

Data Collection by the Dubai Government and the Regulation of Survey Firms

Nick O'Connell - Partner, Head of Digital & Data - Saudi Arabia - Digital & Data
n.oconnell@tamimi.com - Riyadh

April 2016

Dubai Statistics Centre: The Official Source Of Statistical Information Relating to Dubai

The DSC Law makes clear that the DSC is the official source for emirate level (as opposed to federal level) statistics in Dubai. The DSC is responsible for compiling and analysing statistical information, and for preparing and disseminating statistical reports.

The aims of the DSC include establishing an advanced statistical system for Dubai, contributing to the social and economic development of the emirate, and providing statistical support to policy decision makers to assist with policy development and to measure performance. Additionally, the DSC is concerned with ensuring the accuracy of opinion polls conducted in the emirate, and for regulating statistical work and opinion surveys in Dubai. Non-government entities that wish to run opinion polls in Dubai now need a permit from the DSC, and failing to obtain a permit is an offence under the DSC Law.

The DSC's responsibilities include:

- establishing a modern and comprehensive system for compiling, analysing, and disseminating official statistics, and disseminating statistical information using advanced methods;
- designing and conducting demographic, social, and economic surveys in the emirate, including the general census of population and housing, and surveys on social, economic, health, educational, and other matters;
- preparing and providing high quality statistical data and information to interested parties, including government entities, businesses, media, researchers, and others;
- setting the standards and rules regulating statistical work and methodology in the emirate; and
- regulating the work of non-government entities working in the survey and opinion polling field.

The DSC Law requires 'data sources' to provide the DSC with the statistical information it requires, in accordance with the requirements determined by the DSC. Data sources include government departments, authorities, public corporations, free zone authorities, other Dubai government related entities, federal ministries, authorities, public corporations, and international agencies, as well as charitable foundations, companies, and individuals in the emirate.

Private individuals and entities that want to run surveys in Dubai need first to obtain a permit from the DSC. Public entities need a permit from the DSC for surveys to be conducted 'in the field', but for surveys that will not be in-the-field surveys (such as on-line surveys), it is only necessary for the government entity to coordinate with the DSC and no permit is required.

Personal information obtained through any statistics or surveys is deemed confidential and may only be disclosed by the DSC with the written consent of its owner or upon judicial order. Such information may not be disseminated other than for statistical purposes. It cannot be used for taxation assessment, as evidence of a crime, or in support of a legal claim - with an exception in respect of evidence against someone for providing false data to the DSC.

The DSC law makes it an offence to breach the confidentiality of any statistical data; presumably this refers to statistical data that has been gathered by the DSC but not yet publicly reported. Additionally, it is an offence to use statistical data other than for its intended purposes, or to change or add to it; on its face, this could significantly inhibit the potential benefits and efficiencies of being able to use general information for multiple analytical purposes. The DSC Law also makes it an offence to sell or disseminate any statistical information without obtaining a permit as provided in the DSC Law. Penalties for this are not insignificant: imprisonment for up to six months and/or a fine of up to AED 100,000. A variety of other offences are specified in the law and these include failing to cooperate with surveys, providing misleading information, failing to provide data, disseminating false statistics, and other offences.

The DSC Law contemplates a DSC advisory board that will include specialist members with experience and specialisation in the fields of planning and statistics. If the DSC uses this opportunity to seek input from specialists with practical, commercial and current experience in modern statistics methodologies and technologies, survey management, and big data management, then this will enhance the advisory board and enable the DSC to excel in meeting its stated goals.

Regulating Polling Companies Operating in Dubai

Additionally, Executive Council Resolution No.39 of 2015 Regulating Poll Studies Firms Operating in the Emirate of Dubai (the "Resolution"), has been issued to regulate the survey industry in Dubai. The Resolution provides that no one can conduct surveys in Dubai (including in any free zones located in Dubai) without a trade licence from the relevant licensing authority and a permit from the DSC.

Besides seeking to ensure the proper and accurate conduct of surveys in Dubai, the objectives of the Resolution include providing legal protection for personal data, ensuring the efficient conduct of surveys by survey firms, and removing obstacles and creating a favourable environment for survey firms. The new permit process and associated official fee are likely to be of some interest to those operating in the industry, who have until mid-2016 to comply with the Resolution in this respect.

The DSC's role in regulating survey firms will significantly impact on their operations. The DSC will be responsible for: accepting or rejecting applications for permits by survey firms; monitoring the activities of survey firms to ensure compliance with the DSC's requirements; issuing identification cards to field researchers; investigating complaints about survey firms; creating a finding of surveys and using these findings to update statistical data on Dubai; reviewing the reports based on surveys, and preparing appropriate responses in coordination with relevant government entities.

Under the Resolution, survey firms are required to provide details of all personnel involved in the conduct of surveys in Dubai, cooperate with the DSC, and grant access to their premises, records, and data related to their activities. Upon request by the DSC, survey firms are also required to provide the DSC with any information or data relating to the firm's activities in the emirate.

The Resolution provides for penalties for various prohibited acts, including:

- violating the confidentiality of personal data (AED 20,000);
- changing or modifying the findings of surveys to misrepresent the facts (AED 10,000); and
- using survey findings to undermine the image of the UAE or its achievements (not specified).

Significantly, the DSC is also responsible for finding appropriate solutions to overcome obstacles facing survey firms. While the new regulatory regime is likely to be greeted with some apprehension by those operating in the survey industry, the fact that one of DSC's key roles is to find appropriate solutions for hurdles facing those in the industry should come as some relief.

Al Tamimi & Company's Technology, Media & Telecommunications team regularly advises on issues relating to big data, personal data, data breaches, and other data-related issues. For further information, please contact Nick O'Connell (n.oconnell@tamimi.com) or Sana Saleem (s.saleem@tamimi.com).