

Qatar Law No. 13 of 2016 Promulgating the Protection of the Privacy of Personal Data Law

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We, Tamim bin Hamad Al Thani, The Emir of the State of Qatar, After perusal of:

1. the Constitution, and
2. The Law on Telecommunications as enacted by virtue of the Law No 34 of the year 2006, and
3. The Law on Electronic Transactions and E-Commerce as enacted by virtue of the Law No 16 of the year 2010, and
4. The Law No 2 of the year 2011 on Official Statistics, as amended by virtue of the Law No 4 of the year 2015, and
5. The Law on Combating Cybercrimes, as enacted by virtue of the Law No 14 of the year 2014, and
6. The Emiri Decree No 42 of the year 2014 on Establishing the Communication Regulatory Authority, and
7. The Emiri Decree No 8 of the year 2016 on the Organizational Structure of the Ministry of Transport and Communication, and
8. The Proposal submitted by the Minister of Transport and Communication, and
9. The Bill submitted by the Council of Ministers, and
10. Having consulted the Shura Council,

We hereby decree as follows:

Chapter One Definitions and General Provisions

Article 1

For purposes of implementing the present Law, the following words and terms shall have the meanings assigned thereto unless the context requires otherwise:

The Ministry The Ministry of Transport and Communication.

The Minister The Minister of Transport and Communication.

The Competent Department The administrative Department concerned within the Ministry.

The Competent Authority Any governmental authority with the competence by law to organize any works or procedures relating to processing and supervising Personal Data.

Individual A natural person whose Personal Data is being processed.

Controller A natural and/ or legal person who, whether acting individually or jointly, determines how Personal Data may be processed and determines the purpose(s) of any such processing.

Processor A natural and/or legal person who processes Personal Data for the Controller.

Personal Data Data belonging to an Individual with specified or reasonably specifiable identity whether through such Personal Data or through combining the same with any other Data.

Processing Personal Data Conducting a process or a group of processes on the Personal Data, including, but are not limited to, collection, receipt, recording, organization, storing, configuration, changing, retrieval, use, disclosure, publication, transmission, preclusion, disposal, erasing and/ or cancellation.

Cross-boundary Data Flow Accessing, watching, retrieving, using and/or using Personal Data without regard to the boundaries of the State.

Legitimate Purpose The purpose for which Personal Data of an Individual is being processed pursuant to applicable law.

Acceptable Practices Processing activities determined or approved by the Competent Department with regard to various types of Legitimate Purposes.

Direct Marketing Service of any promotional and/or marketing material by any means to specific persons.

Telecommunications Sending, transmitting and/or receiving signals, codes, images, material, audio, video, data, scripts and/or information of any type and/or nature via means of telecommunications, radio, video, any other electro-magnetic means of communication and/or any other similar means of communication.

E-communication Any communication made by any means of Telecommunications.

Establishing an E-communication Establishing, sending and/or transmitting an E-communication; causing the same or directing the Processor to do it.

Website Operator A person operating a website on the Internet, promoting products or services thereon, while collecting or processing Personal Data of the users of visitors of such website.

Article 2

The present Law shall apply to Personal Data upon e-processing thereof, where such Personal Data are received, collected or mined in any other way in anticipation of e-processing the same, or where such Personal Data are processed through combining e-processing and traditional processing techniques.

The present Law shall not apply to Personal Data processed by Individuals themselves within the scopes of their personal or familial lives, nor shall the present Law apply to Personal Data processed for purposes of collecting official statistical data pursuant to the Law No 2 of the year 2011 referred to hereinabove.

Chapter Two Individuals' Rights

Article 3

Every Individual shall have the right to the protection of their Personal Data. Such Personal Data may not be processed save within the binding limits of transparency, honesty, respect to human dignity and the Acceptable Practices as per the provisions of the present Law.

Article 4

Unless the processing is necessary to meet a Controller's Legitimate Purpose or a Legitimate Purpose of a receiving third party, the Controller may only process Personal Data after obtaining the Individual's consent.

Article 5

An Individual may at any time:

1. Withdraw their previously given consent to processing the Personal Data thereof; and
2. Object to processing the Personal Data thereof if such processing is not necessary to achieve the purposes for which such Personal Data have been collected or where such collected Personal Data are beyond the extent required, discriminatory, unfair and/ or illegal; and
3. Request omission or erasing of the Personal Data thereof in any of the cases provided above (1 and 2), upon cessation of the Purpose for which the processing was conducted, or where all justifications of storing such Personal Data by the Controller cease to exist; and
4. Request corrections to the Personal Data thereof. A request so made shall be accompanied with proof of the accuracy of such request.

