

**POSITION PAPER**

Country: United Arab Emirates

Committee: United Nations Human Rights Council (UNHRC)

Agenda: The Right to Privacy in the Digital Age

Delegate: Janvi Tomar

Privacy is the “right to be free from unwarranted intrusion and to keep certain matters from public view”. In the context of **digital privacy**, information **privacy** is the notion that individuals should have the freedom, or right, to determine how their **digital** information, mainly that pertaining to personally identifiable information, is collected and used. UAE has not issued any specific data-protection law so far, albeit an interwoven of different laws offering few privacy rights and forbids certain activities, including the divulgence of electronic information illegally.

Despite negative trends in the digital age, the right to privacy is still championed as an ideal by most of us. Multinational collaboration to protect digital rights is on the rise. Nations are bonding together to establish privacy-by-design controls that will protect data according to commonly agreed fundamentals. UN resolutions on this topic, the resolution adopted on 21 November 2016 recognises the importance of respecting international commitments in relation to the right to privacy. It underscores that any legitimate concerns states may have with regard to their security can and should be addressed in a manner consistent with obligations under international human rights law.

Article 31 of the Constitution is considered to represent a general right to privacy for citizens of the UAE: it provides for the right to freedom and secrecy of communication by post, telegraph, or other means of communication under law. Article 378 of the [UAE Penal Code](https://www.adjd.gov.ae/sites/Authoring/AR/ELibrary%20Books/E-Library/PDFs/Penal%20Code.pdf) makes one liable if he violates the private or familial life of individuals, by perpetrating one of the mentioned acts unless authorised by law, or without the victim’s consent. If he lends his ears, records or transmits, through a device of any kind, conversations that took place in a private place or through the telephone or any other device. Captures or transmits, through any kind of device, the picture of a person in a private place. If these acts were done during a meeting in front of the attending persons, their consent shall be presumed. Article 21 of the law makes one liable if he uses anelectronic information system or any information technology means for offending another person or for attacking or invading his privacy. Article 22 of the same law makes one liable if uses without authorisation, any computer network, website or information technology means to disclose confidential information which he has obtained in the course of or because of his work. In late 2019, Telecommunications Regulatory Authority (TRA) of UAE confirmed the issuance of a national cyber security strategy in order to follow the data protection policies under the General Data Protection Regulation (GDPR), Europe.

The regulation demands that individuals retain control of their data, that they can see the information about them that is being collected and ask to remove this information from internet platforms. Organizations that collect data must employ a data protection officer, who will oversee that privacy standards are upheld and personal data of those who request to be forgotten are removed. The regulation demands that individuals retain control of their data, that they can see the information about them that is being collected and ask to remove this information from internet platforms.