

# DATA PROTECTION LAWS OF THE WORLD

Qatar



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## QATAR



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### LAW

This overview is based on an unofficial English translation of the Law No. (13) of 2016 Concerning Personal Data Protection. The Qatar government does not issue official English translations of the laws of the State of Qatar.

On 3 November 2016 the Qatari government passed a data protection law, Law No. (13) of 2016 Concerning Personal Data Protection ('Data Protection Law'). The Data Protection Law will come into effect within six months of the date of issue, that is 3 May 2017 (unless this period is extended).

Qatar is the first GCC member state to issue a generally applicable data protection law.

The Data Protection Law envisages further regulations being issued to assist its implementation.

The Data Protection Law will apply to personal data when this data is processed electronically, or obtained, collected or extracted in any other way in preparation for the electronic processing thereof, or that is processed by combining electronic processing and traditional processing.

The Data Protection Law provides that each individual shall have the right to privacy of their personal data. Such data may only be processed within a framework of transparency and honesty and respect for human dignity, and acceptable practices in accordance with the provisions of the Data Protection Law.

### DEFINITIONS

#### Definition of personal data

'Personal data' is defined under the Data Protection Law as details of a natural person whose identity is identified or is reasonably identifiable, whether through this data or by means of combining this data with any other data or details.

#### Definition of sensitive personal data

'Sensitive personal data' means personal data consisting of information as to a natural person's:

- Ethnic origin
- Health
- Physical or mental health or condition
- Religious beliefs
- Relationships
- Criminal records

## NATIONAL DATA PROTECTION AUTHORITY

Qatar Ministry of Transport and Communications (MoTC).

## REGISTRATION

There is currently no requirement in Qatar for data controllers who process personal information to register with the regulator, the MoTC.

## DATA PROTECTION OFFICERS

There is currently no obligation for organisations in Qatar to appoint a data protection officer. There is an obligation on the data controller to specify processors responsible for protecting personal data, train them appropriately on the protection of personal data and raise their awareness in relation to protecting personal data.

## COLLECTION & PROCESSING

Data controllers may collect and process personal data when the data subject consents, unless processing is deemed necessary for realising a 'lawful purpose' for the controller or for the third party to whom the personal data is sent.

'Lawful purpose' is defined in the Data Protection law as 'the purpose for which the personal data of the data subject is being processed in accordance with the law'.

Before commencing the processing of personal data, the data controller must notify the data subject of the following information:

- The details of the data controller or another party who processes the data on behalf of the data controller
- The lawful purpose for which the data controller or any third party wants to process the personal data
- A comprehensive and accurate description of the processing activities and the degrees of disclosure of personal data for the lawful purpose, and
- Any other information deemed necessary and required for the satisfaction of personal data processing

The data controller is free to process data without the consent of the data subject or a lawful purpose in the following circumstances:

- The data processing is in the public interest
- The data processing is required to meet a legal obligation
- The data processing is required to protect the data subjects vital interests
- The data processing is required for scientific research being conducted in the public interest, and
- The data processing is required to investigate a crime, if officially requested by the investigating authorities

Sensitive personal data may not be processed except after obtaining authorisation from the MoTC. The procedure for obtaining this authorisation has not yet been issued (this is likely to be in the form of a Ministerial resolution).

## TRANSFER

Data controllers may collect, process and transfer personal data when the data subject consents, unless deemed necessary for realising a 'lawful purpose' for the controller or for the third party to whom the personal data is sent. The data controller has to demonstrate, when disclosing and transferring personal data to the data processor, that the transfer is for a lawful purpose and that the transfer of data is made pursuant to the provisions of the Data Protection Law.

Data controllers should not take measures or adopt procedures that may curb trans-border data flow, unless processing such data violates the provisions of the Data Protection Law or will cause gross damage to the data subject. The Data Projection Law defines 'trans-border data flow' as accessing, viewing, retrieving, using or storing personal data without the constraints of state borders.

## SECURITY

Data controllers must take appropriate technical and organisation measures to securely manage personal data.

The data controller must carry out the following procedures:

- Review privacy protection procedures before implementing new processing operations
- Specify the processors responsible for protecting the personal data
- Train processors on the protection of personal data and raise their awareness relating to the same
- Set up internal systems to receive and investigate complaints, data access requests, data correction or deletion requests and provide the data subjects with information relating to the same
- Set up internal systems for the effective management of personal data, and to report any violation of the same with the aim of safe guarding personal data
- Adopt suitable technical means to enable individuals to practice their rights to access, review, and correct personal data in a direct way
- Carry out comprehensive review and checking of the commitment to protect personal data
- Verify that the data processor abides by the instructions given to him/her or take suitable precautions to protect personal data, and continually monitor that situation

The data controller and processor must take necessary precautions to protect personal data against loss, damage, amendment, disclosure or access thereto or use thereof in an accidental or unlawful way. The Data Protection Law states the precautions taken must be proportionate to the nature and importance of the personal data to be protected. Organisations should adopt best practise methodologies in keeping with their business sector.

## BREACH NOTIFICATION

There is an obligation on the data controller to notify the regulator, the MoTC and the data subject of any breaches of the measures to protect the data subjects privacy if it is likely to cause damage to the data subject.

## ENFORCEMENT

In Qatar, the MoTC is responsible for the enforcement of the Data Protection Law. Any data subject may submit a complaint to the MoTC in the case of a violation of the Data Protection Law. The MoTC will investigate the complaint and if found to be valid the MoTC can oblige the data controller or processor to rectify the violation within a specified time period.

The MoTC can also impose fines of up to QAR 5,000,000 (USD 1,400,000) for violations of the Data Protection Law.

## ELECTRONIC MARKETING

Communications made electronically (including by wired or wireless communication) are prohibited under the Data Protection Law, where their purpose is unsolicited direct marketing. Electronic communications for the purposes of direct marketing are therefore only permitted only with the consent of the recipient.

The approved electronic communications must include the identity of the sender and an indication that it is sent for the purposes of direct marketing. The message must include an address that can easily be reached and enable the recipient to send a message requesting the sender to stop the electronic communication and enable the recipient to withdraw the consent at any time.

## ONLINE PRIVACY

The Data Protection Law (or any other law) does not specifically regulate on-line privacy or the use of cookies and location data except in relation to children. Owners and operators of websites must observe the followings requirements:

- Place a notification on the website regarding how children's data is used and its disclosure policies
- Obtain express approval from the parents or guardian of the child before processing any personal data
- Provide the child's parent or guardian, upon request, and after verifying the identity of the child's parent or guardian, a

description of the personal data that is being processed, stating the purpose of the processing, and a copy of the child's data that is being collected and processed

- Delete, erase, or suspend the processing of any personal data that was collected from the child or about the child, if the child's parent or guardian requests this, and
- Making a child's participation in a game or prize offer, or any other activity, conditional on the child's submission of personal data which goes beyond what is required for the purposes of participation in the game or prize offer, is prohibited.

## KEY CONTACTS



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## DATA PRIVACY TOOL

You may also be interested in our [Data Privacy Scorebox](#) to assess your organisation's level of data protection maturity.

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