

Privacy Violated: Emirati ISPs' Abuse of Personal User Information

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I. Introduction



United Arab Emirates is a West Asian country composed of seven states: Abu Dhabi (the capital), Ajman, Dubai, Fujairah, Ras Al Khaimah, Sharjah and Umm Al Quwain.

Internet penetration is high: %99.06 the UAE's population of 9.61 million. Nearly the same (%91.05) holds true for mobile WiFi penetration. This makes the UAE one of the countries with the highest proportions of Internet users relative to its population.

Now one of the premier countries in information technology and communications, new businesses based on connectedness have thrived. One of these ventures is the Dubai Internet city (DIC). Launched in October 2000 and now the largest such hub in North Africa and the Middle East, it was designed specifically to support



information and communications technology companies. The hub is home to the global companies such as Microsoft, Oracle, HP, IBM, Dell, Siemens, Canon, Logica, Sony Ericsson, Schlumberger and Cisco. Many small and medium enterprises thrive there as well. Companies that are part of the “city” are incentivized with 50 year exemptions from personal, income and corporate taxes; permission for 100 percent foreign ownership with full repatriation of profits; and an infrastructure offering ethernet, digital voice and high-speed data at competitive rates.

Internet in the United Arab Emirates is controlled by the Telecommunications Regulatory Authority (TRA), established under federal law in 2003. It is critical for the TRA to require for companies to implement privacy policies governing how information is obtained from users, how it’s used and who benefits.

II. Study Methodology

The eight ISPs examined were Etisalat, Thuraya, DU, Skystream, Nedaa, Yahsat, SWYP, and Virgin Mobile. First, ImpACT reviewed and compared the privacy policies published on their websites. The second step was a survey of customers' attitudes related to sharing personal information.





Comparison of privacy policies

This analysis focuses on whether ISP companies in the UAE have adopted and published explicit privacy policies explaining customer rights. It also focuses on ease of customer access to these policies. Ten specific questions guided our review of the companies' websites:

How easy is it for customers to find and understand the privacy policy prior to signing a contract?

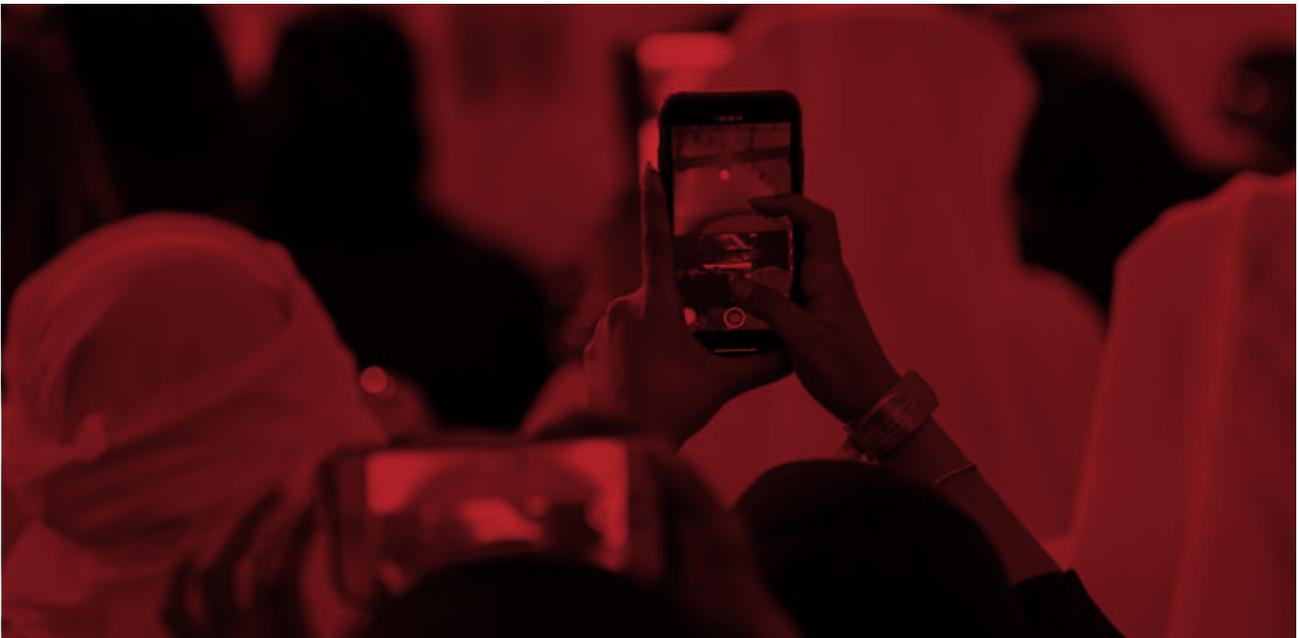
1. Does the policy include a clear, explicit explanation of the personal information to be collected from customers?
2. Is there a clear statement regarding with whom and for what purpose this information will be shared?
3. Are customers notified that by subscribing, they give permission to the ISP to share their personal information with other parties?
4. Are those third parties named?
5. Is there a clear statement about the nature and extent of the ISP's responsibility for protecting customers' personal information within these terms?
6. Does the privacy policy address customers' right to compensation if their personal information is stolen, disseminated or used for purposes other than those stipulated?

