

Federal law No. 2

Issued on 06/02/2019

Corresponding to 1 Jumada Al-Akhar 1440 H.

**ON THE USE OF THE INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) IN
Health FIELDS**

We, Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates State,

Pursuant to the perusal of the Constitution;

Federal **law** no. 1 of 1972, on the Competencies of Ministries and Powers of Ministers, and its amendments;

Federal **law** no. 7 of 1975 on the Practice of the Human Medicine Profession, and its amendments;

Federal **law** no. 15 of 1980 on Publications and Publishing;

Federal **law** no. 4 of 1983 on the Profession of Pharmacy and Pharmaceutical Institutions;

Federal **law** no. 5 of 1984 on the Practice of some **Health** Professions by non-Doctors and non Pharmacists;

Federal **law** no. 3 of 1987 Promulgating the Penal Code, and its amendments;

Federal **law** No.11 of 1992 Promulgating the Civil Procedure **law**, and its amendments;

Federal **law** No. 35 of 1992 Promulgating the Penal Procedure **law**, and its amendments;

Federal Decree-**law** No. 3 of 2003 on the Regulation of Telecommunication Sector, and its amendments;

Federal **law** No. 8 of 2004 on the Financial Free Zones;

Federal **law** No. 1 of 2006 on Electronic Commerce and Transactions;

Federal **law** No. 9 of 2006 on the Population Register and the Identity Card, and its amendments;

Federal **law** No. 6 of 2007 on the Establishment of the Insurance Authority and Regulation of its Operations, and its amendments;

Federal **law** No. 11 of 2008 on Licensing Fertilisation Centres in the State;

Federal **law** No. 18 of 2009 on the Regulation of the Registration of Births and Deaths;

Federal Decree-**law** No. 3 of 2012 on the Establishment of the National Electronic Security Authority;

Federal Decree-**law** No. 5 of 2012 on Combating IT Crimes, and its amendments;

Federal **law** No. 14 of 2014 on the Control of Communicable Diseases;

Federal **law** No. 4 of 2015 on Private **Health** Facilities;

Federal Decree-**law** No. 4 of 2016 on Medical Responsibility;

Federal **law** No. 14 of 2016 on Violations and Administrative Penalties in the Federal

Government;

Federal Decree-**law** No. 16 of 2016 on the Establishment of the Emirates **Health** Services Establishment; and

Acting upon the proposal of the Minister of **Health** and Prevention, the approval of the Cabinet and the Federal National Council and the ratification of the Federal Supreme Council;

Have issued the following **law**:

TITLE I

DEFINITIONS AND GENERAL PROVISIONS

Article 1- Definitions

In the implementation of the present **law**, the following words and expressions shall have the meanings corresponding thereto, unless the context otherwise requires:

State: The United Arab Emirates.

Ministry: The Ministry of **Health** and Prevention.

Minister: The Minister of **Health** and Prevention.

Health Authority: Any Federal or local governmental **Health** authority in the State.

Competent Entity: Any entity in the State providing medical services, **Health** insurance or national **Health** insurance services, brokerage services, claims management services or electronic services in the medical field or any entity related, whether directly or indirectly, to the implementation of the provisions hereof.

Person: The natural or legal person.

Central System: The operations of **Health** information and data electronic exchange, including the set of electronic parts or elements linked and working together for the achievement of a specific goal.

Data: Anything that may be stored, processed, generated and transferred through Information and Communication Technology (ICT), such as numbers, letters, codes, photos and the like.

Health Information: The **Health** information that were processed and were given a visual, audible or readable indication, and that may be attributed to the **Health** sector, whether related to the **Health** or insurance facilities or entities or to the **Health** services beneficiaries.

Processing: The electronic creation, entry, amendment, update or deletion of the information.

Health Information Circulation: The act of examining, exchanging, copying, photocopying, transferring, storing, disseminating, disclosing or sending **Health** data and information.

Professional Guides: The description of the methods, actions and procedures to be observed.

Information and Communication Technology (ICT): The technical or electronic tools or systems or other media allowing all kinds of processing of information and data, including the storage, retrieval, dissemination and exchange thereof.

Article 2- Scope of Applicability

This **law** shall apply to all Information and Communication Technology (ICT) methods and uses in the **Health** fields in the State, including the Free Zones.

Article 3- Objectives of the **law**

This **law** shall aim at the following:

- 1- To ensure the optimal use of the ICT in **Health** fields.
- 2- To ensure compatibility of the adopted principles, standards and practices with their internationally recognised counterparts.

- 3- To enable the Ministry to collect, analyse and keep the **Health** information at the State level.
- 4- To ensure the safety and security of **Health** data and information.

