

## **PROJETO STP DIGITAL**

### **DESIGN AND DEVELOPMENT OF AN INFORMATION SYSTEM FOR THE INTEGRATED MANAGEMENT OF THE NATIONAL AGENCY FOR THE PROTECTION OF PERSONAL DATA**

#### **Terms of reference**

#### **I - INTRODUCTION**

The National Agency for the Protection of Personal Data (ANPDP) was institutionalized on April 24, 2018, as a State Authority, nationwide, independent and with administrative, financial and patrimonial autonomy.

Its **Main Mission**, pursuant to article 3 of Law No. 07/2017 – Law on the Organization and Operation of the ANPDP (LOFANPDP), is to control and supervise compliance with legal and regulatory provisions on the protection of personal data, in strict respect for human rights and the freedoms and guarantees enshrined in the Constitution and the law.

In order to fulfill its Mission, the ANPDP is structured, in terms of Support, into four Services, namely: (I) Legal; (ii) Information and International Relations; (iii) IT and Inspection; and (iv) Administrative and Financial.

Within the scope of materializing its Mission and Attributions, ANPDP carries out the following essential activities:

1. Issues Registration or Authorization for the processing of personal data.
2. Initiates Infringement Proceedings, for violation of the obligation to notify, as well as the rules and principles of processing of personal data.
3. Registers and handles complaints from holders of personal data.
4. It issues Opinions within the scope of the processing of personal data, on the one hand, and, on the other, on diplomas in preparation, both internally and internationally.
5. Internal Process Management:
  - a. Personnel, payroll processing and payment of tax obligations.
  - b. Budget and Finance.
  - c. Administrative.
  - d. Agency website.

These activities have been carried out manually or using Microsoft applications, which poses great difficulties, both in terms of recording and processing, in terms of quality and

control, and also in terms of the reports necessary for decision-making and information that , under legal terms, must be made available to internal and external customers.

Therefore, it is expected that these and other operational difficulties can be overcome with applications that will be designed and developed to measure,

## II - OBJECTIVE

- It is intended that all the Agency's operational activities be developed based on an integrated management system, on a web platform, designed and developed according to the Agency's needs, taking into account the legislation in force for this purpose.
- The ANPDP Management System must comprise 8 (eight) Modules, defined in section IV of this document, which must work in an integrated manner, as if it were a single system.
- The Modules should allow interaction with internal users, via an intranet, and with external clients, whenever justified and in compliance with legal issues, through the ANPDP website, address: [www.anpdp.st](http://www.anpdp.st) .

## III - SCOPE

The development of the ANPDP System comprises 3 (three) phases, namely: (i) Conception and definition of technical requirements; (ii) Development; and (iii) Implementation and Corrective Technical Support.

### 1. DESIGN AND DEFINITION OF TECHNICAL REQUIREMENTS

It consists of a survey of the legislation in force, of interest in the context of the development of the System, based on which a systemic analysis of the functioning of the Agency will be carried out. During the analysis, ANPDP officials and collaborators will be heard.

The systemic analysis should result in a project for each module, with the technical requirements and respective flowchart, which will serve as support and guidance for the development phase.

### 2. DEVELOPMENT

This phase will consist of the development of the Agency Management System, which should have 8 (eight) Modules, operating in an integrated manner, to serve internal customers, through an intranet, on the one hand, and, on the other hand, serve external customers, through the Agency's website.

In this phase, the developed systems must be tested, before moving on to the implementation phase itself.

### 3. IMPLEMENTATION AND CORRECTIVE TECHNICAL SUPPORT

  
**REPÚBLICA DEMOCRÁTICA DE S.TOMÉ E PRÍNCIPE**

**(Unidade – Disciplina - Trabalho)**

**MINISTÉRIO DE INFRASTRUTURA RECURSOS NATURAIS E MEIO AMBIENTE**

This phase is extremely important. The company or consultant hired must work together with the ANPDP in the implementation of the Modules and the System as a whole, that is, put the system in full operation and train the ANPDP technicians to be able to operate in the System. Technicians from the ANPDP IT and Inspection Service (SII), in addition to operating the system, should be trained to also be able to introduce improvements and make necessary interventions after the end of this phase.

During the implementation phase, the contractor must be available to provide technical support for 6 months to carry out corrective maintenance of system development problems identified later. In addition, during the support period, it must provide technical support and make interventions that prove necessary for the operation of the System, in addition to the continuous need for training of SII Technicians.

#### **4. DURATION**

It is expected that all phases will be concluded in 1 year and a half, according to the timetable below, which, of course, can be adjusted. The firm must present in its technical proposal the duration of each phase and the total period of execution within the maximum period of 18 months, also indicating the number of days of contribution of experts disaggregated by days in face-to-face work or missions and days in remote work .

An average total effort of 200 days is expected over the 18 month period distributed by key experts including input from non-key experts.

order	phases	Quarter - 2023		Quarter - 2024				Quarter - 2025
			4th	1st	2nd	3rd	4th	1st
01	Planning and Conception		X					
02	Development			X	X	X		X
03	Implementation including patches and training				X	X	X	X

#### **5. MONITORING**

A monitoring team will be created by the ANPDP to monitor all phases of the Project and provide the contractor with all requested information and documentation. The ANPDP will invite the Institute of Innovation and Knowledge (INIC) to be part of this monitoring team. In case of divergence, doubts or lack of information/documentation, it is up to the team to issue the necessary guidelines.

