

## **Terms of Reference**

# **Consultancy on the status of consistency of CARIFORUM firms to the European Union's General Data Protection Regulations**

## **Background Information**

### **1.1 Beneficiaries**

Caribbean Export Development Agency (Caribbean Export) and the Delegation of the European Union to Barbados, the Eastern Caribbean States, the OECS, CARICOM/CARIFORUM.

### **1.2 Contracting Authority**

Caribbean Export

### **1.3 Relevant Sector Background**

Caribbean Export is a regional export development and trade and investment promotion organisation of the Forum of Caribbean States (CARIFORUM). Caribbean Export is also a beneficiary of funding assistance from the 11<sup>th</sup> European Development Fund (EDF), under which the Agency is responsible for implementing the Regional Private Sector Development Programme (RPSDP).

The RPSDP has four specific objectives: a) Enhancing Competitiveness and Promoting Innovation among CARIFORUM's Private Sector; b) Promoting Trade and Export Development among CARIFORUM States; c) Promoting stronger trade and investment relations among CARIFORUM and French Caribbean Outermost Regions (FCORs) as well as European Union (EU) Overseas Countries and Territories (OCTs) in the Caribbean; and d) Promoting stronger trade and investment cooperation between CARICOM and the Dominican Republic (DR).

There is also a complementary objective of strengthening the institutional capacity of Caribbean Export to implement trade and investment promotion programmes in the region through its export development programming and through support to the Caribbean Association of Investment Promotion Agencies (CAIPA).

The overall objective of the Regional Private Sector Development Programme is to contribute to the gradual integration of CARIFORUM countries Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

## 1.4 Context

The General Data Protection Regulation (GDPR) is a tool designed to harmonize data privacy laws across Europe, to protect EU citizens' data privacy and to trigger more secure individual data privacy amongst organizations working with personal data of EU citizens. The GDPR not only applies to stakeholders located within the EU, but it also concerns companies and/or public authorities that process and hold personal data of EU citizens, even if the entity is based outside of the EU.

For the Caribbean region it means that governments, businesses, and entities who store or access private data of EU citizens must now be consistent with this regulation as non-consistency may result in financial sanctions that can threaten the existence of any domestic and regional private sector and seriously affect operations of any regional public administration. Consistency with the regulation can be onerous for Small and Medium Enterprises due to their limited capacity to pro-actively seek for respective information and restricted access to relevant training.

The region's characteristics of scattered private sector with numerous capacity constraints; economic dependence on tourism and tourism related services; limited capacities and resources of regional and local public administrations; reduced representation of the EU's Member States can result in potentially negative impacts on the private sector if they are unable to align their operations to the GDPR. These aforementioned factors support the need for research to be conducted on the state of play of GDPR consistency and the identification of best practices that can assist the private sector to undertake any transition of their operations.

This activity is aligned with the EU's and CARIFORUM efforts to boost the utilization of the Services Chapter of the CARIFORUM-EU EPA for which the trade in services represents approximately 80 per cent of CARIFORUM economies. More so, this project would reinforce the operations of the Special Committee on Trade in Services which is a recently established as an institutional structure of the CARIFORUM-EU Economic Partnership Agreement (EPA).

Cognizant of the political and economic challenges that face CARIFORUM States in the consistency of new regulatory requirements in export markets of interest, the EUD with the support of the Caribbean Export Development Agency (CE); the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the Barbados Coalition of Service Industries (BCSI) developed a seminar for which this research is required to inform on the status of the CARIFORUM's private sector efforts to be consistent with the GDPR.

## **2. Scope of Work**

Currently, Caribbean Export is supporting the implementation of this activity, with the support of the European Union and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GMBH). The project will provide research within CARIFORUM States on the status of the consistency of CARIFORUM firms to the EU's GDPR with the purpose of identifying best practices that can be shared with the CARIFORUM private sector.

### **2.1 Specific Activities**

- i. Delivery of a presentation on Data Protection and Privacy policy and law within CARIFORUM.

### **2.2 Deliverables**

The project will be executed during four (4) working days. The deliverables for this project are-

- i. Preparation of a presentation(s) on Data Protection and Privacy policy and law within CARIFORUM; and
- ii. Delivery of a presentation on Data Protection and Privacy policy and law within CARIFORUM.

### **2.3 Project Management**

#### *2.3.1 Responsible Body*

The Caribbean Export Development Agency will be responsible for contracting the Consultant and providing oversight of the project to ensure that the outputs are achieved within the stipulated timelines.

## **3. Logistics and Timeframe**

### *3.1 Nationality*

The Consultant must be a national of either an African, Caribbean, and Pacific (ACP) group of States or an European Union Member State. The consultant will be required to conduct most of the research within the CARIFORUM States and he/she is required to work closely with Caribbean Export management and staff.

### **3.2 Commencement and Execution**

The intended commencement date for this assignment is **Tuesday 28th January, 2020** and is expected to be completed by **Friday 31st January, 2020**.

## **4. Requirements**

### **4.1 Key Expert**

The profile of the key expert is as follows:

- i. At least a bachelor degree in law, political science, public policy, international development, international relations and any other related field.
- ii. A specialisation in data protection and privacy policy and law will be an asset.
- iii. Demonstrated experience in research on data protection and privacy policy and law.
- iv. Experience working within CARIFORUM.

## **5. Reporting requirements**

### **5.1 Reports**

Refer to item 2.2: Deliverables

## **6. Submission deadline**

**Friday 27<sup>th</sup> December 2019.** Collection of submissions will cease at **4:00 p.m (AST)**. Please send a copy of your Curriculum Vitae and financial proposal to-

Ms. Allyson Francis, Services Specialist, email address: [afrancis@carib-export.com](mailto:afrancis@carib-export.com) and keep in copy Ms. Sanya Alleyne, Technical Trade Adviser, email address: [sanya.alleyne@giz.de](mailto:sanya.alleyne@giz.de) and Ms. Maria Krause, Junior Adviser, email address: [maria.krause@giz.de](mailto:maria.krause@giz.de).