

Data Protection in Qatar

By Michael Earley



Qatar currently does not have a specific dedicated body of legislation addressing matters of data protection and privacy. Instead, Qatar's data protection and privacy regime is comprised of a variety of provisions found in other laws such as the Penal Code, the Trade Secrets Law, the Qatar Constitution, the Telecommunications Law, the Labour Law, the Qatar banking regulations issued by the Qatar Central Bank (QCB), and most recently the E-Commerce Law.

Although compliance with these varying data protection and privacy requirements presents a challenge in the absence of a single unified body of legislation, failing to comply with the requirements can lead to financial sanctions and even imprisonment.

The following are examples of the various legislative sources relating to data protection and privacy.

The Qatari Constitution provides that an individual's privacy must be respected. Furthermore, it provides that an individual may not have his or her privacy, family affairs, residence and/or correspondence, honour and/or reputation interfered with unless specifically provided for by Qatar laws and only then as stipulated by the same laws, eg. searching a house where a crime is suspected.

The provisions of the Penal Code make it an offence for an individual to disclose secret or confidential information entrusted to him or her by virtue of their position or job. Although the terms 'secret' and 'confidential' are not specifically defined in the law, it is reasonable to assume that information acquired by virtue of one's position in the company, and to which a person would not normally be privy, would constitute such information.

The Trade Secrets Law gives certain rights to the owner of a 'Trade Secret', such as the right to dispose, protect, and prohibit any person from misusing it. According to the Trade Secrets Law, a 'Trade Secret' is defined as:

- (i) The secret information in its entirety, or information relating to form and assembly of the information's component parts,

- which are usually not known or not easily accessible for any person who usually deals with such kind of information;
- (ii) information which derives its commercial value from it being secret; and
- (iii) information which relies on the efficient measures taken by its possessor to protect it.

The Qatar banking regulations provide that customer information held by banks, financial institutions and investment companies is to be treated as confidential, and that there should be no unauthorised disclosure of such information to third parties without the agreement of the customer.

The Labour Law provides that an employee has an obligation of non-disclosure with respect to any confidential information or secrets of the employer. It is permissible pursuant to the provisions of the Labour Law to dismiss an employee without notice and without payment of the end of service gratuity if the employee discloses confidential information or secrets of the employer.

The Telecoms Law requires service providers to operate their telecommunications networks, facilities and related systems with due regard for the privacy rights of their customers, and holds the service providers responsible for protecting customer data in their custody. The law also prohibits service providers from collecting, using, retaining or advertising any customer information unless the customer's approval has been obtained.

Similar to the Telecoms Law, the recent E-Commerce Law requires service providers to specify the purpose of collecting customer data, and prohibits the providers from collecting, using, retaining, or disclosing a customer's personal information unless authorised by the customer, or in accordance with the law. Furthermore, service providers are liable for the personal customer records in their or their agents' custody.

All Qatari Laws (save for those issued by the Qatar Financial Centre (QFC) to regulate its own business) are issued in Arabic and there are no official translations, therefore for the purposes of drafting this article we have used our own translation and interpreted the same in the context of Qatari regulation and current market practice.

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