

Health Family eCommercial System

Privacy Notice for Registered Users of Suppliers

This Privacy Notice is for Registered Users of Suppliers, who use the **Health Family eCommercial System** (the “**System**”). The purposes of the System, its component parts, and the Services operated on it for the benefit of DHSC and members of the Health Family, are summarised in the Terms of Use. The Terms of Use for Registered Users are here: <https://health-family.force.com/s/UserAgreement.html>.

It tells you about the processing of your personal data by the System, including the collection, usage and sharing of your personal data. This Privacy Notice has a limited scope, which is described below.

In this Privacy Notice the terms “**personal data**”, “**controller**”, “**joint controller**”, “**processing**” (and the related terms “process”, “processes” and “processed”) and “**processor**” each have a special meaning that is set by legislation (the “**data protection legislation**”). The data protection legislation is: the General Data Protection Regulation ((EU) 2016/679) as incorporated into, amended and applied under UK law (**UK GDPR**) and the Data Protection Act 2018 (**DPA 2018**).

Terms defined in this Privacy Notice like (**This**) or (“**this**”), or similar, have the meanings given to them. The terms have the meaning given to them wherever they are used in this Privacy Notice, even if the definition is at the end of this Privacy Notice and the term is used earlier in the text. Terms defined in any of the Terms of Use relating to the System have the same meaning wherever they are used in this Privacy Notice.

Your controller

DHSC is the controller of your Registration Data and User Data. (The terms “Registration Data” and “User Data” are explained in the section headed ‘Information we collect about you’, below.)

When you engage with any of the Services that operate on the System, the Portal will tell you which contracting authority is managing the particular Service that you engage with. It will be DHSC or a member of the Health Family. For the purposes of that particular Service, that contracting authority is a controller in relation to your personal data on the System. The contracting authority will have access to your Registration Data and your Competition Data. For the purposes of conducting all public procurement competitions and other Services on the System, DHSC and the relevant contracting authority are joint controllers. Further information on this arrangement is available in [Appendix 1](#) of this privacy notice.

The data controller for your personal data is DHSC. The contact details for the data controller are:

*Department of Health and Social Care
39 Victoria Street
London
SW1H 0EU
Email: data_protection@dhsc.gov.uk*

Data Protection Officer

The contact details for the data controller’s Data Protection Officer (DPO) are:

Department of Health and Social Care
39 Victoria Street
London
SW1H 0EU
Email: data_protection@dhsc.gov.uk

Information collected about you

Registration Data

The following personal data (**Registration Data**) is collected in the process of each Registered User's registration on the Portal:

- First name.
- Last name.
- Work email address.
- Postal Address of the Supplier premises where you work or are based.

Operating data ("User Data")

The user account of each Registered User in the Portal will be assigned user privileges depending on whether or not the user is a User Manager. If you request services from Helpdesk, or if you report anything to DHSC or Atamis, including in accordance with any Terms of Use for the Portal, a record will be kept of your correspondence and action taken in response.

Competition Data

The following personal data (**Competition Data**) may be collected in the course of Registered Users engaging with the Services that are operated on the System, such as via the Selection Questionnaire and responses that they submit via the Portal:

- Information relating to Persons within Significant Control within the Supplier business.
- Information relating to the accreditations or qualifications of the Supplier and its staff, and supply chain members and their staff.
- Information about criminal records relating to the staff of the Supplier or members of its supply chain.
- The names of individuals (including but not limited to Registered Users) that send and receive procurement clarification messages via the Portal.
- The name, email address and role title of Supplier representatives that sign contracts on behalf of the Supplier.
- Information (including correspondence and records of conversations) about contact between Registered Users (or other staff of the Supplier) and Helpdesk.
- The names, email addresses and work phone numbers of Supplier account management staff.
- Other personal data that the Registered User or its Supplier consider to be relevant or choose include in the responses submitted by the Registered User as part of its engagement with the Services.

Your personal data is obtained from the following sources

- (1) Directly from you

Personal data is collected directly from you if you are a Registered User and you upload your personal data to the Portal. Your controller then has direct access to the uploaded personal data, via the Portal.

(2) From Registered Users of the Portal

If you have received this Privacy Notice from a person who is a Registered User (or their employer), your personal data may be uploaded to the Portal by the Registered User or one of their colleagues. You must ask the Registered User for details about what personal data they intend to upload to the Portal for use as part of the Services. The Registered User can explain to you what the Portal and Services are.