7. Is there an explanation of the situations in which personal information will be shared with other parties?
 8. Is there an explanation of the legal liability of these third parties, if any, in the case of loss, breach or misuse?
 9. For how long does the ISP retain customers personal information following contract termination?
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III. UAE Telecommunication and Internet Service Providers

The Emirates Telecommunications Corporation (Etisalat) was the sole telephone and telecommunications provider in the UAE from 1976 to 2006. Recently, more telephone company and internet service providers (ISPs) have been established and now compete in the market:



• **3.1 The Emirates Telecommunications Corporation (Etisalat)**

Etisalat Group was established around 40 years ago as the country's first telecommunications service provider. Today, its market cap is AED 148 billion (40.3\$ billion). In 2018, Etisalat reported consolidated net revenues of AED 52.4 billion, with a consolidated net profit of AED 8.6 billion. Recently, Etisalat launched the first commercial 5G wireless network in the UAE, with Dubai Expo 2020 becoming its first commercial customer. Etisalat headquarters is located in Abu Dhabi, serving 148 million subscribers in 15 countries across the Middle East, Asia and Africa.

• **3.2 Thuraya**

Thuraya operates its headquarters in Abu Dhabi and is fully owned by the Mubadala Investment Company, the mobile satellite services subsidiary of the UAE's Yahsat. Thuraya is the first company in the Middle East and Africa to offer Ka-band services, including YahClick and Yahsat Government Solutions. With the launch of Al Yah 3, Thuraya now provides commercial Ka-band coverage to 20 other markets, reaching %60 of Africa's population and over %95 of Brazil's.

Thuraya has two communication satellites that serve over 160 countries in Europe, Africa, the Middle East, South America and Asia.

• **3.3 DU**

Since opening in 2006, DU has offered both mobile and fixed telephone service, broadband connectivity and IPTV, which provides TV channels over the internet. DU also offers carrier services, a data hub, internet exchange facilities and satellite services for broadcasters .

According to the DU website, it caters to more than 6.5 million mobile customers (representing a market share of about %50) and 555,000 fixed-line subscribers. About 180,000 of its subscribers are households and over 70,000 are businesses. DU's annual revenue is about AED 10 billion.

• **3.4 SkyStream**

SkyStream provides connectivity solutions to enterprises in the UAE and surrounding areas in the Middle East . Headquartered in Dubai with a strong local presence in Afghanistan, SkyStream is a leading provider of secure satellite communications solutions. With customers primarily in the maritime, military, and energy (oil and gas) sectors, Skystream offers satellite internet connection and voice over internet

protocol (VoIP) services for organizations. Skystream states on its website: “We pay more attention and focus extensively for securing Internet connection so that security breaches are practically impossible. Our services have an extremely high level of security and can be easily integrated into existing networks.”

• **3.5 Nedaa**

Nedaa opened for business in 2008, specializing in companies and other organizations in the security and safety sectors. It is the exclusive network provider for the government of Dubai .

