United Nations Development Programme

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TERMS OF REFERENCE

Job title:	National Legal Expert on Data Classification
Duty station:	Chisinau, Republic of Moldova
Reference to the project:	Enhancing Democracy in Moldova through inclusive and transparent elections (EDMITE)
Contract type:	Individual Contract (IC)
Expected workload:	70 working days
Indicative timeframe:	August 2018 – March 2019

1. Background:

"Enhancing democracy in Moldova through inclusive and transparent elections" (EDMITE Project) is a project that sets the overall goal to achieve an enhanced transparency and inclusiveness of the electoral process in Moldova through a modernized IT system, improved legislation and intensified public participation, addressing the root causes of the current challenges hampering the further development of the democracy and the advancement of the electoral process in the Republic of Moldova.

The Project aims to contribute to: (1) achieving a more accurate State Register of Voters (SRV), improving the quality and accessibility data by re-engineering the Civil Status Service (CSS) systems, fully developing the State Address Register and facilitating data exchange and interoperability between different central public institutions via governmental platform for data exchange MConnect; (2) enhancing the inclusiveness of the electoral process through developing a remote voting tool and adjusting the State Automated Information System "Elections" (SAISE) to keep up with the technical and political developments; (3) legal reform in the area of elections to erase ambiguities and respond to the technical developments; and (4) enhancing political participation of citizens by setting up and implementing the voter information and civic education programmes.

Except for the CEC which is the main Beneficiary of the Project, EDMITE will continue to expand the previously partnering set-up with other central public institutions, like the Agency for Public Services (Cadaster Department, Population Registration and Documentation Department) and the Electronic Government Agency. These are different state actors that center the population registration process and are responsible for important data sets necessary for fair and credible Elections. Specific interventions are aimed to improve their systems and processes in order to enable them to supply the required data in a reliable quality and a required time frame, thus achieving an inclusive and transparent electoral process.

In the past years, the Electronic Government Agency (EGA) made significant progress in modernizing governance using ICT, establishing a robust world-class core ICT infrastructure for electronic services, including MCloud reliable hosting facility, MConnect innovative interoperability and data exchange platform, MSign digital signature, MPay electronic payments system, etc.

The new draft legal and regulatory framework on data exchange and interoperability, currently in the process of approval, is one of the major activities that positively marks the collaboration between UNDP and EGA. The purpose of the law is to implement the governmental interoperability framework of state information systems, through the establishment of a legal and normative basis for the use of an interoperability platform, which should regulate the data exchange process based on the interconnection and interoperability of the content/ information resources and the procedure for granting access to registers and databases of national importance for public sector entities, in compliance with their legal competences and in accordance with the legal provisions. The envisaged interoperability platform proposed by the new law is MConnect. It was created

and piloted three years ago as a technical solution to ensure data exchange among the information systems held by the ministries, by other central administration authorities subordinated to the Government, as well as by autonomous public institutions, in line with the Government Decision No. 404 from 02.06.2014[1]. MConnect is under the state ownership as a component of the Shared Government Technology Platform MCloud.

To ensure work efficiency, the institutions that will use the electronic data exchange and interoperability platform, apart from being granted the access to MConnect and MCloud, will also need to get connected to certain electronic services, like MSign, MPass, MLog and MPay infrastructure. These integrations will allow the institutions to modernize their services in accordance with their business processes and to supply better quality data. The Central Electoral Commission will be part of the integration, as the data held by many public institutions (Ministry of Internal Affairs, Ministry of Justice, Ministry of Defense, Ministry of Health, Labor and Social Protection, Ministry of Education, Culture and Research, Agency for Public Services) supply data to the State Register of Voters, contributing to the inclusiveness and correctness of the electoral process.

By December 2019, EDMITE Project will support the EGA in expanding the knowledge base of the operations linked to the integration of the institutions listed above to the MConnect data exchange and interoperability platform. One of the main factors for ensuring the integrity of the overall data exchange process is the consistency of the legal framework, as well as the exclusion of ambiguities and contradictory interpretations in the law, including with respect to the automatic data classification and processing.

To undertake activities related to the government data classification, a specialized legal support is needed to assist with the development of the legal framework related to data classification with the focus on data security during data exchange and storage.

2. **Objectives:**

The Project intends to contract an experienced National Legal Expert (hereafter the Consultant) to assist the Electronic Governance Agency in developing the legal framework on Data Classification, with emphasis on data security during data exchange and storage.

