

Ref: 1/2/27/2



TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO ASSIST ICASA WITH ITS POPIA COMPLIANCE READINESS ASSESSMENT PROGRAMME

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1. BACKGROUND

The Independent Communications Authority of South Africa ("ICASA" / "the Authority") is a statutory body established in terms of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000). As part of its mandate, the Authority is responsible for regulating the electronic communications, broadcasting and postal sectors in the public interest and ensure affordable services of high quality for all South Africans.

The Authority also, amongst others, issues licences to electronic communications network services, electronic communications services and broadcasting services and type approves electronic communications equipment and registers unreserved postal services, enforces compliance with rules and regulations, protects consumers from unfair business practices and poor quality of services, hears and decides on disputes and complaints brought against licensees and controls and manages the effective use of radio frequency spectrum.

ICASA must ensure that, in executing its mandate, it does so in compliance with applicable laws. In terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (the "POPI Act") the commencement date of section 1, Part A of Chapter 5, section 112 and 113 was 11 April 2014. The commencement date of the other sections is 1 July 2020 (with the exception of section 110 and 114(4)) which effectively means that the POPI Act commenced on 1 July 2020 with the date of compliance being 1 July 2021.

To this end, the Authority seeks to appoint a law firm to assist the Authority with its compliance readiness programme for the POPI Act.



2. OBJECTIVE

The objective of this bid is to appoint a suitably qualified and experienced law firm to provide for POPI Act readiness assessment and to develop a comprehensive POPI Act implementation plan for ICASA to ensure compliance on a continuous basis as part of privacy framework, on a risk-based approach.

3. EXPERTISE AND SKILLS REQUIRED

ICASA requires the services of a qualified, experienced law firm to assist in providing the POPI Act readiness assessment and developing a comprehensive POPI Act implementation plan and execution thereof. The law firm must have proficient knowledge and experience in the area of cybersecurity, General Data Protection Regulations and the POPI Act.

4. SCOPE OF WORK & OUTPUTS

The law firm will be required to provide the POPI Act readiness assessment and develop a comprehensive POPI Act implementation plan and ensure the following key outputs/deliverables:

1. Develop Information Officer and Deputy Information Officers roles and responsibilities.
2. Develop a Privacy Framework;
3. Develop a POPI Act compliant privacy notice on the ICASA website;
4. Develop relevant Policies, Processes and Procedures;
5. Develop a Risk management plan;
6. Revise the PAIA manual;
7. Provide contracting templates (Third Party and Employment);
8. Perform an independent analysis of ICASA operations throughout the various

divisions and identify information that constitutes personal information for purposes of POPIA;

9. Develop a POPIA implementation plan that encompasses the following:
 - 9.1 POPI Act briefing session with the Information Officer and 18 Deputy Information Officers on the applicability of the POPI Act with particular focus on their roles, responsibilities and accountability as imposed by the POPI Act, and the impact of the POPI Act on the organisation;
 - 9.2 Identify categories of personal information processed by ICASA in its day-to-day operations, assess the current methods of processing, storing and disposing of personal information in contrast to the requirements of POPIA and identify all gaps thereto;
 - 9.3 Develop a report on the abovementioned activities and a risk-based implementation plan which prioritises the high-risk POPIA requirements, and which includes short, medium- and long-term action plans, proposed Policy interventions and systems that may be procured to effectively manage the processing of personal information;
 - 9.4 Develop awareness material for POPIA compliance and provide training to ICASA management; and
 - 9.5 Advise on the tools to assist ICASA on implementation of POPIA Programme.

5. FUNCTIONALITY CRITERIA

Bidders will be evaluated on functionality after which they will be evaluated on prices.

C.	Functionality: Pre-qualification criteria	
1.	Contactable reference letters from public and related institutions as evidence of POPIA Compliance assessment or related services previously conducted on the letter heads of referee.	30

	<p>1.1 Four (4) contactable reference letters attached on the letter heads = (5) points.</p> <p>1.2 Three (3) contactable reference letters attached on the letter heads = (4 points).</p> <p>1.3 Two contactable reference letters attached on the letter heads =3 points</p> <p>1.4 One (1) contactable reference letter attached on the letter heads = 2 point</p> <p>1.5 No reference letters attached on the letter heads/ irrelevant letters=1 point</p>	
2.	<p>Project plan and methodology:</p> <p>The Bidder must provide a detailed explanation of the methodology and project implementation plan which details how the service will be carried out as outlined in the scope. The followings requirements should be included.</p> <p>a) Project plan with deliverables and timeframes</p> <p>b) Compliance Assessment methodologies</p> <p>c) Compliance readiness programme</p> <p>d) Facilitation and Training programme</p> <p>e) Risk Assessment plan</p> <p>2.1 The bidder's submissions document includes all 5</p>	50

	<p>requirements =5 points</p> <p>2.2 The bidder's submissions document includes 4 requirements =4 points</p> <p>2.3 The bidder's submissions document includes 3 requirements =3 points</p> <p>2.4 The bidder's submissions documents include 2 requirements =2 points</p> <p>2.5 The bidder's submissions documents include 0-1 requirements =1 point</p>	
3.	<p>Experience</p> <p>Must provide a detailed CV detailing the required experience.</p> <p>Experience in Compliance assessments by lead consultant/partners):</p> <p>3.1 10 + years (points 5)</p> <p>3.2 5-9 years (points 4)</p> <p>3.3 2-4 years (points 3)</p> <p>3.4 1-12 months (point 2)</p>	10

	3.5 No CV attached and or irrelevant experience (points 1)	
4.	<p>Experience</p> <p>Must provide a detailed CV detailing the required experience.</p> <p>Experience in POPIA assessments by lead consultant/partners):</p> <p>4.1 5 + years (points 5)</p> <p>4.2 3-4 years (points 4)</p> <p>4.3 2 years (points 3)</p> <p>4.4 1-12 months (point 2)</p> <p>4.5 No CV attached and or irrelevant experience (points 1)</p>	10

6. BENEFITS OF THE PROJECT

The implementation of this project will contribute towards building ICASA's capacity to ensure continuous compliance with the POPI Act.

7. TIMEFRAMES

The successful law firm will deliver on all the key deliverables within sixty (60) working days after the contract is signed by both parties.



8. TECHNICAL INQUIRIES

Any technical inquiries related to the Request for proposal should be sent via email to [mmaenetja@icasa.org.za](mailto:mmmaenetja@icasa.org.za). Responses to the technical inquiries will be made via email.