TITLE II

INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) USE CONTROLS

Article 4- ICT Use Obligations

The following conditions shall be adhered to when using ICT in **Health** fields:

- 1- To keep all **Health** data and information confidential and to allow the circulation thereof only in authorised cases.
- 2- To ensure the validity and credibility of the **Health** data and information, by protecting the integrity thereof from destruction or unauthorised amendment, alteration, deletion or addition.
- 3- To ensure the availability of the **Health** data and information to the authorised parties and to facilitate access thereto when needed.

Article 5- Establishment of the Central System

The Ministry shall establish a Central System in coordination with the **Health** Authority and Competent Entities to keep, exchange and collect all **Health** information and data.

Article 6- Electronic Systems Principles, Standards and Controls

The **Health** Authority shall define the necessary principles, standards and controls required for its **Health** information and data electronic systems, such as the methods of operation thereof, the method of information and data exchange, protection, access and copying, the changes made thereto, the safe and sound uses and the **Health** information and data risk management.

Article 7- Access to the Central System

The **Health** Authority and the Competent Entity shall undertake to accede to the Central System, according to the controls and procedures defined under the Implementing Regulation of this **law**.

Article 8- Obligations for the Use of Central System

- 1- The entities authorised to use the Central System shall abide by the following:
 - a- To determine the persons authorised to access and circulate the **Health** information and data systems and rules and to designate their powers.
 - b- To take all necessary procedures to protect and ensure the safety and confidentiality of the **Health** information and data.
- 2- The Implementing Regulation of this **law** shall define the controls and procedures for the implementation of the provisions of this Article.

Article 9- Publication and Distribution of the Professional Guides

The entity authorised to publish and distribute the Professional Guides through the Central System shall be determined by virtue of a decision issued by the Minister in coordination with the **Health** Authority.

Article 10- Coordination between the Ministry and the Competent Entity or **Health** Authority

The Ministry shall, in coordination with the **Health** Authority or Competent Entity:

- 1- Develop and implement a national strategic plan for the use of ICT in the **Health** fields.
- 2- Develop mandatory mechanisms and procedures for the use of ICT in the **Health** fields, according to the present **law** and other **laws** in force in the State.
- 3- Implement and evaluate the initiatives and programs defined in the strategy as well as the technical standards.

4- Develop the controls, standards and procedures of the electronic operational programs used for establishing a connection with the diagnosis and treatment devices and equipment of the facilities providing **Health** services.

5- Develop the mechanisms and procedures for the circulation of **Health** information and data.

Article 11- Ensuring Compatibility of Used Information Systems

The **Health** Authority and Competent Entity shall, each within the scope of its competencies, ensure the validity and credibility of the **Health** information and data and shall provide them in such a manner to ensure compatibility of the used Information Systems and their interoperability to exchange and collect **Health** information and data.

Article 12- Storage of Health Information and Data in the State

The **Health** information and data storage conditions and controls in the State shall be defined by virtue of a decision issued by the Minister in coordination with the **Health** Authorities.

Article 13- Storage and Transfer of Health Information and Data outside the State

The **Health** information and data related to the **Health** services provided in the State may not be stored, processed, generated or transferred outside the State, unless in the cases defined by virtue of a decision issued by the **Health** Authority in coordination with the Ministry.

Article 14- Prohibitions of the Central System Use

No person may use the Central System unless authorised to this effect by the **Health** Authority or Competent Entity, according to the provisions of the Implementing Regulation of this **law**.

Article 15- Obligations for the Central System Use

1- The persons authorised to use the Central System shall undertake to:

- a- Circulate the information required for the accomplishment of the required job or defined objective.
 - b- To limit the circulation of the information to the authorised persons only.
 - c- Not to amend the **Health** information and data, by way of deletion or addition, unless according to the defined controls.
 - d- Not to disseminate the **Health** information and data, in addition to the statistics related to the **Health** field, unless according to the defined controls.
- 2- The Implementing Regulation of this **law** shall define the controls and procedures for the implementation of the provisions of this Article.

Article 16- Confidentiality of Information Related to Patients and Exclusions

Without prejudice to any legislation in force, whoever circulates information related to patients shall keep them confidential and shall abstain from using them for non-**Health** purposes without obtaining the written approval of the patient and except in the following cases:

- 1- The **Health** information or data required by the **Health** insurance companies or any **Health** services funding entity with regard to the **Health** services received by the patient, for the purposes of auditing, approving or verifying the financial benefits related to those services.
- 2- Scientific and clinical research purposes, provided that the identity of patients is not disclosed and that the ethics and rules of scientific research are respected.
- 3- Taking preventive and curative measures related to the public **Health** or protecting the **Health** and safety of the patient or any other person related to him.
- 4- Upon request of the competent judicial entities.
- 5- Upon request of the **Health** Authority for the purposes of control, inspection and protection of public **Health**.

