

**SOMALI DATA PROTECTION AUTHORITY
FEDERAL GOVERNMENT OF SOMALIA**

TERMS OF REFERENCE

**CONSULTING SERVICES FOR THE DEVELOPMENT OF 5-YEAR STRATEGIC PLAN FOR THE
SOMALI DATA PROTECTION AUTHORITY**

1 BACKGROUND

The Federal Government of Somalia has recently passed a new data protection law (Somali Data Protection Law (DPL) 2023) that requires the establishment of an independent 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 with 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.
- 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 DPA is guided by the Constitution of the Federal Republic of Somalia 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 2019-2023,² which provides the framework for leveraging the benefits of ICT to support the socio-economic development of the country. The Data Protection Law 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 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 scale up of digital services is seen as critical. In this regard, the Project seeks to strengthen the Government's capacity to manage data protection and privacy by supporting the implementation of the new data protection law, which lays the foundations for safeguarding data protection in Somalia.

2 OBJECTIVE

As part of the support provided by the Project, the DPA, through the Ministry of Finance is seeking to hire a qualified consulting firm to develop a 5-year strategic action plan for a new Data Protection Authority to help fulfil its mission. The strategic plan will also include plans for human resource and talent and financial sustainability.

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 SCOPE OF WORK: KEY TASKS, DELIVERABLES & TIMEFRAME

The consulting firm (“Consultant”) shall develop a 5-year phased strategic and action plan that includes a budget and financial sustainability plan, a human resource and training plan, and a monitoring & evaluation (M&E) plan to support the Data Protection Authority.

More specifically, the Consultant is expected to carry out the following tasks:

- **Develop a 5-year strategic action plan for the Data Protection Authority**

The consulting firm should deliver a comprehensive strategic plan that include an executive summary, situational analysis, vision, mission, and values, goals and objectives, strategies and tactics, performance metrics, implementation plan, risk management plan, monitoring and evaluation plan, and financial plan. Each of these elements should be well-defined, time-scaled, specific, and aligned with Data Protection Authority’s overall vision and mission. More specifically the plan should:

- Propose key priorities, long and short-term goals and action plan that the newly established Data Protection Authority should implement to ensure full compliance with the law relating to the protection of personal data and privacy and with its mandate across different sectors in Somalia. This plan should be focused on the first 5 years and take international good practices and leading benchmarks into account.
- Prepare an annual work plan for achieving the priorities and goals, with accountable parties for each action.
- Develop a performance measurement plan, including the establishment of key performance indicators and regular reporting on progress.
- Develop regulatory and technical guidelines and procedures to guide the activities of the Data Protection Authority over the first 5 years.

Develop a Human Resources and Talent Plan

- Formulate an organizational chart with departments and teams with clear job profiles and roles per staff member of the Data Protection Authority, accountabilities for teams and specialists and a forecasting for staffing growth over the first five years. Develop a plan for building a Data Protection cadre of officials across public sector and encouraging the growth of such a cadre in other sectors; and
- Identify required skills per specific role(s) under the Data Protection Authority and propose a corresponding skills development plan within the 5-year period, including the costs associated for different and appropriate scenarios of the number of trainees and job profiles in a Data Protection Authority. The plan will benchmark against other relevant well-established Data Protection Offices in the East African Regions.

Develop a Budget and financial Sustainability Plan

- Develop a budget and financial plan, based on estimates for the costing of typical activities included for all key priorities of the action plan, within the 5-year period.
- Identify how the Data Protection Authority will allocate its resources over the first five years of its operation, including increase in resourcing needs during this time.
- Develop a financial sustainability plan, based on a customizable model with variables including forecasts of data controller/processor registration fees offsetting expected operational costs over five years,
- Train Data Protection Authority financial management officials to utilize the budget plan and financial sustainability plan / model.
- Develop a Monitoring & Evaluation Metrics Plan and Template for Progress Monitoring Reports
- Develop a Monitoring and Evaluation (M&E) plan to track the implementation of the 5-year action

plan and the associated results of the Data Protection Authority across different sectors in Somalia. The plan will be composed of SMART indicators (specific, measurable, attributable, relevant and time-bound) relevant to the compliance requirements of the law on the protection of personal data and privacy in Somalia.

- Prepare a template for progress monitoring reports to be undertaken annually.

4 EXPECTED DELIVERABLES & SCHEDULE OF COMPLETION

The Consulting firm is expected to complete the assignment in full within 20 weeks, and to submit the following deliverables, based on the indicative timelines and payment schedule detailed below:

S/No	Milestone/deliverable	Timeline	Indicative payment schedule
D1.	Inception report, detailing how the assignment will be delivered	Within 2 weeks of contract signing	15%
D2.	Mission to support stakeholder consultations for all tasks, interviewing stakeholders, Data collection, and knowledge sharing sessions with benchmark countries, etc.	Within 6 weeks from effectiveness of the contract.	25%
D3.	Draft 5-year action plan, human resources and talent plan, budget and financial sustainability plan and M&E plan.	Within 6 weeks of D2	35%
D4.	Final plans with comments incorporated	Within 2 weeks after approval of the draft action plan and project-specific procurement plan	25%

5 CONTRACTING, REPORTING AND VALIDATION PROCEEDURE

The Consultant will be contracted by the Ministry of Finance of Somalia, who will manage payment but contract management and sign-off of deliverables will be done by Data Protection Authority. Written deliverables should be submitted electronically in PDF and editable Word format, allowing for comments/edits to be made.

