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**Slovak Transition Knowledge and Experience Transfer Programme for Moldova**

**Slovak Republic – UNDP Partnership for Results in the International Development Cooperation**

**TermS OF REFERENCE**

**Micro-Capital Grant: Strengthening fundamental rights protection: Support to National Center for Personal Data Protection**

**Expected duration of the assignment:** 6 **-** 7 months (app. 72 work days in total)

**Starting date:** May 2016 End date: December 2017

Budget available: USD 87,000

**Local partners:** UNDP Moldova, National Center for Personal Data Protection

**Duty station:** Home-based with travel to Chisinau, Moldova

1. **Background**

The Republic of Moldova (RM) adopted the Law on Personal Data Protection (no. 133) on 8 July 2011, which complies with the international standards set forth in the Convention no. 108 for Protection of Individuals with regard to Automatic Processing of Personal Data and the EU Data Protection Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals.

The European Commission’s report from June 2013 on the implementation of the Visa Liberalization process presents a positive picture on the data protection framework in Moldova: “The legislation is implemented in line with European standards, including the EU acquis on data protection. The National Centre for Personal Data Protection is independent and functional.” Yet EU recommended further actions: clarify the application of the law when personal data are processed by a law enforcement body; increase efforts to raise public awareness regarding the rules applicable to data protection in electronic communications, etc. In spite of the sufficient quality of the existing normative framework there are major problematic areas:

• Insufficient capacity of the National Centre for Personal Data Protection (NCPDP) to effectively implement its support and control functions, the practice of personal data sharing with the third countries, etc.

• Personal Data disclosure abuse by the public authorities that sometimes do not realize they violate the privacy of the personal data, as they lack knowledge on such issues, as illegal processing of special categories of personal data, observance of the confidentiality and security, or right to information of the individuals and access to information regarding the operations related to their personal data processing.

• Low awareness of Personal Data protection issues (the balance between right to information and right to privacy) among civil society and media (especially related to the minors or personal data protection in e-sphere).

The experts will support the National Centre for Personal Data Protection (NCPDP) as a key player in personal data protection in the RM and the main beneficiary of the project’s interventions to further develop its capacities in ensuring the effective protection and promotion of personal data in the RM in compliance with the European standards. The support will especially go to the Legal and Public Relations Department and Evidence and Control department (NCPDP).

1. **Objective and expected results**

To enable the NCPDP to undertake these tasks, support is needed to

* Advise/train on best-practice PDP systems applied in other countries, incl. Slovak Republic,
* Support the gap analysis and needs assessment, capacity development of the NCPDP and other relevant institutions on PDP systems and procedures;
* Draft guidelines and providing expertise on personal data processing tailored to the specifics of the sectors with most sensitive personal data processing activities (media, videosurveillance, workplace, electronic communications).
1. **Description of the planned activities**

The project proposal foresees the following activities**:**

**Elaborating the guidelines on personal data processing tailored to the specifics of the sectors with most sensitive personal data processing activities (media, videosurveillance, workplace and online communications): Slovak** expert support from the Slovak Republic **in** assisting the NCPDP in analyzing the gaps, carrying out needs assessment, revising of the existent guidelines, offering methodological guidance and advising in the process of drafting the functional guidelines.

*2 missions by, ideally two int. experts are envisaged within this activity:*

First mission: to collect information and to develop and consult the outlines of guidelines with local stakeholders identified by the local partners; Second mission: to consult the final drafts with the key local stakeholders including relevant institutions, academia, site managers, NGOs, etc. (see the reference to the Consultation workshop below). The UNDP Moldova Country Office will be responsible for organizing the mission.

Consultation workshop: apart from the draft documents, the Contractor will also prepare presentation materials, including case studies and good practice examples that were used for the development of the guidelines. Workshop presentations and materials will be developed in English. NCPDP in cooperation with the UNDP Moldova will provide translation of the materials into Romanian and interpretation from English to Romanian during the workshop.

Based on the comments of NCPDP and the participants of the consultation workshop, the Contractor will review and finalize the 4 documents (2 guidelines\*1 expert). The final documents (approximately 15 pages each) will be developed by the Contractor in English language.

