

DRC

Terms of Reference (TOR)

for

Data Protection Impact Assessment (DPIA)

1. Who is the Danish Refugee Council?

Founded in 1956, the Danish Refugee Council (DRC) is a leading international NGO and one of the few with a specific expertise in forced displacement. Active in 40 countries with 9,000 employees and supported by 7,500 volunteers, DRC protects, advocates, and builds sustainable futures for refugees and other displacement affected people and communities. DRC works during displacement at all stages: In the acute crisis, in displacement, when settling and integrating in a new place, or upon return. DRC provides protection and life-saving humanitarian assistance; supports displaced persons in becoming self-reliant and included into hosting societies; and works with civil society and responsible authorities to promote protection of rights and peaceful coexistence.

DRC has been operating in Nigeria since 2016. The Country Office is in Abuja and has 2 area offices in Maiduguri and Sokoto with sub offices in Gusau, Bama and Banki and a mobile team in Katsina. DRC Nigeria's multi-sectoral response addresses core Strategic Priority Interventions: Hard-to-Reach populations, Economic Recovery, Protection, and increasingly climate resilience. The operation focuses on both emergency response and solutions programming with expanding partnerships with local actors.

2. Purpose of the consultancy

The Danish Refugee Council based in **Nigeria** seeks proposals from a consultant to conduct a Data Protection Impact Assessment.

3. Background

The NGO consortium implements an integrated humanitarian response in Nigeria funded by the **European Civil Protection and Humanitarian Aid Operations (ECHO)**, covering **Cash Assistance (MPCA), Water, Sanitation and Hygiene (WaSH), and Protection** sectors.

Programme activities require the systematic collection and processing of personal data, including **sensitive data related to vulnerability status, protection risks, and assistance eligibility**. Such data is often shared among consortium partners and with third parties (e.g. financial service providers, monitoring partners, and service delivery contractors), increasing the complexity of data protection risks.

As an ECHO-funded action, the consortium is required to adhere not only to **national legislation**, notably the **Nigeria Data Protection Act (NDPA) 2023**, but also to **European Union data protection principles**, particularly those established under the **EU General Data Protection Regulation (GDPR – Regulation (EU) 2016/679)**. While the GDPR applies directly within the European Economic Area, its principles are widely recognized as a benchmark for **responsible and ethical data processing in humanitarian operations**, especially for EU-funded projects.

These principles include, inter alia:

- Lawfulness, fairness, and transparency
- Purpose limitation
- Data minimization
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

In addition, ECHO partners are expected to comply with data protection and privacy obligations as defined in:

- The **ECHO Framework Partnership Agreement (FPA)**
- Applicable guidance on **data protection, ethics, and safe data management in humanitarian action**

Given the **heightened risks associated with processing sensitive personal data** in Cash, WaSH, and Protection programming, particularly among vulnerable and at-risk populations, the consortium seeks to undertake a **Data Protection Impact Assessment (DPIA)**.

The DPIA will serve as a structured process to:

- Systematically assess risks to the rights and freedoms of data subjects
- Ensure compliance with NDPA, GDPR principles, **EU General Data Protection Regulation (GDPR – Regulation (EU) 2016/679)** and ECHO requirements
- Identify and implement appropriate technical and organizational safeguards
- Strengthen accountability and “Do No Harm” approaches in data management

4. Objective of the consultancy

The purpose of this consultancy is to conduct a DPIA that will:

- Identify and assess risks related to personal data processing in consortium activities
- Ensure compliance with NDPA, ECHO requirements, **EU General Data Protection Regulation (GDPR – Regulation (EU) 2016/679)** and international standards
- Strengthen safe and responsible data management, particularly for **vulnerable populations**

- Provide actionable recommendations to mitigate risks and improve accountability

The consultant will be required to

- Map data flows across **Cash, WaSH, and Protection programmes**
- Identify **high-risk processing activities**, especially involving sensitive personal data
- Assess legal bases for data processing and data sharing
- Evaluate existing data protection and security safeguards
- Identify compliance gaps against NDPA and ECHO data protection expectations
- Develop a **risk mitigation and compliance improvement plan**

Scope of work and Methodology

4. Scope of Work

4.1 Review of Existing Frameworks

- Data protection policies, SOPs, and guidelines
- Beneficiary registration and targeting systems (including CVA tools)
- Data sharing agreements within the consortium and with third parties
- Contracts with **Financial Service Providers (FSPs)** and vendors
- Complaints and feedback mechanisms

4.2 Data Mapping

- Types of data collected (including sensitive/protection data)
- Data subjects: beneficiaries, staff, community members
- Data lifecycle: collection, storage, sharing, retention, deletion
- Data transfers (national and international)
- Inter-agency data sharing practices

4.3 Risk Assessment (DPIA Core)

- Risks to rights and freedoms of beneficiaries, especially at-risk groups
- Specific risks linked to:
 - Cash programming (e.g. fraud, financial exploitation, identity exposure)
 - Protection programming (e.g. stigma, retaliation, confidentiality breaches)
 - WaSH data (e.g. community profiling risks)
- Risk likelihood and severity analysis

4.4 Legal and Compliance Review

- Compliance with NDPA 2023
- Alignment with **ECHO data protection requirements and humanitarian principles**
- Review of informed consent practices

- Analysis of lawful bases for data collection and sharing

4.5 Safeguards and Mitigation Measures

- Technical measures (access controls, encryption, secure storage)
- Organisational measures (policies, roles, training)
- Data minimization and retention practices
- Risk mitigation plan with prioritization

5. Methodology

The consultant is expected to apply a participatory and risk-based approach including:

- Desk review of programme and compliance documentation
- Key informant interviews:
 - Programme teams (Cash, WaSH, Protection)
 - MEAL, IT, Compliance/GDPR focal points
- Workshops with consortium members
- Review of digital systems (e.g. beneficiary databases, mobile data tools)
- Use of recognized DPIA frameworks and risk methodologies
- Validation of findings with key stakeholders

The Consultant will be required to prepare a detailed methodology and work plan indicating how the objectives of the project will be achieved, and the support required from DRC.

