

Are You DIFC Data Protection Law Compliant?

In the era of increased globalisation, rapid technological growth, and especially in a post-COVID environment, data is becoming more and more valuable and technological platforms are heavily leveraged at a global scale. Digital platforms are designed for users to share their personal information for almost all online activities, and businesses of all sectors and sizes use data to further enhance their processes and to better understand their markets.

However, and despite this positive shift in the way we do things and how businesses can operate, there is a concerning amount of non-compliance when it comes to some businesses accessing and using personal data.

To help manage this risk and to protect user rights, data protections laws are created and enforced in order to make sure information is used fairly, lawfully and transparently.

Summary

The Dubai International Financial Centre ("DIFC") issued a new Data Protection Law on July 1st, 2020. The DIFC announced that there will be a grace period until 1st of October 2020 to comply with the Law.

Organisations have a window of 3 months from now to review their data protection and processing activities and implement the latest compliance measures.

Our Understanding of DIFC Data Protection Law

The DIFC Data Protection Law prescribes rules and regulations regarding the collection, handling, disclosure and use of personal data in the DIFC, the rights of individuals to whom the personal data relates and the power of the Commissioner of Data Protection in performing their duties in respect of matters related to the processing of personal data as well as the administration and application of the Data Protection Law.

DIFC's data protection regime is in line with global data protection and data privacy standards, including Europe's General Data Protection Regulation and the California Consumer Privacy Act.

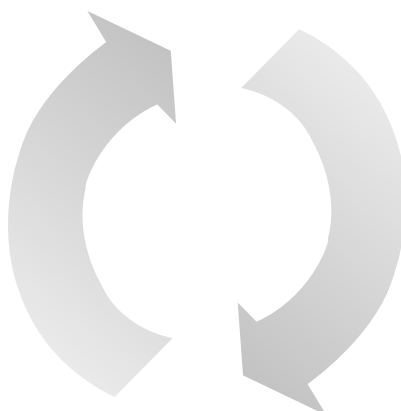
The graphic below details the activities to be performed by the organisation to ensure compliance to the new DATA PROTECTION LAW.



Applicability

Application of the Law

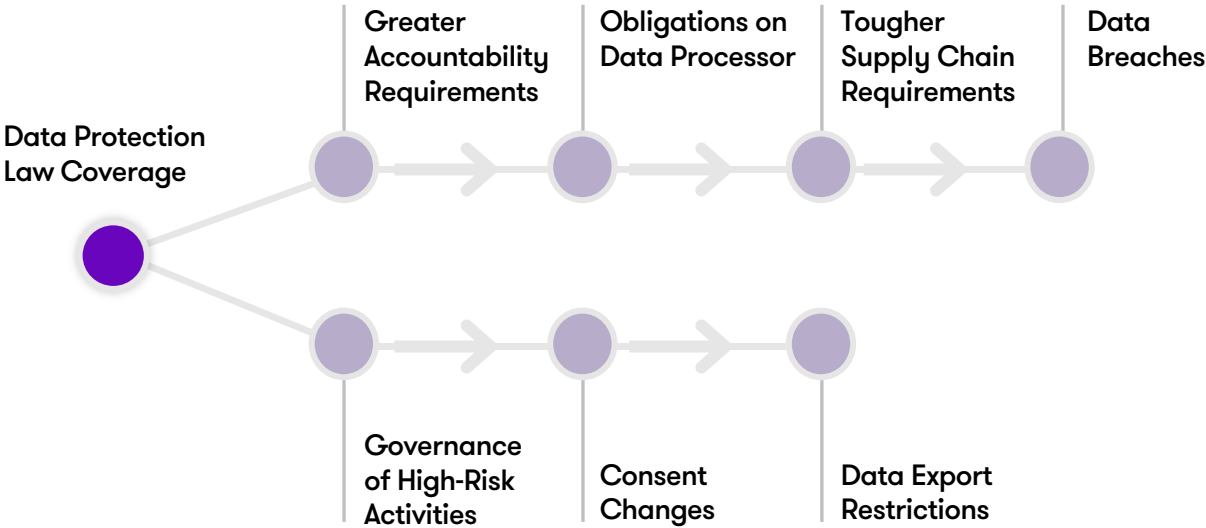
- ✓ This Law applies to the processing of Personal Data by automated means; and other than by automated means where the Personal Data forms part of a filing system or is intended to form part of a filing system.
- ✓ This Law applies to the processing of Personal Data by a Controller or Processor incorporated in the DIFC, regardless of whether the processing takes place in the DIFC or not.



