



Dubai International  
Financial Centre

# Office of the Commissioner of Data Protection - UPDATE

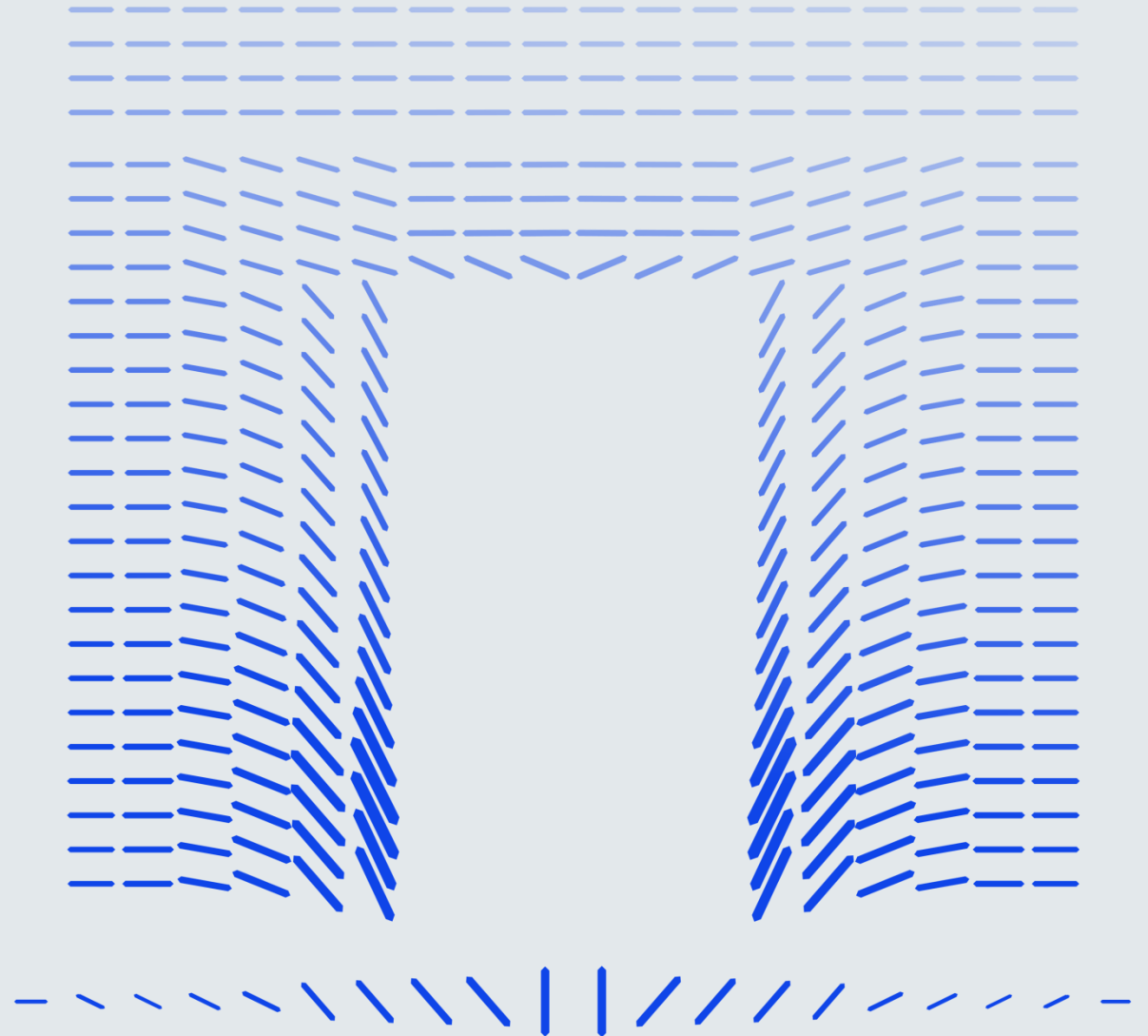
Presented by  
**Lori Baker, Director of Data Protection**