• **3.6 Yahsat**

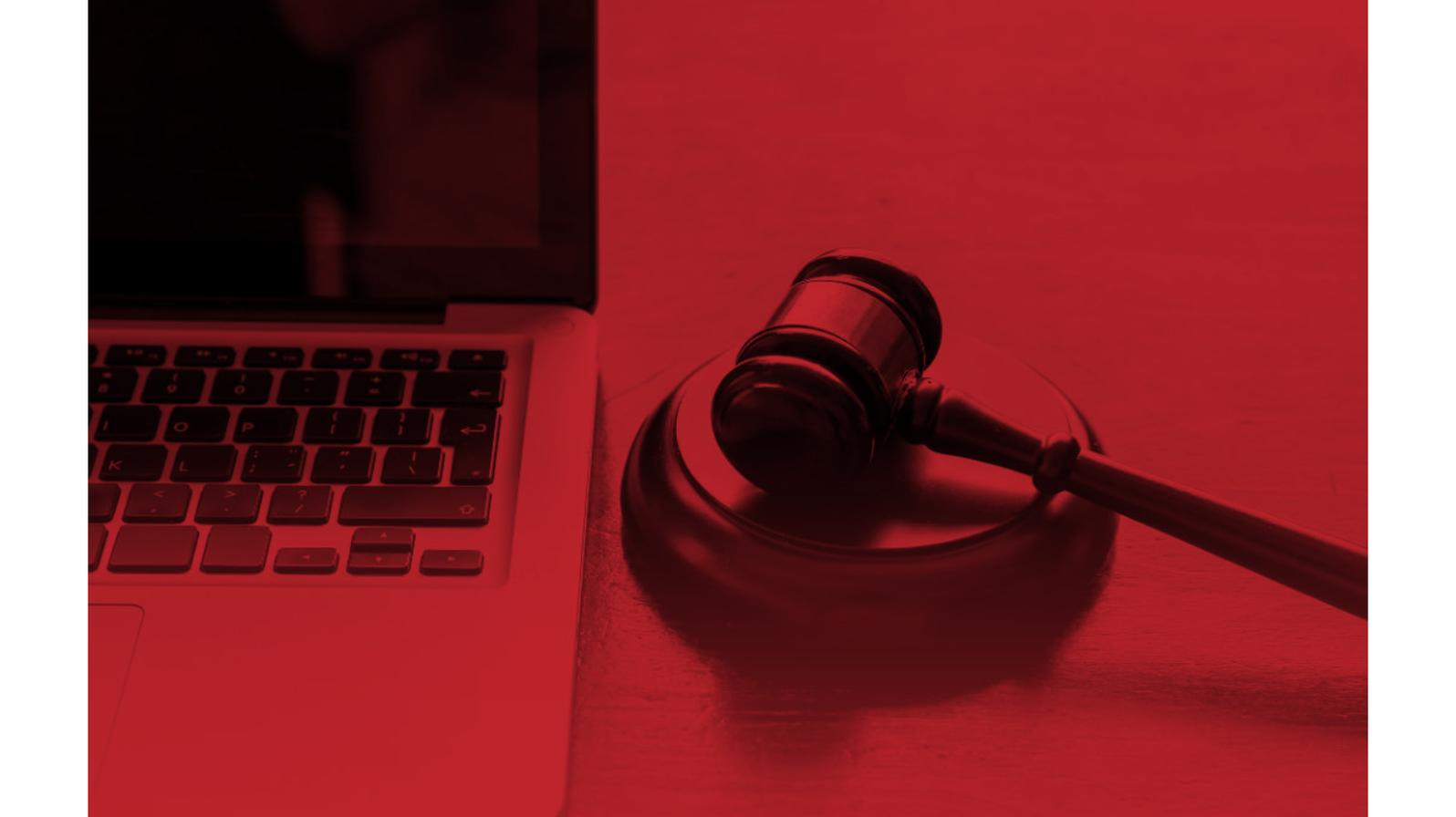
Based in Abu Dhabi, Yahsat is owned by the Mubadala Investment Company and provides multipurpose satellite services for both the government and commercial enterprises related to broadcast, defense and communications. Yahsat customers are located across the Middle East, Africa, Europe, Brazil, and central and southwest Asia. Yahsat claims to be the first company in the Middle East and Africa to offer multi-purpose satellite services .

• **3.7 SWYP**

In 2017, Etisalat launched this new mobile service (pre-paid mobile telecommunications, including mobile, application and data) targeting UAE users between the ages 15 and 29 .

• **3.8 Virgin Mobile**

The Virgin Mobile brand, launched in the UAE by Emirates Integrated Telecommunications Company, was the country’s first fully digital mobile service.



IV. Legal Framework in UAE

Through its Telecommunications Regulatory Authority (TRA), the UAE implements the Internet Access Management Policy in coordination with the National Media Council and the country's licensed ISPs (Etisalat and DU). This policy requires ISPs to block access to sites and pages classified by the TRA as containing prohibited content. It does not address user privacy.

However, Federal Law No.2016/12 prohibits anyone from recording, transmitting, disclosing information or images that threaten the privacy of internet users. It also prohibits the use of unauthorized information networks and websites to disclose private or confidential information.

V. Comparison

Each question posted above was answered as possible based upon the ISPs' websites.



Is it easy to find the privacy policy on the company's website?

Etisalat

Yes
there is a [direct link](#) from the main page.

Thuraya

Yes
there is a [direct link](#) from the main page.

DU

A link [is accessible](#) only from the legal section.

