

Federal Law No. (2) of 2019
Concerning the Use of the Information and Communications Technology in
Health Fields

We, Khalifa bin Zayed Al Nahyan **President of the United Arab Emirates,**

- Upon review of the Constitution;
- Federal Law No. (1) of 1972 concerning the Competences of Ministries and Powers of Ministers, and any amendments thereof;
- Federal Law No. (7) of 1975 concerning the Practice of Medicine, and any amendments thereof;
- Federal Law No. (15) of 1980 concerning Printed Matters and Publications;
- Federal Law No. (4) of 1983 concerning Pharmaceutical Profession and Institutions;
- Federal Law No. (5) of 1984 concerning the Practice of Non-doctors and Pharmacists for some Medical Professions;
- Federal Law No. (3) of 1987 on the Issuance of Penal Code, and amendments thereof;
- Federal Law No. (11) of 1992 Promulgating the Civil Procedure Law, and any amendments thereof;
- Federal Law No. (35) of 1992 Promulgating the Penal Procedure Code, and any amendments thereof;
- Federal Decree-Law No. (3) of 2003 concerning the Regulation of the Telecommunications Sector, and any amendments thereof;
- Federal Law No. (8) of 2004 Concerning Financial Free Zones;
- Federal Law No. (1) of 2006 Concerning the Transactions and Electronic Commerce;
- Federal Law No. (9) of 2006 Concerning the Population Register and Identity Card, and any

amendments thereof;

- Federal Law No. (6) of 2007 Concerning the Establishment of the Insurance Authority and Regulation of Insurance Operations, and amendments thereof;

- Federal Law No. (11) of 2008 Concerning the Licensing of Fertilization Centres in State;

- Federal Law No. (18) of 2009 Regulating the Registration of Births and Deaths;

- Federal Decree-Law No. (3) of 2012 on the Establishment of the National Electronic Security Authority, and any amendment thereof;

- Federal Decree-Law No. (5) of 2012 for Combating Cybercrimes, and any amendments thereof;

- Federal Law No. (14) of 2014 concerning the Control of Communicable Diseases;

- Federal Law No. (4) of 2015 on Private Health Facilities;

- Federal Decree-Law No (4) of 2016 on Medical Liability;

- Federal Law No. (14) of 2016 Concerning the Irregularities and Administrative Sanctions in the Federal Government;

- Federal Decree-Law No. (16) of 2016 concerning the Emirates Health Services Establishment;

- And pursuant to the proposal presented by the Minister of Health and Prevention, and approval of the Cabinet and the Federal National Council, and ratification of the Supreme Federal Council;

Have promulgated the following Law:

Chapter I

Definitions and General Provisions

Article (1)

Definitions

In application of the provisions of this Law, the following words and expressions shall have the meanings ascribed thereto unless the context requires otherwise:

State : The United Arab Emirates.

The Ministry : Ministry of Health and Prevention.

The Minister : Minister of Health and Prevention.

Health Authority : Any federal or local governmental Health Authority in the State.

Health Authority : Every authority in the State providing health services, medical insurance services, or health insurance, mediating therein, managing its requirements, or electronic services in the area of health or any authority associated directly or indirectly to the application of the provisions of this Law.

person : Natural or legal person.

Central System : A set of operations for the electronic exchange of the health data and information including, the set of parts or electronic elements which are related to each other by some relations working together in order to achieve certain objective.

Data : Whichever that may be stored, processed, generated and

transformed through the information and communication technology, such as numbers, letters, codes, images and the like.

Health Information : The health data which had been processed and became with a meaning, whether visual, audio or legible, and characterised by the health feature, whether related to the health or insurance establishments or authorities or to the beneficiary from the health services.

Process : Information creation, introduction, amendment, update or deletion electronically.

Circulation of Health Information : Accessing, exchanging, copying, photocopying, transforming, storing, publishing, disclosing or sending the health data and information.

Professional Guidance Manuals : A description for the methods, works and procedures that shall be used as instructions.

Information and Communication Technology : Technological and electronic tools or systems or other means allowing the possibility of processing all types of information and data, including the possibility of storing, recovering, publishing and exchanging them.

Article (2)

Scope of Force of Law

This Law shall apply to all methods and uses of the information and communication technology in the areas of health in State, including the free zones.

Article (3)

Objectives of the Law

This Law aims to the following:

1. To ensure the optimal use of the information and communication technology in the areas of health.
2. To ensure the compatibility of the approved bases, standards and practices with their internationally-approved counterparts.
3. To allow the Ministry to collect, analyse and keep the health information at State level.
4. To ensure the security and safety of the health data and information.