Article 17- Advertisement Licensing

The Central System may not be used to publish any **Health** advertisement without obtaining a licence from the Ministry.

Article 18- Violation of the Controls and Standards of Health Advertisements

The Ministry may request the Competent Entity, according to its adopted procedures, to prohibit or block websites whether inside the State or abroad, which violate the controls and standards laid down in the State regarding **Health** advertisements or provide **Health** advertisements and information without an authorisation or licence from the Ministry.

Article 19- Training and Qualification of Cadres

The **Health** Authority shall undertake to train and qualify the cadres and to provide the necessary resources and environment in order to ensure the safety and security of **Health** information and data according to the best international practices.

Article 20- Health Information and Data Keeping

1- The following conditions shall be met when keeping **Health** information and data through ICT:

a- The period during which **Health** information and data are kept shall be commensurate with the need thereof, provided that it is no less than (25) twenty-five years as of the date of the last **Health** procedures provided to the person concerned with such **Health** information and data.

b- The **Health** information and data confidentiality, validity and credibility standards shall be observed.

2- The Implementing Regulation of this **law** shall determine the controls and procedures for the implementation of the provisions of this Article.

Article 21- Inclusion of the Identity Number in Health Transactions and Files

The **Health** Authority and Competent Entity shall undertake to include the Identity Number in all **Health** transactions, registers and files and to use it for the purposes of organisation and storage thereof, except in the emergency cases and other cases defined by virtue of a decision issued by the Ministry in coordination with the **Health** Authority.

TITLE III

PENALTIES

Article 22- Application of the Severer Penalty

The penalties provided for under this **law** shall be applied without prejudice to any severer penalty provided for under any other **law**.

Article 23- Penalty of Unauthorised Advertisement Publishing

Whoever publishes a **Health** advertisement through the Central System without authorisation shall be punished by a fine of not less than AED (100.000) one hundred thousand and not more than AED (200.000) two hundred thousand.

Article 24- Penalty of the Violation of Article (13) Provisions

Whoever violates the provisions of Article (13) of this **law** shall be punished by a fine of not less than AED (500.000) five hundred thousand and not more than AED (700.000) seven hundred thousand.

Article 25- Disciplinary Sanctions

Without prejudice to the criminal penalties established under this **law** or under any other **law**, the **Health** Authority shall have the right within the scope of its competence to punish the institutions that provide **Health** services or work in the field of **Health** research or the facilities authorised to use the Central System and which violate the provisions of this **law**, its Implementing Regulation, or the decisions issued thereunder, by any of the following disciplinary sanctions:

a- Oral warning.

b- Written warning.

- c- Fine of not less than AED (1000) one thousand and not more than AED (1.000.000) one million.
- d- Temporary suspension of the authorisation to use the Central System for not more than 5 months.
- e- Cancellation of the authorisation to use the Central System.

Article 26- Grieving against the Disciplinary Sanctions

1- A committee shall be formed at the **Health** Authority to examine all grievances filed against disciplinary sanctions. This committee shall be formed by virtue of a decision issued by the **Health** Authority and defining the competences thereof and the way of filing grievances.

2- A person against whom a disciplinary sanction was issued according to Article (25) hereof may submit a grievance against the decision before the Grievances Committee formed at the **Health** Authority, within (15) fifteen days from the date the grievant receives notification of the decision.

3- The grievance shall be determined within (30) thirty days as of the date of submittal thereof. If no reply is received during this period, the grievance shall be deemed as rejected.

4- The decision issued regarding the grievance shall be deemed final.

5- A person whom challenge has been rejected may appeal before the competent courts in the State within thirty days as of the date of his notification of the rejection of the challenge or the expiry of the thirty-day period referred to under Clause (2) hereof.

TITLE IV

FINAL PROVISIONS

Article 27- Judicial Officers

The employees appointed by virtue of a decision issued by the Minister of Justice, in agreement with the Minister or the **Health** Authority shall have the capacity of judicial officers to prove the violation of the provisions of this **law** and the decisions issued pursuant thereto, within the scope of their competencies.

Article 28- Adjustment of Situation of the Competent Entities

The Competent Entity shall adjust its situation according to the provisions of this **law**, within the period determined in a Cabinet decision.

Article 29- Issuance of the Implementing Regulation of the **law**

The Cabinet shall issue, based on the proposal of the Minister, the implementing regulation of this **law** within six months as of the date of its publication.

Article 30- Abrogation of Violating and Contradicting Provisions

All provisions in violation of or in contradiction with the provisions of this **law** shall be abrogated.

Article 31- Publication and Entry into Force of the **law**

This **law** shall be published in the Official Gazette and shall come into force three months after the publication thereof.

.This Federal **law** was published in the Official Gazette, issue no. 647, p. 11

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President of the
United Arab Emirates State