

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 18 April 2016

Country: Republic of Moldova**Description of the assignment:** National consultant on personal data protection**Project name:** "Improving the quality of Moldovan democracy through parliamentary and electoral support"**Period of assignment/services:** May – July 2016 (up to 30 working days)Proposals should be submitted online by pressing the "Apply Now" button no later than 29 April 2016

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: sergiu.galitchi@undp.org UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

1. BACKGROUND

The UNDP Programme "Improving the quality of Moldovan democracy through parliamentary and electoral support" aims to enhance parliamentary capacity in carrying out its core functions, thus contributing to viable democracy and open society in Moldova. The project adopts a comprehensive, long-term approach to parliamentary development including strengthening of the Parliament's law-making, representation and oversight roles.

The Republic of Moldova has already taken some steps towards implementing at national level the European principles and standards regards protection of personal data. Thus, after the ratification of the Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, work has been initiated towards adopting the necessary legislative framework.

The approximation of the national institutional and legal framework to the European Union norms and standards is one of the key objectives of the Republic of Moldova, in light of the provisions of the Moldova–EU Association Agreement and the DCFTA. Specifically, further steps have to be undertaken to comply with the EU principles regarding protection of persons in relation to the processing of their personal data. Existence of an independent supervisory authority is the prerequisite for ensuring the compliance with the principles and rules on the processing of personal data of individuals and protection of personal data.

The first law on protection of personal data entered into force on February 15, 2007. The law sets the scope, main notions and basic requirements when processing personal data, setting the privacy and security regime for processing personal data and conditions of the cross-border transfer of personal data. The law provided as well for the establishing of a national competent authority to carry out the protection of personal data, the Centre for Personal Data Protection. The law has been recalled on April 14, 2012 and a new law, transposing the provisions of the European Parliament and Council Directive 95/46/EC of October 24, 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, entered into force in 2012.

On October 10, 2013 the Parliament of the Republic of Moldova adopted the National Strategy for the protection of personal data 2013-2018 and an Action Plan for implementation of the strategy. The strategy sets the objectives and medium term goals to ensure an adequate level of protection of personal data, raising awareness on the measures required to implement personal data protection, explaining the rights of the subjects of personal data protection, including the steps necessary to develop and strengthen the legal and institutional framework.

However, despite the steps taken by the Moldova authorities, the area of personal data protection requires further improvement, in particular when it comes to processing personal data by public entities, where further knowledge of principles should be enhanced. Additionally, the gaps that currently exist in the legislative framework and lack of mechanisms for implementation of the regulatory framework and promotion of the protection of personal data, could negatively affect the process of European integration of Moldova.

The Parliamentary Committee on National Security, Defence and Public Order (CNSDPO), responsible for oversight of this area has not carried out any parliamentary oversight activities over the implementation of the related legislation, National Strategy for the protection of personal data for the years 2013-2018 and its implementation Action Plan.

Hence, UNDP is looking to hire a national consultant to enhance the CNSDPO capacities to carry out the oversight on

the implementation of the Law on Personal Data Protection, National Strategy for the protection of personal data for the years 2013-2018 and the Action Plan for implementation of the strategy, in line with the best EU and international practices.

2. SCOPE OF WORK:

The expected output for the national consultant's assignment is to support the Parliamentary Committee on National Security, Defence and Public Order (CNSDPO) enhance its capacities to carry out parliamentary oversight.

The Consultant will also conduct a thorough analysis of the regulatory framework pertaining to the protection of personal data and identify systemic weaknesses that hinder the development of this sector. Additionally, the Consultant shall provide guidance to the CNSDPO in the process of assessing the current status of implementation of the Law and the National Strategy for the protection of personal data, assigned to the institutions with responsibilities for personal data protection.

Following the assessment, the national consultant will identify the backlogs in all the components of the Strategy and provide recommendations for improvement. The analysis will provide an overview of the available mechanisms to exercise the parliamentary oversight function and recommendations to strengthen this function.

For detailed information, please refer to Annex 1 – Terms of Reference.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualifications:

- University degree in Law, ICT, Social Sciences or other relevant fields.

Experience and Knowledge:

- At least 5 years of relevant professional experience in the public order sector and/or personal data protection;
- Experience in comparative analysis, research, assessment on the implementation of the international and national legislation and policies would be an asset;
- Experience in organizing fact finding field visits and/or public hearings at the Parliament or Government level would be a big advantage.

Abilities:

- In-depth knowledge of national policies and legislation on personal data protection;
- In-depth knowledge and understanding of the security sector in general and in Moldova specifically;
- Strong analytical and drafting skills;
- Ability to analyse, plan, communicate effectively orally and in writing, draft report, organize and meet expected results, adapt to different environments (cultural, economic, political and social);
- Ability to engage stakeholders in personal data protection efforts, including knowledge of informal and emerging actors as well as knowledge of cross-cutting governance and personal data protection issues;
- Fluency in Romanian. Knowledge of English and Russian will be an asset.

Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status.

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.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:

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

- Proposal explaining why they are the most suitable for the work including past experience in similar assignments;
- Financial proposal (in USD), specifying a fee per day and total requested amount including all related costs, e.g. fees, per diems, travel costs, phone calls etc.;
- Duly filled in and signed Personal History Form (P11) and at least 3 names for a reference check.

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the

requesting unit in the comparison of financial proposals the financial proposal shall include a breakdown of this lump sum amount (including fee, taxes, travel, per diems, and number of anticipated working days).

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

6. EVALUATION

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- University degree in Law, ICT, Social Sciences or other relevant fields;
- At least 5 years of relevant professional experience in the public order sector and/or personal data protection.

The short-listed individual consultants will be further evaluated based on the following methodology:

Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight – 60% (300 pts)

* Financial Criteria weight – 40% (200 pts)

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
University degree in Law, ICT, Social Sciences or other relevant fields;	<i>University degree – 10 pts., Master's degree – 15 pts.</i>	15
At least 5 years of relevant professional experience in the public order sector and/or personal data protection;	<i>5 years – 20 pts., each additional year of experience – 5 pts. up to a maximum of 50 points;</i>	50
Experience in comparative analysis, research, assessment on the implementation of the international and national legislation and policies would be an asset;	<i>Yes – up to 20 pts., No – 0 pts.</i>	20
Experience in organizing fact finding field visits and/or public hearings at the Parliament or Government level would be a big advantage;	<i>Yes – up to 20 pts., No – 0 pts.</i>	20
<u>Interview</u>	<ul style="list-style-type: none"> - In-depth knowledge of national policies and legislation on personal data protection (<i>up to 35 pts.</i>); - In-depth knowledge and understanding of the security sector in general and in Moldova specifically (<i>up to 35 pts.</i>); - Strong analytical and drafting skills (<i>up to 35 pts.</i>); - Ability to analyse, plan, communicate effectively orally and in writing, draft report, organize and meet expected results, adapt to different environments (cultural, economic, political and social) (<i>up to 35 pts.</i>); - Ability to engage stakeholders in personal data protection efforts, including knowledge of informal and emerging actors as well as 	195

	knowledge of cross-cutting governance and personal data protection issues (<i>up to 35 pts.</i>); - Fluency in Romanian. Knowledge of English and Russian will be an asset (<i>Romanian – 10 pts., English and Russian - 5 pts. each, up to max 20 pts.</i>)	
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.		200

Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

ANNEXES:

ANNEX 1 – TERMS OF REFERENCES (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS