



TERMS OF REFERENCE

Job title:	National consultant to review the national legal and regulatory framework related to data exchange and interoperability implementation
Duty station:	Chisinau, Moldova
Reference to the project:	Democracy Programme / Elections
Contract type:	Individual Contract (IC)
Expected workload:	50 working days, between August – December 2015
Starting date:	3 August 2015

Job content

1. BACKGROUND:

UNDP Moldova Democracy Programme/Elections (further referred as Programme) is a multi-year institutional development programme that supports authorities of the Republic of Moldova to organize and deliver professional, transparent and efficient electoral processes.

One of the objectives of the Programme is to help improve the quality of voter lists' data by improving the voter registration procedures and quality of source data. In Moldova voter lists' are created from the State Register of Voters (SRV), which subsequently is extracted from the State Register of Population (SRP). The quality of data in the SRP depends on the quality of source data of the civil status acts as well as data from other registers (address register etc.). Another important aspect to ensure quality of data is the efficient exchange of data among different institutions through Moldovan data interoperability framework securing that all data is up-to-date, correct and complete.

In 2010 the Government of the Republic of Moldova launched "Governance e-Transformation Agenda" – an initiative designed to increase the efficiency and quality of a range of public services to citizens and businesses and improve management of the public sector through ICT. The Government data exchange and interoperability framework is the core enabler of this initiative.

As part of this activity the Programme shall provide support to the Government of Moldova, relevant line ministries and institutions, reviewing and developing proposals to adjust legal and regulatory framework on data exchange and interoperability, in line with Moldovan strategic objectives, international best practices. Thus, clarity on data ownership, data processing and protection of personal data will be ensured.

The Programme intends to contract a team of two consultants (one international and one national) to assist the Center of Electronic Government (E-Government Centre), Ministry of Information Technology and Communications (MITC) and other stakeholders to review the current Moldovan legal framework related to data exchange, interoperability and state registers. The team of consultants will evaluate and propose amendments to the legal and regulatory framework making it consistent (avoiding discordances between different legal acts), and in line with the "Governance e-Transformation Agenda". The consultants will take into account the EU legal framework and best international practices.

2. **OBJECTIVES:**

The Programme intends to contract a national consultant ("consultant") to review the current Moldovan legal framework related to state resource information use and interoperability and draft, in conjunction with the international consultant, recommendations to improve the current legal framework, towards an efficient and secure data exchange implementation in Moldova.

The expected outputs for the consultant's assignment are:

- Undertake a comprehensive desk review of the relevant Moldovan policy documents, legal and regulatory framework on state resource information use, data exchange, legal regime of state registers data use, personal data protection, interoperability framework and interoperability platform use;
- Collaborate and work closely with the international consultant hired to conduct a review of the current Moldovan legal framework related to data exchange and interoperability;
- Draft proposals to amend the legal and regulatory framework (Laws and Government decisions) developed for implementing interoperability and efficient operation of interoperability platform, in accordance with EU *aquis* and best international practices.

The consultant is expected to acquaint her/himself with the Terms of Reference of the international consultant and undertake the following steps to meet the stated outputs:

1. Perform a detailed analysis of the current legal and regulatory framework related to data exchange and implementing the interoperability that includes among others:
 - a. Law on the re-use of public sector information No. 305 from 26 December 2012;
 - b. Law on the protection of personal data No. 133 from 8 July 2011;
 - c. Relevant government decisions regulating use of other state registers;
 - d. Government Decision on approval of the Program on Interoperability Framework No. 656 from 9 May 2012);
 - e. Government Decision on piloting interoperable platform Nr. 404 from 2 June 2014.
2. Support the international consultant in process of collecting relevant data and information;
3. Contribute with local expertise to analysis of the legal framework, past reports and other relevant documentation relevant to the assignment;
4. Perform a desk review of the documents not available in English;
5. Organize, participate in meetings, interviews, other events;
6. Provide consecutive translations during the meetings, interviews (if required);
7. Contribute to drafting of related parts of the analytical report;
8. Develop amendments to the current legal/regulatory framework;
9. Contribute to incorporation of the comments and suggestions received during the presentation of the draft deliverables to relevant stakeholders;
10. Develop the set of documents required for approval of the amended legal/regulatory framework by the Government of the Republic of Moldova;
11. Perform other tasks required for the successful finalization of the assignment.

3. **KEY DELIVERABLES AND TENTATIVE TIMETABLE:**

Key deliverables:	Indicative Timeframe
Preparatory work: Inception study and analysis of available information;	3WD 7 August 2015
Deliverable #1: Draft analytical report on deficiencies of the existing Moldovan legal and regulatory framework related to data exchange and interoperability developed and submitted for approval;	30 WD 15 October 2015 (TBC)

Deliverable #2: Drafts of legal and regulatory acts to remove deficiencies of the Moldovan existing legal and regulatory framework related to data exchange and interoperability implementation, on the basis of analytical report, prepared, submitted for approval and discussed with key stakeholders.	12 WD 30 November 2015(TBC)
Deliverable #3: Legal and regulatory acts (including the set of documents required for approval by the Government of the produced drafts) finalized and submitted for approval.	5 WD 15 December 2015 (TBC)

4. **INSTITUTIONAL ARRANGEMENTS:**

The timeframe for the work of the consultant is planned during 3 August – 31 December 2015. The consultancy should involve 50 days of work in total (concrete dates to be agreed in advance).

The consultant will work under direct supervision of the UNDP Electoral Specialist and under the guidance of the international consultant, and in close collaboration with e-Government Centre, MITC, National Center for Personal Data Protection and other Governmental institutions.

Deliverables of the consultant will be approved by the designated e-Government Centre official and certified by UNDP Electoral Specialist after coordination with key Government counterparts.

Payments shall be done in three installments, upon submission and certification of the produced deliverables as follows:

30% after approval and certification of Deliverable #1

40% after approval of Deliverables # 2

30 % after approval of Deliverables # 3 by the UNDP Electoral Specialist.

5. **QUALIFICATIONS AND SKILLS REQUIRED:**

I. Academic Qualifications:

- Bachelors' degree in Law or related fields;

II. Experience:

- At least 5 years of professional experience in drafting of national legal and regulatory acts;
- Previous professional experience in data exchange and interoperability will be an asset;
- Previous experience in working with Moldovan state institutions would be an asset;

III. Competencies:

- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Knowledge of EU legal framework and international best-practices related to data exchange and interoperability for improved public service delivery;
- Excellent analytical and legal drafting skills;
- Knowledge of Romanian and Russian (verbal and written) is a must. Knowledge of English will be a strong advantage.

The UNDP Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply;

6. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING PROPOSALS:

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

- a. Proposal: explaining why they are the most suitable for the work including past experience in similar Projects (please provide brief information on each of the above qualifications, item by item);
- b. Financial proposal (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.);
- c. Duly completed P11 form (signed), personal CV and at least 3 references.