

## **Terms of Reference for the Mid-term Evaluation of Privacy International, project support partner from Sida**

### **‘Confronting data-intensive transformations in power in developing countries: strengthening civil society to protect the right to privacy’**

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Privacy International and the Swedish International Development Agency (Sida) entered into a four-year agreement for project support from January 2017 to December 2020. This mid-term evaluation is a requirement of that agreement.

#### **1. About Us**

Privacy International, a registered UK charity (No. 1147471), was founded in 1990 and was the first organisation to campaign at an international level on privacy issues.

Privacy International is committed to fighting for the right to privacy across the world. We promote human right of privacy throughout the world, specifically by raising awareness of threats to privacy and monitoring and reporting on surveillance methods and tactics. We work at national and international levels toward the provision of privacy protections and monitor measures to protect privacy and to seek ways through information technology to protect personal information. Privacy International carries out activities through [partnerships with local civil society organisations](#) in Latin America, North and East Africa, South Africa, and Asia.

#### **2. Building a Global Privacy Movement Programme<sup>1</sup>**

The Building a Global Privacy Movement Programme is one of Privacy International’s three multi-year strategic programmes.

Over the past ten years Privacy International has supported organisations to build their capacities to be innovative global network of leaders on privacy to act locally, regionally, and globally. We have developed resources for dozens of organisations across the Global South to expand their capabilities to advocate for effective privacy protections. We are leading research and investigations into trends and surveillance systems in countries across the world, to push and inform local, regional and international debates. We are working with our partners to develop advocacy strategies that push for much needed policy changes. We are advocating for the right to privacy to represent the interests of all people across the world.

The programme uses a multi-disciplinary approach to address the right to privacy: from both legal and technology perspectives. The results of this process not only enable us to play a monitoring role whereby we alert and draw attention to the threats to privacy, but we strategically use this information to call for change: reforms of laws and policies and other regulatory instruments, influencing behaviours of actors of change, and structural and institutional changes to enable these to take place.

Currently, the Building a Global Privacy Movement programme is being implemented through three projects, funded by Sida, Ford Foundation, and the International Development Research Centre (IDRC). Each project has its own objectives and approach, but they all fall within the

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<sup>1</sup> <https://www.privacyinternational.org/programmes/building-global-privacy-movement>

theory of change of the programme. The **project funded by IDRC** focuses primarily on the creation of research leaders in the Global South to produce an evidence-base on innovations in policy and technology to be disseminated with key stakeholders and actors of change. The objective of the **Ford Foundation project** is to work with and consult with civil society organisations in the Global South to develop counter-narratives to the dominant economic and security discourses and in particular to engage in regional forums in Latin America and Africa so that specific initiatives prioritise rights.

### **3. Project Context**

Governments in the Global South are deploying radical changes in policies and infrastructure, in the hopes of enabling economic opportunity, attracting international investment, securing their societies, and strengthening institutions. These innovations in policy and technologies that rely intensively on data – its generation, collection, processing, sharing – are becoming core to governments’ initiatives to achieve prosperity for all.

These systems will significantly shape the governance of societies well into the future. Yet the lack of transparency and accountability around the systems means that there is limited information on how these initiatives are mandated, scoped and deployed. Until more information is released and unless there are capable civil society organisations to monitor these developments, citizens will be unable to understand how these initiatives will affect their rights and will be unable to demand protections and seek remedies.

Privacy International (PI) and the project partners are exploring these data intensive systems to identify shortcomings and areas of concerns. Working with actors of change and other institutions in seven partner countries, the project aims to raise awareness of security and privacy risks and to advance essential safeguards for human rights while preventing further exclusion of marginalised and vulnerable people.

To find out more about this area of our work, please visit the PI website “What We Do: Confronting Data Intensive Systems in the Global South”<sup>2</sup>.

### **4. Project Background and Description**

With funding from Sida, PI initiated a 4-year project in January 2017 titled, “Confronting data-intensive transformations in power in developing countries: strengthening civil society to protect the right to privacy” under its Building a Global Privacy Movement programme.

#### *Project goal*

The goal of the project is to build the capacity of our 7 partners in 7 ODA countries, as well as other key stakeholders, to respond to data-intensive systems and related policies. To do so, PI and partners together are developing an evidential foundation on how data-intensive systems operate and how they impact privacy, and human rights more generally. That body of evidence will help us develop key standards and principles that will guide our collective strategic advocacy and communications. Jointly and independently we will generate debate and make the case for reform with key communities particularly those in the legal sector and

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<sup>2</sup> <https://privacyinternational.org/what-we-do/develop-protections-against-data-intensive-systems-global-south>

across civil society, convince actors of change of the importance of this domain, and engage with key institutions.

