Request for Proposal (RFP)

Consultant for Data Privacy and Consumer Protection Regulations Globally

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Background

The EU General Data Protection Regulation (GDPR) is a legal framework that sets guidelines for the collection and processing of personal information of EU residents and came into effect May 25, 2018. The aim of the GDPR is to protect the data privacy of EU residents in today's data-driven world.

The data privacy movement has experienced rapid expansion in recent years, with regulations such as the EU's General Data Protection Regulation (GDPR) and the California Consumer Privacy Act (CCPA) leading the charge. Several US firms have predicted that in 2022-2023 half of the planet's population personal data will fall under a regulation which mirrors GDPR.

Brazil's LGPD is the largest data privacy regulation in the world after GDPR and CCPA (California Consumer Privacy Act). There are approximately sixteen other countries with GDPR-inspired data privacy laws. This list of countries implementing data protection laws continues to grow, further complicating the landscape, as data laws slightly differ from county to country.

The attached PDF (see exhibit 1) shows the privacy legislation that has passed in California, Colorado, and Virginia. There are nine other states with active bills still pending. Each state's legislation is different, complicating compliance.

At the Society for Neuroscience (SfN), we collect and process personal data from members in ninety plus countries and share this data with vendors/third-party for outsourced activities as necessary. Based on our interpretations of the regulations internally, SfN has implemented certain steps towards being compliant. However, given the ongoing interpretation of the regulations / clarifications in the public domain, the passing of complex and confusing state privacy regulations is matter SfN needs examined de-novo from an external perspective.

Organizational Information

The Society for Neuroscience (SfN) is the world's largest organization of scientists and physicians devoted to advancing the understanding of the brain and nervous system. A membership society founded in 1969, SfN has grown to serve nearly 36,000 members in 90 plus countries. SfN promotes scientific exchange through its annual meeting, which attracts more than 26,000 attendees from around the globe, its two journals, *JNeurosci* and *eNeuro*. SfN also supports the neuroscience community through professional development programming and is dedicated to sharing the excitement and progress of scientific discovery through public information and outreach. SfN advocates strongly for policies that advance science and improve health, such as robust federal research investments and the responsible use of animals in research.

Key Dates

Activity	Date
RFP Release Date	**January 3, 2022**
Vendors to Submit Questions / RFP Clarifications	**January 3rd – January 28th**
RFP Response Deadline	**February 11, 2022**
Selection/Award	**TBD**

Scope of Services

- Conduct Gap Assessment & report demonstrating SfN's current, desired vs. existing data privacy and consumer protection law compliance. The analysis must differentiate between what is required legally and what SfN should implement as a best practice, and the ramification for failing to implement the suggestions.
- Based on Applicability / Gap Assessment, prepare a detailed recommendation roadmap for remediation of any identified gaps in compliance with the requirements of data privacy and consumer protection laws applicable to SfN's activities and operations.
- Review and analysis of contractual relationships with third-party vendors who process personal data on behalf of SfN and the identification of any gaps in compliance with the requirements of any current or future data privacy and consumer protection laws. Advise on suitable clauses to be added to the contracts.
- Review SfN's current IT set up / architecture/ applications and security controls and recommend controls that need to be implemented to make application's data privacy and consumer protection law compliant / prevention of data breach.
- Provide expert opinion, guidance, and best practices for Consent handling / Opt-ins. This might include performing a scan of SfN websites and integrations and interviewing staff. SfN needs some "expert" back-up on what we can and cannot do as it relates to prospects marketing. The report should provide a roadmap with actionable items of how to become compliant, in areas we are not.
- Propose revisions to SfN's Privacy Policy based on new standards.

Other Considerations:

The vendor should document their experience related to data privacy and consumer protection laws compliance work in the nonprofit vertical market.

RFP Submission Requirements:

All prospective bidders must complete the following steps:

1. A breakdown of tasks, their level of effort and cost per activity.
2. A total cost of project.
    a. Cost should not include taxes as SfN is tax exempt.
3. Submit company documentation including but not exclusively:
    a. Data privacy and consumer protection compliance experience
    b. Key personnel bio's and experience
4. Exp0lination of project implementation method.
5. References of current clients.

Criteria for Selection:
The evaluation of each response to this RFP will be based on the requirements set out in this solicitation and addenda thereto. At the sole discretion of SfN, SfN may select the top proposals for follow-up questions or to provide a presentation.

