

## **Federal Government of Somalia**

### **Somali Data Protection Authority**

#### **Terms of Reference: Institutional Advisor (Individual International 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 2017<sup>1</sup>, 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<sup>2</sup>. 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 currently a key beneficiary of a World Bank-financed investment operation, the Somalia Capacity Advancement, Livelihoods and Entrepreneurship through Digital

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

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

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 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.

## **Data Protection**

The government recently adopted a new Data Protection law that is expected to have implications on the collection, storage, and processing of personal data. This Law mandates the establishment of a new independent data protection authority. The Authority is now planning to engage technical advisory services to help develop (i) a strategic, financial and HR workplan for the DPA; (ii) deploy key IT systems for the DPA, including a registry of data controllers and processors, compliance and complaints management systems and a database of personal information; (iii) conduct a data privacy risk assessment and compile a personal data catalogue; (iv) establish a DPA helpdesk; (v) hire and train DPA staff and government official, including judiciary and law enforcement; (vi) raise awareness within Government, the private sector and among the public on data protection risks and compliance; (vii) draft secondary regulation and guidance notes on various thematic areas; (viii) support compliance monitoring, auditing and enforcement; (ix) conduct complaint investigations and develop resolution frameworks; and (x) explore how to build data protection programs within the school system to develop a pipeline of data protection professionals.

As part of the support provided by the Project, the DPA seeks a senior-level institutional consultant to deliver technical and management advisory services. The consultant will be responsible for advising the authority on its establishment, the implementation of data protection law, development of secondary regulations, ensuring compliance with international standards, developing strategies to protect personal data, and mentoring of the senior staff of the DPA.

## **2. OBJECTIVE**

The primary objective of this engagement is to equip the DPA with the necessary expertise in knowledge and skills to effectively establish a new regulatory authority. Specifically, the consultant will provide coaching and mentoring on technology and management-related topics, assist in overseeing multiple consulting firms providing strategic planning, DPA policies and procedures, scoping of Request for Proposal requirements for DPA core IT and Helpdesk systems, and procurement of DPA core IT systems. The ultimate goal is to ensure the regulatory authority is effective, efficient, and able to fulfill its mandate.

### **3. ROLE AND RESPONSIBILITIES**

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

- Provide technical and management expertise to the General Manager and other staff on matters related to the establishment of the DPA and the implementation of the DPL;
- Ensure consulting firm engaged to develop strategic planning proposes a coherent internal structure and functions of the different areas within the institution, in terms of their organization, staffing levels and skills;
- Provide guidance in the implementation of the policies, procedures, and guidelines for the DPA, in accordance with relevant laws and regulations and as proposed by the consulting firm engaged for this workstream;
- Guide the scoping of the necessary infrastructure, such as IT systems and physical facilities, to support the DPA's operations in coordination and collaboration with consulting firm;
- Advise on the recruitment and selection of staff for the DPA;
- Collaborate with other stakeholders, including government agencies and civil society organizations, and consulting firms to ensure that the DPA is established and the DPL is implemented in accordance with relevant laws and regulations;
- Propose modalities to augment budget needs of the authority through levying of registration fees and collected fines in line with financial sustainability plan;
- Provide technical assistance and capacity building to government and the regulatory agency on implementation of the law and facilitating stakeholder consultations;
- Monitor and evaluate the effectiveness of the DPA's operations and make recommendations for improvements as necessary;
- Support the development of new regulations related to the DPA's mandate, by working with legal and data protection advisers and DPA's senior staff;
- Provide advice to the DPA to develop relationships with regional and international counterparts as well as relevant industry actors;
- Support the DPA in public consultations with relevant stakeholders (private sector, academia, investors, civil society, and other branches of government), as needed; and
- Provide mentorship to senior staff of the DPA, developing tailored training programs and building the DPA's institutional capacity in support of sustainable knowledge transfer.

### **4. DELIVERABLES**

- Provide coaching and mentoring plan which outlines the specific coaching and training sessions that the consultant will provide to the DPA;
- Review the outputs of consulting firms and provide guidance to the senior staff of the DPA;

- Ensure consulting firms deliver on their remits and meet their requirements;
- Work with the General Manager and senior staff to periodically review the strategic plan for the DPA and annual work plans to adjust to changes in the operational context of the DPA and unplanned externalities;
- Prompt technical assistance, as required, on-demand;

## **5. QUALIFICATIONS**

The Institutional Consultant should have the following qualifications and experience:

- Post-graduate degree in business, information systems, or another related field;
- At least 15 years of relevant leadership and management in technology industry or public sector;
- Previous experience in setting up independent regulatory authorities;
- Strong coaching and mentoring skills, and the ability to effectively communicate complex concepts;
- Familiarity with relevant laws and regulations related to data protection and privacy;
- Experience in developing policies and procedures for regulatory authorities' and ability to provide guidance on the strategic planning process;
- Previous experience with donor-funded public sector projects - experience working with Somali government stakeholders will be desirable;
- Excellent written and verbal communication skills, with the ability to communicate complex information to a variety of audiences;
- Strong analytical and problem-solving skills, with the ability to identify and solve complex issues related to the establishment and implementation of a new DPA.
- Ability to work independently and collaboratively as part of a team;
- Strong interpersonal skills and the ability to build relationships with a variety of stakeholders.
- Demonstrated ability to communicate effectively in English and Somali.

## **6. DUTY STATION & LENGTH OF ASSIGNMENT**

The institutional consultant must be able to travel to Somalia and within the country as well as overseas (if necessary). The Consultant will initially be hired for a year following which the contract could be subject to renewal.

## **7. APPLICATION**

Interested applicants must submit the following to demonstrate their qualifications:

- Candidate's CV and 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.