

# Stringent new compliance obligations for handlers of health data in Abu Dhabi

Businesses in Abu Dhabi which handle patient health data need to comply with a comprehensive set of privacy, security and operational compliance obligations under new regulations issued by the Department of Health.

The Standard on Patient Healthcare Data Privacy (the **Standard**) is effective from 16 September 2020 with no transitional or grace period.

The Standard represents the latest legislation in the UAE to recognise the importance of data protection principles and good practice, notwithstanding the current absence of a national data protection law.

## The national approach to health data

The Standard builds on Federal Law No 2 of 2019 Concerning the Use of Information and Communication Technology in the Field of Health (the **Law**). The Law introduced a number of high-level obligations relating to the protection, storage and use of patient data and devolved responsibility for detailed implementing standards to the local health authorities. The Standard reflects Abu Dhabi's approach to application of the Law. Given that a key objective of the Law is to create a unified national approach to patient data throughout the UAE, we would expect the authorities in the other Emirates to adopt a similar approach.

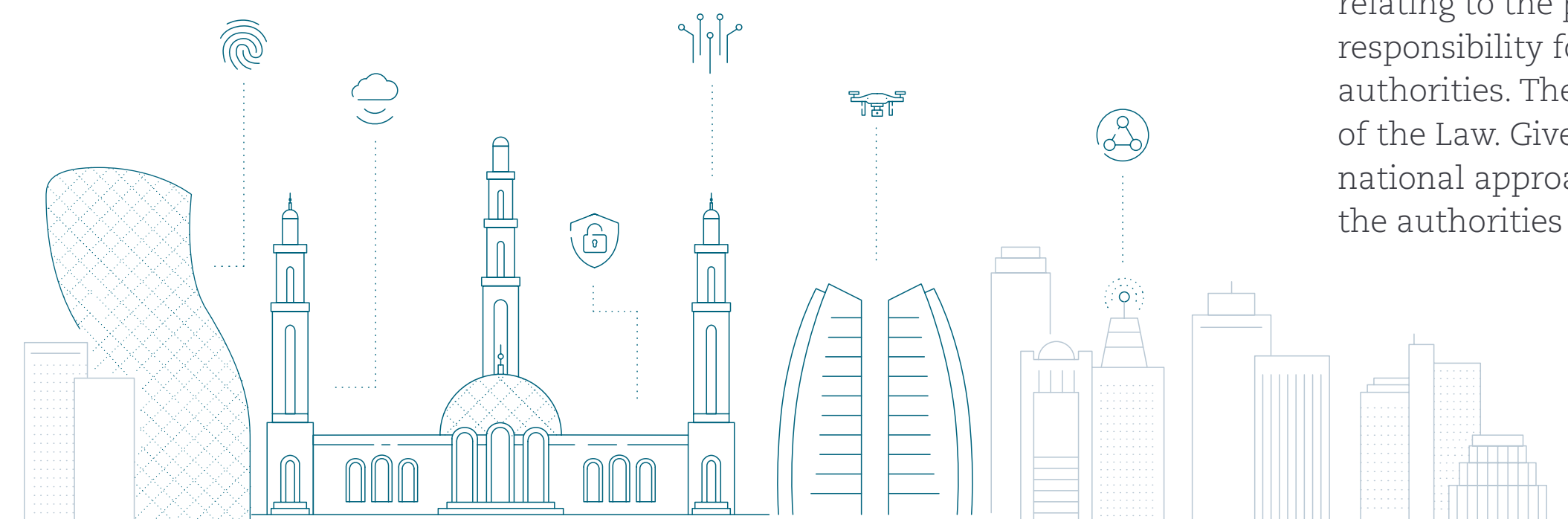
## Wide-reaching application

The Standard applies to:

- ▶ all businesses regulated by the Abu Dhabi Department of Health
- ▶ healthcare professionals
- ▶ health insurance providers and insurers dealing with personal health information
- ▶ brokers and third party administrators who deal with personal health information for their clients
- ▶ service providers and vendors who deal with personal health information for their clients

A wide range of businesses - some which might not ostensibly be "healthcare" businesses - will therefore need to understand their obligations under the Law and the Standard. Each of those businesses will need to plan and implement a suitable compliance programme.

Sanctions under the Law can include fines of up to AED 1,000,000 and temporary or permanent removal of access to the national health data system (which would mean businesses may not be able to carry on their usual activities).



---

## Compliance obligations

The obligations under the Standard represent an extensive approach to information governance that is broadly in line with a compliance programme that might be implemented to comply with international best practice data protection laws. The Standard also grants rights of data access and correction to patients.

### **The requirements include:**

---

## What you need to do

The Standard requires businesses to engage various internal stakeholders to create a compliant environment. Such stakeholders should include legal, HR, customer service, information technology, compliance and marketing. The challenge is similar to that posed by laws such as the EU General Data Protection Regulation (**GDPR**) which aim to create an organisational culture of accountability, awareness and compliance.

Clyde & Co has significant experience advising businesses on data protection compliance and worked with the DIFC Authority to draft the DIFC Data Protection Law 2020. We can assist organisations in:

- ▶ defining an approach to compliance
- ▶ developing policies and other relevant documentation
- ▶ supporting ongoing compliance queries, including patient requests
- ▶ implementing and delivering compliance training programmes

---

## Contact

Our specialist team provides leading insight on significant legal developments pertaining to tech, e-commerce and innovation