Article 6

An Individual may, at any time, access the Personal Data thereof and request revision of the same from any Controller. Particularly, an individual shall have the right to:

1. Be notified of processing the Personal Data thereof and the purposes for which such processing is to be conducted; and

2. Be notified of any disclosure of any inaccurate Personal Data thereof; and 3 . Obtain a copy of the Personal Data thereof after paying an amount that shall not exceed the service fee.

Article 7

The controls and procedures governing the exercising of Individuals' right provided for in the previous two Articles shall be determined by a decree by the Minister.

Chapter Three Obligations of the Controller and the Processor

Article 8

The Controller shall:

1. Process the Personal Data honestly, integrally and legitimately; and
2. Process the controls on designing, changing and/or developing Personal Data-related products, systems and services; and
3. Take appropriate administrative, technical and physical precautions as necessary to protect Personal Data, in accordance with what is determined by the Competent Department; and
4. Abide by the privacy protection policies as developed by the Competent Department and decreed by the Minister.

Article 9

Prior to proceeding with any processing of any Personal Data, the Controller shall notify the Individual of:

1. The Controller's details or those of any other party conducting the processing for the Controller or to enable the Controller to use such processed Personal Data; and
2. The Legitimate Purposes for which the Controller, or any other party, desires to process the Personal Data; and
3. Full and precise description of the processing activities and the levels of disclosure of such Personal Data for the Legitimate Purposes. If the Controller is unable to do so, the Controller shall enable the Individual to access a general description of the Personal Data; and
4. Any other information necessary and required to meet the requirements of processing Personal Data.

Article 10

The Controller shall verify that the Personal Data being collected thereby or therefor are relevant to the Legitimate Purposes and sufficient for meeting the same. The Controller shall also verify that such Personal Data are accurate, complete and up-to-date to meet the Legitimate Purposes. The Controller shall not keep any such Personal Data beyond the period necessary to meet such Legitimate Purposes.

Article 11

The Controller shall:

1. Review privacy protection measures before proceeding with new processes; and
2. Determine the Processors responsible for protection of Personal Data; and
3. Train, and raise the awareness of, the Processors in the protection of Personal Data; and
4. Develop an internal system to receive and look into complaints, data access requests and omission/correction requests; and shall provide access thereto to Individuals; and
5. Develop an internal effective Personal Data management system, and report any breach of protection measures thereof; and
6. Use appropriate technologies to enable Individuals to exercise their rights to directly access, review and correct their respective Personal Data; and
7. Conduct comprehensive audits and reviews on the compliance with Personal Data protection requirements; and
8. Ensure Processors' compliance with the instructions given thereto, adoption of appropriate precautions to protect Personal Data, and follow through on the same constantly.

Article 12

The Controller shall, upon disclosing Personal Data or serving them to the Processor, observe its compliance with the Legitimate Purposes. The Controller shall also ensure that Personal Data are processed as per the present Law.

Article 13

The Controller and the Processor shall adopt all necessary precautions to protect Personal Data against loss, damage, change, disclosure and/or illegal/inadvertent access thereto and/or use thereof.

Precautions so adopted shall be commensurate to the nature and the importance of the Personal Data under protection.

The Processor shall forthwith notify the Controller of any breach of such precautions or where any risk of threats arises to Personal Data in any way.

Article 14

The Controller shall notify the Individual and the Competent Department of any breach of the precautions provided for in the previous Article where any such breach may cause serious damage to the Personal Data or to the Individual's privacy.

Article 15

Subject to the obligations provided for in the present Law, the Controller shall not take any decision or adopt a measure that may limit the Cross-boundary Personal Data Flow unless the underlying processing falls foul of the present Law or where such processing may cause serious damage to the Personal Data or to the Individual's privacy.

Chapter Four Personal Data of Special Nature

Article 16

Personal Data shall be considered of a special nature if they relate to the racial origin, children, health condition, physical condition, psychological condition, religious beliefs, spousal relation, and/ or criminal crimes.

The Minister may add other types of Personal Data of Special Nature where the misuse and/or disclosure of the same may cause serious damage to Individuals.

Personal Data of Special Nature may only be processed after obtaining the permission from the Competent Department as per the measures and controls decreed by the Minister.

Moreover, the Minister may, by virtue of a decree issued thereby, impose additional binding precautions to protect Personal Data of Special Nature.

Article 17

Subject to the obligations provided for herein, the owner or the Operator of any child-based website shall:

1. Post a notice on the website in respect of what child data are, how they are used and the policies adopted for purposes of disclosure; and

2. Obtain explicit consents from parents of the children whose Personal Data are being processed whether then E-communication or any other appropriate means; and

3. Provide parents, upon their request and verification of identities, with a description of the type of Personal Data being processed, while stating the purpose of processing and providing a copy of the Personal Data processed or collected about the child; and

4. Upon request of parents, delete, erase or stop the processing of any Personal Data collected from or about the child; and

5. Ensure that a child's participation in a game, promotional award or any other activity is not conditional on provision of any Personal Data by the child in excess of the necessary Personal Data for purposes of such participation.