### Project outcomes

Each of the seven partners with the support of PI drafted their own result-based frameworks. The overall results framework for the project is a combination of the partners' and PI's results frameworks, and led to the development of the following four outcomes:

#### ***Outcome 1: Partner organisations have increased understanding of and capacity to work on key privacy issues in their countries***

Under this outcome, Privacy International is supporting partners through in-depth interactions through multiple modalities to improve their capacities and skills in project management, particularly M&E reporting and financial management capacities. At the onset of the project, PI conducted a needs and capacity assessment of project partners, and also launched a number of educational resources for partner organisations and broader public. Under this outcome, partners are also engaging with their own beneficiaries which include other national Civil Society Organisations, the media, and academics in their respective countries to build their capacity and expertise.

#### ***Outcome 2: Partners influence national actors of change and advocacy targets through strategic and targeted advocacy on data intensive systems and human rights, and in particular privacy***

Under this outcome, PI is working strategically with partners to develop an evidentiary base in order to enable them to advocate and campaign for policy change with various stakeholders, including data protection authorities, private sector, different government ministries, national human rights commissions, as well as international mechanisms like the UN.

#### ***Outcome 3: Privacy International has improved professional capacity to collaborate with local partners***

This outcome is focused on improving PI's internal and professional capacity, in the areas of governance and leadership, gender mainstreaming, monitoring & evaluation, risk management and mitigation strategies, and education.

#### ***Outcome 4: Global South stories and experiences shape the global debate on data intensive systems, elevating the status of our partner's work***

To deliver this outcome, Privacy International is working with partners to ensure that their experiences, advocacy in country, and the situations they are facing are well understood by key institutions and stakeholders regionally and internationally. In addition, PI is undertaking its own research, advocacy and campaigning on issues relevant to partner countries to escalate them to new, emerging spaces including national and international policy-making forums.

### Project partners

The seven project partners are from countries where privacy safeguards are encoded in law and data protection frameworks are in place, but are not necessarily enforced, as well as countries where there is no legal regime to protect the right to privacy, and/or uphold data

protection principles, yet. This provides interesting opportunities to contrast a context where the objective is secure legislation, and the other, where the aim is reform.

The project partners are all national civil society organisations with diverse mandates and theories of change, ranging from civil liberties organisation to digital rights organisations to organisations working to protect particular group of society, i.e. human rights defenders. Whilst they operate in different socio-economic and political environments, they face a variety of challenges and some are facing risks which threaten their ability to exist and operate. These considerations will have to be integrated into the design and methodology of this evaluation. More details on the profiles and contexts of engagement of partners will be provided to the selected Evaluators.

## **5. Evaluation Object and Scope**

The proposed scope of this evaluation will focus on the delivery of the project outcomes against the Theory of Change for the project and the results framework.

The evaluation will focus on the period from January 2017 to December 2018 (Year 1 and 2 of the project). With this mid-term evaluation taking place towards the end of Year 2 of the project, this will mark a key point of learning and reflection on our progress over the first two years of the project,

The Evaluators will be invited to work with Privacy International to understand the project's Theory of Change and approach which will further inform the focus and approach of the evaluation.

The purpose of the evaluation is to help Privacy International and its project partners to assess how well the project Theory of Change and results framework are working to deliver the project and to learn from what works well and less well. The evaluation will be used to inform decisions on how the project results framework may be adjusted and improved over the remaining two years of the project. Furthermore, the evaluation's findings and recommendations will serve as input for Privacy International and its Board of Trustees to consider as the organisation continues with the development and implementation of its new strategic plan (2019-onwards).

The key objectives of the mid-term evaluation are:

- To help PI and its partner organisations understand progress made towards achieving the overall project outcomes,
- To provide PI and its partner organisations a set of concrete and actionable recommendations for improvement of the project over the remaining duration, and
- To assist PI and partner organisations assess the sustainability of the project benefits beyond the life of the project.

The primary users of the evaluation will be Sida, Privacy International, partner organisations, and other relevant stakeholders.

## **6. Methodology**

The evaluation will comprise two phases:

- 1) Inception phase:** for the evaluator to develop and agree with Sida and Privacy International the overall evaluability, focus and approach to the evaluation, as well as the

evaluation framework, propose methods/tools to be used, and the final outputs, budget and schedule.

- 2) Evaluation phase:** to implement the agreed evaluation framework and finalise and present the evaluation report following consultation with Sida, Privacy International and the project partners on draft findings and recommendations. This may involve some fieldwork in some project countries (to be agreed with evaluator) and an evaluation findings validation workshop with Privacy International (and Sida depending on their availability) in London before the report is finalised – to test findings and ensure recommendations are practical, relevant and feasible.