Chapter II

Controls of using the information and communication technology

Article (4)

Obligations of using the information and communication technology

Upon using the information and communication technology in the areas of health, it shall be committed to the following:

1. To keep the confidentiality of health data and information by not allowing to circulate them in cases other than the permitted.
2. To ensure the validity and credibility of the health data and information by keeping their safety from the non-authorized damage, amendment, alteration, deletion or addition.

3. To ensure the availability of health data and information to the authorised thereof and facilitate the access thereto, if needed.

Article (5)

Establishment of the Central System

Upon coordination with the Health Authority and Relevant Entities, the Ministry shall establish the central system to keep, exchange and collect the health data and information.

Article (6)

Bases, standards and controls of the electronic systems

The Health Authority shall set the bases, standards and controls required to the electronic systems of its health data and information, such as its operation methods and how to exchange the data and information, protect, access, copy and change and check them, as well as the proper and safe uses to them, and to manage the risk of the health information and data.

Article (7)

Joining the Central System

The Health Authority and Relevant Entity shall be committed to join the central system in accordance with the controls and procedures specified by the Executive Regulation of this Law.

Article (8)

Obligations of using the central system

1. The authorities authorised to use the central system shall be committed to the following:
 - A. To specify the persons authorised to access and circulate the systems and bases of the health data and information and clarify their powers.
 - B. To take all the procedures required to ensure the protection and safety of the

health data and information and its confidentiality.

2. The Executive Regulation of this Law shall specify the controls and procedures of applying the provision of this Article.

Article (9)

Publishing and distributing the Professional Guidance Manuals

The authority authorised to publish and distribute the professional guidance manual through the central system shall be specified by a resolution from the Minister in coordination with the Health Authority.

Article (10)

Coordination between the Ministry and the Relevant Entity or the Health Authority

In coordination with the Health Authority or the Relevant Entity, the Ministry shall conduct the following:

1. To set and apply a national strategic plan in the area of using the information and communication technology in the areas of health.
2. To set mandatory mechanisms and procedures for using the information and communication technology in the areas of health, according to provisions of this Law and the laws applicable in State.
3. To apply the initiatives and programmes specified in the strategy and the technical standards and assess them.
4. To set the controls, standards and procedures of the electronic operational programmes used in
5. To set the mechanisms and procedures of the circulation of the health data and information.

Article (11)

Ensuring the compatibility of the used information systems

The Health Authority and the Relevant Entity, each within its competence, shall ensure the validity, credibility and availability of the health data and information in a manner ensuring the compatibility of the used information systems and their inter-operation, in order to exchange and collect the health data and information.

Article (12)

Storing the health data and information inside State

The terms and controls of storing the health data and information inside State shall be specified by a resolution from the Minister in coordination with the health authorities.

Article (13)

Storing and transforming the health data and information outside State

It is not permissible to store, process, generate or transform the health data and information outside State -which are related to the health services provided inside State- except in the case where a resolution is issued from the Health Authority in coordination with the Ministry.

Article (14)

Prohibitions of using the central system

No person may use the central system unless being authorised by the Health Authority or the Relevant Entity, as specified by the Executive Regulation of this Law.

Article (15)

Obligations of using the central system

1. Persons authorised to use the central system shall be committed of the following:
 - A. To handle the information necessary to complete the required work or the specified purpose.
 - B. The information circulation shall be limited with the authorised persons only.
 - C. Not to amend the health data and information by deletion or addition unless according to the specified controls.
 - D. Not to publish the health data and information, as well as the statistics related to the area of health, unless according to the specified controls.
2. The Executive Regulation of this Law shall specify the terms and controls of applying the provision of this Article.

Article (16)

Confidentiality of the patient information and exception therefrom

Without violation to any applicable legislations, whoever circulates information related to the patients must keep its confidentiality and not to use them except in the health purposes without written approval from the patient, except in any of the following cases:

1. The health data or information requested by the health insurance companies or any authority funding the health services regarding the health services received by the patient, for the review, approval or verification of the financial entitlements related to such services.
2. Purposes of the scientific and clinical research, provided that not to disclose the identity of the patients and to observe the morals and rules of the scientific researches.
3. To take the preventive and curative procedures related to the public health or to keep

the health and safety of the patient or any other person contacting him.

4. Upon a request by the competent judicial authorities.
5. Upon a request by the Health Authority for purposes of monitoring and inspection and keeping the public health.