SkyStream

A link is accessible only in the [media section](#).

Yahsat

No. Only [terms and conditions](#) are listed on the website.

Nedaa

No. The [privacy policy link](#) leads to an empty page.

Virgin Mobile

No. It is found only on the [parent company's website](#).

SWYP

No. It is found only on its [parent company's website](#).



Does the privacy policy include an explicit explanation of personal information collected from customers?

Etisalat

Yes

It states that the following information is collected and retained: "Personal information such as your name, gender, date of birth, identity document number, delivery and/or billing addresses, telephone number, fax number, email address, banking information, debit or credit card details, products and services purchased by you, preferences for particular products and services, or any other related personal information."

Thuraya

Yes

It states: "Personal information is information about you that can identify you and can include your name, address, date of birth and credit card details."

DU

No

SkyStream

There is no explicit statement. The company only says, "In some areas of the site, you may be asked to provide us with personal identifying information such as your name, contact information and billing information.»

Yahsat

No specific privacy policy was found.

Nedaa

No privacy policy was found.

Virgin Mobile

Yes

It declares, "Personal Information means any personal data relating to you and includes, but is not limited to, your name, address, bank account details, ID details (passport or Emirates ID), credit and debit card details, service usage details, call records, message records and any information resulting from Your use of the Services, account status, payment history and credit rating."

SWYP

Yes

It declares that SWYP has the same privacy policy as Etisalat.



Is there a clear statement regarding when personal information is used and for what purposes?

Etisalat

Yes

It states, "We collect and use personal information to help us manage your account to confirm and process your orders; to validate you as a registered customer when using our services or when calling the Etisalat Contact Centre; to deliver products and services to you (whether we provide them or not); to prevent and detect criminal activity, fraud and misuse of or damage to our services or networks; and to carry out statistical analysis that may be shared with third parties, but only in an anonymized form."

Thuraya

Yes

It states that, "We will only use or disclose your personal information for the purposes for which you provided that information and for the purpose of providing our services, conducting our business, communicating with you and complying with legal obligations. We will also use your personal information to communicate with you with respect to mandatory service communications, such as welcome letters, billing reminders, information on technical service issues and security announcements."

DU

Yes

It states that it will use the information for " a) Processing your orders (this may involve passing your data to reputable third parties who will help process your order), b) To administer this website, c) For statistical purposes to improve this website and its services to you, c) To notify you of products, special offers or competitions that may be of interest to you."

SkyStream

Yes

It states that, "This information is necessary as required to establish our business relationship. This information will not be sold to any outside parties and will only be used to maintain our business relationship."

Yahsat

No.

Nedaa

No.

Virgin Mobile

No.

SWYP

No.



Are subscribers notified that by executing the agreement, they agree to share their personal information with other parties?

Etisalat

Thuraya

DU

SkyStream

Yes

The privacy policy states that “the customer has the option to withdraw his consent by contacting the Etisalat Contact Centre.”

Yes

It states that “with your consent, we may share your personal information with Thuraya partners so they may send you information about their products and services.”

No

No

Yahsat

Nedaa

Virgin Mobile

SWYP

No

No

Yes

Yes



Is there clear statement about the ISP's responsibility to protect the customers' personal information?

Etisalat

Thuraya

DU

SkyStream

Yes

Yes

No

On the contrary, it denies responsibility: “We will not be legally responsible to you or any other user for any loss of business, revenue, profits or savings, data loss or corruption, or any other indirect loss or damage.”

No

Yahsat

Nedaa

Virgin Mobile

SWYP

No

No

Yes

Yes



Does the privacy policy explain customers' rights to compensation if their personal information is stolen, disseminated or used for purposes other than those mentioned?

Etisalat

Thuraya

DU

SkyStream

No.

No.

No.

No.

Yahsat

Nedaa

Virgin Mobile

SWYP

No.

No.

No.

No.



Are the parties to which personal information may be shared listed in the privacy policy?

Etisalat

Thuraya

DU

SkyStream

Yes

Yes

Not specifically.

This statement is made:
"It is necessary to give it to any other person or organization who is directly involved in supplying a service."

Not specifically.

It says only: "At times, we may be required to share limited personal information with third parties who are performing functions related to maintaining your SkyStream service."

Yahsat

Nedaa

Virgin Mobile

SWYP

No.

No.

Yes

Yes



Is there a description of the situations in which personal information may be shared with other parties?

Etisalat	Thuraya	DU	SkyStream
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Yes

Yes

Yes

Yes

Yahsat	Nedaa	Virgin Mobile	SWYP
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No

No

Yes

Yes



Is the legal liability of third parties for any loss, breach or misuse of personal information stated clearly?