1. **Two study visits by NCPDP staff to Slovakia.** The first study tour (3persons, 3 days) to be focused on the control procedure, namely thelegality of personal data processing by different entities,analysis of claims and complains and of the system of sanctioning. The second one (3 persons, 3 days) would focus on methodology, best practice and experience of PD’s transfer to third countries which do not have adequate personal data protection systems.
2. Elaborate a **certification** **training programme(curricula) for the data controllers and processors** newly appointed in public institutions and private sector;
3. Draft, in consultation with NCPDP, the concept of the training course and the Work Plan including activities, milestones and timelines that will guide the process of designing the course;
4. Design, in consultation with NCPDP the training materials (manual and PPT presentations) for data controlers and processors, including case studies and best practice examples that were used for the development of methodological guidelines;
5. Deliver a 4-day training programme; one day devoted to each of the sectors addressed in the guidelines (see the activity 1 above)
6. Prepare and deliver the **Training of Trainers (ToT) for the NCPDP staff**
7. Design, in consultation with NCPDP the training materials (manual and PPT presentations) for NCPDP staff, modifying the training materials prepared within the Activity 3 above;
8. Deliver a 4-day Training of Trainers (ToT) for the NCPDP staff
9. Prepare and deliver 1.5 / 2-day **training for journalists and CSOs on PDP issues** to facilitate the engagement of the civil society and media on PDP and increase the quality of mass media reporting on PDP issues; including the preparation of the training introductory brochure.

*Target group*

The direct beneficiary of Slovak expertise in the area of data protection and management will be civil servants and relevant experts from the NCPDP. The NCPDP will further disseminate the knowledge and experience through regular training and transfer of knowledge, as well as CSOs and mass-media.

The indirect beneficiaries will be all individuals as personal data subjects regardless of gender, race, ethnic or social origin, genetic features, language, religion or belief, political opinion, property, disability, age or sexual orientation. In this way the project will contribute to building the culture of tolerance and will promote the values of diversity.

1. **INSTITUTIONAL ARRANGEMENT**

The Contractor will work under the guidance of and in close cooperation the delegated staff from NCPDP, other relevant institutions for substantive and administrative aspects of the assignment.

The Contractor will follow the agreed upon time schedule and will be accountable for the delivery of quality outputs to SVK-UNDP Partnership Project Manager who will approve contractor’s deliverables and payments, after the coordination with the NCPDP.

**V. SCHEDULE AND DELIVERABLES**

Expected outputs of the services delivered by the Contractor include:

| **Deliverables** | **Payment** | **Delivery Date** |
| --- | --- | --- |
| **Delivareble 1: First study tour to the Slovak Republic on control activities (legality of personal data processing by different entitie, analysis of claims and complains, system of sanctioning)***1 int. expert / 6 WDs*1.1 Study tour program (3 persons/3 days), incl. the goals, agenda, meetings and expected results; The Contractor shall accompany participants during the study tour. 1.2 Ensuring the visit (ideally one full day) to the headquarters of the Prosecutor Office and Anti-Corruption Center, ideally together with the representatives of the Slovak Data Protection Authority.1.3 Organization and facilitation of the tour logistics in the Slovak Republic.1.4 Preparation of a results based Final Report on the first study tour, describing the study activities, meetings, the participants’ feedback, lessons learnt and recommendations on the next steps. | 15 % upon satisfactory delivery of the output |  |
| **DELIVERABLE 2: Four functional guidelines on personal data processing for: media; videosurveillance; electronic communication; and work place related data***2 int. experts / 20 WDs home-based + 8 WDs travel, each*2.1 Outline of the 4 thematic guidelines (applying facts-finding mission: 2 int. experts; 5 work days / WDs travel each)2.2 Draft 4 thematic guidelines (2 int. experts, 15 WDs home-based work each)2.3 Final drafts + case studies and best practice cases presented at the consultation workshop(s) (3-day mission, 2 int. exprts) 2.4 Final 4 thematic guidelines: 2 int. experts; 5 home-based WDs each | 25% upon satisfactory delivery of the output |
| **DELIVERABLE 3: Certification Training programme/curricula and training sessions for the data controllers and processors** *2 int. experts / 12 WDs home-based + 4-day mission to Moldova each*3.1. Prepare, in consultation with NCPDP, the training outline and concept note, the work plan including activities, milestones and timelines to guide the process of designing the training course; / *2 WDs home-based*3.2 Elaborate, in close collaboration with NCPDP, the training curricula / materials; *10 WDs home-based*3.3 Deliver a 4-day training programme; one day devoted to each of the sectors addressed in the guidelines (see the Deliverable 2 above)  | 50 % upon satisfactory delivery of the output |
| **Deliverable 4: Training for Trainers (ToT)** *2 int. experts / 3 WDs home-based + 4 WD mission each*4.1 Prepare and consult and present the the training manual for NCPDP staff, by adjusting the training material – Deliverable 3 above 4.2 Delivery of the 4-day TOT (1 day for respective sector) |  |
| **DELIVERABLE 5: Training on PDP for media and CSOs***2 int. experts / 7 WDs home-based + 2 WDs mission*5.1. Prepare the training introductory brochure and training material 5.2 Deliver 1.5, max. 2-day training |  |
| **DELIVERABLE 6: Second study tour to the Slovak Republic related to PD transfer to third countries***1 int. expert / 6 WDs* 6.1 Study tour program (3 persons/3 days), incl. the goals, agenda, meetings and expected results; The Contractor shall accompany participants during the study tour. 6.2 Organization and facilitation of the tour logistics in the Slovak Republic.6.3 Preparation of a results based Final Report on the first study tour, describing the study activities, meetings, the participants’ feedback, lessons learnt and recommendations on the next steps. | 10 % upon satisfactory delivery of the output |  |

