



**TECHNOLOGY SERVICE PROVIDERS ASSOCIATION  
OF KENYA**

**REQUEST FOR PROPOSALS**

**TERMS OF REFERENCE (TOR) FOR A RESEARCH CONSULTANT TO DEVELOP A  
POLICY BRIEF TO INFORM POLICY AND ADVOCACY ON THE IMPACT OF  
COMPUTER AND CYBER CRIMES Bill, 2016**

**General Information:**

<b>Work Description:</b>	Research consultant for the policy brief to inform policy and advocacy on Computer and Cyber Crimes Bill, 2016
<b>Project Title:</b>	Computer and Cyber Crimes, Bill 2016 Project
<b>Duration:</b>	13 Days
<b>Procurement No.</b>	TESPOK001/01/2017
<b>Application Deadline:</b>	

## **INTRODUCTION**

### **About TESPOK**

Technology Service Providers of Kenya (TESPOK) is a professional, non-profit organization representing the Interests of Technology service providers in Kenya. Established in 1999, the strength of the Association rests on its ability to be truly representative of the Kenyan industry as a whole.

### **Vision**

“To be the driver of ICT growth and excellence in Africa”

### **Mission**

“To be the voice of Information Technology, influencing policy, direction and development in the industry”

## **BACKGROUND INFORMATION**

Kenya has made several attempts to develop a law on cyber security. The ICT Ministry together with the Kenya Law Reform Commission (KLRC) have drafted Computer and Cyber Crimes (CCC), Bill 2016. The Bill was approved by Cabinet on the 6th April, 2017 and forwarded to the Attorney General for publication before tabling in the National Assembly. The Bill has been tabled for the first reading but House Committees are yet to be formed.

The objective of the CCC Bill, 2016 is to provide for offences relating to computer systems timely and effective collection of forensic material for use as evidence, and to facilitate international co-operation in dealing with cybercrime matters e.g. unauthorized access of computers, passwords; computer forgery, computer fraud, cyber bullying, aiding or abetting in the commission of an offence, offences by a corporate and limitation of liability and offences committed through the use of a computer system.

Although TESPOK was involved in the development of the Bill, some critical industry proposals and positions were ignored. The key issues with the current draft CCC Bill 2016 could have adverse effects on the sector. Hence TESPOK seeks to recruit a research consultant with good understanding of the ICT sector to support in collection of data from the various industry players in the ICT ecosystem and prepare a brief research and policy position paper on the impact of the CCC Bill 2016.

## **TERMS OF REFERENCE**

The terms of reference shall cover the details of the scope of the assignment to the consultant. The work shall include all the activities related to the Computers and Cyber Crime (CCC) Bill, 2016 industry amendments.

### **Scope of Work**

Under the direct supervision of the Chief Executive Officer, the consultant shall undertake the following tasks:

1. Provide sufficient justification to the proposed amendments to the Computers and Cyber Crime (CCC) Bill, 2016 to like corporate liability among others,
2. Desk review of relevant literature including foreign law, international law, the Constitution of Kenya, policy documents, reports, media reports and other publications from government, private sector, civil society and academia/policy think tanks on the impact of the Computers and Cyber Crime (CCC) Bill, 2016 to the ICT ecosystem in Kenya.
3. Collect data from different stakeholders in the ICT industry on the impact of the Computers and Cyber Crime (CCC) Bill, 2016;
4. Analyze primary and secondary data collected;
5. Review international best practice;
6. Demonstrate how the proposed Bill will impact on the ICT sector;

7. The researcher will develop a policy position paper (PPP) on the Computers and Cyber Crime (CCC) Bill, 2016;
8. Present the research report and the policy position paper (PPP) to TESPOK members and other stakeholders.

### **Deliverables**

1. Proposed workplan to cover the duration of the assignment;
2. A submission of a research report based on the findings from the data collection and analysis on the impact of Computers and Cyber Crime (CCC) Bill, 2016 from the industry players in the ICT ecosystem in Kenya;
3. A policy position paper on the Computers and Cyber Crime (CCC) Bill, 2016.

### **Methodology**

Phase 1 will include a desk review assessment of relevant documents;

Phase 2 will adopt a consultative and participative approach. This will include interviews with key stakeholders. The consultant will carry out the analysis of the findings in consultation with TESPOK and will include both qualitative and quantitative variables.

The Consultant will conclude with the submission of a draft report based on the findings.

## **QUALIFICATIONS OF THE CONSULTANT**

### **Functional Competencies:**

1. Expert knowledge and understanding of the ICT sector in Kenya and regulatory framework around it;
2. Knowledge of Computer and Cyber Crimes Bill, 2016 and other Cyber Security laws globally;
3. Ability to engage other stakeholders other than TESPOK members to get their views and align them to our position;
4. Ability to research and write at a high level;
5. Ability to research and conduct interviews with key informants; and

### **Core Competencies:**

1. Ability to produce high quality outputs in a timely manner while understanding and anticipating the evolving client needs.
2. Strong organizational skills;
3. Ability to work independently, produce high quality outputs;
4. Sound judgment, strategic thinking and the ability to manage competing priorities;

### **Required Skills and Experience:**

Education:

- Advanced University degree in ICT, Economics, Law, Journalism or any relevant degree.

Experience:

- Minimum of 7 years of relevant experience is required.

Language:

- Excellent written and spoken English.

### **Duration of the Assignment**

The duration of the assignment is 13 working days spread over a period of 3-4 months.

### **RESPONSE DEADLINE**

Closing date for applications: 5<sup>th</sup> February 2018

Application and selection procedure Submit:

1. Letter of interest;
2. Curriculum Vitae; and
3. Quotation with daily rates via email to the email address [tespok@tespok.co.ke](mailto:tespok@tespok.co.ke)

For queries contact Project Manager via email address [leonard@tespok.co.ke](mailto:leonard@tespok.co.ke) or telephone using the contacts below.

### **OUR CONTACTS**

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