A small technical committee will be assigned to review each deliverable that will reserve one week to provide feedback/validate each deliverable. Upon request, the Consultant may also be required to present deliverables in person where staff is available locally or virtually if staff is not available locally to concerned stakeholders, to enable feedback and validation.

6 CLIENT'S RESPONSIBILITIES

The Data Protection Authority shall provide the following to the best of their ability:

- Background data and literature considered relevant for accomplishing or informing the assignment and completing identified tasks at their immediate disposal.
- Access to key officials within the relevant Ministries/Agencies/department and other relevant official entities, as applicable.
- Facilitate cooperation from other organizations whose activities and programs may be considered relevant to the assignment.

7 LOCATION

The consulting firm selected must be available to work in Somalia (e.g., through in-person work trips). Joint ventures or sub-contracting between firms that can deliver international good practices to Somalia and firms that can deliver expertise on the local Somali context are encouraged. Demonstrated transfer of knowledge and skills from an international partner to a Somali partners will be considered a plus. Having at least one

team member based in Somalia for the duration of the assignment is encouraged, as this will facilitate collection of requisite inputs, knowledge of the local context, and support more effective knowledge transfer.

To ensure the development a well-informed and integrated 5-year Strategy Plan with strong traction and ownership, the Consultant is expected to work closely with representatives from various government stakeholders. The Consultant is also expected to spent time in Somalia during the assignment. This process will contribute to building institutional capacity and promoting internal collaboration.

8 REQUIRED EXPERIENCE: FIRM & CORE TEAM

The consulting firm selected will need to demonstrate:

- At least 5 years of experience Extensive experience in the area of data protection legislation, setting up and operationalization of DPA or DPA, strategic planning development.
- A track record of successfully completing at least 5 similar assignments.
- Strong knowledge and understanding of international and regional standards and national laws, regulations, and policies on data protection, plus experience developing data protection compliance frameworks, including best practices;
- Prior experience working with public sector clients is preferred;
- Experience in a developing country context is preferred. Demonstrated familiarity with the Somali context is considered an advantage.

The consulting firm shall propose a core team comprising of at minimum a team leader, 3 technical experts, plus any additional support staff deemed necessary to deliver the assignment. Having at least one team member based in Somalia or familiar with the Somalia context is considered an advantage. All team members must be fluent in written and oral English.

The consulting firm must provide a staffing plan with names, roles, and CVs for the core project team as part of the proposal.

Key Positions	Professional Experience	Qualifications	Other demonstrated knowledge/experience
(1) Team Leader/Project manager	<ul style="list-style-type: none"> • Min. 7 years' experience in strategic planning development, setting up of a data protection Authority and ensuring data protection compliance. • Worked in at least at least 3 similar prior assignments related to establishment or enhancement of data protection offices, with at least 1 as a Team Leader or equivalent. 	<ul style="list-style-type: none"> • A minimum of a Bachelor's degree in Business Administration, Public Administration, Management, Strategic Planning, or a related field. • Demonstrates experience of the candidate's knowledge of setting up a new agency or institution, data protection and privacy regulatory environments, or other relevant fields in the area of planning, public policy, 	<ul style="list-style-type: none"> • Experience in advising management in public and private sectors. • Proven ability to engage effectively with different stakeholders, including government officials, industry players, civil society, etc. • Proven experience working with local counterparts, including on knowledge transfer. • Prior experience in a developing country context.

		compliance, development studies, etc.	
(1) Technical Specialist	<ul style="list-style-type: none"> • Min. 5 years' experience in strategic planning development and management. • Supported 3 similar prior assignments related to establishment of data protection office. • Experience designing policy instruments related to data protection and privacy legislations and government interventions in early-stage investment ecosystems. 	<ul style="list-style-type: none"> • Degree in IT, Business, Data & Privacy Law, or equivalent that demonstrates the candidate's knowledge of establishing a new agency or institution, setting up a new enterprise, data protection and privacy regulatory environments, or other relevant fields in the area of planning, public policy, compliance, development studies. • Internationally recognized data protection certifications e.g., by PECB, IAPP or SECO. 	<ul style="list-style-type: none"> • Experience in developing and implementing data protection and privacy related programs. • Experience in advising management in public and private sectors. • Proven ability to engage effectively with different stakeholders, including government officials, industry players, civil society, etc. • Proven experience in working with local counterparts, including on knowledge transfer.
(1) Financial Analyst	<ul style="list-style-type: none"> • Min. 5 years' experience in financial analysis and developing financial plans for independent authorities • Experience with the development or implementation of other data protection and/or privacy regulatory frameworks (Example: EU's General Data Protection Regulation GDPR, the Malabo Convention on Cybersecurity and Personal Data Protection, etc.). 	<ul style="list-style-type: none"> • Bachelor's degree in, Business, Finance • or equivalent that demonstrates the candidate's knowledge of the financial analysis and business plan development. 	<ul style="list-style-type: none"> • Expertise in financial principles and data analysis, and a strong understanding of • Experience in public sector finance, strategic planning, risk assessment, and budgeting is crucial. • The analyst must communicate effectively, work collaboratively, and maintain ethical standards. The successful analyst will develop a comprehensive plan aligning financial strategies with the DPA's mission, ensuring long-term sustainability and

			<p>effective resource allocation.</p> <ul style="list-style-type: none">• Experience in advising management in public and private sectors.• Proven ability to engage effectively with different stakeholders, including government officials, industry players, civil society, etc.• Proven experience in working with local counterparts, including on knowledge transfer.
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