ORGANISATION OF EASTERN CARIBBEAN STATES
REQUEST FOR EXPRESSIONS OF INTEREST

Organisation of Eastern Caribbean States
Caribbean Digital Transformation Project (CARDTP)
Grant No.: IDA – D6520

Assignment Title: Consulting Services to Develop the Terms of Reference for Drafting Harmonized Data Protection Legislation in the Eastern Caribbean Currency Union (ECCU)

Reference No.: LC-OECS COMMISSION-255216-CS-INDV

The Organisation of Eastern Caribbean States (OECS) Commission has received funding from the World Bank toward the cost of the Caribbean Digital Transformation Project (CARDTP) and intends to apply part of the proceeds for Consulting Services to Develop the Terms of Reference for Drafting Harmonized Data Protection Legislation in the Eastern Caribbean Currency Union (ECCU).

The consulting services (“the Services”) include drafting the terms of reference for a consulting firm to develop and draft harmonised data protection legislation, (together with an explanatory memorandum), for enactment within the respective countries of the ECCU. The assignment is expected to be undertaken in two phases: a period of three (3) months for Phase I and twelve (12) months for Phase II.

The OECS now invites eligible Individual Consultants (“Consultants”) to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services. The minimum required qualifications and experience are listed in section 5 of the Terms of Reference (TOR) below. The details of the services required are available in the TOR which is available on the official website: www.oecs.org.


Individual Consultants wishing to signify their interest in undertaking the prescribed services are to submit an Expression of Interest providing information demonstrating
Expressions of Interest can be submitted via email.

For more information or to submit Expressions of Interest, please contact:

**Jenna Flavien**  
*Procurement Officer*  
OECS Commission Morne Fortuné  
P.O. Box 1383  
Castries  
Saint Lucia  
Telephone: 758-455-6424  
Email: procurementbids@oecs.int

**Copied to:**  
Mr. Imran Williams, imran.williams@oecs.int

An Individual Consultant will be selected in accordance with the World Bank’s Procurement Regulations for IPF Borrowers, Fourth Edition, November 2020.

Expressions of Interest will be evaluated and the Individual Consultant with the most relevant experience and qualifications will be selected and requested to submit a proposal which will be the basis for negotiations leading to a contract.

An electronic copy of Expressions of Interest are to reach the OECS Commission by **February 2, 2022** addressed to:

**Ms. Jenna Flavien, Procurement Officer**  
At the following email address:  
procurementbids@oecs.int  
copied to imran.williams@oecs.int

The email submissions should include the name and address of the Consultant and shall be clearly marked in the subject line as “Expression of Interest – “Consulting Services to Develop the Terms of Reference for Drafting Harmonized Data Protection Legislation in the Eastern Caribbean Currency Union (ECCU)”.

The Terms of Reference for this consultancy is provided below.
Caribbean Digital Transformation Project
IDA – D6520

Scope of Services
Terms of Reference

Consulting Services to Develop the Terms of Reference for Drafting Harmonized Data Protection Legislation in the Eastern Caribbean Currency Union (ECCU)

January 2022
TERMS OF REFERENCE

CONSULTING SERVICES TO DEVELOP THE TERMS OF REFERENCE FOR DRAFTING HARMONIZED DATA PROTECTION LEGISLATION IN THE EASTERN CARIBBEAN CURRENCY UNION (ECCU)

1. BACKGROUND

The Organisation of Eastern Caribbean States (OECS) Commission and the Governments of Grenada, Dominica, Saint Lucia, and St. Vincent and the Grenadines are implementing World-Bank-financed Caribbean Digital Transformation Project which focuses on five essential foundations of the digital economy - infrastructure, platforms, skills, financial services and entrepreneurship. The Caribbean Digital Transformation Project (called “project” going forth) comprises four components that address key bottlenecks and harness opportunities to develop the Eastern Caribbean Digital Economy as a driver of growth, job creation and improved service delivery. It aims to ensure that every individual and business within the region is empowered with the access to broadband, digital financial services, and skills needed to actively participate in an increasingly digital marketplace and society. It leverages public sector modernization and digitization to improve service delivery and to drive creation of a digital culture across the region. To support the improved management of digital risks, the project will bolster cybersecurity policy, capacity, and planning tools in the region. It will facilitate technology adoption to improve productivity of flagship industries and create demand for digitally enabled jobs. It aims to foster regional integration and cooperation to capture the economies of scale and scope required to increase impact and value for money of the project interventions and to create a more competitive, seamless regional digital market to attract investment and provide room for growth of digital firms.

