

▶ Data Protection Regime in DIFC: Data Protection Law No. 5 of 2020

A new Data Protection Law i.e. DIFC Data Protection Law number 5 of 2020 ('DP Law'; 'new law') has been enacted in DIFC which is effective from 1 July 2020.

Applicability

The law necessitates all the entities operating within DIFC to ensure compliance with the relevant provisions of this law applicable to them.

Summary

As per the new law the entities have to assess the purpose of obtaining, processing and recording of personal data obtained from the clients, employees, suppliers or stakeholders and it is based on the concept of data protection by design.

Key Provisions of the Law

- Enhanced transparency requirements and establishes accountability of Controller and Processor for maintenance of records.
- Requirement for classification for personal data, special categories of personal data and high-risk processing activities.
- Introducing the role of Data Protection Officer ('DPO'), for Processors or Controllers who are conducting the High-Risk Processing activities.
- Additional controlling measures for transferring of information / data outside DIFC to unauthorized jurisdictions having inadequate data protection rules.
- New and enhanced data subject rights which are covering the principles of General Data Protection Rights (GDPR).
- Hefty fines non-compliance with the requirements.
- Requirement for the entities to:

<ul style="list-style-type: none"> <input type="checkbox"/> Review and update their internal controls framework <input type="checkbox"/> Prepare Data Protection Policy <input type="checkbox"/> Instil reporting requirements <input type="checkbox"/> Develop Consents Forms <input type="checkbox"/> Privacy Statements 	<ul style="list-style-type: none"> <input type="checkbox"/> Appointment of DPO (if applicable) <input type="checkbox"/> Contractual Agreements <input type="checkbox"/> Propagating data subject rights <input type="checkbox"/> Data breach register <input type="checkbox"/> Employee training <input type="checkbox"/> Record retention and destruction procedures
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How we can help you

Our team of dedicated professionals can assist you in the assessing the impact of new Data Protection Law on your operations, to identify the weaknesses and improvement opportunities. In addition, we can also help you in remediating the identified weaknesses and improvement opportunities.