Non-Application of the Law

- ✓ This Law does not apply to the processing of Personal Data by natural persons during a purely personal or household activity that has no connection to a commercial purpose.

Coverage



Key Factors of the New Data Protection Law

<div>1 - Governance</div> <div>Appointment of a Data Protection Officer (“DPO”) and Preparation of Data Breach / Security Incident Policy and Procedures. Only those undertaking high-risk processing activities, as defined in the law, will be obligated to appoint a DPO.</div>	<div>2 - Consent</div> <div>Clear and affirmative consent must be provided before data can be processed: individuals whose data is processed must also be informed of their right to withdraw consent and how to do so.</div>	<div>3 – Individual Rights</div> <div>Upgraded rights for individuals whose personal data is collected: following the “right to be forgotten” feature of the Data Protection Law, the New Data Protection Law provides clear rights to individuals including provisions addressing discrimination and how individuals can effectively exercise these new rights.</div>
<div>4 – Written Records</div> <div>Written record of data that is processed: the processing of any data by a DIFC entity must now be recorded in writing up to a minimum standard set out in the New Data Protection Law</div>	<div>5 – Breach Framework</div> <div>Framework for data breaches: entities in the DIFC now have an updated regime to follow in the event of a data breach</div>	<div>6 – Sharing & Export</div> <div>Data sharing and data export: enhancing the previous regime, the New Data Protection Law allows for a mechanism to determine whether a transfer to a particular jurisdiction will meet the “adequate level of protection” test.</div>

How we can help



The Grant Thornton team offers **Data Management and Compliance Assessment Services** which will ensure you to comply with the new DIFC Data Protection Law. The team has significant experience in helping our clients understand the data privacy and protection environment and ensure that they are aligned with the relevant local and global laws and regulations.

Our Approach

Our approach to assisting organisations affected by the DIFC DP Law is outlined below and can be tailored to meet your needs.

Basic steps include:

Current State Assessment

- Conduct gap assessment based on the Data Protection law to identify gaps and remediation pathways.

Strategy and Roadmap

- Prepare a practical and concrete roadmap with prioritised steps required to improve the state of privacy compliance with the Data Protection Law for your organisation.

Framework, Governance and Training

- Develop Data Protection Framework
- Preparation of Policy and Procedures
- Provide Training and Awareness

Reach out to Glen or Avik for further details on our services and how we can assist you in complying with the new DIFC Data Protection Law:



Glen Thomas

Partner,
Technology Advisory

+971 56 218 0140

glen.thomas@ae.gt.com



Avik Chandra

Associate Director,
Technology Advisory

+971 52 745 9769

avik.chandra@ae.gt.com

© 2020 Grant Thornton UAE.
All rights reserved.

Grant Thornton refers to the brand under which the Grant Thornton member firms provide assistance, tax and advisory services to their clients and/or refers to one or more member firms, as the context requires.

Dubai

Rolex Tower, 23 Floor
Sheikh Zayed Road
PO Box 1620
Dubai, UAE

T +971 4 388 9925
F +971 4 388 9915

Abu Dhabi

Al Kamala Tower
Office 1101, 11 Floor
Zayed the 1st Street
Abu Dhabi, UAE

T +971 2 666 9750
F +971 2 666 9816

Abu Dhabi

Office 3414, 34 Floor
Al Maqam Tower
ADGM Square
Al Maryah Island
Abu Dhabi, UAE

F +971 2 666 9816

Sharjah

Al Bakr Tower
Office 305
7/9 Al Khan Street
Sharjah, UAE

T +971 6 525 9691
F +971 6 525 9690