

Exemplary implementation of Personal Data Protection Systems in 4 pre-selected municipalities¹

On behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), GIZ Good Governance for Local Development Programme (GGLD) invites organizations to submit the proposals for consultancy services.

1. Brief description of the Programme

Programme Name: Good Governance for Local Development in South Caucasus (GGLD)
Programme Objective: Citizen-oriented services of public institutions improve the living conditions of the population at the local level in a sustainable and environmentally friendly manner, in accordance with principles of democracy, rule of law and transparency.

Basic fields of action:

- a. Improving the legal and institutional framework for providing citizen-oriented public services;
- b. Strengthening the capacities of key stakeholders to deliver citizen-oriented services and to finance them;
- c. Introducing public participation mechanisms for the engagement of citizens in service delivery;
- d. Strengthening procedures, institutions and instruments of regional and local economic development;
- e. Promoting exchange of experience and cross-border learning.

Programme duration: 01/04/2020 – 31/03/2023

2. Background Information

The overwhelming majority of the state institutions', including municipal institutions', existing data processing systems and the corresponding data processing methods were created without taking into account legislation on the protection of personal data.

The issue is more important in the light of e-governance. Provision of e-services by municipal authorities always envisages processing of personal data. Modern understanding of e-governance in itself includes intensive data processing activities which leads to growth of privacy risks. In Georgia on municipal level E-governance is more or less evolving and it is crucial to see personal data protections as a complementary issue while discussing any initiative regarding e-governance.

Municipal bodies and officials of the municipal bodies are obliged to ensure citizen participation in the exercise of local self-government, which also means processing of vast amount of personal data (either electronically or manually), including those of vulnerable groups. The forms of citizen participation may vary, including participatory budgeting, petitions, general assembly of a settlement, feedback mechanisms, e-voting, access to information etc. In these processes different categories of personal data may be processed, identification data, contact data, registration data, health related data (information about disabilities and special needs), etc. As observed in the process of fulfilling the named obligation municipal bodies, as a rule, use various instruments and process data both

¹ As pilot municipalities will be presumably selected Keda, Sagarejo, Senaki and Rustavi municipalities.

materially and electronically via social media, google drive forms, available software, etc. which puts security of data processing under question. In this context collection of information, its verification and access restriction is also problematic.

All abovementioned emphasizes the importance of adequately protecting personal data processed by municipal bodies and/or officials.

Primary diagnostic stage carried in 3 Municipalities (Tbilisi, Telavi, Batumi) and its findings have shown that municipal institutions have failed in independently establishing a comprehensive and modern system of personal data protection management/compliance. Efforts, if any, undertaken by them are fragmented and superficial. In addition, without practical examples and specific knowledge, in the majority of instances, organizations find it challenging to define which personal data protection program and management tools implies in its modern sense.

On its behalf a consistent implementation of personal data protection legislation means establishing a well-functioning personal data protection management system, which, on the other hand, implies an array of organizational and technological solutions.

It is notable that even in the presence of should and some financial resources, achieving the result independently is challenging due to lack of competence and experience. Accordingly, the external support is needed to feel the gaps, achieve full-scale implementation of the personal data protection legislation and act as a role model for others.

Forming the good examples of full-scale implementation of the modern data protection management practice in different municipalities should put the Georgian good practice examples at the disposal of State Inspector's Service to use as a reference point for guiding inspected organizations as well as developed documents and other solutions should serve as the reference case for other municipalities.

3. Work to be performed:

Inventory of the data processing systems - the work carried out during the assessment project shows that municipal agencies did not carry out an inventory of data processing systems in the light of the Law on the Personal Data Protection. In some cases the inventory is not performed neither for other purposes. So there is no precise understanding of the systems for data processing in use and exactly what data is processed by these systems, who are data subjects, what kind of processing tools are used, who has access to which data, etc. For inventory of the data processing systems in all four municipalities the contractor team should work with the representatives of the selected institutions. In order to make identification of the data processing systems and inventory process time efficient, the questionnaire with relevant definitions should be developed, which should be sent to selected institutions in advance.