Etisalat	Thuraya	DU	SkyStream
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No.

Yes:

“Our contractors are required to maintain the confidentiality of information in their possession and are prohibited from using it for any other purpose than for delivering the contracted service to Thuraya in accordance with Thuraya’s instructions and policies.”

Yes:

“If we do, we will make sure that person or organization takes all reasonable steps to keep your personal information confidential and only use it for providing the service.”

No.

Yahsat	Nedaa	Virgin Mobile	SWYP
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No.

No.

No.

No.



How long does the ISP retain customers' personal information?

Etisalat

Not specified:

Personal information, which you give to Etisalat when subscribing for a service or product, will be retained for a reasonable period after termination of the subscription.”

Thuraya

Not mentioned.

DU

Not mentioned.

SkyStream

Not mentioned.

Yahsat

Not mentioned.

Nedaa

Not mentioned.

Virgin Mobile

Not mentioned.

SWYP

Not specified:

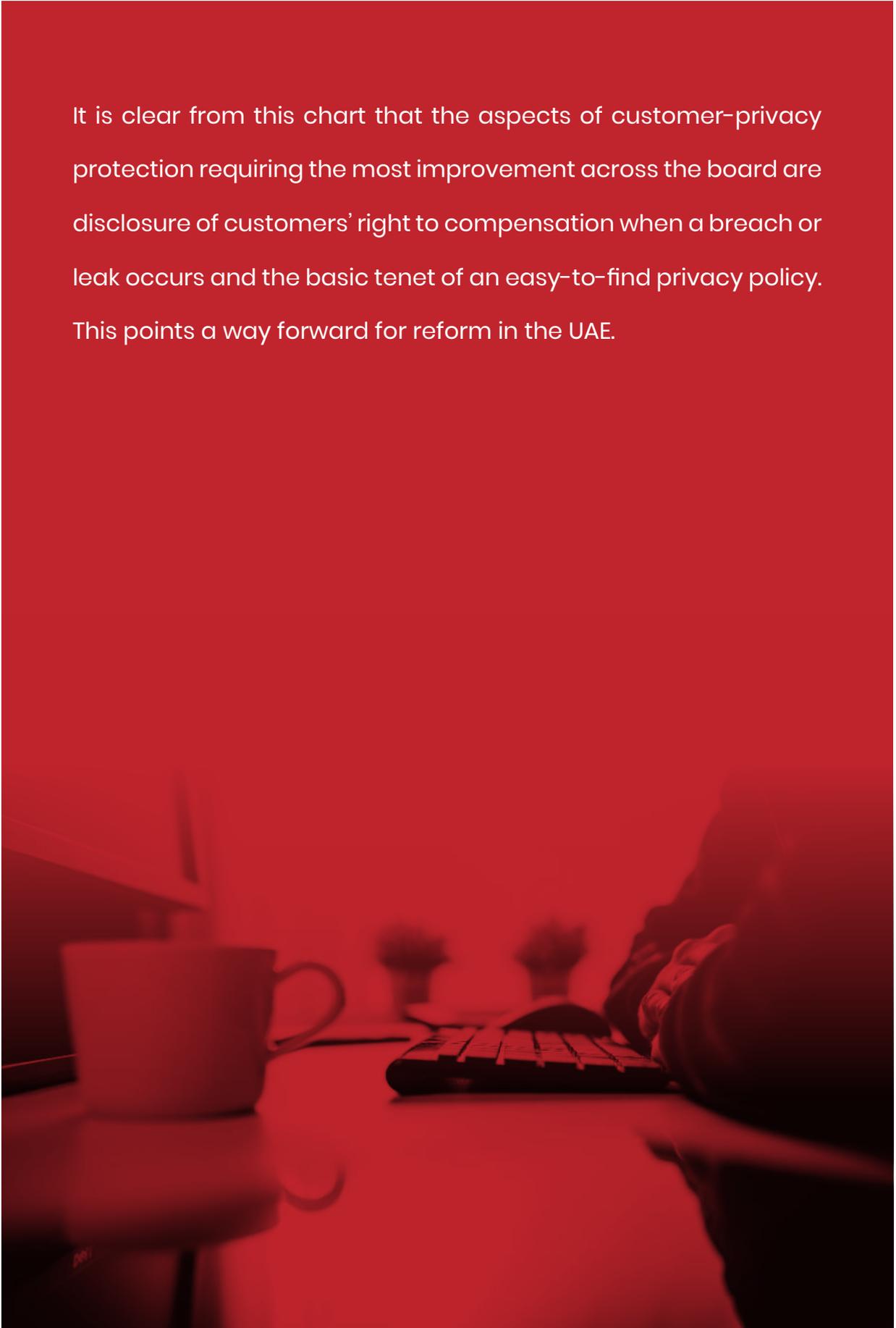
“Personal information, which you give to Etisalat when subscribing for a service or product, will be retained for a reasonable period after termination of the subscription.”

