

# Watching the Watchmen: The requirement for and regulation of CCTV and other monitoring and control devices in Abu Dhabi

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Three government officials in Abu Dhabi have recently been prosecuted for invading the privacy of their female co-workers by placing CCTV cameras in an Al Ain workplace.

This matter raises questions about the installation and use of CCTV, or other monitoring and control devices, in the Emirate of Abu Dhabi.

The fact is that under Abu Dhabi law most public and many private facilities are expressly required to have monitoring and control systems.

The Monitoring and Control Center ("MCC") was established by the Executive Council of the Emirate of Abu Dhabi under Abu Dhabi Law No.5 of 2011 ("MCC Law") with the statutory aims of :

- Managing, organising and utilising the systems of monitoring and control devices in vital places, facilities and public and private establishments as well as analysing the data provided by such devices in order to prevent the commission of crimes and discover the perpetrators and preserve security and public order in the Emirate; and
- Ensuring continuous operation of monitoring and control devices and systems and their integration and coherence with other monitoring and control devices and systems in the Emirate.

The vision of the MCC is a safe and smart Abu Dhabi. Under Abu Dhabi Law Executive Regulations No.5 of 2011 ("MCC Regulations") the MCC is responsible for issuing the permits, non-objection certificates and accreditation certificates for the practice of monitoring works in the public places and facilities, private places and their infrastructure. The MCC also sets the standards and technical specifications of the monitoring and control devices.

The establishment of monitoring stations or operating monitoring devices without obtaining the MCC's approval is an offence punishable by imprisonment of up to two years and/or a fine of no less than AED 50,000 and no more than AED 200,000. The MCC has the authority to seize and confiscate any monitoring and control devices used in breach of provisions of the law.

The following public and private facilities in Abu Dhabi are required to have the monitoring and control systems in accordance with the terms and conditions set by the MCC:

- Hotels, hotel apartments and residences
- Banks, exchange offices and monetary and financial institutions
- Shopping centres, entertainment centres and clubs
- Fuel stations
- Gold and jewellery shops
- Deposits and warehouses of precious material and hazardous substances
- Hospitals and medical centres
- Sports clubs
- Ports, airports and land ports

- Commercial buildings
- Public and private schools, universities and institutes

The public and private facilities are required to install cameras in particular locations (for example in front of all doors and elevators and in all stairs including emergency stairs).

The MCC Regulations also prescribe restrictions on how cameras can be installed. Mobile cameras with zoom lenses cannot be installed in private places such as swimming pools and dressing rooms except with the particular permission of the MCC. Further, no private places should fall within the scope of vision of cameras unless with permission.

Under the MCC Law and MCC Regulations, a public or private facility that is legally entitled to use monitoring and control devices (i.e. they are licensed by the MCC) is defined as a “Monitoring Agency”.

All staff of Monitoring Agencies are subject to specific legal prohibitions in relation to the use of monitoring and control devices.

It is illegal for staff of a Monitoring Agency to misuse the monitoring and control devices by directing them towards any person or any private place for personal objectives or purposes or for the disclosure of any information to achieve any personal objectives (e.g. for the defamation, degradation, humiliation or blackmail of any person).

Staff of Monitoring Agencies cannot do any act that prejudices freedom or privacy of a person or the inviolability of their homes.

The MCC Regulations also prohibit the staff of Monitoring Agencies from installing or operating monitoring devices for persons inside their workplaces. It is not expressly clear how this correlates with the separate express requirements in the MCC Regulations to have fixed cameras in front of reception counters, boxes and selling desks, which as a consequence would also monitor employees working in those areas.

Employees of the MCC or a Monitoring Agency cannot disclose any information of data recorded by Monitoring Agencies to any entity or person that is not legally authorised to have access to that information or data except with the permission of the MCC.

The MCC may request a copy of the information and data recorded by Monitoring Agencies and provide competent local and federal judicial, police and security authorities with that information and data which may lead to or contribute to the identification of criminals, inciters, involved parties, witnesses, accomplices or victims of any criminal act that may affect the public or private interests. An affected party may, during the hearing of a Court action, request the Court to contact the MCC to obtain information in case the event or the crime takes place in the monitored area in the MCC jurisdiction.

As the MCC Law and MCC Regulations are Abu Dhabi laws, a person’s right to privacy may need to be considered under relevant Federal Laws such as Articles 378 and 379 of the UAE Penal Code (Federal Law No. 3 of 1987) and the UAE Cybercrimes Law (Federal Law No. 5 of 2012) which contain restrictions on recording of visual materials.

Dubai has its own separate law concerning CCTV. We have previously discussed in this publication Law No.10 of 2014 Amending Provisions of Law No 24 of 2008 – See more at: <http://www.tamimi.com/en/magazine/law-update/section-8/october-4/surveillance-cameras-in-dubai.html>

What is clear is that in Abu Dhabi you should not be installing or using monitoring or control devices

without the necessary MCC licence.