The Team will be made up of the ANPDP focal point for the STP Digital Project, and SII Technicians , and a technician nominated by INIC.

For each quarter, in addition to the project, the contractor must prepare a report on the activities carried out, the results achieved, goals achieved, the options made, the constraints, among other information, as a condition for proceeding with the payment, under the terms that come to be agreed upon in the contract.

Reports must be approved in advance by the monitoring team and sent to the ANPDP body for approval, a process that will culminate in an order from the ANPDP attesting that the objectives, results and targets have been achieved. Reports approved by ANPDP are forwarded to the STP Digital Project Coordinator for validation and subsequent demarches.

#### **IV - GENERAL SPECIFICATIONS OF EACH MODULE**

##### **MODULE 1 - Process for issuing Registration or Authorization for processing personal data**

###### **1- Framework**

This process begins with the notification of processing of personal data by the personal data controllers in compliance with the provisions of paragraph 1 of article 21 of the Personal Data Protection Law (LPDP), which provides as follows : *responsible for the treatment or, where appropriate, its representative must notify, in writing and within eight days, before the start of the treatment, the National Agency for the Protection of Personal Data of the beginning of the performance of a treatment or set of treatments , fully or partially automated, intended for the pursuit of one or more interconnected purposes.»*

In practice, it is intended that the notification process can be *input* by filling in the notification form by the personal data controllers directly on an *online platform* , through the Agency's website. Completion can also be done indirectly, in this case, by the relevant ANPDP Service, when the forms, after being completed, are sent to the ANPDP, either by traditional means or electronically, via the Agency's email address – [general@anpdp.st](mailto:general@anpdp.st).

After loading the forms on the platform, they must be checked and validated, in terms of compliance, by Ms. Secretary, after which he will decide whether it is a registration of the processing of personal data or an authorization for the processing of personal data. Hence, two processes can result from the evaluation, namely :

- a. Process for registering personal data processing, this relating to data that do not require special measures and care; It is
- b. Process for authorizing the processing of personal data, this relating to data that require special measures and care, therefore subject to prior control, provided for in article 22 of the LPDP.

After complying with the internal procedures, in particular the payment of the fee by the handlers, under the terms of Deliberation No. 01/ANPDP/2018, and carrying out an inspection, the ANPDP issues the relevant registration or authorization for the processing of personal data, valid for 1 (one) year. Therefore, it should be noted that registration or authorizations are renewed annually, upon payment of 50% of the respective fees.

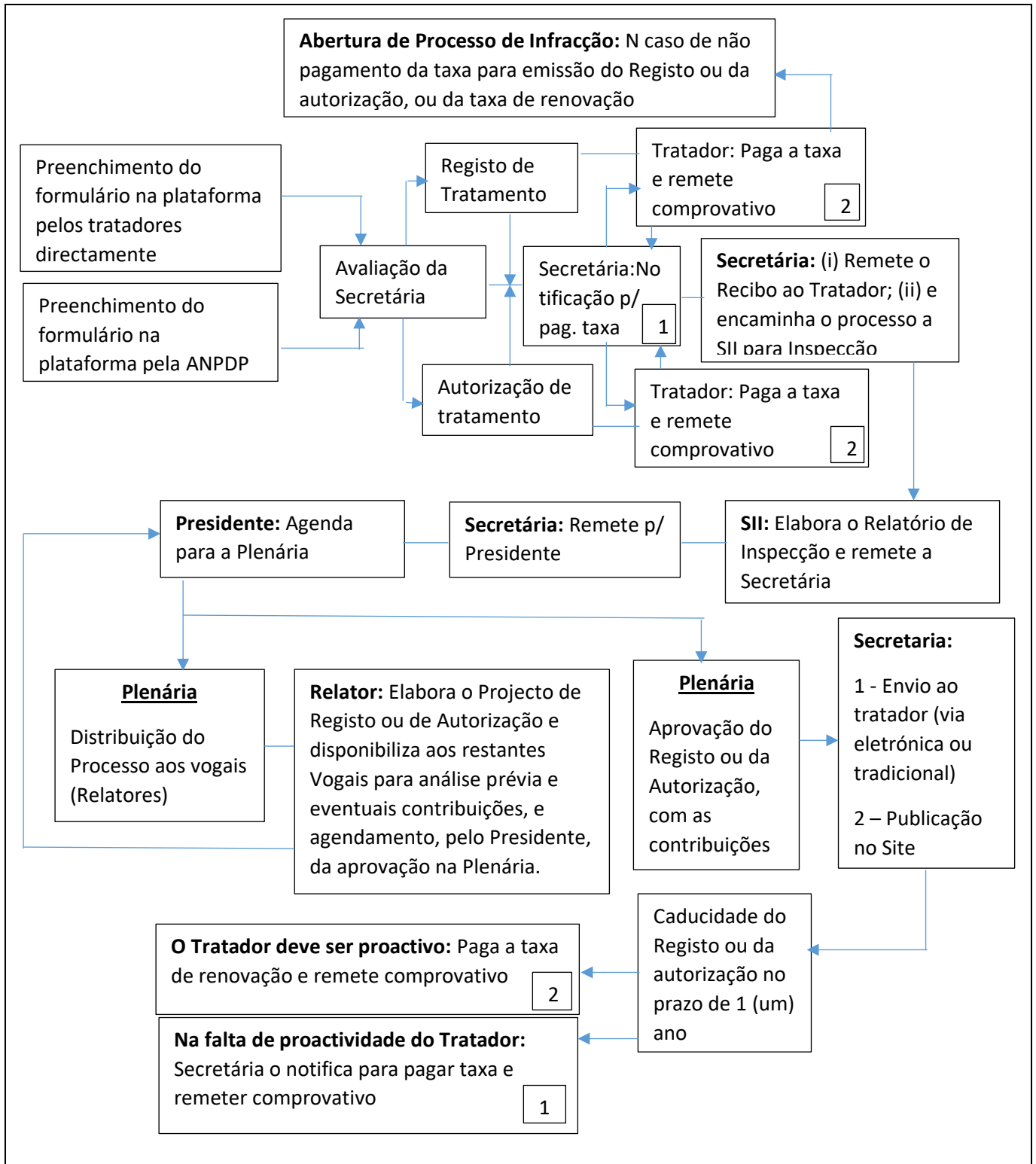
Non-payment of fees relating to the issuance of a Registration or Authorization for the processing of personal data constitutes an administrative infraction, for breach of the obligation to notify, provided for in article 21 of the LPDP. As for the renewal, it constitutes an administrative infraction, for processing personal data illegally, that is, with the registration or authorization expired.