The table above shows that only two of eight ISPs are interested in users' awareness of their privacy policies, while the remainder either do not have such a policy at all or do not include it on their websites in a clear and accessible way. In addition, only half of the targeted ISPs (four of eight) explain the nature of the information they collect from users, suggesting that private or sensitive information could be collected from users without informing them.

Six of the surveyed ISPs disclose the parties with which they share users' information, but only four explain their responsibility to protect this data and none explain customers' rights to compensation if personal information is misused or leaked.

Finally, only two of the ISPs explain the legal liability of third parties with whom they share personal customer information, and three disclose the period for which they store it.

It is clear from this chart that the aspects of customer-privacy protection requiring the most improvement across the board are disclosure of customers' right to compensation when a breach or leak occurs and the basic tenet of an easy-to-find privacy policy. This points a way forward for reform in the UAE.



Consumer knowledge about privacy protection

ImpACT International's team then set out to assess the public's awareness and understanding of privacy-related issues. A survey was published using Google forms and disseminated using WhatsApp, Facebook and email to journalists, students, employees and activists. 623 responses were received.

After requesting respondents' age, gender and educational level, they were asked to agree or disagree with the following statements, using a scale of 1 to 5 (with 5 corresponding to totally agree, 2 meaning do not agree a tall and 1 representing "don't know").

1. When calling my ISP customer service number, I am asked to submit sensitive personal information (such as credit card number, ID number or bank account) over the phone.
2. I know the importance of the personal information I supply to my ISP.
3. When I inquire about a specific service, my ISP checks my identity to protect against fraud.
4. I am aware of the law in UAE regarding privacy protection.
5. I know which official authority enforces privacy-protection rights in UAE.
6. I am aware of whether I have a right to compensation in the event that my personal information kept by my ISP is lost, stolen or leaked.
7. I am aware of the procedure to follow in the case of fraud.
8. I am aware that the personal information I give an ISP could be shared with other parties.
9. I am aware of the identity of any third party that receives my information.

The responses were analyzed and the results were:

- **Demographics:**

Most respondents were young, but of legal age (30–18 years old). Just %18 were older than 30. The gender of the respondents was almost evenly split: %52.6 females and %47.4 males. The majority (%75.8) reported receiving university degrees, while %24.2 had earned a high diploma.

