

CALL FOR PROPOSALS-INDIVIDUAL CONSULTANT

SUBJECT:

**CONSULTANCY SERVICES FOR DATA PROTECTION AND MANAGEMENT
POLICIES AND PROCEDURES REVIEW**

REF: AGF/RFP/ICD/2025/001

Launching Date: 22nd January,2025

Closing Date: 30th January,2025

1700 Hrs EAT

TERMS OF REFERENCE

PROVISION OF CONSULTANCY SERVICES FOR POLICIES AND PROCEDURES REVIEW

1. INTRODUCTION

The African Guarantee Fund - for Small and Medium-Sized Enterprises Ltd (AGF) is a Pan-African non-bank financial institution founded by Development Agency (DANIDA), Spanish Agency for International Development Cooperation (AECID) and the African Development Bank (AFDB). AGF has since been joined by the French Development Agency (AFD), Nordic Development Fund (NDF), Investment Fund for Developing Countries (IFU) and KFW Development Bank.

AGF's primary mandate is to assist financial institutions (FIs) in Africa to scale up their SME financing through the provision of partial loan guarantees and capacity development assistance. It seeks to bridge the financing gap between financial institutions and SMEs across the continent. AGF products and services provide FIs with the means, which they can leverage in bringing their African SME financing interventions to the required scale.

AGF contributes to the promotion of economic development, vital for prosperity, stability and poverty reduction in Africa through two lines of activity:

- Provision of a mix of financial guarantees and other products, which reduce the risks sustained by FIs when lending to SMEs that have insufficient collateral. These guarantees contribute to reduce the inability of SMEs to provide acceptable guarantees required by FIs prior to lending.
- Support for capacity development of the partner FIs to enhance their capacity to appropriately assess loan requests from SMEs and to mitigate risks associated with the guarantee.

AGF operates according to market principles and is a commercially viable venture with operations in 40 countries in Africa and is gradually expanding to other countries to cover the whole of Africa.

AGF is rated 'AA-' by globally renowned Fitch Ratings Agency.

2. CONTEXT OF THE ASSIGNMENT

In 2019, the government of Kenya through the parliament enacted The Data Protection Act, 2019. This Act gave effect to article 31 (c) and (d) of the Constitution.

- to establish the office of the Data Protection Commissioner
 - to make provision for regulation of the processing of personal data
 - to provide for the rights of data subjects and obligations of the Data controllers and processors
- Section 18 of the Data Protection Act, 2019 and Data Protection (Registration of Data Controllers and Data Processors) Regulations, 2021 require that all public and private organizations and individuals processing personal data register with the ODPC.

AGF has comprehensive Data Protection and Management policies and procedures to ensure effective compliance with applicable requirements. As part of its ongoing efforts to enhance and strengthen the framework, AGF seeks the expertise of a consultant (**preferably a qualified individual**) to review the current policies and procedures and recommend improvements where necessary.

3. OBJECTIVE AND SCOPE OF THE ASSIGNMENT

The main objective of this assignment is to review AGF current Data Protection and Management policies and procedures.

The scope of assignment is as follows:

1. provide a second opinion on the recently revised AGF's Data Protection and Management policies and procedures and their alignment with applicable legal, regulatory, industry standards, or any other relevant applicable framework.
2. Provide recommendations if any

4. REPORTING REQUIREMENTS/DELIVERABLES

The consultant will provide an assurance report of AGF current Data protection and Management policies and procedures with recommendations if any.

5. TIME FRAME

The timeline for deliverables (including deadlines) is expected to commence immediately after the signing of the contract and will have a duration of **10 working days** for completion from the signing date.

6. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The selected consultant will correspond directly with AGF Group Chief Internal Controller and Compliance Officer, to submit drafts, seek approval of the final productions, discuss and adhere to timeline and submission of the final reports. Any changes to format, content or timeline must be communicated in a timely manner and in writing to AGF and implemented only upon receiving approval.

7. INTELLECTUAL PROPERTY

All information pertaining to this project belonging to the client, which the consultant may encounter in the performance of his/her, duties under this consultancy shall remain the property of the client who shall have exclusive rights over their use. Except for the purposes of this assignment, the information shall not be disclosed to the public nor used in whatever manner without written permission of the Client, AGF, in line with the national and International Copyright Laws applicable.

8. CONFIDENTIALITY

By accepting to take part in the invitation, you agree to keep in confidence all information provided to you, whether written or oral, in relation to the invitation and/or in relation to the organization's business generally which is not already in the public domain, to use it only for the purposes of this bid and for no other reason and not to disclose any of the said information to any third party.

9. COMPETENCIES/REQUIREMENTS

1) Expertise and Experience:

- The consultant (preferably a qualified individual) should have at least 15 years of proven expertise in data protection laws, regulations, and best practices. This may include data protection officers, legal experts, specialists and assurance providers (Internal and/or External audit).
- A thorough understanding of Mauritius, Kenya, and Togo Data Protection Laws and any other relevant data protection regulations such as GDPR, CCPA, or other regional data protection laws is essential.

2) Track Record:

A proven track record of

- Collaborating with Big Four firms, top-tier consulting practices, or leading legal firms.
- Successfully delivering similar projects,
- References from satisfied clients,
- Case studies demonstrating expertise in data protection consulting.

3) Ethical Standards:

- Adherence to ethical standards and a commitment to client confidentiality are fundamental.
- The consultant activities are conducted in compliance with relevant laws, regulations, and industry standards.

10. SUBMISSION OF PROPOSAL

Interested firms with the required qualification and experience may submit their **Technical & Financial Proposals** to the following address: procurement@africanguaranteefund.com on or before **30th January 2025 at 1700hrs EAT**.

Awardees will be contacted directly via email.

NOTE: -

AGF reserves, at its sole discretion, the right to select or reject, either in totality or partially, any or all proposals made in the context of this RFP/TOR. Any such decisions made will be final and no correspondence will be engaged in, other than to inform the bidders of the outcome of the process.