

# Reviving the land of riches

## COMMENT

# Data Protection Law in Qatar

By Emma Higham, Kellee Blyth  
Doha

On November 3, 2016, the legislative framework for data protection in Qatar was overhauled by Law No. 13 of 2016 Concerning Personal Data Protection (the DPL). The DPL incorporates concepts familiar from other international privacy frameworks and enshrines an individual's right to have their personal data protected. It mandates that any party who processes such data adhere to the principles of transparency, fairness and respect for human dignity. It will require prompt action to ensure compliance, both for governance reasons and given that the law introduces material fines for breach.

The DPL will help build consumer trust in Qatar in the online environment and may encourage consumers to engage with innovative technologies in confidence that their data will be protected. It comes at a time when the rapid pace of technological change means that more personal data than ever before is being processed electronically, including due to the advance of big data and Internet of Things technologies.

This article is based on unofficial translations into English of the original Arabic text of the DPL. However, in the event of any inconsistency between the English translation and the original Arabic text, the original Arabic text will prevail.

**Scope of application of the DPL.** The DPL applies to: (i) personal data, being data relating to identifiable individuals; and (ii) any personal data that is processed electronically.

The DPL will apply in most instances where personal data is

handled. Article 2 provides that the requirements shall apply where personal data (being data which identifies an individual or which can be used in combination with other data to identify an individual) is electronically processed, or obtained, gathered or extracted in preparation for electronic processing, or where a combination of electronic and traditional processing is used.

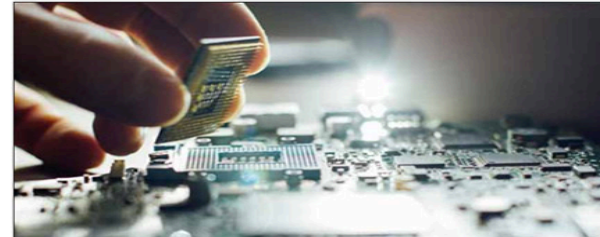
The regulator responsible for implementing and enforcing the DPL in Qatar is the Ministry of Transport and Communications (MoTC). The DPL does not specify any geographic limitations on its application. However, the MoTC's ability to bring enforcement action against organisations with no legal presence in Qatar will be limited.

Companies operating in Qatar have been given a six-month grace period (until May 3, 2017) to achieve compliance with the DPL. We anticipate that this period may be extended to reflect the scale of the changes and cultural shift required.

Failure to comply with requirements of the DPL may give rise to a fine of up to a maximum of QR15m (equivalent to about \$1,375,000). Specific penalties apply to breach of the different fundamental articles of the DPL.

**Requirements of the DPL.** Where the DPL applies, a company will be obliged to comply with certain restrictions and obligations relating to the collection, disclosure and safekeeping of personal data. The principal requirements can be split into the six categories which are set out below.

It is important to note that unlike many other jurisdictions, the DPL does not impose any specific restrictions or requirements that apply to international transfers of personal data (unless such transfer



would inflict "gross harm" (discussed below) on the data subject)

**Lawful grounds for processing.** Personal data should not be processed without the approval of the data subject, unless the processing is necessary to achieve a legitimate purpose. The legitimate purpose referred to may be satisfied by reference to the purpose of the data controller or a third party to whom the personal data is sent. It remains to be seen how narrowly the term "necessary" will be interpreted in practice.

**Fair processing notices (FPNs).** To achieve transparency, the data controller (the person who determines, individually or jointly, the purposes for which and the manner in which the personal data is to be processed) is required to issue

a notification to the data subject (the person to whom personal data relates), which specifies the identity of the data controller, the purposes for which the data will be processed and a comprehensive description of the processing activities.

**Compliant information handling practices.** The DPL obliges the data controller to: (i) process personal data lawfully and in accordance with the law; (ii) put in place appropriate measures to safeguard the data; (iii) comply with the privacy protection policies issued by the MoTC from time to time; (iv) review existing data protection measures before introducing new products / services relating to personal data; (v) ensure that the personal data collected is relevant and accurate; and (vi) not keep the data for longer than required.