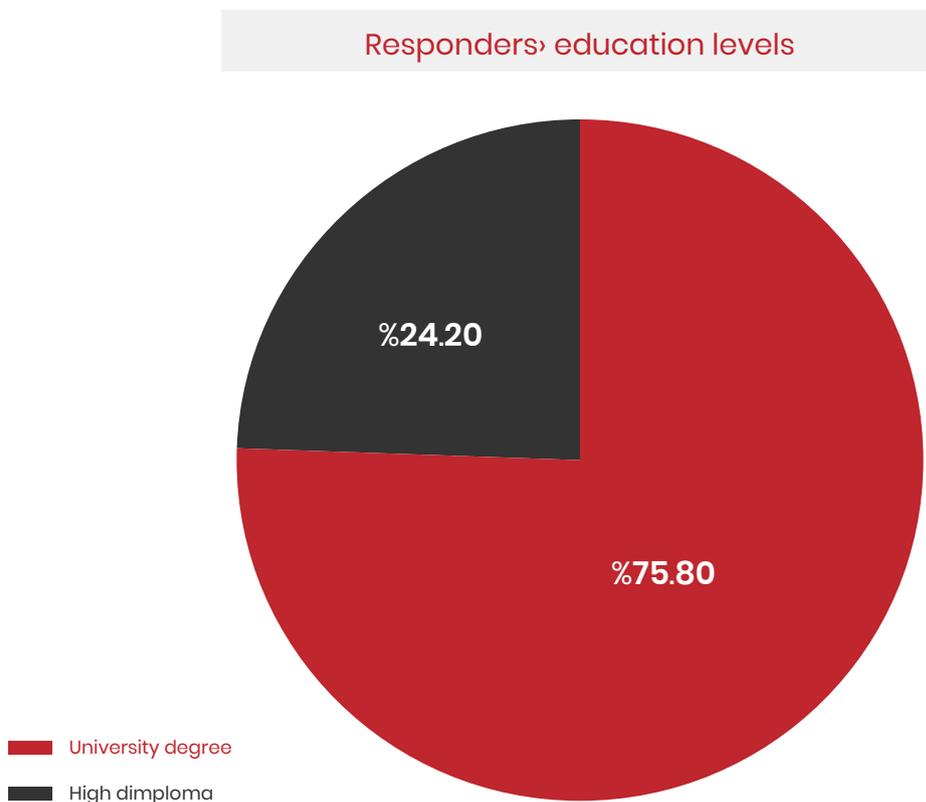


Figure 1: A majority of the respondents had university degrees

- **Requests for personal information:**

%30.5 of respondents stated that their ISP routinely asks them for personal information, %43.4 said this occurs only sometimes and the remaining %26.1 said this never occurred.

- **Importance of personal information:**

%56.7 of respondents claimed to know the importance of their personal information, %25.3 did not and %18 indicated they did not care (Figure 2). In other words, more than %43 of respondents either did not know the importance of their personal information or did not care about it.

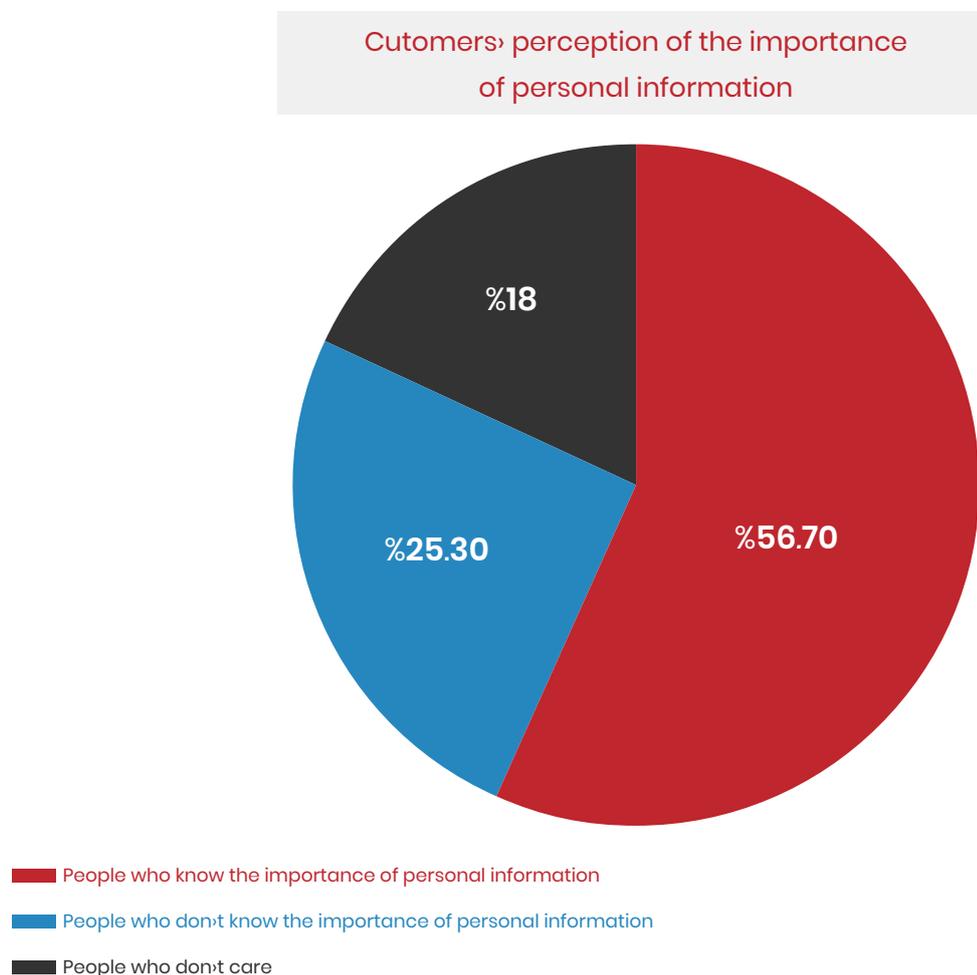


Figure (2)

- **Fraud protection:**

Exactly %50.4 of respondents said ISP staff always verify their identity to protect against fraud; %33.3 said employees usually do; and %16.3 said precautions are never taken.

• **Cybercrimes, privacy protection and regulations:**

Around %65.8 of the respondents stated that they heard about the privacy-protection law but did not know much about it. Another %30 claimed to have sufficient knowledge. The remaining %4.2 were uninformed. Thus, more than %70 of respondents either did not know or did not have sufficient knowledge about the laws that protect their privacy (Figure 3).