5. Deliverables

The Consultant will submit the following deliverables as mentioned below:

| Phase | Expected deliverables | Indicative description tasks | Maximum expected timeframe |
|--------------------------|---|---|----------------------------|
| Phase 1 Review | Inception report | Methodology, tools, workplan | Week 1 |
| Phase 2 Analysis | Data mapping report, DPIA report, Mitigation & Action Plan | Visual and narrative mapping of data flows, Risk analysis, Compliance assessment, Identification of high-risk processing, Prioritized recommendations (short/medium/long-term), Practical guidance for implementation | Week 2-5 |
| Phase 3 Reporting | Final report | Final report, presentation to consortium and ECHO | Week 6 |

The Consultant will provide the documentation by email.

6. Duration, timeline, and payment

The total expected duration to complete the assignment will be no more than 8 weeks.

The consultant shall complete the assignment within eight (8) weeks from the contract commencement date.

Payment Terms and financial allocation

- **30%** of the contract value upon submission and approval of the **Inception Report**.
- **40%** of the contract value upon submission and approval of the **Draft Data Protection Impact Assessment (DPIA) Report**.
- **30%** of the contract value upon submission, acceptance, and approval of all **Final Deliverables**, including the Final DPIA Report, Action Plan, and presentation (where applicable).

7. Proposed Composition of Team

- Project Manager

8. Eligibility, qualification, and experience required

Essential:

- Proven experience in **data protection, GDPR/DPIA**
- Experience in **humanitarian contexts (ECHO-funded projects preferred)**
- Familiarity with **Cash & Voucher Assistance (CVA)** data risks
- Knowledge of NDPA and **EU General Data Protection Regulation (GDPR – Regulation (EU) 2016/679)**.
- Expertise in information security and risk management
- Strong facilitation and reporting skills

Eligibility:

- The consultant has the authorisation to work in Nigeria
- **Qualification:**
 - At least Degree in In Law (LL.B), Information Technology, Information Security, or Social Sciences
 - Master's Degree (Preferred): In Data Protection Law, Information Technology Law, Human Rights Law, Humanitarian Studies, International Development, or Computer Science / Cybersecurity.

The consultant must hold at least one of these globally recognized certifications:

- CIPP/E (Certified Information Privacy Professional/Europe)
- CIPM (Certified Information Privacy Manager)
- Nigeria Data Protection Certified Professional

- **Experience:**
 - A minimum of 5-8 years of experience in data protection, legal compliance, information security, or humanitarian program auditing.
- **Skills and knowledge:**
 - The consultant must possess advanced technical mastery of DPIA methodologies under the Nigeria Data Protection Act 2023 and EU GDPR, combined with expert knowledge of child protection data rules and the ICRC Handbook on Humanitarian Data Protection. They need strong systems auditing capabilities to map data flows across digital field tools like KoboToolbox and cloud platforms, alongside the field skills required to conduct safe, child-friendly feedback sessions with teachers, parents, and children. Finally, they must demonstrate the capacity to turn complex legal and IT risks into clear, practical field mitigation plans while applying a solid understanding of the country's cultural and economic context, specifically regarding conflict and displacement dynamics in Northeast and Northwest Nigeria. (candidates selected for interviews will be invited to share example)
 - A solid understanding of Nigeria's cultural and economic context, specifically regarding conflict dynamics, displacement trends, and community power structures across Borno, Adamawa, Yobe (Northeast), and states like Zamfara, Sokoto, or Katsina (Northwest).
- **Language requirements:**
 - Written and spoken fluency in English
 - Working knowledge of Hausa and Kanuri is an advantage

Ethical Considerations

- Strict confidentiality of all data processed
- The Consultant agrees to keep all information obtained during the course of the assignment confidential and shall not disclose such information to any third party without prior written consent.
- Adherence to **“Do No Harm” and protection principles**
- Special care in handling sensitive protection data

9. Technical supervision

The selected consultant will work under the supervision of:

Victor Manuel Velasco Corrochano

Chief of Party

And work closely with:

- Sector leads (Cash, WaSH, Protection)
- MEAL and IM teams
- Data protection focal points of each partner

10. Location and support

The address of the work assignment will be DRC Country Office in Abuja, with extended field deployments to DRC Area/Field Offices in Northeast (Maiduguri) and Northwest Nigeria.

The Consultant will provide her/his own computer and mobile telephone, including specialized data-mapping or privacy-compliance software licenses required to execute the assessment.

DRC will provide the Consultant with:

- A designated workspace within DRC field offices during deployment.
- Access to internet connection while working on DRC premises.
- All relevant internal project documentation, including ECHO proposals, project indicator sheets, MEAL frameworks, and existing data collection tools.

11. Travel

Travel will be required to field locations in Northeast and Northwest Nigeria. The purpose of the travel is to conduct direct field observations of data collection loops, inspect physical data storage at learning spaces, and run participatory risk-consultation sessions with local education staff, parents, and adolescent beneficiaries.

Conditions: The Consultant will be expected to arrange their own international travel (if applicable). DRC will provide in-country field security clearances, mandatory safety briefings, and internal field transport (vehicles/escorts) between DRC offices and project locations due to the high-security environment. The Consultant must arrange their own accommodation, insurance, food, and miscellaneous expenses, and make adequate provision for these in their Financial Proposal.