Effective management of third parties and employees. A data controller is responsible for identifying all parties who process personal data on its behalf. As defined in the DPL, the term "data processor" includes both third party organisations as well as the data controller's own employees.

Both the data controller and data processors are required to take the necessary steps to protect personal data from loss, damage, alteration, disclosure or from being accessed or used accidentally or unlawfully. As an example, for data controllers this includes providing training to data processors and putting appropriate security measures and systems in place to ensure that the data is protected.

**Efficient handling of subject access requests**

Data subjects have a right to access and review their personal data at any time (including an option to obtain a copy of their data for a fee) as well as to receive information regarding how their personal data is being processed.

**Data breach notification.** Any data controller who suffers a data security breach which would cause "gross harm" to the data subjects concerned must notify both the MoTC as regulator and the affected data subjects. In addition, the DPL requires that any data processor who suffers a breach of its security measures notify the data controller as soon as the data processor becomes aware of the breach.

"Gross harm" is not expressly defined in the DPL. However, the DPL does identify a category of data known as "special personal data" which warrants a greater degree of protection. "Special personal data" includes data relating to race, children, health, physical or psychological conditions, religious beliefs, sexual life or crimes. In our view "gross harm" would include (but may not be limited to) any breach concerning special personal data.

The level of fines is undoubtedly designed to drive compliance and to deter irresponsible personal data handling practices. It also highlights how seriously the Qatar government is taking the protection of an individual's right to privacy.

The concepts and requirements of the Data Protection Law will be clarified in further ministerial decisions. However, early indications are that the Data Protection Law is likely to transform the regulatory landscape for privacy in Qatar.

**If you would like further information, please contact either Kellee Blyth (kellee.blyth@tdaco.com) or Emma Higham (emma.higham@tdaco.com).**

# Reviving the land of riches

By Harun Yahya  
Istanbul

Once upon a time, Africa was the land of riches, a continent of powerful kingdoms, happy inhabitants, fertile lands, rich wildlife and unique cultures. Especially after Islam entered the continent, Africa thrived and built great civilizations. For example, many people don't know that Timbuktu was once a hub of trade and housed world's first university that had 25,000 out of city's 100,000 inhabitants as its students.

The colonial powers of the time needed cheap labor and vast sources to feed their ravenous industrial endeavors. And very conveniently, social Darwinism provided the fake justification for the slavery of African people and the exploitation of their lands. In now what is called the "scramble for Africa" 90% of the continent came under European control between 1881 and 1914. The large African diaspora today is the legacy of millions of Africans taken out of their lands as slaves.

What is the situation today? At the moment, most countries of Africa are struggling with civil wars, conflicts, diseases and poverty. Unsurprisingly, this is mostly due to the crippling

colonisation, which cannot be masked as shrewdly as ever. It is worth mentioning that France still gets colonial tax from its former colonies in Africa, which is around \$500m each year. Considering that the total amount of aid Africa has received in the 60 years since the end of colonisation is only twice this amount, the reasons for the poverty at the continent becomes quite clear without need for much investigation.

Indeed, despite its rich natural resources, today 75% of the world's poorest countries live in Africa. In 2010, 414m people were living on \$1.25 or less a day sub-Saharan Africa. Almost one in three people in sub-Saharan Africa are undernourished and 589m people in the same area live without electricity. The list goes on. Furthermore, the world isn't what it used to be a century ago and many people do everything they can to help the people of Africa. Indeed, since 1960s, more than \$1tn in humanitarian aid were transferred to Africa. But how did it fare?

Not so well. Although people are acting with good intentions, most of the time, unplanned aids that do not take into consideration various economical, social and environmental factors in the area had no effect. A common example to illustrate the problem is the story of a local egg

producer. Since large amounts of eggs are shipped to Africa and distributed for free, the local egg producer could not sell his products and after a while he shut down. However, when the charities did not send egg the next year, people were left completely helpless as there was neither free egg this time, nor the possibility to buy it locally. This is a real example and similar incidents happen in all sectors. In short, such aids that are sent without careful planning and management may impede people's ability to produce and provide for themselves. Therefore, it is important that the aid is provided in a careful and planned way to support the local producers and economy.