Chapter Five Exemptions

Article 18

The Competent Authority may decide to process certain Personal Data without regard to Articles 4, 9, 15, 17 of the present law, to achieve any of the following purposes:

- 1 . Ensure national security, law and order; and
- 2 . Protect international relations of the State; and
- 3 . Safeguard the economic or financial interests of the State; and
- 4 . Abort any criminal crime, collect any information on or investigate the same.

The Competent Authority shall have an ad-hoc record to keep the Data that shall achieve the purposes referred to. The aforesaid record shall be created and kept as per the conditions and controls decreed by the Minister.

Article 19

The Controller shall be relieved of the obligation to comply with Articles 4, 5 (1), 5 (2), 5 (3) and 6 of the present Law where any of the following cases / purposes arises:

1. Executing a public interest-based task as per applicable laws; and/ or
2. Enforcing a legal obligation or a competent court order; and/ or
3. Protecting vital interests of an Individual; and/ or
4. Achieving public interest-based scientific research purposes; and/ or

5 . Collecting Personal Data needed for a criminal crime investigation upon official request from the investigating authority.

Article 20

The Controller shall be relieved of the disclosure requirement about the Controller's grounds for refusal to observe any of the Individual's rights provided for under Article 6 hereof where any such disclosure may hinder the purposes provided for under Article 18 of the present Law.

Article 21

Subject to the two previous Articles, the Controller shall be relieved of the obligation to comply with Article 6 of the present Law in any of the following cases:

1. If the disclosure may cause damage to the commercial interests of another person; and/ or
2. If the performance of such an obligation may result in disclosing any Personal Data of another non-consenting Individual or where any such disclosure may result in moral and/or tangible damage(s) to that Individual or any other Individual.

Chapter Six E- communications for Direct Marketing

Article 22

No E- communication may be sent for purposes of direct marketing to an Individual save after obtaining such Individual's prior consent.

Any E- communication so served shall include the identity of the creator thereof in addition to an explicit notice that the service is meant for direct marketing.

Any such E-communication shall also include a valid verifiable easy- accessible address through which the Individual may serve a request to the creator to stop further service or withdraw the earlier consent provided to such service. Chapter Seven Penalties

Article 23

Without prejudice to any stricter punishment provided for under any other law, any violation of Articles 4,8,9,10,11,12,14,15 and/ or 22 of the present Law shall be punishable with a penalty not exceeding QAR 1,000,000.

Article 24

Without prejudice to any stricter punishment provided for under any other law, any violation of Articles 13,16 (3) and/or 17 of the present Law shall be punishable with a penalty not exceeding QAR5,000,000.

Article 25

Without prejudice to the criminal liability of the subordinate natural person, any legal person violator of the present Law shall be punishable with a penalty not exceeding QAR 1,000,000 where any crime incriminated herein is committed for and in such legal person's name.

Chapter Eight Final Provisions

Article 26

Any Individual may file a complaint with the Competent Department upon any violation of the present Law and the executive decrees thereof.

The Competent Department may, following a review of any complaint so filed up to proven seriousness, issue a reasoned decision to oblige the Controller or the Processor, as the case may, to set right the violation complained of within a period specified by the Competent Department.

The Controller or the Processor may, within sixty (60) days of notification, appeal any decision taken before the Minister.

The Minister shall settle any appeal so filed within sixty (60) days from the date of filing. If the said sixty (60) day period elapses without a response, this shall be an implicit dismissal of the appeal.

The Minister's decision shall be binding.

Article 27

The Competent Department may, for purposes of implementing the provisions of the present Law, take all necessary measures, particularly to:

1. Coordinate with any professional group and/ or league or any other association representing the Controllers or the Website Operators with a view to encouraging and developing self-control, raising awareness of the present Law and developing the training and education programs; and/ or
2. Work with family organizations and societies to boost child safety on the Internet; and / or
3. Conduct research, capture technological developments relating to the matters provided for in the present Law, and develop reports or make recommendations thereof.

Article 28

Any agreement and/ or contract falling foul of the present Law shall be null and void.

Article 29

Employees of the Ministry, who shall enjoy the law enforcement legal capacity by virtue of a decree issued by the Attorney General in agreement thereto with the Minister, shall have the legal capacity to detect and prove crimes and violations of the present Law.

Article 30

Those addressed by the present Law shall set right their conditions to ensure compliance therewith within six (6) months of the enforcement date hereof. The Council of Minister may, upon the Minister's proposal, extend the said six (6) month period for one or more equal periods.

Article 31

The Minister shall take and issue the decisions and decrees necessary to implement the present Law.

Article 32

Every Competent Authority shall respectively implement the present Law.

The present Law shall be promulgated in the Official Gazette.

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