United Nations Development Programme

Terms of Reference

International consultant on protection of personal data and elections

Job title:	International consultant
Duty Station:	Republic of Moldova, Chisinau
Reference to the project:	Democracy Programme / Elections
Contract type:	Individual Contract (IC)
Expected workload:	10 working days
Indicative starting date:	4 December, 2013

1. BACKGROUND:

UNDP Moldova "Programme for improving the quality of Moldovan Democracy through Parliamentary and electoral support" is a multi-year institutional development programme that aims to support the institutional consolidation and modernization of both Moldovan Parliament and Moldovan Central Electoral Commission (CEC).

Electoral component of the Programme (further referred as Programme) provides continuous assistance to the Central Electoral Commission towards:
- Improving the capacity of the CEC to meet European gender and human rights standards;
- Improving the institutional environment for electoral management bodies that can deliver inclusive and modern electoral processes;
- Improving the electoral and population registration process of the Republic of Moldova.

Under the Programme activity "Improving the CEC institutional capacity to meet European standards for human rights" the Programme intends to organize a roundtable/workshop on the issue of personal data protection and elections.

The overall objective of the roundtable is to discuss international best practices of balancing personal data protection requirements with the interest to publish electronic voter lists on the internet to enhance its quality and transparency for political contestants.

The roundtable shall also discuss the current Moldovan legislative framework on data protection and elections in an effort to identify current possibilities (or limitations) to provide electronic access, verification and cross-checks to voter lists through the internet.

The participants of the roundtable shall be the Members of Parliament, CEC members and staff; representatives of Moldovan Data protection authority, other relevant state institutions, and UNDP Moldova Programme staff.

As a result of the roundtable the Programme intends to prepare a brief legal assessment of the current Moldovan legal framework on personal data protection in the context of elections with specific attention to analysis of the Law No. 133 "On personal data protection" and the Electoral Code to identify current provisions for publication of voter list data on the internet.

2. OBJECTIVES:

The Programme intends to contract an International Consultant (further referred as "Consultant") to provide consultancy services and deliver the following two deliverables: (1) prepare and deliver detailed presentation at the roundtable and (2) draft brief legal assessment of Moldovan data protection legislation and elections.

Specifically, the consultant will:

1) Prepare and deliver key-note presentation at a one day roundtable/workshop on the issue of balancing the rights of privacy and personal data protection with the public interest of publishing voter lists on the internet to enhance their transparency and quality through cross-checks by individuals, family members and wider public (including political parties) alike.

    The presentation should address current data protection requirement of the Council of Europe and European Union as well as other international best practices in this regard.

    The presentation should also address current best practices of publishing voter lists for public scrutiny on the internet.

    At the end of the presentation the participants should have full understanding of data protection requirements for publishing voter lists on the internet in the context of elections for a limited time and scope and in the extent provided by Law.

2) Draft a brief legal opinion regarding:
   - provisions of Law #133 "On personal data protection" and Electoral Code on publishing voter lists for public scrutiny on the internet;
   - balancing of requirements of Law #133 and the fundamental freedom of information, including freedom of scrutiny of VL using the VL display and online checking methodologies;
   - provisions of Law #133 that prevent the process of audit/validation of Voter Lists and the State Register of Population/State register of Voters.

The roundtable/workshop will be organized as a one day event during the first week of November 2013. The workshop would be held in Chisinau, Moldova.

3. KEY DELIVERABLES AND TENTATIVE TIMETABLE:

Key deliverables:	Tentative Timetable
Preparation and delivery of a key-note presentation at a one day roundtable on the issue of balancing the rights of privacy and personal data protection with the public interest.	By 6 December , 2013
Professional legal opinion on previsions of Law No. 133 "On personal Data protection" in the context of elections prepared and submitted to approval	By 14 December, 2013

All deliverables should be agreed with CEC and the Programme and be provided in English language in hard copy and electronically.

4. INSTITUTIONAL ARRANGEMENTS

Timeframe for the work of the International Consultant is tentatively planned through December 2013. Consultancy should involve 10 days of work, out of which at least 3 days in Moldova.

The assignment is to be finished no later than 20 December, 2013.

The consultant will report to the Electoral Specialist of the UNDP Democracy Programme/Elections.

The consultant will be provided with office space while in Chisinau, Moldova.

4. Qualifications and skills required

I. Academic Qualifications:
- Master's degree in Law or related fields;

II. Experience:
- At least 7 years of work experience in the field of democratic governance, electoral area;
- At least 5 years of experience in data protection and/or elections legal issues.

III. Competencies:
- Familiarity with relevant EU and Council of Europe standards in data protection.
- Experience in preparing and delivering trainings, presentations, speeches to large-scale events with diverse audience;
- Experience in legal drafting;
- Ability to analyse, plan, manage diversity of views, adapt to different environments (cultural, economic, political and social);
- Full professional knowledge of English; knowledge of Romanian and/or Russian would be an advantage.

5. Documents to be included when submitting the 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 day, including all related costs, e.g. fees, per diems, travel costs, phone calls etc.);

c. Dully completed and signed P11 Form, personal CV and at least 3 references

- Demonstrated interpersonal and diplomatic skills;

Academic Qualifications:

- Master's degree in Law or related fields;

Experience:

- At least 7 years of work experience in the field of democratic governance, electoral area;
- At least 5 years of experience in data protection and/or elections legal issues;
- Experience in legal drafting;
- Experience in preparing and delivering trainings, presentations, speeches to large-scale events with diverse audience;

Languages:

- Full professional knowledge of English; knowledge of Romanian and/or Russian would be an advantage.

Documents to be included when submitting the proposals:

- Proposal: Explaining why they are the most suitable for the work; and a brief methodology on how they will approach and conduct the work (if applicable);
- Financial proposal;
- Personal CV including past experience in similar projects, the duly filled Personal History Form (P11) and at least 3 references.

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 will include a breakdown of this lump sum amount (including travel costs, per diems, communication expenditures, fees, per diems, travel costs, phone calls etc.).

Travel

The Consultant is expected to have 1 mission in Moldova.

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.

Note:

For complete information about this vacancy, including detailed tasks and responsibilities, full and detailed description of the evaluation procedure which will be applied, as well as the UNDP General Conditions of Individual Contract, please refer to the Terms of Reference, the Individual Consultant Procurement Notice and

the Terms of Reference for the Review published at the UNDP Moldova website, Jobs Section:
http://www.undp.md/jobs/current_jobs.

FC: 30000

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For detailed information, please refer to Annex 1 – Terms of Reference at the UNDP Moldova website (indicated below).

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