



## **ENHANCING PRIVACY THROUGH PUBLIC PROCUREMENT**

**DR. MEHMET BEDİİ KAYA**



## DR. MEHMET BEDİİ KAYA

Istanbul Bilgi University IT Law Institute



mehmet@mbkaya.com



mbediikaya

# PRESENTATION PLAN

- Public procurement as a policy tool
- The taxonomy of horizontal policies
- The correlation between public procurement and data protection
- Can public procurement be used as a policy tool to promote data protection rules?

# PUBLIC PROCUREMENT

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**The process where goods, services or works are acquired by public bodies to carry out their primary functions.**



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**BEST VALUE FOR MONEY**

**=**

**most economically advantageous tender**

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**Public must set a moral example for private sector;  
better drive the markets towards sustainability**

# SUSTAINABLE PUBLIC PROCUREMENT

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**the use of public procurement as a policy tool**

## **GREEN PROCUREMENT**

procuring  
goods/services/works  
with reduced  
environmental impact  
throughout their life cycle  
when compared to goods,  
services and works with  
the same primary function  
that would otherwise be  
procured



## **SOCIAL PROCUREMENT**

promotion of employment  
opportunities, decent  
work, compliance with  
social and labor rights,  
social inclusion, equal  
opportunities,  
accessibility, designing for  
all, ethical trade issues  
and corporate social  
responsibility



# BENEFITS OF GREEN PROCUREMENT

- reducing the environmental impact of public purchasing activities
- promote savings or eliminate additional costs once life-cycle costing of products are evaluated
- enhance diversity of markets
- promote the development and manufacture of affordable goods, subject to mass production for the private sector
- stimulating development of green technologies or less-polluting manufacturing technologies

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**by creating a demand, the market will react**

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# BENEFITS OF SOCIAL PROCUREMENT

- Assisting compliance with social and labor law, including related national and international policy commitments/agendas
- Stimulating socially conscious markets
- Demonstrating socially responsive governance
- Stimulating integration
- Ensuring more effective public expenditure



# EXAMPLES OF SOCIAL PROCUREMENT

- The obligation to recruit unemployed persons
- The obligation to implement measures that are designed to promote
  - equality between men and women or ethnic or racial diversity
  - provide equal access to persons with disabilities
- The obligation to comply, with fundamental human rights (such as the prohibition of forced and child labour) guaranteed by the ILO core conventions
- The obligation to recruit a number of persons with disabilities over and above what is laid down by the national legislation

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**Can public procurement be used as a policy tool to  
promote data protection rules?**

# DATA PROTECTION AS A HORIZONTAL POLICY

- Automatic exclusion and debarment of economic operators in violation of data protection rules as qualification criteria
- Requiring compliance with certain privacy technology as selection criteria
- Mandating minimum privacy standards under technical specifications
  - Privacy by design
  - Encryption by design



# DATA PROTECTION AS A HORIZONTAL POLICY

- Favoring services according to their privacy protection effectiveness
- Setting-aside contracts for national economic operators offering data localization services
- Favoring economic operators who have not experienced any data breaches within their organization

# DATA PROTECTION AS A HORIZONTAL POLICY

- Using award preferences and setting a certain margin in favor of privacy protection level
- Under contract performance clauses, requesting full compliance with optional data protection regulations (e.g. recommended code of conducts)





**THANK YOU!**