



Privacy under UAE's law perspective

Data sharing and its potential risks

A recent study conducted in June by Kaspersky Lab, an international software security group, revealed that people are prone to share sensitive data or secrets on the internet. This may happen willingly, by accident, and out of unawareness of what dangerous internet behaviour and the environment is. The study shows that 50% of people in the UAE share photos of themselves, 46% their contact details, 39% a photo of another person, 36% share sensitive personal details and 29% share work-related data online. Regarding the potentially even more serious share of sensitive financial details, 18% of UAE respondents have shared a secret about themselves and 9% have shared sensitive financial details.

The consequences can be more than inconvenient. 13% admitted suffering out of accidentally shared confidential data, facing consequences including losing friends, suffering financial loss as well as loss of reputation, or the end of a relationship. Well, some points can be seen as a positive effect on the whole.

UAE's penal laws on privacy

We would like to recall that the reckless sharing of data can lead to criminal liability and prosecution as well in the UAE. The UAE laws are mainly very similar to provisions of other jurisdictions like in the case of handling business and trade secrets. Unlawful – not contractually provided – disclosures of business secrets or use of such secrets for private benefits entails a penalty of imprisonment or fine under the UAE Penal Code. Also, the privacy of correspondence and conversations via phone are protected. The breach of this privacy is a punishable behaviour under the Penal Code. Under Article 380, it is prohibited to open letters without the consent of the person to whom it was sent or to listen in on a telephone call. This also includes the inspection of a husband's or wife's phone without their partner's permission as already explained in our June newsletter.

The following regulation is also one worth keeping in mind, especially for foreigners. The UAE's penal code stipulates severe penalties for publishing news, pictures or comments related to the secrets of someone's private or family life even if they are true. In contrast to many other, mainly European jurisdictions, a downgrading of this high privacy standard for public figures is not provided.

Legal situation in the working environment

Special awareness is also indicated in the working environment and within business relations. Art. 15 of UAE's cybercrime law from 2012 states that punishment will be enforced for intentionally and without permission capturing or intercepting any communication through an information network. This provision can be crucial when the employer is reading private e-mails of the employees. In an office, work e-mail is probably the employer's property, not the employee's. Most people also access their personal e-mails from the office computer. If they do so, all personal e-mails on a company-owned computer, phone or other device, may be available on the company's server and can be accessed if somebody in command wants it.

To prevent difficulties, the employee should sign an agreement with the employer that states that the employee is aware of the fact that the server collects all information and may be seen by somebody in command. To keep their privacy, employees shouldn't use personal e-mail on their work computer or devices that have been provided by the company which can include laptops, tablets, and smartphones. We advise employees to use their own smartphone or laptop and simply keep personal things personal.

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