have been appropriated by the Constitution or by Parliament, or any person to whom issues are made from the Exchequer Account.

TERM	MEANING
Commercially Sensitive Information	Information of a confidential nature that has commercial value that would be reduced if the information was disclosed.
Ineligibility List	A list of suppliers or contractors who shall not participate in procurement proceedings.
Named Procurement Officer	The person named (in writing) to the Office as being responsible for public procurement and the disposal of public property for a public body.
Personal Information	<p>Information about an identifiable individual that is recorded in any form including—</p> <ul style="list-style-type: none"> • information relating to the nationality of the individual; • information relating to the education or, criminal or employment history of the individual or information relating to the financial transactions in which the individual has been involved or which refers to the individual; • the address and telephone contact number of the individual; • the name of the individual where it appears with other personal information or where the disclosure of the name itself would reveal information about the individual.
Pre-Qualification	The procedure to identify, prior to solicitation, suppliers and contractors who are qualified.
Public Bodies	(a) the Office of the President; (b) the Parliament; (c) the Judiciary; (d) a Ministry or a department or division of a Ministry; (e) the Tobago House of Assembly, or a division of the Tobago House of Assembly; (f) a Municipal Corporation established under the Municipal Corporations Act; (g) a Regional Health Authority established under the Regional Health Authorities Act; (h) a statutory body, responsibility for which is assigned to a Minister of Government; (i) a State-controlled enterprise; (j) a Service Commission established under the Constitution or other written law; or (k) a body corporate or unincorporated entity— (i) in relation to any function which it exercises on behalf of the State; or (ii) which is established by virtue of the President’s prerogative, by a Minister of Government in his capacity as such or by another public authority; or (l) a body corporate or unincorporated entity in relation

TERM	MEANING
	to any function, project, scheme or arrangement which involves the use by it, of public money.
Sensitive Personal Information	Information on a person’s criminal or financial record.
Supplier/ Contractor	Any party or potential party to procurement proceedings with a procuring entity.

GENERAL DATA PROTECTION PRINCIPLES

- Any information collected or used is done with the knowledge and consent of the individual concerned. Therefore, by supplying information for use in the Depository, a person consents to its use and collection for purposes of pre-qualification in the Depository.
- Personal, sensitive personal, and commercially sensitive information collected is limited to what is necessary in accordance with the purposes identified in the Act.
- There is a distinction between personal, sensitive personal and commercially sensitive information which is accessible to the public and that which is only accessible to public bodies. See section entitled, “Uses of the Supplier/ Contractor Information” [section 3(iii)] for the list of details available to the public for viewing. Note that public bodies will only have access to information needed to effectively carry out their due diligence obligations under the Act.
- Personal, sensitive personal and commercially sensitive information will be stored as long as the Supplier/Contractor wishes to remain registered and/ or pre-qualified in the Depository for the purposes of section 26 of the Act.
- The Office has the right to process personal, sensitive personal and commercially sensitive information in keeping with its functions as identified in the Act.
- All Suppliers/Contractors have the responsibility to update their personal, sensitive personal and commercially sensitive information contained in the Depository to ensure that all information stored in the Depository is accurate and complete.

PROCEDURES

INFORMATION COLLECTED FROM SUPPLIERS/ CONTRACTORS

1. Below is the key information the Office collects from Suppliers/ Contractors, some of which may be classified as personal, sensitive personal or commercially sensitive information:
 - i. Names, Nationalities and Identification numbers (e.g. Drivers Permit, National ID Card, Passport) of Directors of a Supplier/Contractor.
 - ii. Names and Nationalities of Principal Shareholders of a Supplier/Contractor.
 - iii. Names and Nationalities of Beneficial Owners
 - iv. Names, email addresses and telephone contacts of persons authorised to conduct business on behalf of a Supplier/Contractor
 - v. Audited Financial Statements, Management Accounts or Bank Letters for a Supplier/Contractor.
 - vi. Qualifications and Experience of key personnel of a Supplier/Contractor. This includes full resumes of the personnel.
 - vii. Names of persons associated with the Supplier/Contractor, including directors or officers, who have committed any offence prohibited by the Act or which may make the Supplier/Contractor ineligible to enter into public procurement contracts.
 - viii. Special documents relating to a Supplier/Contractor
 - a) Articles of Incorporation
 - b) Board Resolution
 - c) Certificate of Continuance
 - d) Company By-Laws
 - e) Constitution Documents
 - f) Joint Venture Letter
 - g) National Insurance Board Clearance Certificate
 - h) Notice of Directors
 - i) Organisational Chart
 - j) Organisational Profile
 - k) Power of Attorney
 - l) Tax Clearance Certificate (Form C)
 - m) VAT Certificate of Registration
 - n) VAT Clearance Certificate

COLLECTION METHOD OF SUPPLIER/ CONTRACTOR INFORMATION

2. The data that is used to register and maintain records in the Depository shall be provided by either the Suppliers/Contractors or representatives of the Suppliers/Contractors. It is the Suppliers/Contractors and/or their representatives' responsibility to submit true, accurate, complete and updated information. In the instance where the individual Supplier/Contractor has not provided the information himself/herself, that is, where a representative has instead provided the information, the provision of the personal, sensitive personal or commercially sensitive information shall be deemed to have been authorised by the individual Supplier/Contractor.