## **2- Objectives**

It is intended, among others, that the System allows:

- a. That the notification be made either by digital form, through the Agency's website, or by traditional means (in physical format), or even electronically, through the Agency's email address – [geral@anpdp.st](mailto:geral@anpdp.st).
- b. That both the ANPDP and the personal data controllers, as notifiers, can monitor the evolution of the respective process (you cannot consult the process of others, and for this purpose, define the fields for public consultation and those reserved for ANPDP).
- c. That the management of processes is more efficient and effective, in all its dimensions.
- d. That both registrations and authorizations for personal data are issued in digital format, sent to the handler by email and/or other previously indicated forms, and published on the ANPDP website, in a dedicated location.
- e. That all steps are done electronically/digitally, except when this is not possible for technical reasons and/or legal imperative.

## **3 – Main Procedure Lines**



## **MODULE 2 - Administrative offense proceedings relating to the processing of personal data**

### **1 - Framework**

Personal data controllers are subject to a set of obligations, namely compliance with the rules and principles of processing of personal data established in the LPDP, on the one hand, and, on the other hand, the obligation to notify in advance the processing of personal data, in accordance with the provisions of article 21 of the LPDP.

Therefore, the processing of personal data without previously notifying the Agency or without observing the principles and rules defined in the LPDP, constitutes a violation of the processing of personal data, therefore, an administrative and/or criminal infraction, punishable under the terms of articles 28 and following. from the LPDP.

Article 35 of the LPDP determines that the application of fines is the responsibility of the ANPDP and that its decision constitutes an enforceable instrument, in case it is not contested within the deadline and in the legal terms. In this context, it is stated in subparagraph h) of paragraph 1 of article 21 of the LOFANPDP that it is incumbent upon the President of the Agency to apply fines and ratify resolutions. However, this competence is also assigned to the ANPDP (Plenary), through deliberation, as provided for in item n) of paragraph 1 of article 4 of the LOFANPDP.

Administrative offenses processes may have 2 *inputs*, one through a decision by the Agency, on its own initiative or as a result of an investigation process, and another at the initiative of the IT and Inspection Service (SII), when faced with a violation directly verified in the table of inspections.

The processes that have *inputs* through ANPDP deliberations, need to send a Note of Guilt to the target, which is not the case of those resulting from the SII initiative, since violations are directly verified and, therefore, the handlers are notified at the time of the inspection of the violation in question, on the one hand, and, on the other hand, notified for the defense of their rights, through contestation/complaint, if they wish, within the period provided for by law.