A sub-component of the project is to enhance in the Eastern Caribbean Currency Union’s (ECCU) the access to digital services and technologies, including developing a unique
digital identification through, inter alia, a legal and regulatory environment with a focus on data protection and privacy.

The ECCU lacks a comprehensive data protection framework (e.g., policy, legislation and regulation) at both regional and national levels. Regional harmonisation of data protection legislation and international cooperation protocols are desired to reduce the barriers to cross-border investment and create a regional market for data-driven products and services.

2. **SCOPE OF SERVICES**

The Consultant will assist the [OECS Commission and the ECCB] in drafting the terms of reference for a consulting firm to develop and draft harmonised data protection legislation (together with an explanatory memorandum) for enactment within the respective countries of the ECCU.

The new legal and regulatory framework should draw from global best practices and model legislation while maintaining coherence with the existing legal systems in the ECCU. The legislation should also establish a regional authority (with shared resources) for data protection and privacy enforcement.

3. **Specific Scope of Services**

The assignment will be undertaken in two phases.

**Phase I** will consist of the following services:
(i) Preparation of the Terms of Reference for drafting data protection legislation in respect of selecting a consulting firm.

(ii) Updating the existing data protection and privacy draft policy

**Phase II** will consist of the following supervision and close out services:

(i) Provision of technical assistance and advice to the selected consulting firm on the review and amendment of existing data protection laws, regulations and guidelines.

(ii) Provision of technical assistance and advice to the selected consulting firm on the development of a practical timeline for an implementation framework for data protection legislation.

(iii) Provision of technical assistance and advice to the selected consulting firm on the establishment of a shared data protection authority in the ECCU, model governance structures and an optimal institutional framework.

(iv) Provision of technical assistance and advice to the selected consulting firm on the preparation of guidance notes for the proper operationalisation of data protection legislation in the ECCU.

The Client will have the option to activate Phase II of the Assignment – Supervision and Close Out activities by issuing a Notice of Effectiveness of Contract to the Consultant. The Consultant shall undertake services relating to Supervision and Close Out upon issuance of the Notice of Effectiveness by the Client and mobilization of the selected consulting firm.

4. **Coordination with OECS and ECCB**

The Consultant shall coordinate with the OECS, ECCB and other stakeholders for feedback and consistency with policy recommendations. The Consultant must provide guidance and direction and propose a plan to interface and manage the deliverable(s).

5. **REQUIREMENTS**
The Consultant must meet the following qualifying criteria:

i. An LLB or its equivalent from an accredited law school;
ii. Five (5) years of work experience in data protection specialty;
iii. Prior experience with data protection and privacy legislation is an advantage;
iv. Prior experience with national and regional central banks as well financial institutions is an advantage; and
v. Prior experience with World Bank projects and an understanding of World Bank procurement process, is highly desired.

The Consultant acknowledges that he/she will be ineligible to bid on the work arising from this assignment and further represents that no employee, agent, associate or affiliate will tender bids arising from this assignment.

6. Assignment duration and deliverable schedule
The assignment is expected to be undertaken over a three (3) month period for Phase I and a twelve (12) month period for Phase II.

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<thead>
<tr>
<th>DELIVERABLE – PHASE I</th>
<th>FINAL OUTPUT DUE AT END OF MONTH</th>
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</thead>
<tbody>
<tr>
<td><strong>Output 1:</strong> Inception meeting report, including work plan and schedule</td>
<td>Two (2) weeks following signing of the Contract</td>
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<tr>
<td><strong>Output 2:</strong> Terms of Reference for drafting data protection legislation</td>
<td>Month 1.5</td>
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<tr>
<td><strong>Output 3:</strong> Updated data protection and privacy draft policy</td>
<td>Month 2.5</td>
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<tr>
<th>DELIVERABLE – PHASE II</th>
<th>FINAL OUTPUT DUE AT END OF MONTH</th>
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<tbody>
<tr>
<td><strong>Output 1:</strong> Progress Report #1</td>
<td>Month 3</td>
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<tr>
<td><strong>Output 2:</strong> Progress Report #2</td>
<td>Month 6</td>
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<tr>
<td><strong>Output 3:</strong> Progress Report #3</td>
<td>Month 9</td>
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<tr>
<td><strong>Output 4:</strong> Final Report</td>
<td>Month 12</td>
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