**Note:** Delivery dates are to be proposed by the applying entity. Some specifications of the activities and deliverables listed above, such as number of missions to Moldova needed, number of training days, may be moderately changed, but must be approved by the local partners prior signing the contract / agreement.

**IV. QUALIFICATION CRITERIA**

**Contractor**

* + At least 5 years of experience in providing consultancy expert services to public and private bodies in the Slovak Republic and abroad, preferably on the thematic areas relevant for the assignment (personal data protection, public relations, strategic planning or management, capacity building etc.);
	+ Advanced knowledge and working experience with applying the national personal data protection legislation and the respective EU regulations, proven by 3 relevant references
* Experience with organizing training for participants from Eastern European countries **(at least 3 similar assignments)**;
* Availability of qualified experts and professionals with appropriate trainings and on the job support and expert skills in related area;
* Understanding of Moldovan context in related area will be an asset;
* Adheres to the core values of the United Nations; in particular, respect of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status.

Project Personnel

Education: Advanced (MA, MSc or PhD) university degree in the area in Law, Communications, IT, Public Administration, Management/Policy, International development or other related to the assignment area

The staff involved in implementation should meet the following qualification criteria:

* Minimum 5-year professional experience in the Slovak Republic in the area of data protection;
* Proven experience in cooperation with international organizations or other bodies working in the area of personal data protection **(at least 1 similar assignments)**;
* Previous working experience with UNDP or other international agencies will be an asset;
* Work experience with Eastern European countries will be an asset;
* Proven track record in delivering trainings for foreign officials and stakeholders, elaboration of analyses, case studies and impact analysis in the field **(at least 3 similar assignments)**.

Language and other skills:

* Proficiency (verbal and written) in English;
* Knowledge of Romanian language/Russian language will be an asset;
* Excellent communication, analytical, facilitation and presentation skills;
* Strong organizational awareness, client orientation and government advisory skills;
* Ability to establish effective working relations in a multicultural team environment.
* Strong leadership skills and demonstrated capacity of team-orientation work;
* Ability to work in a cross-cultural, multi-ethnic environment with sensitivity and respect for human rights and gender equality;

**V. DELIVERABLES AND REPORTING**

The Contractor will report to the SVK-UNDP Partnership Project Manager. The Contractor must inform the supervisors of the progress as well as any obstacles that might occur. Programmatic and financial reporting shall be done conform to the requirements specified in the Contract, signed between the Contractor and SVK-UNDP.

Also the Contractor will be responsible for the collection of all necessary documents, such as procurement related documents, account invoices, receipts, payroll records and other documents that confirm the legality of expenditures.

In addition, the Contractor should provide all photos and other visual materials collected/made during this assignment. An electronic version of both Final Reports should be delivered via email. All reports must be typed in ARIAL, size 11, A4.

All deliverables shall be submitted in English, in the electronic form using the standard software products (Microsoft Office Word, Excel, Access and PowerPoint).

**VI. CONTENT OF THE PROPOSAL**

For the information and documents to be submitted in the proposal please see the Applicaion Template.

Application with all relevant documents, in English, shall be sent in the electronic form, by email, to the address: henrieta.martonakova@undp.org; Cc: svetlana.bosanska@undp.org