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TERMS OF REFERENCE

Job title: International consultant to review the national legal and regulatory framework related to data exchange and interoperability implementation

Reference to the project: Democracy Programme / Elections

Contract type: Individual Contract (IC)

Expected workload: 25 working days between 3 August – 31 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 an experienced international consultant ("consultant") to review and propose solutions for improvement of the current Moldovan legal framework related to state resource information use and interoperability and provide the necessary support to the local consultant hired to draft amendments to the mentioned framework, towards an efficient and secure data exchange implementation in Moldova.

The expected outputs for the consultant's assignment are:

- Perform an analysis of EU legal framework related data exchange and interoperability of information systems;
- Perform a comparative analysis of relevant European and international experiences in regulation of data exchange and interoperability of information systems with Moldovan legislation in the field;
- Develop recommendations for the approximation of Moldovan legislation with European legislation into consideration best international practices;
- Contribute to the development by the local consultant of the amendments to update the Moldovan legal and regulatory framework for interoperability implementation to ensure its consistency with EU legislation and best international practices.

The consultant is expected to undertake the following steps to ensure preparation of relevant, concise and clear deliverables, meeting the stated objective:

1. Perform an analysis of EU legislation related to data exchange and interoperability of information systems;
2. Conduct the comparative analysis of relevant European and international experiences related to objectives of the assignment, past reports and other relevant documentation;
3. Support the local consultant in review of the Moldovan legal framework related to objectives of the assignment, that includes among others:
 - a. Law on informatization and state information resources No. 467 from 21 November 2003;
 - b. Law on electronic communications No. 241 from 11 November 2007;
 - c. Law on registers No. 71 from 22 March 2007¹;
 - d. Law on the re-use of public sector information No. 305 from 26 December 2012;
 - e. Law on the protection of personal data No. 133 from 8 July 2011;
 - f. Government Decision on approval of the concept on the automated information system "State Register of Population" No. 333 from 18 March 2002;
 - g. Relevant government decisions regulating use of other state registers;
 - h. Government Decision on approval of the Program on Interoperability Framework No. 656 from 9 May 2012);
 - i. Government Decision on piloting interoperable platform Nr. 404 from 2 June 2014.
4. Organize and participate in meetings and interviews with relevant stakeholders;
5. Prepare high quality draft analysis and proposals for distribution and consultation with key stakeholders;
6. Present the deliverables to the Programme and other key stakeholders within special roundtable discussions;
7. Review and integrate relevant comments into the final deliverables;
8. Together with national consultant prepare the set of documents required for approval of the amended/newly developed pieces of legislation by the Government of the Republic of Moldova.
9. Submit final deliverables for approval to the Programme;
10. Undertake two missions in Moldova (dates to be confirmed).

¹ <http://lex.justice.md/md/325732/>

The analytical report on concordance of the Moldovan legislation with EU legislation and international best practices to be developed shall include at least the following key elements:

- a) References to EU legislation related to data exchange and interoperability implementation;
- b) Comparative analysis of relevant European and international experiences in regulation of data exchange and interoperability implementation;
- c) Specific conclusions and recommendations for updating the Moldovan legal and regulatory framework for interoperability implementation ensure its consistency in line with EU legislation and best international practices;

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

Key deliverables:	Indicative Timetable
Preparatory work: Inception study of available information (home-based work).	<i>2 WD 7 August 2015</i>
Deliverable #1: Detailed work plan to be applied for the respective assignment prepared and submitted for approval.	<i>1 WD TBC</i>
Deliverable #2: Draft analytical report on concordance of the Moldovan legislation with EU legislation and international best practices prepared and submitted for approval.	<i>15 WD 15 October 2015 (TBC)</i>
Deliverable #3: Support the local consultant in drafting proposals of amendments to Moldovan existing legal framework to enable efficient and secure data exchange and interoperability implementation in Moldova.	<i>7 WD 30 December 2015 (TBC)</i>

4. **INSTITUTIONAL ARRANGEMENTS:**

The timeframe for the work of the Consultant is planned between 3 August – 30 December 2015. The consultancy should involve about 25 days of work in total (indicatively 15 working days in Moldova).

The assignment shall be performed under the direct supervision of the UNDP Senior Project Officer and in close cooperation with e-Government Centre, Ministry of ICT, National Center for Personal Data Protection and other Government institutions. Deliverables of the consultant will be approved by the designated e-Government Centre official after coordination with key Government counterparts and certified by UNDP Electoral Specialist. All deliverables should be provided in English and Romanian languages in hard and electronic copy.

Payments will be done in two instalments: 30% after approval and certification of Deliverable #1 and 70% after approval of Deliverables # 2 -#3 by the UNDP Electoral Specialist.

5. **QUALIFICATIONS AND SKILLS REQUIRED:**

- I. Academic Qualifications:
 - Masters' degree or higher in a related field (including but not limited to Legal studies, IT business analysis etc.)

II. Experience:

- At least 5 years of experience in legal analysis and drafting;
- At least 5 years of professional experience in dealing with data exchange and interoperability issues at senior governmental level;
- Previous proven experience in consulting state institutions from European Region in the framework of similar assignments will be a strong advantage ;

III. Competencies:

- Knowledge of EU legal framework and international best practices related to data exchange and interoperability for improved public service delivery.
- Demonstrated interpersonal and diplomatic skills, as well as ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Excellent analytical and legal drafting skills;
- Fluency in English language. Knowledge of Romanian and /or Russian will be considered as asset.

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. DSA, travel, consultancy fee, phone calls etc.);
- c. Duly completed (signed) P11 form, personal CV and at least 3 references.