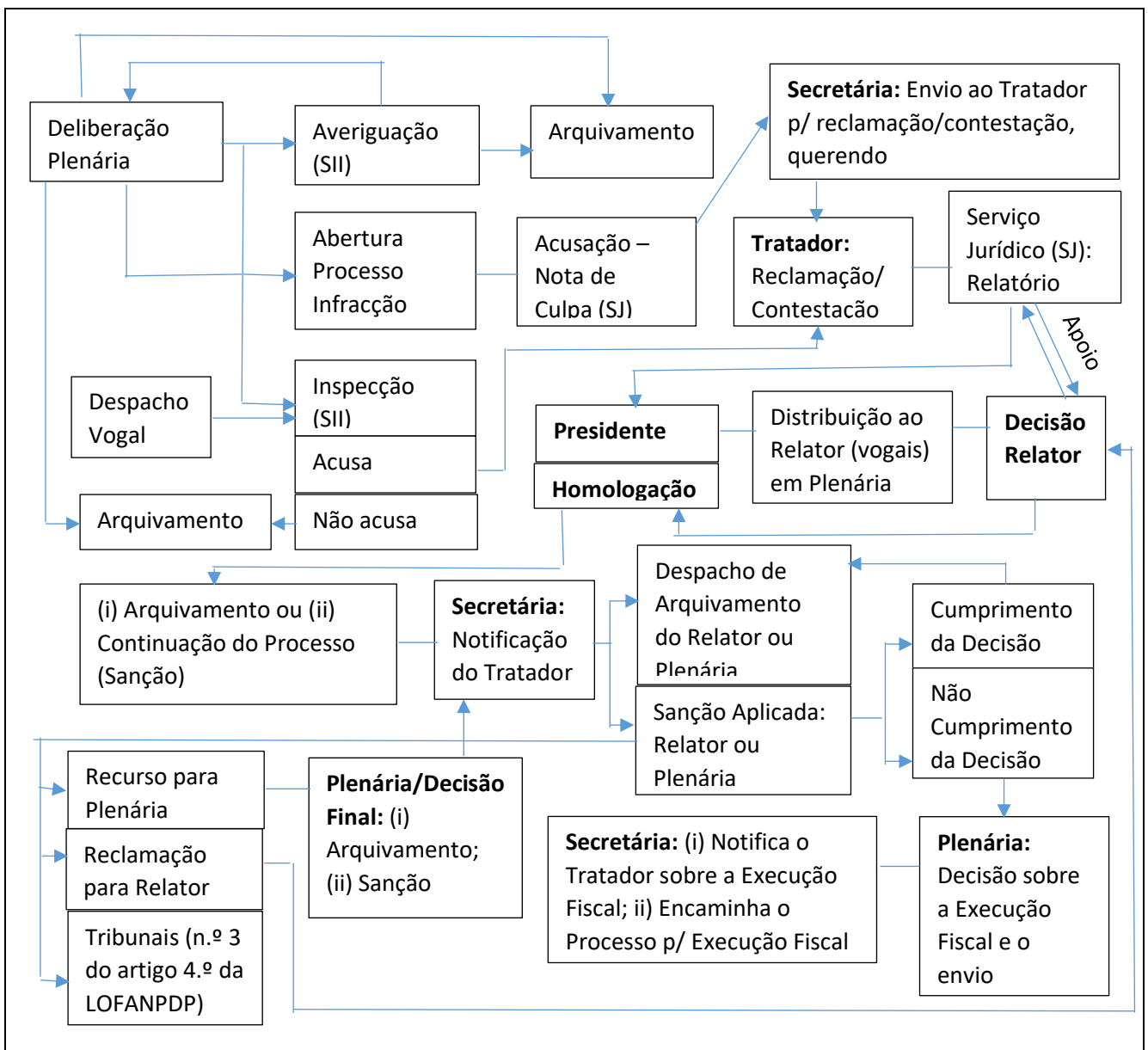
### **2 - Objectives**

It is intended, among others, that the System allows:

- a. Print greater effectiveness and efficiency in the management of processes and in the monitoring of stages, by Members and Secretary, by the Legal Service and by the SII, with different access levels.
- b. List pending, ongoing and definitively resolved cases.

- c. List the processes sent by the ANPDP to tax enforcement, or those in courts, at the initiative of the interested party, and follow up.
- d. Ensuring compliance with the legally established deadlines, which is why an alert system is needed for this purpose, but without blocking.
- e. Facilitate decision-making and file management of processes.

### 3 – Main Procedure Lines





## MODULE 3 - Complaint Process

### 1 - Framework

It is established in article 27 of the LPDP that *“without prejudice to the right to lodge a complaint with the National Agency for the Protection of Personal Data, any person may, under the terms of the law, resort to administrative or judicial means to guarantee compliance with the legal provisions and regulations on the protection of personal data.»*

With regard to complaints, Article 19 states that *“Complaints, grievances and petitions must be addressed in writing to the ANPDP, indicating the name and address of their authors, and confirmation of their identity may be required. The right of petition can be exercised by traditional or electronic mail, and other means of communication. When the question raised is not within the competence of the ANPDP, it must be forwarded to the competent entity, with information to the exponent. Manifestly unfounded complaints, grievances and petitions may be filed by the member of the Agency to whom the respective file has been distributed.»*

The aforementioned regulations aim to guarantee the right of holders in terms of protection of personal data in the event of a violation of their rights, the possibility of this right also being exercised through the courts not being excluded.