(3) From other sources

Cookies operate on the Portal and we acquire statistical information about usage of the Portal (including usage by Registered Users, as well as other visitors to the Public Website) via the cookies. For more information, see our Cookie Notice. The Helpdesk is provided by Atamis for DHSC, and Atamis will collect (and make available to DHSC, as the controller) User Data.

Your choices about what we collect (minimum personal data)

Failure to provide required information via the Portal or in connection with the Services (e.g. via Helpdesk) may impact your use of the Portal as this may mean that the Helpdesk is unable to fulfil or respond to requests and in some cases may need to block the user. Minimal provision of data may also influence the outcome of the Services, for example, if inadequate evidence is provided.

If you upload other people's personal data

The information that you upload to the Portal as a Registered User may include other people's personal data, such as information about your colleagues or staff in the supply chains used by the Supplier who you work for. It is your responsibility to ensure that this Privacy Notice is provided to each of those people, before you upload their personal data to the Portal.

Use of your personal data

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 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 DHSC or members of the Health Family, each in its capacity as a contracting authority for the purposes of UK public contracts law (each a "**contracting authority**"), of the Services and the electronic exchange of information between them and Suppliers (via the Registered Users of each Supplier, using the Portal) for the purposes of the Services;
- evaluation by such contracting authorities of information provided via the Portal, to manage competitions conducted using the Portal and evaluate submissions made via the Portal, including to check or verify the relevant Suppliers' compliance with

relevant legislation, regulations, codes or standards, the accreditations and qualifications held by the relevant Suppliers and their staff and supply chains, and each relevant Supplier's ability and resource capacity to deliver the relevant contracting authority's requirements;

- evaluation by such contracting authorities of information provided via the Portal, to evaluate information about the criminal records of staff of the Supplier or members of its supply chain, where appropriate;
- non-marketing communications by such contracting authorities, via the Portal or email, with Registered Users and other contact persons, and concerning the Services (for example, requests for information or updates or clarifications to information, and the responses);
- non-marketing communications from such contracting authorities, via the Portal or email, of updates to Registered Users and other contact persons, who are subscribed for updates of the type communicated;
- communications by such contracting authorities and relevant central government bodies in relation to public procurement notices;
- conducting occasional satisfaction surveys (addressed to Registered Users only);
- arranging contract awards and variations to existing contracts with Suppliers via their Registered Users;
- managing contracts with Suppliers via their Registered Users, for example to provide updates to key performance information and management of contractual risks and issues;
- managing the relationship between suppliers and contracting authorities, for example to confirm that certifications such as public liability insurance is current;
- evidence and audit by DHSC and contracting authorities;
- where applicable, the establishment, exercise or defence of legal claims by DHSC or contracting authorities;
- the process of registering Registered Users;
- technical administration of the System, by Atamis;
- response to or fulfilment of service requests submitted to Helpdesk;
- non-marketing communications from DHSC (or on its behalf by Atamis) to Registered Users relating to the System (including information about changes, maintenance or technical issues with the System); and
- DHSC and Atamis producing management information and case studies to help them manage and develop the System, the Portal, the Services and Helpdesk, and to train the staff who operate those facilities.

Legal basis for processing

- Processing of your personal 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. Information collected by cookies is collected on the basis of your consent;
- Processing of your personal 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; and
- Processing of your personal data by Atamis is carried out in the legitimate interests of assisting DHSC and Health Family Members in the procurement of goods and services for the public sector, and tasks incidental to this, in accordance with the Public Contracts Regulations 2015.
- The legal basis under UK GDPR for the processing by contracting authorities of personal data relating to criminal convictions and offences is that that it is necessary for the performance of tasks carried out in the public interest.

Sharing of your personal data

For as long as DHSC and contracting authorities have access to your personal data via the Portal or System, they may share any of it with any of the following.

Service providers for the System

The following service providers operate, or are involved in the operation of, the System. They use any of the personal data that is uploaded to or collected by the System. They act as processors, so they use the personal data on DHSC's instruction, and only for the purposes of performing their services in relation to the System:

- **Atamis:** Atamis provides and operates the System for DHSC.
- **Salesforce:** Atamis operates the System on the Salesforce platform.
- **Dun and Bradstreet:** the System receives data from the Dun and Bradstreet system(s), and reports provided by Dun and Bradstreet may include personal data of controlling persons
- **DocuSign:** the System requests contract execution through DocuSign. The email address, name and role title of the individual who signs the contract are recorded within the DocuSign system.
- **Capita Procurement Services:** the Helpdesk is operated by Capita Procurement Services, using Atamis' service management application (not Capita's own internal applications).

Other System-related service providers

Salesforce may operate or read from cookies placed by the Portal.

