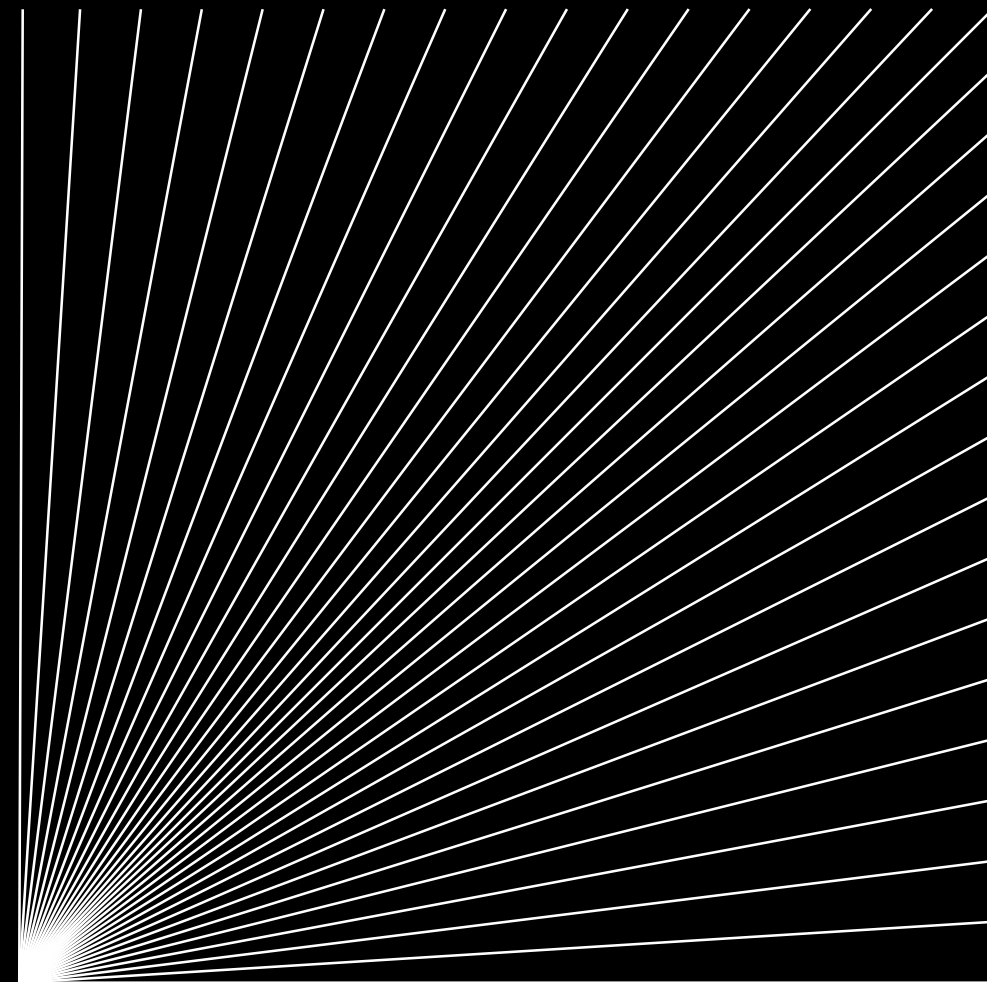


Office of the Commissioner of Data Protection - UPDATE

Data Protection in DIFC –
Best Practice, Principles, and
Guidance:
Export and Sharing

Date: 27 January 2022

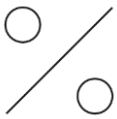
The future is here.



Discussion



What are current best practices and where did they come from?



What tools are available to assist us in getting and staying compliant?



What kinds of export and sharing questions do we have to consider for DIFC transfers?