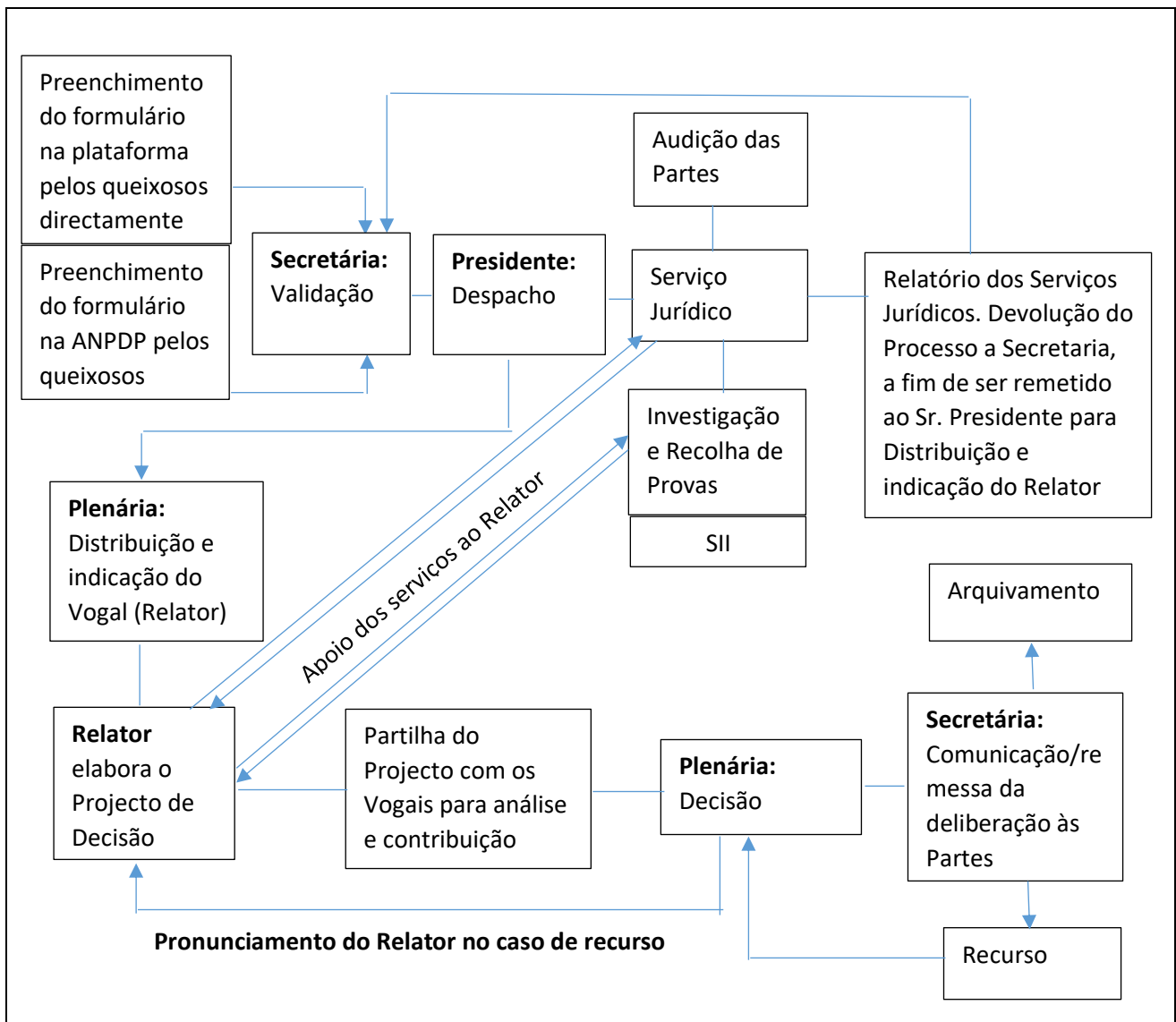
### 2 - Objectives

It is intended, among others, that the System allows:

- a. Registration and monitoring of all complaint processes.
- b. *Online* complaint registration , that is, on the ANPDP platform, which should be available on the ANPDP website.
- c. That the complainant can follow his process, in terms of processing, within the legally permitted, on the platform, through prior accreditation
- d. Print greater effectiveness and efficiency in the management of processes, control and follow-up.
- e. Production of statistical information.

- f. Dispatch of resolutions relating to the complaint electronically, whenever possible, that is, observing the rule of law.
- g. Requesting documents or evidence from the complainant or electronically endorsed.

### 3 – Main Processing Lines



## MODULE 4 – Process for issuing opinions and guidelines on the processing of personal data

### 1 - Background

Number 2 of article 3 of the LOFANPDP provides that *"the ANPDP must be consulted on any legal provisions, as well as on legal instruments being prepared in international institutions, regarding the processing of personal data."*

