

Data Protection and Privacy in the UAE



By Anthony Garrod and Ben Smith

Data protection and privacy are important considerations for all businesses. Failing to treat personal information in accordance with legislative requirements and best practice can have an adverse effect on a company's reputation, its employees and its customers.

Specific data protection regimes are now in place in many jurisdictions. Awareness of the implications of data protection and privacy issues is increasing around the globe, including in the Middle East, where there have been a number of related developments in recent months.

This article provides a brief overview of data protection and privacy in the UAE.

UAE

The UAE does not have a specific data protection law. There are, however, a number of provisions in a number of different laws that relate to data protection and privacy.

The principle of a right to privacy of personal information is enshrined in the UAE Constitution and arises again in a number of different UAE laws.

Under the UAE Penal Code, the primary source of criminal law in the UAE, it is an offence to publish news, pictures or comments relating to the secrets of a person's private or family life or to use another person's 'secret' for your own, or someone else's, advantage without the consent of the person to whom the 'secret' relates.

Circumstances in which electronic personal information may be accessed or disclosed is also restricted by a number of laws in the UAE.

Further, the UAE Labour Law, the primary source of employment law in the UAE, places obligations on employers in relation to the information that they must maintain in respect of their employees.

In recent months, legislation relating to credit information has also been passed in the UAE. This legislation contains a number of provisions in respect of data protection and privacy issues that relate to the collection, storage and processing of personal credit information.

Although there is no specific data protection law in the UAE, it is important that companies operating in the UAE are aware of, and comply with, their obligations in the UAE in respect of data protection and privacy issues and that they have adequate policies and procedures in place to protect themselves and the personal information in their possession. Companies in the UAE should also be aware of the implications of data protection legislation applicable in jurisdictions outside the UAE, which may affect the cross-border transfer of personal information. It has been reported that comprehensive legislation relating to data protection in the UAE may be implemented in the near future.

Free Zones

The UAE has a number of Free Zones in which specific regulations and procedures apply. Free Zone Authorities are responsible for enacting and enforcing the Free Zone legislation applicable within UAE Free Zones. The laws relating to data protection in UAE Free Zones can, in some cases, differ from those applicable elsewhere in the UAE. Most notably, the Dubai International Financial Centre Authority and the Dubai Healthcare City Authority have enacted comprehensive data protection frameworks, which place a number of obligations on companies located within those Free Zones.

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