The following weighting points will be assigned to the proposal for evaluation:

Experience of the experts/company	20%	20 Points
Clarity of project method and plan	55%	55 Points
Price for services and deliverables	20%	20 Points
References	5%	5 Points
Total		**100 Points**

SfN reserves the right to award the contract to the organizations whose proposal is deemed to be in the best interest of SfN.

SfN will not award a contract to any bidder where there is a lack of business integrity.

Supplier Questions
Questions may be e-mailed to SfN Procurement Manager Matthew Monthei: mmonthei@sfn.org. Written questions should be directly tied to the RFP by the supplier. Questions should be asked in constructive order, from beginning to end, following the organization of the RFP. Each question should begin by referencing the RFP page and section number to which it relates.

NOTE: Registered bidders are NOT to contact any SfN associate directly without first clearing it with the Procurement Manager. You can contact the Procurement Manager at 202-962-4011. Anyone caught violating this rule risks being eliminated from the RFP process.

Submission
Interested candidates should provide a proposal to mmonthei@sfn.org by 5 pm EST February 11, 2022.

General Information

- The Request for Proposal is not abd shall not be considered an offer by SfN.
- All responses must be received by the date and time indicated herein.
- All awards will be subject to SfN's contractual terms and conditions.
- Neither SfN nor its representatives shall be liable for any expenses a bidder incurs in connection with preparation of a response to this RFP. Applicants should prepare their proposals simply and economically, providing a straightforward and concise description of the bidder's ability to meet the requirements of this RFP.
- Issuing this RFP does not commit SfN to award a contract, to pay any costs incurred in preparing a proposal in response to this request, or to procure the requested services.
- SfN reserves the right to reject any or all the RFP applications submitted in response to this solicitation, because of the lack of responsiveness, changes in SfN's operating objectives, lack of funding, or for any reason determined by SfN and at the sole discretion of SfN.
- All information provided by SfN in the RFP, or in response to questions, is offered in good faith. Requirements are subject to change any time, and SfN will provide all bidders with notification of any changes.

- Gratuity Prohibition: Vendors shall not offer any gratuities, favors, or anything of monetary value to any associate at SfN to influence consideration of this proposal. If a SfN associate solicits a gratuity, the vendor must inform SfN's CFO.