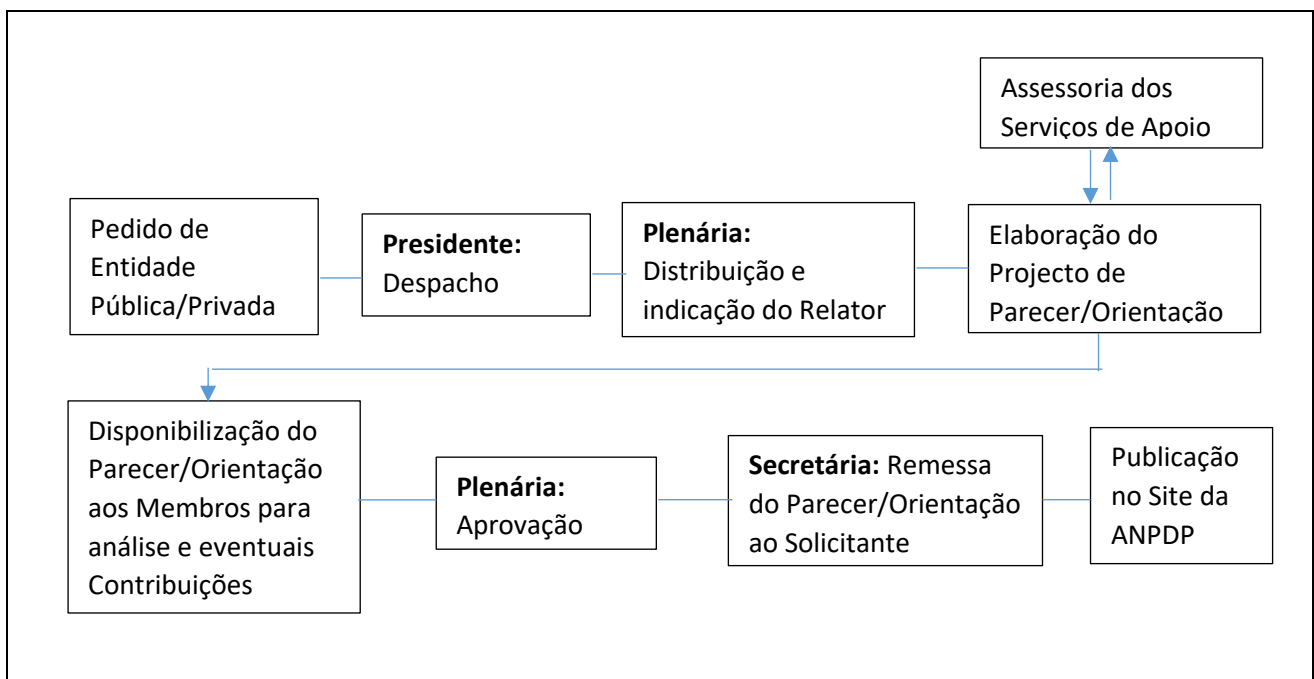
Hence, there are some requests that are received by the Agency for the purpose of issuing opinions, so that in organizational terms, the issuing of opinions has its own procedure, and each request for an opinion constitutes a process.

### 2 - Objectives

It is intended, among others, that the System allows:

- a. Registration of requests for opinions and follow-up of procedures efficiently and effectively.
- b. Registration and ordering of opinions issued and published, for cases where there is no legal prohibition.

### 3 - Main Processing Lines



## **MODULE 5 - Personnel management, payroll processing and payment of tax obligations**

### **1 - Background**

The ANPDP Staff Management is carried out based on the Staff Statutes of the National Assembly, under the terms of Law n.º 04/2007 – Organic Law of the National Assembly, amended by Laws n.ºs 06/2010 and 05/2013, having taking into account that the ANPDP, according to the LOFANPDP, is an independent entity that works with the National Assembly.

It should be noted that in everything that is not regulated in the Organic Law of the National Assembly regarding personnel, the National Assembly resorts to Law n.º 02/2018 - Civil Service Statute and, naturally, the Agency as well.

With regard to tax and social security obligations, the guiding diplomas are, respectively, Law no. 17/2008 - IRS and Law no. 01/90 – Social Security Law.

### **2 - Objectives**

It is intended, among others, that the System allows:

- a. Registration and provision of all information relating to the worker, as well as spouses, children, relatives, etc. (household under the terms of the Law).
- b. Management of the worker's individual process.
- c. Attendance and punctuality management, as important information for salary processing, performance evaluation, career management and seniority management.
- d. Generate individual salary processing and payment receipts.
- e. Interconnection of data relating to personnel expenses with the financial management module.
- f. Generate maps for the payment of tax and social security obligations.
- g. Generate statistical information on workers, such as length of service/seniority, gender, category and career, qualification, disciplinary processes, social benefits, training provided by the institution and respective teaching centers, remuneration and other benefits, etc.

### **3 – Main Procedure Lines**

Personnel management systems follow a worldwide standard procedure, which is not very different in the case of S. Tomé and Príncipe. Therefore, it will be up to the selected company to develop a tailor-made application, in accordance with what is internationally accepted and with the necessary adaptations to the legislative reality of S. Tomé and Príncipe.

## **MODULE 6 - Budget and Financial Management**

### **1 - Framework**

The System to be developed must be inspired, with necessary adaptations, in Law n.º 03/2007 – State Financial Administration Law (SAFE), which provides for the elaboration, execution and inspection of the General State Budget. The need for adaptations is justified by the size of the Agency, on the one hand, and, on the other, by the fact that it has financial autonomy, in accordance with the provisions of article 22 of the LOFANPDP, which also provides for the revenues of the ANPDP.