Based on the TOR, the evaluators shall elaborate on a detailed plan for how to carry out the evaluation during the inception phase with Privacy International and Sida. The plan shall include a detailed work- and time plan, and – amongst other relevant matters – an overview of questions, a presentation of the method and basic considerations. The evaluators will carry out tasks using mixed methods, involving:

- Desk-based review and analysis of relevant documents;
- Interviews and focus group discussions with Privacy International project staff;
- Interviews with project partners, which should include field visits to least 2 project partners;
- Interview with responsible officer at Sida (to take place in Stockholm);
- Interview with selected stakeholders, which may include other partners and funders of Privacy International.

More details will be discussed with the selected Consultants but at this stage in the process, we would like to stress the importance which will have to be given to ensure the protection of confidential and other sensitive material which may be shared by PI, project partners and any other stakeholders during the course of the evaluation. With this in mind, as part of the selection process we will consider how the consultants suggests to approach this prior, during and after the evaluation process as well as demonstrated experience of the consultant in terms of data protection and digital management in the proposal submitted to PI.

## **7. Evaluation Questions**

The mid-term evaluation shall conform to OECD/DAC's Quality Standards for Development Evaluation and (may) address the following four categories of project progress and answer the underlying questions. The evaluation questions and scope will be finalised upon discussion with the consultants during inception phase of the assignment.

### *Relevance:*

- Do all aspects of the project design continue to be relevant to its stakeholders in the current context? If not, how could these particular aspects be reviewed and implemented for the remainder of the project?
- How well are Privacy International and the project partners able to articulate and evidence their approach and success in engaging with their stakeholders?

### *Effectiveness:*

- What progress has the project made so far against the target outcomes and outputs?
- To what extent is the project on track to achieve its outcomes?

- What factors may be limiting or contributing to the achievement of intended results?
- Have the activities and outputs of the project been consistent with the overall outcomes?
- What key lessons and recommendations can be taken into account for the remainder of the project in order to improve effectiveness?

*Effectiveness of PI's support to partner organisations:*

- To what extent was PI's support to project partners useful and effective?
- What are partners' feedbacks and recommendations for PI to improve support to project partners over the remaining duration of the project?
- What other types of support can PI offer to project partners?

*Efficiency:*

- Has the project been managed with reasonable regard for efficiency?
- How effective were the measures taken during planning and implementation to ensure efficient use of resources?

*Impact:*

- What are the intended and unintended, positive and negative, outcomes and/or impacts of the project so far?
- What do stakeholders affected by the project interventions perceive to be the effects or impacts of the project?
- How relevant and appropriate have the tools developed for this project for assessing progress and impact been?

*Sustainability:*

- To what extent are the results and achievements expected to be sustainable after PI's intervention has ended in partner countries?
- To what extent are PI and project partners able to sustainably generate, share and use learning across the project to strengthen capacity and improve results delivery across its strategic goals?
- What can be done by PI and partner organisations to improve the sustainability of the project's benefits?

The evaluation will abide by professional and ethical guidelines and codes of conduct for evaluators, as per UNEG ethical guidelines for evaluation. The evaluation should be conducted in a gender-responsive manner, inclusive of all stakeholders, and be mindful of differences in culture, customs, religious beliefs and practices of stakeholders.

## **8. Conditions and details of assignment**

### **Time Schedule and budget**

The mid-term evaluation must be completed by 28 February 2019 (in time for the project annual reporting requirements) and a maximum budget of GBP 30,000 has been earmarked for the assignment (inclusive of VAT, travel expenses, and any other costs necessary to deliver the requests outlined in this ToR).

### **Timetable:**

Closing date for submission of proposals: 10 November 2018

Evaluation determination process to be concluded: 14 November 2018

Notification of contract awarded: 16 November 2018

Start of work: As soon as possible after 16 November 2018

Final date to complete the evaluation: 28 February 2019

### **Deliverables**

The following deliverables are expected (in English language):

- Inception report, which includes methodology and workplan based on discussion with Privacy International and to be finalised with approval from PI and Sida
- In-country field visits to at least 2 partner organisation countries which are to be selected by the evaluators, to collect primary data from relevant stakeholders. The length of stay and other logistical details are to be finalised based on discussion with PI and relevant partner organisations.
- Draft mid-term evaluation report, which should not exceed 20 pages (excluding annexes) and is expected to include the following sections. The draft report will be reviewed by and finalised with approval from PI and Sida.
  - o Executive summary, which includes numbered lists of recommendations to PI partners, PI's management and PI's Board of Trustees
  - o Introduction
  - o Methodology
  - o Findings
  - o Evaluation conclusions
  - o Lessons learned
  - o Recommendations, which are concrete and actionable for improvement of the project over the remaining duration of the project
  - o Annexes including List of people interviewed, list of documents reviewed, etc.
- Final mid-term Evaluation report, addressing any feedback from PI and Sida. The final report must be proofread and presented in a way that enables publication without further editing.
- The Evaluation team must be available for a presentation and discussion seminar of the final evaluation findings with Sida (to take place in Stockholm), PI, and selected members of PI's Board of Trustees (and selected partner organisations).