Customers' knowledge of cybercrimes and privacy protection laws

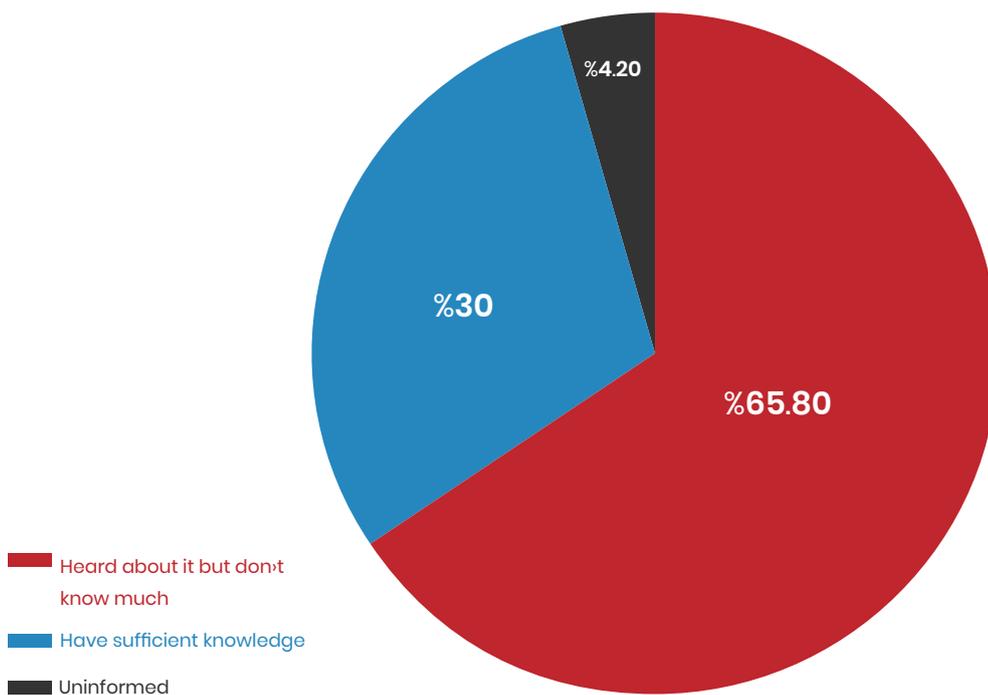


Figure %70 :3 of respondents lack knowledge about cybercrime laws

• **Knowledge of enforcement authorities:**

Around %57.5 of respondents do not know who is responsible for enforcing privacy laws, %33.6 were aware and 8.9 % were not sure.

- **Rights to compensation:**

%45.4 stated they do not know what their rights are if theft or loss of personal information occurs. Another %38.3 knew they have rights but were not sure of the details, and %16.3 reported being informed about their rights.

- **What to do in case of fraud:**

Only %15.2 of respondents said they would know what to do in case of fraud it; %43.3 did not know, %27.5 thought they knew but were not certain, and the remaining %14 said they would need legal advice.

- **Awareness of third parties:**

Most (%88.2) did not know who else received their personal information; only %11.8 were aware. Consequently, more than %91 of the respondents are not confident that any third party that receives their information will abide by the privacy-protection law in the UAE.

VII. Recommendations



ImpACT concludes that none of the ISPs reviewed in this study fully respect and comply with human rights principles in their privacy policies, which opens the way to violation of users' privacy. This primarily results from a lack of regulation of ISPs' privacy policies and mechanisms for collecting, using, sharing and retaining users' personal information.

On the other hand, there are robust laws and policies in force in the UAE that control access to and the operation of sites the state considers dangerous to its security and reputation. Authorities can force ISPs to disclose users' personal information if it is in the «state interest,» thus infringing upon the privacy of activists and political opponents.

Thus, it is necessary to amend the laws and policies of the UAE to prevent authorities from forcing ISPs to share users' information with any third parties for purposes other than improving the quality of the service provided. Also, ISP's privacy policies must be modified to:

- Include clear explanations of the personal information collected who uses it where and how.
- Incorporate a statement disclosing whether any of this information is shared with a third party and for what purposes.
- Define the legal liability of third parties, along with the customers' rights to compensation in case of loss or theft.

In addition, it is clear that currently, most ISP customers in the Arab world, including the UAE, are not aware of their privacy rights, the extent to which those rights are being respected or what legal remedy they have if fraud is discovered.

These findings point to a need to educate all ISP customers to protect against the abuses that can and do so easily occur.