US State Privacy Legislation Tracker

Bills introduced 2021

State	Legislative Process	Statute/Bill (Hyperlinks)	Common Name	Consumer Rights: Right of Access	Right of Rectification	Right of Deletion	Right of Restriction	Right of Portability	Right of Opt-Out	Right Against Automated Decision Making	Private Right of Action	Business Obligations: Opt-in requirement age	Notice/Transparency Requirement	Risk Assessments	Prohibition on Discrimination (exercising rights)	Purpose/Processing Limitation
LAWS PASSED (TO DATE)																
California		**CCPA**	**California Consumer Privacy Act (2018; effective Jan. 1, 2020)**	**x**		**x**		**x**	**x**		**L**	**16**	**x**			**x**
California [I]		**Proposition 24**	**California Privacy Rights Act (2020; effective Jan. 1, 2023)**	**x**	**x**	**x**	**x**	**x**	**x**	**x**	**L**	**16**	**x**	**x**	**x**	**x**
Colorado		**SB 190**		**x**	**x**	**x**		**x**	**x**	**x~**		**s**	**x**	**x**	**x**	**x**
Virginia		**SB 1392**	***Consumer Data Protection Act**	**x**	**x**	**x**		**x**	**x**	**x**		**13**	**x**	**x**	**x**	**x**
ACTIVE BILLS																
Massachusetts		SD 1726	Massachusetts Information Privacy Act	x	x	x	x	x	in	x	x	all	x		x	x
Minnesota		HF 1492	Minnesota Consumer Data Privacy Act	x	x	x		x	x	x		s	x	x	x	x
New York		A 680	New York Privacy Act	x	x	x	x	x	in	x	x		x			x
New York		S 6701	New York Privacy Act	x	x	x	x	x	in	x	x		x			x
New York [II]		A 6042	Digital Fairness Act	x		x		x	in	x	x	all	x	a	x	x
New York [II]		SB 567		x			x		x		x	x	x		x	
North Carolina		SB 569	Consumer Privacy Act	x	x	x		x	x	x~	x	s	x	x	x	x
Ohio		HB 376	Ohio Personal Privacy Act	x		x		x	x			13	x		x	x
Pennsylvania		HB 1126		x		x			x		L	16	x		x	
FAILED BILLS																
~~Alabama~~		~~HB 216~~	~~Alabama Consumer Privacy Act~~	~~x~~		~~x~~		~~x~~	~~x~~			~~18~~	~~x~~		~~x~~	~~x~~
~~Alaska~~		~~SB 116~~	~~Consumer Data Privacy Act~~	~~x~~		~~x~~		~~x~~	~~x~~			~~18~~	~~x~~		~~x~~	~~x~~
~~Arizona~~		~~HB 2865~~		~~x~~	~~x~~	~~x~~	~~x~~	~~x~~		~~x~~			~~x~~	~~u~~		~~x~~
~~Connecticut~~		~~SB 893~~		~~x~~	~~x~~	~~x~~		~~x~~	~~x~~				~~x~~	~~x~~	~~x~~	~~x~~
~~Florida~~		~~SB 1734~~	~~Florida Privacy Protection Act~~	~~x~~	~~x~~	~~x~~			~~x~~	~~x~~		~~18~~	~~x~~		~~x~~	
~~Florida~~		~~HB 969~~		~~x~~	~~x~~	~~x~~		~~x~~	~~x~~		~~x~~	~~16~~	~~x~~		~~x~~	~~x~~
~~Illinois~~		~~HB 3910~~	~~Consumer Privacy Act~~	~~x~~		~~x~~		~~x~~	~~x~~			~~18~~	~~x~~	~~x~~	~~x~~	~~x~~
~~Kentucky~~		~~HB 408~~							~~x~~			~~16~~	~~x~~		~~x~~	
~~Maryland~~		~~SB 0930~~	~~Maryland Online Consumer Protection Act~~	~~x~~		~~x~~		~~x~~	~~x~~				~~x~~		~~x~~	
~~Minnesota~~		~~HF 36~~		~~x~~		~~x~~		~~x~~	~~x~~		~~x~~	~~x~~	~~x~~		~~x~~	
~~Mississippi~~		~~SB 2612~~	~~Mississippi Consumer Privacy Act~~	~~x~~		~~x~~			~~x~~		~~x~~	~~x~~	~~x~~		~~x~~	
~~North Dakota~~		~~HB 1330~~							~~in~~		~~x~~		~~x~~			
~~Oklahoma~~		~~HB 1602~~	~~Oklahoma Computer Data Privacy Act~~	~~x~~		~~x~~			~~x~~			~~all~~	~~x~~		~~x~~	
~~Texas~~		~~HB 3741~~		~~x~~	~~x~~	~~x~~		~~x~~					~~x~~			~~x~~
~~Utah~~		~~SB 200~~	~~Consumer Privacy Act~~	~~x~~	~~x~~	~~x~~		~~x~~	~~x~~	~~x~~		~~s~~	~~x~~	~~x~~	~~x~~	~~x~~
~~Washington~~		~~SB 5062~~	~~Washington Privacy Act 2021~~	~~x~~	~~x~~	~~x~~		~~x~~	~~x~~	~~x~~		~~x~~	~~x~~	~~x~~	~~x~~	~~x~~
~~Washington~~		~~HB 1433~~	~~People's Privacy Act~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~in~~		~~x~~	~~x~~	~~x~~		~~x~~	~~x~~
~~West Virginia~~		~~HF 3159~~		~~x~~	~~x~~	~~x~~		~~x~~	~~x~~		~~x~~	~~16~~			~~x~~	~~x~~

In Session: all above states

Legislative Process: Introduced | In Committee | Crossed Chamber | Cross Committee | Passed | Signed

Bold - passed law

~~Strikethrough - bill died in committee or postponed~~

* Continued to 2021 Special Session

L - private right of action for security violations only
in - opt-in consent requirement
p - prohibition without consent
u - unclear
s - opt-in requirement for all sensitive data
a - risk assesment limited to impact of automated decisions
~ - right to opt out of certain automated decisionmaking

[I] California Privacy Rights Act's right of restriction/limitation is only applicable to sensitive personal data

[II] Companion bills introduced at different time during legislative session

Legislative Process: Introduced > In Committee > Crossed Chamber > Cross Committee > Passed > Signed

Further information and most recent version of the IAPP's US State Comprehensive Privacy Law Comparison can be found here.

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Last updated: 9/16/2021