Please note that all reports are to be submitted in digital form (in both Word and PDF versions).

### **Evaluation team qualification and competencies**

This mid-term evaluation will be undertaken by a team of one or more independent international consultants with the following expertise and qualifications. One of the evaluators should act as the team leader with overall responsibility of the whole evaluation.

- At least 7 years' experience of carrying out evaluations of development and human rights projects, with demonstrable academic and practical experience in evaluation design and implementation
- Knowledge of major evaluation methodologies (e.g. qualitative, mixed method, etc.)
- Relevant experience of evaluating complex multi-year multi-partner international projects in the human rights environment funded by development agencies and institutional donors. Experience of Sida evaluations is an asset.

- Relevant experience of working with INGOs, human rights organisations and/or civil society organisations
- Relevant experience conducting evaluations for development-funded projects
- Excellent written and verbal communication skills in English.
- Good knowledge of Privacy International's field of work.
- Master's degree in Economics, International Development, Public Policy, Evaluation, social sciences or related subject and practical knowledge of conducting evaluations

### **Quotation requirements**

Interested consultants are requested to submit a proposal, not longer than 10 pages, covering both technical and financial areas, and should include the following:

- An Expression of Interest detailing interpretation of the TOR, an outline of proposed methodology to answer evaluation questions, including methods for any data collection. The chosen method should be described and justified.
- Detailed workplan or schedule for the evaluation with breakdown of activities and timeline.
- Financial quotation or proposed budget in GBP (inclusive of VAT and all costs, i.e. travel)

In addition, please provide the following with your quotation:

- Copies of all relevant Curriculum Vitae (CVs)
- Two professional references (including one from a previous client)
- Examples of similar evaluations undertaken by the consultants

Quotation/proposal must be submitted by **close of business Saturday, 10 November 2018**. For additional clarification and queries about the terms of reference, please email Ms. Joanna Oniszk at [joannao@privacyinternational.org](mailto:joannao@privacyinternational.org).

### **Project documentation**

PI will provide the following reporting documents to the consultants

- Project proposal
- Results framework (or M&E logframe) for the project
- Needs and capacity assessment report
- Annual workplans of PI and partner organisations
- Annual reporting of PI and partner organisations
- Semi-annual reporting of partner organisations
- Templates for workplans as well as annual and mid-term reporting
- Guidance and technical support as required throughout the evaluation
- Comments, feedback and approval of all deliverables
- All research, reports, and other documents produced by PI and partner organisations over the 2-year period of the project
- Pre- and post-training feedback survey

Additional documentation

- Trustee key performance indicators (KPIs) for the programme
- Annual workplans for the Programme

Further documentation could be provided upon agreement on the needs of this evaluation to be agreed with Privacy International.

## **9. Application process**

### **Submissions**

Technical and Financial proposals should be presented in writing and be addressed to:  
Privacy International  
evaluation@privacyinternational.org

The selection panel, consisting of three PI employees, in consultation with the Swedish International Development Cooperation Agency, will review proposals and make a determination, based on the following criteria:

- Necessary professional, technical and organisational capacity, financial resources and other required facilities to perform a contract;
- Proven experience of providing consulting services to the not-for-profit sector, with demonstrable experience of working in the human rights context;
- The suitability of the approach;
- The firm's approach to customer service, quality assurance and environmental considerations;
- Legal capacity to enter into a contract;
- Value for money, particularly the added value that the evaluation process will bring to the organisation.

### **Proprietary Right**

All data, report(s), findings and other information arising from or generated as a result of this review are and shall remain the sole property of Privacy International. No use shall be made of this information in any way whatsoever nor shall any report or portion of any reports, or any data, findings or other information be reproduced except with the prior written permission of Privacy International.

### **Data Protection**

Privacy International will use personal data provided (e.g. contact details, information about experience, qualifications and competencies) for the purposes of processing the application. This is a necessary step as part of the process of entering into a contract to carry out this evaluation. The application will be shared with Privacy International staff and Sida. Privacy International and Sida will retain applications as necessary to comply with audit requirements and to the extent required by law. For more information about PI's personal data practices please see PI's website. The notice 'How we use and protect your data' includes information about data protection rights and the right to lodge a complaint.