



OFFICE OF THE DATA PROTECTION COMMISSIONER

AUGUST, 2023

ADDENDUM NO.: 1

**ODPC/PREQ/01/2023-2024
DATA PROTECTION TRAINING AND DATA PROTECTION COMPLIANCE AUDIT
ACCREDITATION**

The Office of the Data Protection Commissioner (ODPC) hereby clarifies/amends the above-mentioned registration document as follows: -

#	BIDDERS QUERY/SECTION REFERENCE	RESPONSE FROM ODPC
1.	<p>Request for Clarification: Can you clarify what you mean by a program for 12 months. Are we to provide a programme for specific organisation or industry body over a period of 12 months or provide a programme of courses to be delivered during the 12-month period of accreditation. We note that one of the requirements is to provide a Proposed Training Program on Data Protection for a period of one (1) year. Specify Intended format that the training program should conform to In light of the above, we cannot discern from the tender document who the training targets will be, would this then mean that the training services would be provided throughout the year</p>	<p>ODPC hereby responds as follows; The proposed training programme relates to courses that will be delivered during the 12-month period of accreditation relating to Data Protection</p>
2.	<p>Request for Clarification: We are a company registered outside Kenya but wish to go into a joint venture with a Kenya Company who is registered as data controller to submit a tender. Do we need to register as a controller as well as the original company?</p>	<p>ODPC hereby responds as follows; All potential candidates participating as individual firms or Joint Ventures must be registered as Data Controllers/Processors in Kenya</p>

3.	<p>Request for Clarification: We note on Section III (Qualification Criteria and Registration) number 10 that a valid trading licence from the relevant county government should be attached. Nitram Accountants - Africa being an ICPAK licenced firm is not required to have a trading licence as it's issued by ICPAK both for the firm and practicing partner.</p>	<p>ODPC hereby responds as follows; Criteria no. 10 does not apply for firms providing professional services that are regulated by an Act of Parliament</p>																
4.	<p>Request for Clarification: We are also experiencing server error 403 in registering with the Office Of the Data Protection Commissioner as required under item 3 of the application. Please guide if this goes beyond the deadline of submission.</p>	<p>ODPC hereby responds as follows; ODPC hereby extends the tender submission timeline according to the dates and time indicated below; Date: 24th August 2023 Time: 1030hrs (East Africa Time)</p>																
5.	<p>SECTION III – QUALIFICATION CRITERIA AND REQUIREMENTS</p> <p>Below is the initial criteria</p> <table border="1" data-bbox="309 1077 868 2197"> <thead> <tr> <th data-bbox="309 1077 475 1160">Criteria No.</th> <th data-bbox="475 1077 868 1160">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="309 1160 475 1621">3</td> <td data-bbox="475 1160 868 1621">Valid Certificate of Registration as a Data Controller or Data Processor with the Office of the Data Protection Commissioner</td> </tr> <tr> <td data-bbox="309 1621 475 2123">6</td> <td data-bbox="475 1621 868 2123">Accreditation by National Industrial Training Authority (NITA) – provide valid registration certificate</td> </tr> <tr> <td data-bbox="309 2123 475 2197">10</td> <td data-bbox="475 2123 868 2197">Valid Trading Licence from the relevant County</td> </tr> </tbody> </table>	Criteria No.	Description	3	Valid Certificate of Registration as a Data Controller or Data Processor with the Office of the Data Protection Commissioner	6	Accreditation by National Industrial Training Authority (NITA) – provide valid registration certificate	10	Valid Trading Licence from the relevant County	<p>ODPC hereby makes the following amendments to the criteria;</p> <table border="1" data-bbox="904 1064 1425 2186"> <thead> <tr> <th data-bbox="904 1064 1066 1146">Criteria No.</th> <th data-bbox="1066 1064 1425 1146">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="904 1146 1066 1720">3</td> <td data-bbox="1066 1146 1425 1720">Valid Certificate of Registration as a Data Controller or Data Processor with the Office of the Data Protection Commissioner or proof of payment application as a Data Controller or Data Processor in the form of an invoice for the requisite application fee</td> </tr> <tr> <td data-bbox="904 1720 1066 2107">6</td> <td data-bbox="1066 1720 1425 2107">Accreditation by National Industrial Training Authority (NITA) – provide valid registration certificate or proof of payment to NITA for accreditation in form of a receipt of payment</td> </tr> <tr> <td data-bbox="904 2107 1066 2186">10</td> <td data-bbox="1066 2107 1425 2186">Criteria no. 10 does not apply for firms</td> </tr> </tbody> </table>	Criteria No.	Description	3	Valid Certificate of Registration as a Data Controller or Data Processor with the Office of the Data Protection Commissioner or proof of payment application as a Data Controller or Data Processor in the form of an invoice for the requisite application fee	6	Accreditation by National Industrial Training Authority (NITA) – provide valid registration certificate or proof of payment to NITA for accreditation in form of a receipt of payment	10	Criteria no. 10 does not apply for firms
Criteria No.	Description																	
3	Valid Certificate of Registration as a Data Controller or Data Processor with the Office of the Data Protection Commissioner																	
6	Accreditation by National Industrial Training Authority (NITA) – provide valid registration certificate																	
10	Valid Trading Licence from the relevant County																	
Criteria No.	Description																	
3	Valid Certificate of Registration as a Data Controller or Data Processor with the Office of the Data Protection Commissioner or proof of payment application as a Data Controller or Data Processor in the form of an invoice for the requisite application fee																	
6	Accreditation by National Industrial Training Authority (NITA) – provide valid registration certificate or proof of payment to NITA for accreditation in form of a receipt of payment																	
10	Criteria no. 10 does not apply for firms																	

		Government		providing professional services that are regulated by an Act of Parliament
	11	Copy of CR-12 issued within the last 6 months from the date of tender opening	11	Copy of CR-12 issued within the last 6 months from the date of tender opening or copy of CR-13 issued within the last 6 months for partnerships or ID cards for sole proprietorships

Except as clarified herein, all the other terms and details of the tender document remain the same.

DATA COMMISSIONER
OFFICE OF THE DATA PROTECTION COMMISSIONER