

<p>Base and Purpose</p>	<p>Law no. 9 of 2020 (the “Amendment”) issued by HH the Emir on 26 March 2020¹ amends Decree Law no. 17 of 1990 on the Prevention of Infectious Diseases (the “Initial Law”; the Amendment and the Initial Law being collectively referred to as the “Law”).</p> <p>The Law aims at curbing the spread of infectious diseases generally and, more recently, the coronavirus disease 2019 (COVID-19) pandemic, by: (i) providing health authorities with broad powers to prevent the spread of infectious diseases; and (ii) imposing certain reporting requirements (including self-reporting) with associated penalties for failing to do so.</p>
<p>What are the authorities’ powers?</p>	<p>The “Competent Health Authority”² is empowered to “take the necessary measures to prevent the spread of the disease”</p> <p>Such powers comprise, without limitation, the following:</p> <ul style="list-style-type: none"> • Restricting freedom of assembly and movement • Banning persons infected or suspected of being infected from working and having their employers abide by such a ban • Preventing the transportation of infected persons and/or their belongings without express permission from the relevant health authority • Quarantining the infected/suspected individual and their contacts in hospitals or any other places • Requiring testing be carried out on individuals suspected of being infected
<p>Reporting obligations: who must report, when and how?</p>	<p>Doctors, employers, sponsors, heads of families, landlords and heads of educational institutions must report persons infected or suspected of being infected with an infectious disease to the nearest health centre or hospital.</p> <p>Infected individuals are also required to self-report to medical centres or hospitals.</p>
<p>Penalties?</p>	<p>Non-compliance with the Competent Health Authority’s instructions exposes those in violation to potential jail time (from two months up to three years, depending on the underlying violation) and/or fines (ranging between QAR3,000 to 200,000).</p> <p>Law no. 11 of 2004 (Qatar Penal Code) provides for additional sanctions for individuals intentionally or accidentally spreading infectious diseases.³</p>

¹ The Amendment came into force on 27 March 2020.

² The Health Protection & Infectious Disease Combating Department of the Ministry of Public Health.

³ Articles 252 and 253 of the Qatar Penal Code.

I am an employer, can I collect health data about my employees and how?

In Qatar, health-related information is considered data “of a special nature” under law no. 13 of 2016 on Protection of Personal Data Privacy (the PDP Law). The collection of such information requires not only the consent of the individual whose data is collected but also the prior approval of the Compliance and Data Protection Department (CDP) of the Ministry of Transport and Communication (MoTC). Applications to the CDP may cover more than one employee.

For organisations registered in the Qatar Financial Center (QFC), individual consent is required before collecting and processing such data unless you secure a specific permit from the Qatar Financial Centre Regulatory Authority (QFCRA) beforehand. Certain notification requirements to the QFCRA also apply.

While we are aware that the QFCRA is working on certain guidelines for the collection of health information within QFC entities in the COVID-19 context, we are not aware of any similar guidelines at the MoTC/CDP level. As a result, absent specific exemptions, employers and organisations are required to abide by applicable rules based on their registration status before collecting and processing such data.

Depending on the nationality and residency status of the individuals whose personal information is collected and/or processed, other international regulations may also apply.

Certain requirements on the local level continue to evolve. Accordingly, we recommend that you confirm any filing requirements with your local regulator and legal advisor.

What’s next? Employer considerations post-COVID-19.

Going forward, employers should consider amending existing policies, or creating such policies if they are not already in place, to integrate the following considerations:

- Including the self-reporting requirements of the Law in human resources and/or workplace manuals and setting out the reporting process within your organisation
- Adjusting existing hygiene, as well as health and safety rules, as may be required
- Setting clear rules in relation to the collection of health data, access to such data and employees’ rights in relation to the same (access, deletion) in accordance with applicable law and latest regulations

Pending official instructions, consider also adopting a reopening plan tailored to your business to address specific operational concerns: phased reopening, health checks, workspace adjustments, etc.