

An Update on the Dubai Data Law

Sana Saleem - Associate - Digital & Data
- Dubai International Financial Centre

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The Dubai Data Law is now publicly available and in this article we provide further information on its substance.

The Dubai Data Law is aimed primarily at ensuring that data gathered by Dubai government entities is effectively shared amongst such entities and with the private sector, so as to maximise opportunities to capture the benefit of such data for the emirate's residents, visitors, and economy.

The aims of the Dubai Data Law include managing data in conformity with international best practices, promoting transparency and establishing rules for data dissemination and exchange, increasing the efficiency of services provided by federal government entities and local government entities, and providing data necessary to non-governmental entities with a view to supporting the development of the Emirate of Dubai.

The Dubai Data Law applies to Data Providers, which include the likes of federal government entities and local government entities that possess data relating to the Emirate of Dubai, individuals, and entities (including sole proprietorships, public interest organisations, companies, associations, etc.) that produce, own, publish or exchange data relating to the Emirate of Dubai, irrespective of whether they are located in 'onshore' Dubai or in a free zone (such as the Dubai International Financial Centre).

The Dubai Data Law contemplates two classes of data, collectively referred to as Dubai Data:

- Open Data - this is data that may be disseminated without restriction or under minimum constraints; and
- Common Data - this is data whose dissemination is subject to certain restrictions.

The Dubai Data Law provides that Dubai Data shall be published and exchanged via an electronic system, bulletins, reports, and any other means determined by a Competent Authority.

The Competent Authority contemplated under the Dubai Data Law is intended to administer the application of the Dubai Data Law and issue associated administrative and financial regulations. The functions and powers of the Competent Authority include:

- approving the data classification;
- determining the operating rules of the electronic platform used for the dissemination and exchange of data;
- auditing Data Providers' compliance with the policies relating to the dissemination and exchange of data, at the level of operations as well as at the technical levels;
- conducting training courses on the dissemination and exchange of data; and
- investigating complaints / violations in relation to Data Providers' non-compliance with the Dubai Data Law.

Data Providers are generally required to:

- publish Open Data in accordance with the applicable controls approved by the Competent Authority;
- exchange Common Data in accordance with the applicable controls approved by the Competent

Authority;

- provide the infrastructure for the publication and exchange of Dubai Data, including providing a connection to the electronic system for the publication and exchange of Dubai Data; and
- comply with applicable technical regulations in relation to the dissemination and exchange of Dubai Data.

Importantly, the Dubai Data Law provides that Data Providers shall take all steps to maintain the confidentiality and privacy of data during dissemination and exchange of such data in accordance with the Dubai Data Law.

Interestingly, Dubai Data is deemed a state-owned asset and may be disposed by the Data Providers only in accordance with the Dubai Data Law, including any resolutions issued under the Dubai Data Law. It will be interesting to observe the practical implications of this provision.

Recently, the Ruler of Dubai, His Highness Sheikh Mohammed bin Rashid Al Maktoum, issued a law establishing the Dubai Data Establishment. We understand from press releases that the Dubai Data Establishment aims to enhance Dubai's capabilities in the field of publishing and exchanging data, contribute to establishing a knowledge database to serve the public and private sectors, and oversee, regulate, and coordinate between government entities to facilitate the implementation of the law. The Dubai Data Establishment appears to be the Competent Authority referred to in the Dubai Data Law, and if this is the case then the regulations associated with the Dubai Data Law are likely to become available in the near future, providing greater insight into the practical effect of the Dubai Data Law.

Al Tamimi & Company's Technology, Media & Telecommunications team regularly advises on data-related issues, including big data analytics, open data and data protection related issues. For further information please contact Sana Saleem (s.saleem@tamimi.com) or Nick O'Connell.