### **2 - Objectives**

It is intended, among others, that the System allows:

- a. Accounting entries (double entries).
- b. Observance of the phases foreseen in the Law related to the processing of expenses and revenue collection, with the guarantee of segregation of duties.
- c. More efficient and effective budgetary and financial execution, systematizing procedures.
- d. Generate budget and financial execution maps.
- e. Generate information on processes subject to payment or revenue collection.
- f. That payments be made through bank orders, in order to avoid the use of checks and cash.
- g. The allocation of expenses, authorization of expenses, settlement and payment authorization are made directly in the system, and each actor must have access levels and adequate permission (segregation of duties). The same must be applied in the case of revenues, as far as possible, particularly with regard to ANPDP's own revenues.

### **3 – Main Procedure Lines**

The budget and financial management systems follow a standard procedure at world level, which is not very different in the case of S. Tomé and Príncipe. Therefore, it will be up to the selected company to develop a tailor-made application, in accordance with what is internationally accepted and with the necessary adaptations to the legislative reality of S. Tomé and Príncipe. A good example to consider in this domain is the Ministry of Finance's SAFE system.

## **MODULE 7 - Administrative Management**

### **1 - Background**

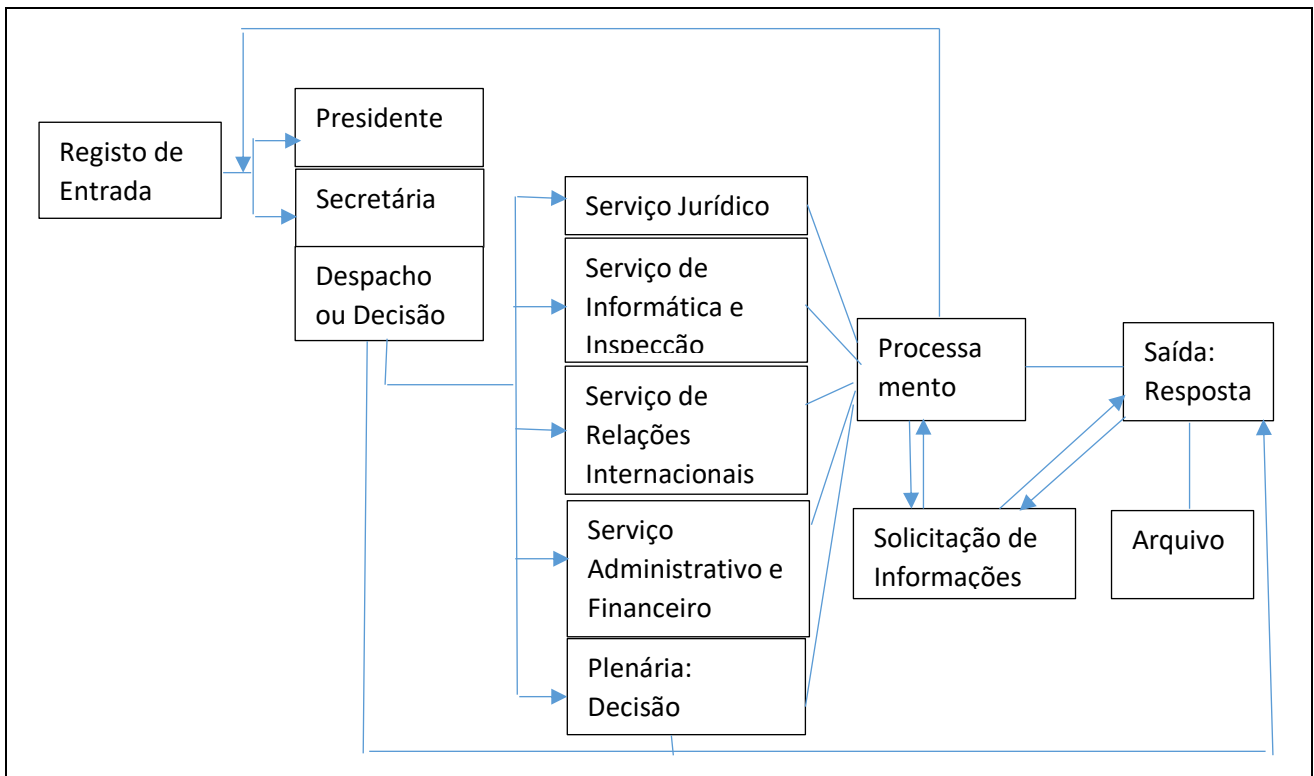
The matching loop is of utmost importance. Therefore, an application that responds to the need to record and monitor internal and external correspondence, that is, all the associated procedures up to the output or response, or even archiving, will be an added value.

## 2 - Objectives

It is intended, among others, that the System allows:

- Avoid missing correspondence.
- Generate information on the processing of correspondence.
- Efficient and effective management of the correspondence circuit, including the file.

## 3 – Main Procedure Lines



## MODULE 8 – ANPDP website

The current website of the ANPDP is [www.anpdp.st](http://www.anpdp.st)., developed by the ANPDP Affine Service. However, this will not correspond to the Agency's expectations, taking into account the new dynamics that are intended to be introduced, namely in terms of greater interaction with the personal data handlers, resulting from the implementation of the ANPDP's integrated information management system.