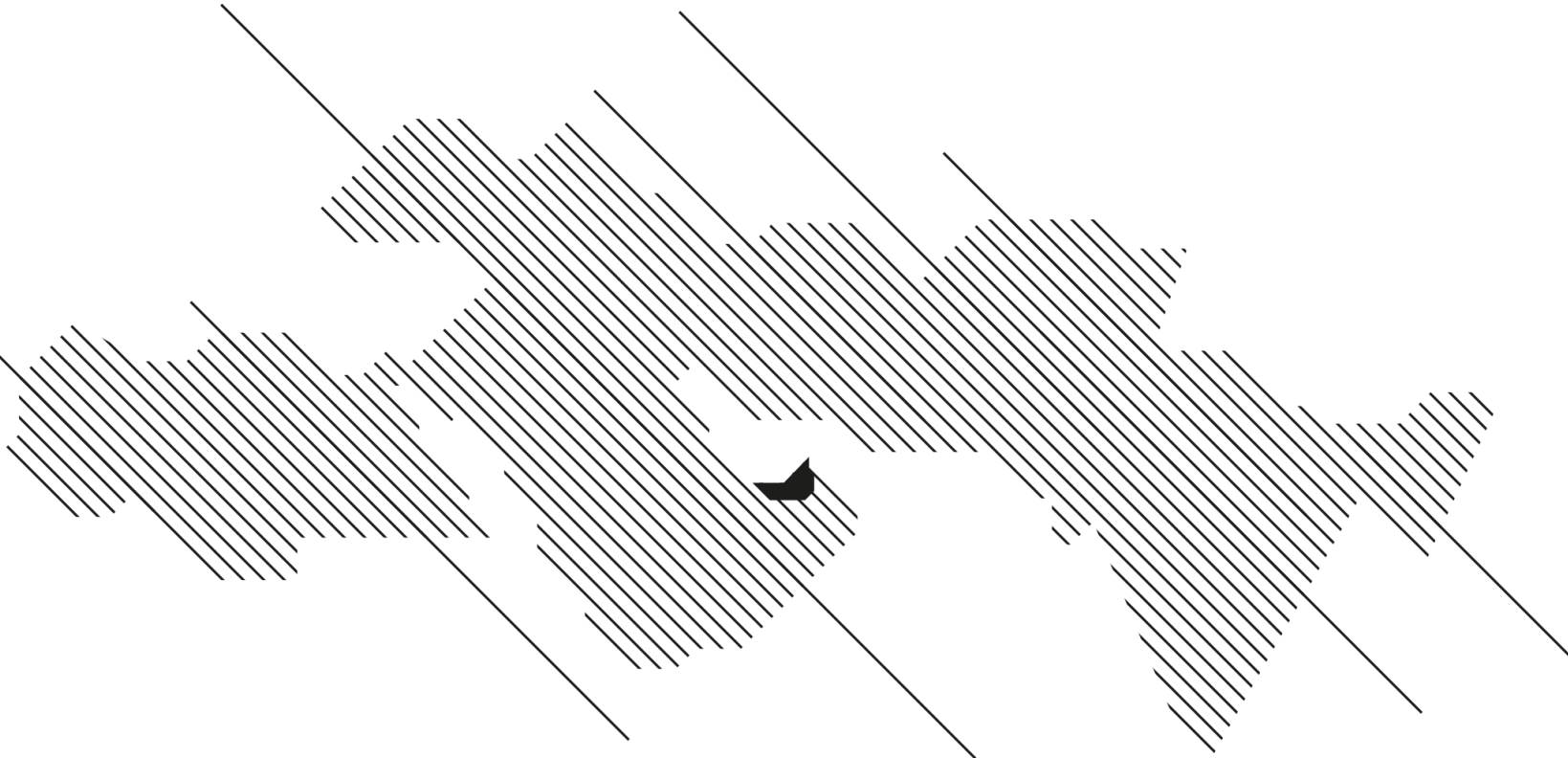
What is an adequacy assessment and how will it help my business be more competitive?

Best Practices

Where did they come from, what can we expect going forward?

The EU led the way with the 1995 Directive and the **GDPR** in 2016

Since then, over **145 countries have enacted data protection laws**, and 20+ laws in draft. UAE has several relevant laws, including DIFC **DP Law 2020** and **UAE DP Laws 44/45**



1980
OECD Guidelines, global principles supporting fundamental human right to privacy and a private life

2004
The first DIFC DP Law, and the first in the GCC region, is enacted, and administered by the DFSA

20+
The number of data protection laws in draft

6
The UAE DP Law 45 will become enforceable 6 months after the Executive Regulations

108
Convention 108, the first legally binding DP instrument, is adopted by Council of Europe on Jan 28, 1981

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What tools are available to support getting / staying compliant?

Sections of the Revised DIFC DP Website

Always check the [DIFC DP Website](#) for latest templates, forms, guidance & assessment tools

[FAQs / Guidance](#)

Information in concise, clear FAQs, assessment tools and detailed analysis of best practice issues

[Security & Breach Reporting](#)

Helpful forms and tools to understand whether to report a privacy breach

[Notifications](#)

Explanation of Fees, Voluntary notification form

[Accountability & Rights](#)

Templates for setting up a fully functioning compliance program

[Data Export and Sharing](#)

Handbook, SCCs, Ethical Data Management Index, and Adequate Countries list



What kinds of questions should we consider for DIFC transfers?



What are “onward transfers”?



Where does my company collect Personal Data?



How many Processors are we sharing data with and what DP laws are in place where they operate?



What are the Schrems decisions and how do they impact our company’s data transfers?



What government authorities may access Personal Data my company processes?

What is Adequacy and why will it help my business?