As a result all data processing systems should be comprehensively identified and described in detail; in particular, what type of personal data is processed by each system, the categories of data subjects, data sources, processing aims and grounds, rights for access to data within each organization, data transfer to other organizations and cases of disclosure, terms of data processing, tools used for data processing (ICT infrastructure), etc.

Assess existing data processing practices and developing recommendations – After identification of the data processing systems and describing them in detail, the obtained data should be analyzed and evaluated to what extent the exercised practice and information systems meet the current Georgian data protection legislation. The compliance with the new draft law on the Protection of Personal Data, initiated in the Georgian parliament and providing for a higher standard of data protection, should also be analyzed.

Based on the analysis of data processing practices, a report should be prepared. The report should include an overview of each data processing system, their assessment - identifying strengths and weaknesses, specific recommendations should be provided for changes and actions to be taken.

The analysis, respective conclusions and recommendations should address both the legal aspects of data protection and organizational and technological issues that are closely related to compliance with the law.

As a result, the detailed analysis of the current situation should be provided, as well as findings and recommendations, which describe the necessary changes that need to be implemented for meeting the high standard of the data protection as stipulated in the new draft law.

Design the data protection program – defining the specific scope of the intervention and developing a plan – Based on the findings and recommendations of the developed report, the contractor team in close cooperation with selected municipal institutions should identify necessary changes, specific activities and draw up an appropriate implementation plan, should define the scope of intervention for each selected institution, in particular the policies and procedures should be specified that should be in place. The elaborated recommendations and action plan should consider introduction of systemic approach towards data protection issues and include defining of ownership, respective roles and responsibilities within the organization.

It is important that the scope defined for the selected target organizations takes into account not only the exceedings and weaknesses in terms of the data protection, but also the capabilities of the institutions - human resources, ICT infrastructure, etc. The workshops to discuss provided action plan for each selected institution should be conducted.

As the result the detailed action plan on implementation of the elaborated data protection program should be developed.

Implementation of the data protection program - According to the action plan elaborated within the project framework, the contractor team should implement activities, in particular:

- Development/drafting of policy and procedural documents - drafts of policy and procedural documents based on data protection program. The draft documents include a general data protection policy, as well as employment data protection policy, privacy by design policy, etc. In drafting process should be also engaged relevant representatives of the selected municipal institutions, to develop necessary skills and deepen their knowledge in issues related to the data protection.
- Define/assign roles and responsibilities – for each institution, based on their internal structure and specificities, necessary roles and responsibilities should be defined. The decisions made in relation to the distribution of roles and responsibilities should be reflected in relevant organizational documents, such as job descriptions and other procedural documents.

The result should be a well established internal regulatory framework on personal data protection in four municipal institutions, with clearly defined roles and responsibilities, organizational compliance with data protection legislation. Developed documents and other solutions should serve as the reference case for other municipalities.

Training for employees – After the development of data protection policies and procedural documents, as well as the definition of roles and responsibilities, training should be carried out for the staff of each institution to help them in the practical application of the developed policies and procedural documents, as well as defined roles and responsibilities, taking into account the new internal regulations.

The result should be the capacity development of target institutions in data protection governance and management systems in accordance with the modern European practices. To this end the training program should be developed, which along with the legal aspects of data protection, should also cover organizational and technical measures/solutions required for implementation of legal requirements.

4. Deliverables

- The questionnaire with relevant definitions;
- The description of data processing systems;
- The report including detailed analysis of the current situation, as well as findings and recommendations;
- Detailed action plan on implementation of the elaborated data protection program;
- Drafts of policy and procedural documents;
- Training program and conducting trainings for the employees of the municipalities

5. Reporting

- Service provider shall submit mid-term and final reports.
- Deliverables and annexed documentation shall be submitted in Georgian; hereby, executive summary shall be submitted in English as well.
- Documents should be precise and clear, in order to avoid any misunderstanding and inaccurate interpretations.
- In case of need deliver presentations on project and its results with different interested stakeholders (MRDI, GIZ, municipalities, etc.).