Furthermore, the so-called agro-imperialism is crippling Africa's ability to produce its own crop and compel it to buy instead international supply. In addition, most Western countries are renting the lands of Africa for agriculture, and they are usually held exempt from taxes for a long time, while their produce is mostly exported. They set aside a little amount for the domestic market, which causes disadvantage for African people in competition. This practice therefore makes Africa even poorer.

All these problems prevent the African countries from creating their own economies, sectors and industries

and make them dependent on foreign help. However, if the sponsor countries and institutions focus on encouraging entrepreneurship and creating talents in Africa, there is no doubt that the aid will be much more effective. Successful planning will eventually create the desired effect and help African people achieve the life standards they deserve.

One African country decided to take a completely different approach and the results have been impressive. After Eritrea won its independence in 1993, it walked away from millions of dollars of aid, including those from the UN, World Bank and international charities. Instead it has pursued a "self-reliance programme" for almost a decade and albeit slow, the results have been promising in food, health, infrastructure and education.

Although this is one way to create development, foreign aid is not unhelpful as long as it is planned carefully. On the contrary there is no doubt that it helps greatly to those that need it. However, to really create the desired effect and help the African people, it is crucial to support and encourage the growth of local economy, entrepreneurship and local talents with these aids. Once this is done, the results will be more effective and beneficial to both the African people and the world.

### Weather report

**Three-day forecast**

MONDAY	High: 24°C Low: 19°C
TUESDAY	High: 21°C Low: 17°C
WEDNESDAY	High: 25°C Low: 17°C

**OFFSHORE DOHA**

Waves: 0.5-1.2 met  
Direction: SW  
Wind: NW 10-20 Kts  
Wind: 24 Feet

**Around the region**

City	Weather	Today	Tomorrow
Abu Dhabi	Sunny	23/16	22/16
Dubai	Sunny	22/12	21/13
Ras Al Khaimah	Sunny	24/15	23/15
Muscat	Sunny	26/19	26/19
Tehran	Sunny	18/09	M. Cloudy

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in Africa, which is around \$500 billion each year.<sup>[i]</sup> Considering that the total amount of aid Africa has received in the 60 years since the end of colonization is only twice this amount, the reasons for the poverty at the continent becomes quite clear without need for much investigation.

Indeed, despite its rich natural resources, today 75% of the world's poorest countries live in Africa. In 2010, 414 million people were living on \$1.25 or less a day in sub-Saharan Africa. Almost one in three people in sub-Saharan Africa are undernourished and 589 million people in the same area live without electricity.<sup>[ii]</sup> The list goes on. Fortunately, the world isn't what it used to be a century ago and many people do everything they can to help the people of Africa. Indeed, since 1960s, more than \$1 trillion in humanitarian aid were transferred to Africa. But how did it fare?

Not so well. Although people are acting with good intentions, most of the time, unplanned aids that do not take into consideration various economical, social and environmental factors fail to create the desired effect. A common example to illustrate the problem is the story of a local egg producer. Since large amounts of eggs are shipped to Africa and distributed for free, the local egg producer could not sell his products and after a while he shut down. However, when the charities did not send egg the next years, people were left completely helpless as there was neither free egg this time, nor the possibility to buy it locally. This is a real example and similar incidents happen in all sectors. In short, such aids that are sent without careful planning and management may impair people's ability to produce and provide for themselves. Therefore it is important that the aid is provided in a careful and planned way to support the local producers and economy.

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[i] <http://www.globalresearch.ca/frances-colonial-tax-still-enforced-for-africa-bleeding-africa-and-feeding-france/5547512>

[ii] <http://borgenproject.org/10-quick-facts-about-poverty-in-africa/>

[iii] <https://www.tesfanews.net/ask-eritrean-president-why-foreign-aid-is-crippling-africa/>

Adnan Oktar's piece in Gulf Times

<https://www.harunyahya.info/en/articles/reviving-the-land-of-riches>