USES OF THE SUPPLIER/ CONTRACTOR INFORMATION

3. The Office uses, stores and processes information from Suppliers/ Contractors for the following purposes:
 - i. To maintain and publish a database of pre-qualified Suppliers/ Contractors for use by the Office and all public bodies of Trinidad and Tobago.
 - ii. For Accounting Officers and Named Procurement Officers of public bodies to review Supplier/ Contractor records to determine whether or not the Supplier/Contractor can be pre-qualified for a line of business and value category.
 - iii. To make the following information available to the public:
 - a) Name of Pre-Qualified Supplier/Contractor
 - b) Address of Supplier/Contractor
 - c) Telephone contact(s) for Supplier/Contractor
 - d) Email contact(s) for Supplier/Contractor
 - e) Line of Business for which they are Pre-Qualified
 - f) Value Category for which they are Pre-Qualified
 - iv. To maintain and publish a list of Ineligible Suppliers/ Contractors.
 - v. To maintain a list of pre-qualified mediators, arbitrators and experts for the purposes of Alternative Dispute Resolution under the Act.
 - vi. To prepare reports for submission annually to the Speaker of the House of Representatives, the President of the Senate and the Minister with responsibility for Finance on procurement contracts.
 - vii. To provide email notifications to Suppliers/ Contractors of new tender opportunities from Public Bodies.
 - viii. To provide statistical analysis.

SECURITY ARRANGEMENTS AND STORAGE OF SUPPLIER/ CONTRACTOR INFORMATION WITHIN THE OPR

4. The Office is committed to ensuring the safety of all information stored in the Depository. The Office has put in place appropriate security measures to safeguard against the inappropriate use of information, and ensure data is kept safe at the processing and storage stages. The Office has also put in place appropriate physical, electronic, and administrative procedures to safeguard all data collected. In order to protect the security of the information, where necessary, the Office uses encryption technology when transferring personal, sensitive personal and commercially sensitive data. Suppliers/ Contractors can contact the Office for further information on the specific mechanisms used.
5. The Office limits access to personal data to those employees, agents, contractors and other third parties who have a business need-to-know. They may only process personal, sensitive personal and commercially sensitive data based on instructions from the Office and are subject to a duty of confidentiality. The Office uses reasonable and appropriate efforts to protect data but it cannot guarantee the security of data transmitted to the Depository via internet or similar connection.
6. The Depository utilises session cookies where information about the user's current session is held temporarily in the computer's memory and is removed once the user's session is ended/ expired / exited. The cookies are used for storage of session information, http requests and authentication.

SECURITY UNDERTAKINGS BY PUBLIC BODIES

7. In accordance with its Terms of Use, public bodies accessing the Depository agree to use at least the same reasonable degree of care that is used to protect their own proprietary, personal, sensitive personal and commercially sensitive information of a similar character.

EMAIL NOTIFICATION

8. The Depository has the capability to send email notifications in a number of instances, including:
 - i. To Suppliers/ Contractors:
 - a) Email reminders when uploaded documents are either close to expiration or on the day upon which they are due to expire.

- b) Email reminders when Public Bodies upload new tender documents on the Depository which are aligned to the Supplier's/Contractor's line of business.
 - c) When a pre-qualification request is either approved or rejected by a Public Body.
- ii. To Public Bodies
- a) Email notification to Public Bodies when a Supplier/Contractor is added to the ineligibility list.

Users of the system will not have the option to opt out of these notifications.

DISCLOSURE

9. Personal, sensitive personal and commercially sensitive information contained in the Depository will be disclosed to a third party with the consent of the individual to whom the data relates. Disclosure to a third party without the consent of the individual concerned may only occur in such instances as provided for by the applicable laws of Trinidad and Tobago. Under certain circumstances the Office may be required to disclose your personal information in response to valid requests by public authorities, including to meet national security or law enforcement requirements.

GENERAL PRINCIPLES RELATING TO DATA PROTECTION OF SUPPLIERS/ CONTRACTORS

10. The following general data protection principles apply to Suppliers/ Contractors when using the Depository:
- i. **The ability to access** – Suppliers/Contractors will have continued electronic access to their data records stored in the Depository. Additionally, the Suppliers/Contractors can make a request of the Office for copies of their personal information. The Office may charge a fee for this service.
 - ii. **The ability to correct** – Suppliers/Contractors can correct the information they previously provided/uploaded to the Depository to ensure that data records remain accurate and complete.
 - iii. **The ability to erase** – Suppliers/Contractors can remove their data records with the understanding that to do so will affect their ability to remain on the list of prequalified suppliers/contractors.

11. If Suppliers/Contractors are having any difficulty in exercising the above, they can contact the Office.

CHANGES TO THE PRIVACY POLICY

12. The Office keeps its data privacy policy under regular review and places any updates on its website. This data privacy policy was last updated on 14th April 2021.

HOW TO CONTACT THE OFFICE

13. If a user has any question, concerns or complaints about this data privacy policy, or our privacy practices or would like to exercise one of the applicable data protection principles, the Office can be contacted via the following channels:

- i. Contact the Executive Assistant to the Chairman at: 1-868-226-4677 or 1-868-627-4677
- ii. Email the Office at: support@opr.org.tt
- iii. Or write to the Office at: The Office of Procurement Regulation

Level 19, Tower D

Port of Spain International Waterfront Centre

1A Wrightson Road, Port of Spain

The Office tries to respond to all legitimate requests within 24 hours. Occasionally it could take longer if your request is particularly complex or you have made many requests. The Office will notify and keep you updated in such instances.