6. Other terms

- Service provider shall regularly provide information on results and perform all the assignments listed in the ToR in a close coordination and agreement with GIZ.
- During the performance of the assignment, service provider shall meet the personal data protection standards envisaged by the legislation.

7. Submission and Selection of Proposal

Partner for the consultancy service will be selected based on a open competition. Entrepreneurial (LLC) and non-entrepreneurial legal entities (NLE, NPO), NGOs/CSOs are eligible to participate in the competition.

GIZ reserves the right to check the information indicated in the application. Application will be cancelled in case of inaccurate information.

Selection criteria

1. The technical proposal shall provide evidence of the organization's capabilities and assignment-related experience in executing similar projects in the area of local self - government and data protection (in particular, working experience with the local councils);
2. The technical proposal shall explain in detail how the company will plan the work and perform the objectives listed in the Terms of Reference (ToR) document considering such aspects as compliance with the ToR, implementation methodology, timelines of actions included in the technical proposal;
3. A work plan, including implementation schedule of number of workdays per tasks to be performed by the contractor for completion of this assignment;
5. Experts assigned to executing of the tasks outlined in the ToR shall have at least five years of working experience in the field of data protection and implementation and at least last one year of proven experience in development and implementation of similar projects in the field of local self-government and data protection in municipalities. Reference to similar work/projects completed shall be included in his/her CV to be attached to the offer
6. Budget cost efficiency.

Project Duration and payments

Tentative contract period for the service will be 25.06.2021 – 30.12.2022.
Within the frames of the contract the payments will be made gradually.

Submission of Application

Application should be submitted in English.

Technical proposal shall contain the following information (*recommended structure of the proposal*):

1. *Title page*

Name and registration number of organization; legal address, telephone number, e-mail address, director of organization - signature and stamp of a director.

2. *Project name and implementation period (month/year-month/year)*

2.1 *Project Description*

2.2. *project goals and objectives and implementation methodology (shall be in compliance with the terms of reference under this tender announcement);*

2.3 *Activities defined by the project and implementation schedule*

#	Activity	June	July	August	September	Comment
1	X							[If Relevant]
2	Y							
3	Z							
...	...							

2.4 Persons involved in the project and their functions

Please, indicate the list and functions of persons, who will be involved in the implementation of the project and will be respectively indicated in the budget.

2.5 Annex

Respective Resumes (CV) of the staff involved in the implementation of the project should be attached to the application.

Applicant may attach any additional relevant information to the application.

Financial offer shall contain the following information:

Budget in GEL (excl. VAT)

#	Category	Unit	Number of unit	Unit price (GEL)	Total value (GEL)	Comment
1	Salary/expert fee**					
1.1		[man-day]				
1.2						
1.3						
	...					
	sum					
2	Other costs					
2.1	Business trip costs					
2.2	Hotel costs ² (meetings), catering					
2.3	...					
2.4	...					
2.5	...					
	Sum					
	Total sum					

** indicated fees shall include income tax and pension fund costs.

² Costs for hotels, accommodation, catering for training participants etc. will be only eligible and reimbursable, if covid-19 pandemic situation in the country will allow the offline (physical) implementation of these activities.

Budget should not contain the costs that are not relevant for the activities envisaged under the project. Neither ongoing costs of the organization nor any kind of debt will be covered from the budget.

Fee rate of experts shall include all personnel costs, including ancillary personnel costs; backstopping, communication and reporting costs; and all overheads, profit, interest, risks, etc. (As indicated in the article 10.2 of the General Terms of Contract /Annex 4).