Specifically, the Consultant will:

- Review the current legislation and procedures related to data classification;
- Review the international practices related to data classification model implemented in government sector;
- Develop the data classification model to be implemented in the public sector;
- Draft a new law on data classification;
- Identify the related current legal documents that need to be amended, and draft the modification law;
- Present the developed data classification model in a thematic workshop organized by EGA.

3. **Key deliverables and tentative timetable:**

No	Key deliverables	Tentative Deadline
1.	Work Plan – developed, consulted and submitted for approval to EGA and UNDP	by 01 September 2018
2.	Report on the current practices adopted in the Government of Moldova and international practices – developed, consulted with and submitted for approval to the EGA and UNDP	by 15 September 2018
3.	Draft data classification model – developed, consulted with and submitted for approval to the EGA and UNDP	by 15 October 2018
4.	Draft Law on data classification and law regarding the modification of other related laws - developed, consulted with and submitted for approval to the EGA and UNDP	by 01 December 2018
5.	Presentation on data classification model for the thematic workshop – developed, agreed with EGA and provided to the audience	by 01 February 2019
6.	Final Report, including quantitative and qualitative data and information on the stages passed, conclusions and next stage recommendations - submitted and approved by the Project.	by 15 March 2019

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[1] http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353238

Note: Deliverables and the final timeline can be amended or specified for the purpose of the assignment. All deliverables should be agreed with EGA and the Project and be provided in Romanian in electronic format. Payment will be made upon the successful completion of the tasks assigned.

4. Administrative arrangements

The timeframe for the work of the Consultant is planned for the period August 2018 – March 2019.

During this time the Consultant is expected to work a total of 70 working days.

The assignment shall be performed in close coordination with the EGA Management and under the direct supervision of the UNDP Project Manager and Senior Project Officer. For administrative aspects, the assignment will be coordinated with the UNDP Project.

EGA will provide the Consultant the necessary information and materials for the fulfilment of the assignment. The Consultant will not be provided office space in the premises of the EGA, but will be invited for meetings, discussion and drafting sessions, as required.

UNDP Project will provide administrative and logistical support in organization of the necessary meetings and/ or consultations, including with the participation of women and men with different types of disabilities, linguistic minorities, other targeted and vulnerable groups.

Deliverables will be approved by the designated EGA representative and UNDP Project.

Payments will be done in multiple tranches upon total completion and approval of the deliverables and the submission of timesheets with the indication of the activities for each day worked (including Delivery Progress Reports).

5. Qualifications and Skills required

Academic Qualifications:

- Master's degree or higher in Law or other relevant fields.

Experience:

- At least 5 (five) years of professional experience in comparative analysis of national legal and regulatory acts;
- At least 5 (five) years of professional experience in drafting legal and regulatory initiatives;
- At least one (1) proven similar assignment related to data classification;
- Experience in implementation of international standards on information and data security, such as ISO 27001 and/or PCI DSS, will be a strong asset;
- Previous professional experience in working with public institutions of the Republic of Moldova and/or international organizations, including UN Agencies, will be an asset;
- Previous professional experience in dealing with data exchange and interoperability will be an asset.

Competencies:

- Proven knowledge of EU legal framework and international best-practices related to data classification with focus on data security;
- Excellent analytical and legal drafting skills;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Knowledge of Romanian and English is a must.

Personal qualities:

- Proven commitment to the core values of the United Nations, in particular respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility, flexibility and punctuality, ability to meet deadlines and prioritize multiple tasks.

The UNDP Moldova is committed to workforce diversity. Women and men, persons with different types of disabilities, LGBT, Roma and other ethnic, linguistic or religious minorities, persons living with HIV, as well as

refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.

6. Documents to be included when submitting proposals:

Interested individual consultants must submit the following documents/ information to demonstrate their qualifications:

- Proposal: explaining why they are the most suitable for the work including previous experience in similar Projects *(please provide brief information on each of the above qualifications, item by item)*;
- Financial proposal *(in USD, specifying a total requested amount per working day, as well total, including all related costs, e.g. fees, phone calls etc.)*;
- Duly completed and signed Personal History Form (P11), personal CV and at least 3 references.

Note: *Please, refer to the Individual Procurement Notice of this recruitment for a more detailed information on the application and selection process.*