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Version: 2.4





# 01

## Side by Side

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Current Law

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DP Law 2020

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Key updates

## Data Protection in the DIFC – Side by Side

<b>CURRENT</b>	<b>2020</b>	<b>KEY UPDATES</b>
Accountability	Accountability - Reinforced	Introduction of DPO and other controls such as prior consultation and processor provisions
Data Subjects Rights	Data Subjects Rights	Same rights, but aligned to absorb impact of emerging technology
Security breach reporting	Security breach reporting - Enhanced	The processor must now play a larger role in accountability overall and for breach reporting, and the data subject him or herself must be informed in certain cases
International Transfers	International Transfers - Realigned	Enhanced to align with current international adequacy standards, processors more accountable, additional mechanisms (i.e., BCRs) recognized
Data Protection Principles	Data Protection Principles	Same principles, but promotes concepts of structure, governance and risk-based approach to compliance (i.e., via PIAs, Codes, etc)
Notifications	Notifications	Still required, however process for filing will be akin to setting up a compliance program tracked against the DP Law



# 02

## Legislative Process

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Planning and legislative proposal

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Feedback

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Enactment

## Journey of DP Law 2020

Planning and legislative proposal – January 2019, embarked on initiative with Clyde & Co preparing an outline and framework for the DP Law 2020 based on DIFC future of finance vision

60 days consultation – ended August 18, 2019. Archive of consultation papers is still available on DIFC website for those interested, but no further comments can be received.

Feedback was received from around the world including the US, EU and here within the Middle East

The DP Law was enacted on May 21, 2020!

**Data Protection Law, DIFC Law No. 5 of 2020 effective from July 1, 2020 and will be enforceable (meaning fines may be levied) from October 1, 2020.**



# 03

## Key Updates

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Purpose of the Law and Enhancements

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Portal Process

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Next Steps

# DIFC DP Law 2020

## **Updated in line with international privacy laws and objectives**

The updated Data Protection Law and Regulations set out expectations for Controllers and Processors, combining the best practices from a variety of current, world class data protection laws, to enable ethical data sharing and management.

Key updates include:

- 1. Legislating for accountability of Controllers and Processors through compliance programs and data protection impact assessments, DP by design and default, data protection policy and compliance program requirements, in addition to DPO appointment (where required);**
2. Clarifications of data subjects' rights, by both enhancing these rights as well as ensuring contractual clarity for emerging tech services and solutions.
- 3. Removal of permit options for cross-border data transfers and sensitive personal data processing;**
4. Introduction of general fines for serious breaches of the Data Protection Law, in addition to or instead of administrative fines, as well as increased maximum fine limits;
- 5. Facilitating appropriate data sharing structures between governmental authorities; and**
6. Providing a framework that will support DIFC's bid for adequacy recognition by the European Commission and the United Kingdom. This will enable data transfers from the DIFC to the EU and UK, which is a major aspect of ease of doing business for Controllers and Processors in the DIFC. It will also especially serve to support the UAE in obtaining the same recognition when it enacts its own national data protection legislation.





With the recent digital onboarding enhancements in the portal, you'll notice a difference to the DP section.

From July 1, 2020, the DP section of the portal will cover off your business's compliance with essentially each part of the DP Law 2020

The idea is to ensure that at a bare minimum, through your notification registration with the Commissioner's office, you will have the skeleton basis of a DP compliance program

This will be enhanced as well as we receive feedback about the operation of DP Law 2020

As always, questions for the Commissioner's Office are welcome

If you would like to take advantage of the consultation period or want to engage in a voluntary supervisory visit, please let us know

Review your business's DP status currently and prepare to update as needed to align with the DP Law 2020 and the updated Regulations (both available on the DIFC [Laws and Regulations](#) website)



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# Thank You

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For more information regarding this  
presentation, kindly contact:

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