From the [UK guidance statement](#) entitled “**International data transfers: building trust, delivering growth and firing up innovation**”, which aligns with the UK National Data Strategy:

The UK is working in partnership with a number of priority destinations for adequacy. These priorities span the globe and reflect the scale of our ambitions.

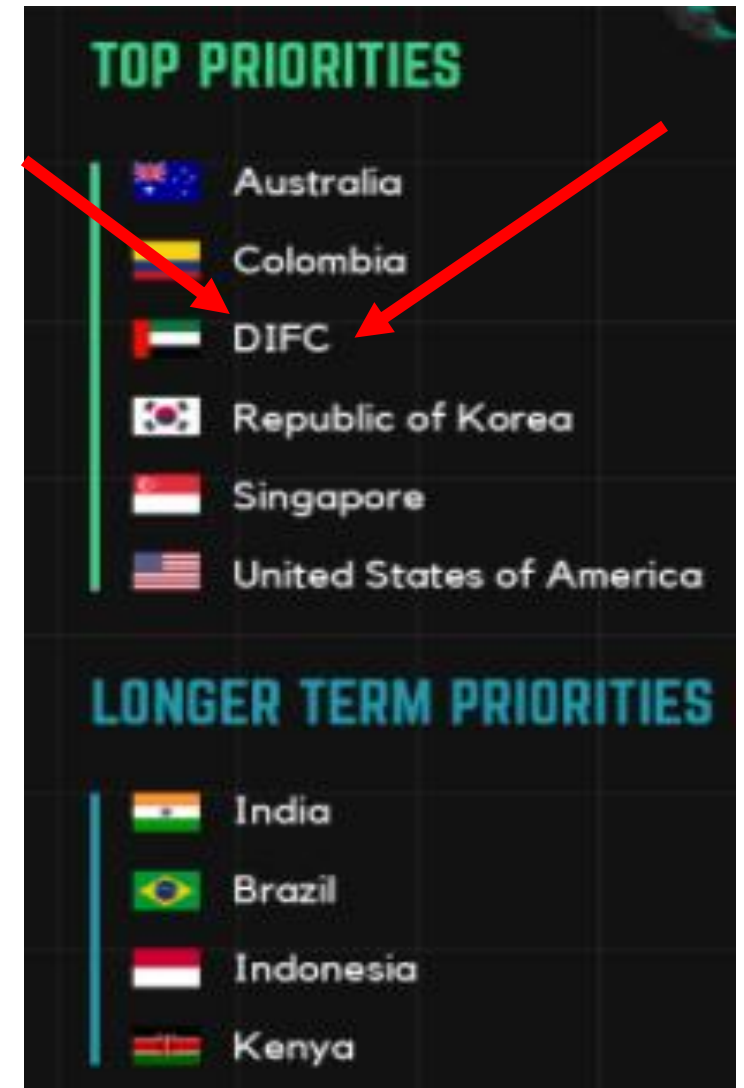
Data enabled services to these destinations are already worth more than £80 billion.

New partnerships will unlock more growth and allow us to share crucial information, such as life-saving research and cutting-edge technology innovation across our borders.

UK Adequacy Assessment

Of **utmost importance** to the DIFC adequacy assessment is:

1. driving the concept of **accountability and risk-based thinking** throughout every step of the in-depth adequacy assessment;
2. building **lasting frameworks** for secure, ethical data-sharing;
3. creating opportunities to **deepen core understanding** of how important data protection compliance is; and
4. **enhancing trade through a long-standing relationship** DIFC has always maintained with the UK, mirroring the common law approach as its whole legal foundation.
5. As of 26 August, 2021, DIFC are the only “jurisdiction” being assessed, or to have ever been assessed (rather than a country) and the **only one in the Middle East**.



QUIZ!!

When did the OECD publish guidelines on privacy?

- a. 1972
- b. 1995
- c. 1980

Why is Privacy Day celebrated on Jan 28 every year?

- a. It's when the Council of Europe opened Convention 108 for signature
- b. Chosen at random
- c. It's the date the GDPR was enacted

The only data protection law that has extra-territorial reach is the GDPR in Europe.

- a. True
- b. False

Who was the first administrator of the first DIFC Data Protection Law?

- a. Always has been the Commissioner
- b. DFSA
- c. There wasn't one until 2007

Under the DIFC DP Law 2020, what must you do if you engage in high risk data processing?

- a. Appoint a DPO
- b. Stop processing right away
- c. Consider whether to tell the Commissioner's Office

Do I have to tell a Data Subject that their data has been accessed inappropriately?

- a. Yes
- b. No
- c. Maybe

Q&A

There
four
isn't there.

Contact

For further information
please contact:

DIFC DP Commissioner's Office
commissioner@dp.difc.ae

+971 4 362 2222

Gate Building
Level 14
DIFC, Dubai, UAE
PO Box 74777