Service providers used by contracting authorities

The Contracting Authorities may share your personal data included in the SQ and ITT response documents with their own staff, or with service providers that they use to evaluate tender responses. They act as processors, so they use the personal data on the contracting

authority's instruction, and only for the purposes of performing their services for the contracting authority.

Information sharing in Government procurement exercises described in PPN 01/14

Your personal data will be shared by us with Service providers under Information sharing in Government procurement exercises described in PPN 01/14 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277102/PPN_0114_Information_Sharing_in_Government_Procurement_Exercises.pdf, Bodies charged with a monitoring or inspection task in application of EU/UK law (e.g. internal audits, Crown Commercial Services) and as necessary for the purposes of preventing and detecting fraud with other participants taking part in the NFI as listed on National Fraud Initiative privacy notice - GOV.UK

Violations

If you do not observe and comply with the Terms of Use that apply to the System and Services, DHSC and any contracting authorities may disclose any of the personal data on the System (and other available personal data) to the Supplier that you work for, or to any relevant third party including courts and tribunals (and others acting in a judicial capacity), cyber-security groups (where applicable), regulators, law enforcers and prosecuting authorities.

Location of personal data in the System

The System is hosted within UK based data centres, and does not transfer data outside the European Economic Area.

Retention of your personal data

Your personal data will be retained on the System for up to 8 years counting from, as applicable, the date of the response deadline set as part of the Service within the Portal, or the date of expiry of the relevant contract that is managed using the Portal.

Data Subjects' rights

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

- You have the right to ask your controller for a copy of your personal data, and for certain information about the personal data. You can submit such a request at any time: please contact Helpdesk (in relation to Registration Data) or the relevant contracting authority (in relation to any other personal data), using the contact details stated above in this Privacy Notice.
- You have the right to request that any inaccuracies or gaps in your personal data are rectified without delay unless an exemption that applies. See, however, the note marked '*' below about timing.
- To the extent that (a) your controller no longer needs to use your personal data for purposes described in this Privacy Notice, or (b) your controller relies on your consent and you have withdrawn it, or (c) you object to the legitimate interests stated in this Privacy Notice for using your personal data and no exception applies to permit your controller to keep using it, or (d) it is established that there was no lawful right to use your personal data, or (e) the law requires your controller to

erase your personal data, you may ask your controller to erase your personal data. See, however, the note marked ‘*’ below about timing.

- You have the right in certain circumstances (for example, where accuracy is contested) to ask your controller to restrict its processing of your personal data.
- You have the right to object to your controller’s processing of your personal data, if your controller relies on the legal basis of ‘tasks carried out in the public interest’, ‘task carried out in the exercise of the controller’s official authority’, or ‘legitimate interests’.
- You have the right to withhold, and to subsequently withdraw, your consent to the processing of your personal data at any time, if your controller relies on the legal basis of consent. You can submit withdrawals by contacting Helpdesk (in relation to Registration Data, if any processing of it relies on your consent) or the relevant contracting authority (in relation to any other personal data, if your consent is relied on for the processing), using the contact details stated above in this Privacy Notice.
- You have the right to complain to the Information Commissioner (<http://www.ico.gov.uk/>). See the section headed ‘Complaints’, below, for details.

*Where personal data forms 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.

Where applicable, you can contact Helpdesk at support-health@atamis.co.uk.

Your personal data will not be subject to automated decision making by the System, except in some cases to deliver targeted marketing information, for example a newsletter in relation to a framework that the Supplier you (being a Registered User) work for, is 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. You can submit withdrawals by contacting Helpdesk (in relation to Registration Data, if any processing of it relies on your consent) or the relevant contracting authority (in relation to any other personal data, if your consent is relied on for the processing), using the contact details stated above in this Privacy Notice.

Registered Users’ exercise of rights

A Registered User who wishes to access and amend their personal data that is processed on the Portal can do so by logging onto Portal to review or edit their user profile.

If a registered user wishes to be removed from the Portal or to erase their Registration Data from the Portal, they should contact the User Manager for the Supplier they work for, or contact Helpdesk.

Changes to Privacy Notice

We reserve the right to make changes to this Privacy Notice from time to time. The latest version of the Privacy Notice is on the Portal at <https://health-family.force.com/s/Welcome>.

Contact Us

Should you have any comments or questions regarding this privacy notice please do contact us. You can contact Helpdesk (in relation to Registration Data) or the relevant contracting authority (in relation to any other personal data), using the contact details stated above in this Privacy Notice.

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.

August 2021

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 'Data Subjects' 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 'Contact Us' of this privacy notice.