Article (17)

License of advertising

It is not permissible to use the central system in publishing any health advertising without getting a license from the Ministry.

Article (18)

Violating the controls and standards of the health advertising

The Ministry may ask the competent authority, according to the procedures followed therein, to ban or block the websites, whether inside or outside State, which violate the controls and standards of the health advertising in State or present health advertising or information without permission or license from the Ministry.

Article (19)

Training and qualifying the human cadres

The Health Authority shall undertake the training and qualifying the human cadres and provide the possibilities and proper environment, in order to ensure the security and safety of the health data and information, in accordance with the best international practices.

Article (20)

Keeping the health data and information

1. The following shall be required to keep the health data and information through the

information and communication technology:

- A. The keeping period shall commensurate with the need to the health data and information, provided that the keeping period shall not be less than (25) twenty-five years from the last date of the health procedure of the person concerned with such health data and information.
 - B. To ensure the confidentiality standards and validity and credibility of the data and information.
2. The Executive Regulation of this Law shall specify the controls and procedures of applying the provision of this Article.

Article (21)

Proving the ID number in the health transactions and files

The Health Authority and the Relevant Entity shall be committed to prove the ID number in all the health transactions, records and files and shall use it in their regulation and keeping, except for the emergencies and others which are issued by a resolution from the Ministry in coordination with the Health Authority.

Chapter III

Punishments

Article (22)

Application of the severe punishment

Punishments stipulated in this Law shall not prejudice to any more severe punishment stipulated by any other law.

Article (23)

Punishment of publishing a health advertising without license

Whoever publishes a health advertising through the central system without license shall be punished of a penalty of no less than (100.000) one hundred thousand dirhams and no more than (200.000) two hundred thousand dirhams.

Article (24)

Punishment of violating provisions of Article (13)

Whoever violates the provision of Article (13) of this Law shall be punished of a penalty of no less than (500.000) five hundred thousand dirhams and no more than (700.000) seven hundred thousand dirhams.

Article (25)

Disciplinary Sanctions

Without violation to the disciplinary punishments prescribed in this Law or any other Laws, the Health Authority, each according to its competence, shall punish the establishments which provide health services or work in the area of the health researches, or the establishments authorised to use the central system, which violated the provisions of this Law, its Executive Regulation or its applying resolutions, by any of the following disciplinary sanctions:

- A. Written notice.
- B. Written Warning.
- C. The penalty which is no less than (1000) one thousand Dirham and no more than (1.000.000) one million Dirham.
- D. Suspending the license of using the central system temporary for no more than six months.
- E. Cancelling the license of using the central system.

Article (26)

Complain of the Disciplinary Sanctions

1. A committee to consider the disciplinary sanctions shall be established in the Health Authority. The committee shall be formed and its competence and the ways to submit the complain thereto shall be specified by a resolution from the Health Authority.
2. Whoever a resolution of the disciplinary sanction is issued against him, according to Article (25) of this Law, may complain of the resolution before the complaints committee which is formed in the Health Authority, within (15) fifteen days from date the complainer is notified of the resolution.
3. The complain must be considered within (30) thirty days from the date it is submitted. The non-reply to the complain within such period shall be deemed as rejection thereto.
4. The resolution issued in the complain shall be final.
5. Whoever his complain is rejected may appeal before the competent courts in State within thirty days from the date of being notified of the rejection of the complain or the termination of the thirty days period mentioned in Clause (2) of this Article.

Chapter IV

Final Provisions

Article (27)

Judicial Officers

Employees, who are determined by a resolution by the Minister of Justice in agreement with the Minister or Head of the Health Authority, shall be granted the status of law enforcement in establishing the violation to the provisions of this Law and the applying resolutions thereof, within their area of competence.

Article (28)

Regularisation of status of the Relevant Entities

Each Relevant Entity shall regularise its status according to provisions of this Law, within the period specified by a resolution from the Cabinet.

Article (29)

Issuing the Executive Regulation of the Law

The Cabinet shall issue the Executive Regulation of this Law, upon the proposal of the Minister, within six months as of the date of its publication.

Article (30)

Repealing contrary and inconsistent provisions

Any provision contrary to or inconsistent with the provisions of this Law shall be repealed.

Article (31)

Publication and Enforcement

This Law shall be published in the official Gazette and shall come into force three months after the date its publication.

Signed

Khalifa Bin Zayed Al Nahyan

President of The United Arab Emirates

Issued by Us at the Presidential Palace in Abu Dhabi:

Dated: 1 Jumada-al- Akhar 1440 AH

Corresponding to: 6 February 2019 AD