

Federal Government of Somalia

Somali Data Protection Authority

Terms of Reference: Embedded Advisor for Project Management (Individual Consultant)

1. BACKGROUND

The Federal Government of Somalia has recently passed a new data protection law - the Somali Data Protection Law (DPL) 2023 - that requires the establishment of Somali Data Protection Authority (DPA) to oversee the implementation of the law. The Authority will be the lead Federal Government body mandated to implement and enforce compliance of the DPL and formulate national regulations related to data protection and privacy. Its mandate also includes:

- Protecting data subjects from risks to data subjects arising from the processing of their personal data, including risks to their rights and liberties under the Constitution of the Federal Republic of Somalia;
- Promoting data processing practices that protect the security of personal data and privacy of data subjects;
- Ensuring that personal data is processed in a fair, lawful and accountable manner;
- Facilitating the secure transfer of personal data about citizens and residents of the Federal Republic of Somalia held by international organizations to appropriate government entities for purposes of providing public services and related governmental functions;
- Establishing a framework for secure government processing of personal data to enhance the welfare of the people of the Federal Republic of Somalia; and
- Increasing the beneficial use of personal data in the digital economy of the Federal Republic of Somalia and its participation in regional and global economies.

In performing its duties, the Data Protection Authority is guided by the Constitution of the Federal Republic of Somalia (FGS) and other relevant laws, such as the National Communications Law 2017¹, which lays the basis for a competitive and enabling legal and regulatory environment for ICT services in Somalia and the National ICT Policy 2019-2023². The Data Protection Law 2023³ fills a gap in FGS's foundational legal frameworks considered critical for developing a vibrant local digital economy and supporting integration in regional and global digital markets.

The DPA is currently a key beneficiary of a World Bank-financed investment operation, the Somalia Capacity Advancement, Livelihoods and Entrepreneurship through Digital Uplift Project (SCALED-UP). The Project seeks to strengthen FGS's capacity to support wider access of digital-enabled services, where ensuring that enabling legal framework is in place to support

¹ See: <https://nca.gov.so/wp-content/uploads/2022/01/National-Communication-Law.pdf>

² See: <http://mptt.gov.so/wp-content/uploads/2019/04/Draft-National-ICT-Policy-Strategy-Somalia-V0.6.pdf>

³ See: https://dpa.gov.so/dataprotection/Data_Protection_Law.pdf

scale up in digital services is seen as critical. The Project will among others seek to strengthen the Government's capacity to manage data protection. It will help lay the foundations for safeguarding data protection in compliance with the recently passed DPL.

As part of the support provided by the Project, the DPA is seeking an experienced consultant to coordinate the institutional set-up of the DPA, procurement of goods and services, liaising with the World Bank and the Project Implementation Unit (PIU) to ensure successful project implementation. To this end, the DPA needs a locally-based Project Manager to oversee the establishment of the Authority and liaise with the SCALED- UP project team.

2. OBJECTIVE

Establishing a new data protection authority entails managing complex and challenging processes, involving multiple stakeholders, legal and regulatory requirements, and technical considerations. Hiring a project manager with expertise in managing projects of this nature can help ensure that the process is carried out efficiently and effectively. Therefore, the objective for hiring a project manager is to strengthen DPA's capacity in managing and coordinating the establishment of the Authority and the implementation of the DPL while supporting wider ICT adoption and growth of the digital services in Somalia.

3. ROLE AND RESPONSIBILITIES

In supporting the DPA, the Consultant will carry out the following duties:

- Manage the overall implementation of the project, including the development and implementation of a detailed project work plan, monitoring and evaluation of the project activities, and the preparation of progress report;
- Oversee the procurement of goods and services required for the establishment of the new DPA, including the development of procurement plans, preparation of bidding documents, and the selection of suppliers;
- Liaise with World Bank and PIU to ensure all project activities are implemented in accordance with the project work plan, and that project outputs and outcomes are achieved within the specified timeframe and budget and that any issues are addressed promptly;
- Administer the set-up of the new DPA operations, including the recruitment and selection of staff, development of policies, procedures, and guidelines, and the design and implementation of an effective organizational structure;
- Work closely with the DPA staff, PIU and the relevant government agencies to ensure that the new authority is fully integrated into the government's institutional framework;
- Ensure that all procurement activities are carried out in accordance with the Federal Government and World Banks' procurement guidelines and that value for money is achieved;
- Act as DPA focal point for the SCALED-UP project and other World Bank projects for which the DPA is a beneficiary;
- Facilitate cross collaboration exchange of information between consultants to ensure the policies and legal framework are aligned;

- Coordinate, facilitate and participate in the regulatory consultative processes and stakeholder engagements and ensure relevant consultations with relevant stakeholders are implemented by the contracted consultants;
- Support the DPA in developing and implementing a 5-year strategic plan (to be developed by a consulting firm); and
- Prepare and update the annual work plan of the SCALED-UP project activities for the DPA.

4. DELIVERABLES:

Based on these roles and responsibilities key outputs and deliverables include:

- Draft terms of references for project activities, such as strategic plan, procurement of IT systems, etc.;
- Ensure once the policies and strategies are developed that the implementation phase is undertaken in a timely manner;
- Review and update the annual work plan (2023-2024);
- Prepare the DPA's procurement plan under the SCALED-UP project;
- Prepare monthly reports covering activities undertaken during the period of the report;
- Support other consultants and DPA staff to facilitate stakeholder consultations during the development of the policies and regulations;
- Represent the DPA on the project stakeholders' meetings and provide updates on progress and challenges; and
- Produce any other relevant reports that may be requested by the DPA

As many of these tasks will be on-going, the Project Manager will be expected to report on key deliverables monthly to demonstrate impact and progress, based on a detailed quarterly work plan developed in close consultation with the DPA management.

5. QUALIFICATIONS:

The Embedded Project Manager should have the following qualifications and experience:

- A degree in a relevant field (business administration, public administration, or law)
- At least 10 years of relevant experience, including project management experience in the public sector and/or international organizations;
- Experience in institutional development, procurement, and project implementation
- Experience working with the World Bank and/or other international organizations would be an advantage;
- Excellent interpersonal skills, including the ability to work both independently and effectively in a team/task force setting;
- Experience working with multiple stakeholders, including government entities, civil society organizations, local communities, and private sector;
- Demonstrated ability to listen and integrate ideas from diverse views, create partnerships and collaborate with others, advocate, and influence, resolve conflicts constructively, and work effectively across boundaries; and
- Demonstrated ability to communicate effectively in English and Somali.

6. DUTY STATION & LENGTH OF ASSIGNMENT

- The initial contract period will be up to one-year with a 3-month trial period; The duty station for the assignment will be at the DPA in Mogadishu
- The starting date is as soon as possible

7. REPORTING

The Consultant will be hired and contracted by the SCALED-UP Project Implementation Unit at the Ministry of Finance but work under the direct supervision of the General Manager of the DPA.

8. APPLICATION

Interested applicants must submit the following to demonstrate their qualifications:

- Candidate's CV and copies of educational credentials;
- Motivation letter describing candidate's interest in the assignment, relevant past professional experience, and detailing why the candidate should be considered for the role; and
- At least three references