As described in Chapter II, the ANPDP, among the Modules that it conceives, develops and implements, 3 (three), detailed below, must have a public aspect, on the Agency's Website, with the necessary security, so that the handlers and holders of personal data can interact with the Agency:

1. Process Management System for the issuance of Registration or Authorization of Processing of personal data.
2. Complaint Process Management System.
3. Management System for the Issuance of Opinions on the processing of personal data.

In addition to the need for interaction between the ANPDP and the controllers and holders of personal data through the aforementioned Systems, the new ANPDP Website, whose address must be the same, should allow, on the one hand, more and better interaction with the controllers and holders of personal data, allowing them to be sent to the Agency, in case of doubts, issues of interest and, on the other hand, greater ease in the management of news, information, videos, photos, etc.

**It is therefore intended to design and develop a new Agency website to meet the new requirements, replacing the current one, which will use the same address and without deviating too much from the current design .**

## V - TECHNOLOGICAL INFRASTRUCTURE

ANPDP will provide the following technological infrastructure on which the system must be developed, implemented and operated:

- The development environment will consist of servers, software, services and storage, for the system to be developed and tested.
- The operating environment will consist of servers, software, services and storage for the system to function and be available to end users.

Accommodation will be provided in Sao Tome and Principe.

The programming languages, database manager, development tools and other technological solutions that will be used for the development and management of the project will be defined in the planning and design phase of the system, and must follow the technological policy of the Government of São Tomé and Prince.

## VI - REQUIRED PROFILE AND EXPERIENCE

For the firm that wishes to compete for the development of the Integrated Management System of the National Agency for the Protection of Personal Data, it is expected that it has the appropriate profile and experience to successfully design, develop and implement the ANPDP System.

Therefore, you must prove that you hold, on the one hand:

1. **Experience** in development projects of integrated management systems or systems related to the protection of personal data, as well as a set of technical skills relevant to the development of these systems.
2. **knowledge** of data protection laws and regulations and applicable national legislation. This includes understanding the principles of privacy, information security and proper handling of personal data. It also includes knowledge in systems architecture, software development, databases, networks and other related technological aspects.
3. **Ability to manage projects and deliver** projects on time and within budget.
4. **resources** to develop the system effectively, which means having a qualified technical team, technological infrastructure, access to relevant technologies, among other resources necessary for the development of the systems.

And, on the other hand, comply with legal requirements, that is, comply with all applicable laws and regulations related to the protection of personal data, tax and social security obligations, among others.

Note that the selected firm must be able to interact with the ANPDP team in Portuguese. Additionally, all training, documentation, manuals and others must be delivered in Portuguese.

## VII - PROFILE AND EXPERIENCE OF THE TECHNICAL TEAM

The technical team natural or legal person to be hired must integrate the technical profiles listed below, with at least 5 years of proven experience in similar activities. The Core Team should consist of 4 key experts being Team Leader, Requirements Analyst, Database Specialist and Software Developer. Additionally, the firm may integrate other non-key experts according to the profiles listed below and as deemed necessary.

1. **Team Leader or Project Director** : The project must be led by a project manager who must have proven experience in developing two similar software projects.
2. **Requirements analysts**: Team members who are able to gather and analyze system requirements, translating user needs into specific features. They must have



communication skills and understanding of the processing of personal data protection processes.

3. **Database specialists:** Professionals with experience in designing and managing databases, ensuring the efficiency and integrity of stored data. Have knowledge in relational or non-relational database technologies, depending on the specific needs of the ANPDP.
4. **Software Developers:** Programmers with skills in the programming languages that will be adopted in system development and experience with application development tools such as version control and automated testing software. They will be responsible for implementing the necessary functionalities in the system, guaranteeing its stability and performance.
5. **Data protection specialist:** Team members who have specialized knowledge of personal data protection laws and regulations, among other applicable national and international legislation. They must understand legal requirements and best practices for data protection and privacy.
6. **System architect:** Professionals with experience in designing information systems, defining functional and non-functional technical requirements and planning the technological infrastructure needed to implement the system. They must be able to design the general architecture of the system, ensuring its scalability, security and interoperability with other existing systems.
7. **Information security specialists:** Professionals with knowledge of information security practices, including encryption, authentication, access control and risk management. They must ensure that the system is adequately protected against internal and external threats.
8. **Usability and user interface specialists:** Professionals who can design an intuitive and user-friendly user interface, taking into account the needs of end users and ensuring a positive user experience.

The project manager is expected to plan face-to-face missions to São Tomé Príncipe in each quarter of the project's execution, and key experts may also carry out face-to-face missions to address specific topics of the different phases, including testing, implementation and user training.

The contractor must submit a work plan in which the work regime is defined, onsite and/or remote, which must be approved by the ANPDP.

## VIII - Payment

Payment for this consultancy will be based on delivery by the consultant, verification and approval of each module by the ANPDP. Alternatively, and with the approval of the ANPDP, other payment methods may be negotiated and defined.