

Jurisdiction	Republic of Iraq
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\* We are planning to put the information on our website so that the viewers can reach out to you, directly, and if you don't mind, we will include the above contact information in the report. You may have more than one contact person.

## Questionnaire

### I. Law concerning protection of personal information

- i. Does your country have a general law concerning the protection of personal information in the **private sector** at the present or in the near future?

*There is no modern legislation which is specifically on point.*

- ii. Does your country have a general law concerning protection of personal information in the **public sector** at the present or in the near future?

*There is no modern legislation which is specifically on point.*

- iii. Does your country have laws concerning protection of personal information **which apply in individual (specific) sectors** at the present or in the near future? (If yes, please describe outline.)

- *The Republic of Iraq ("Iraq") is a socialist country with code based system of laws. The Iraqi Penal Code (Law No 111 of 1969) has the most specific legislation on point. As it states,*

*[A]ny person who is privy to information contained in a letter, telex, or telephone conversation and discloses such information to a person other than for whom it is intended, and if this disclosure then causes damage to another, shall be punished by a period of detention not exceeding one year plus a fine for one of those penalties (438 (2)).*

*It is fair to say that these legal restrictions are not clearly intended to target modern data privacy, but such provisions might be used to challenge the use or disclosures of information.*

*Written consent from the individual would typically be accepted as the basis for legitimizing the processing of such information.*

- *Document Retention Law No. 37 of 2016, which contains data retention rules for the public sector only. Under Iraqi law, employers must keep a personal file for each employee for two years from the end of the employment relationship. The file should contain the employment contract, all employee documentation, and records of events during employment, including wages, bonuses, penalties, and yearly performance reports for employers with more than 15 employees; tax compliance records must be retained as tax authorities may have to approve the use of certain systems; and investment license compliance obligations include keeping records of materials imported with customs exemptions.*

**Where all of the answers to the question of I.(i), (ii) and (iii) is “no”, please skip to IV.**

**II. The basic information of the regulation concerning protection of personal information.**

- Please fill in the blanks below about all the law concerning personal information mentioned at I. (please add a reply column as necessary,)

The title of the law : *Iraq Penal Code (Law No. 111 of 1969)*

① The definition of “Personal Information”	<i>Information which can only be defined as being one of private, specific, individual and special to each particular person.</i>
② The scope in which the law applies	<i>Material, documentation and information which is within the family or home. Information which is on-line or in external electronic data form is specifically excluded and not considered personal.</i>
③ The territorial scope	<i>Only applicable within Iraq.</i>
④ URL (please provide the URL officially posted by the government, English page is preferred, if available)	<i>Not Applicable</i>
⑤ The <b>effective</b> date *	<i>January 1, 1970.</i>

\* If the law has been amended, please fill in the effective date of the amended law.

The title of the law : *Document Retention Law No. 37 of 2016*

① The definition of “Personal Information”	<i>There is no clear comprehensive definition of “personal information” under Iraqi law.</i>
② The scope in which the law applies	<i>Only to Public Sector (Government) employees and state run entities within Iraq.</i>

③ The territorial scope	<i>Republic of Iraq</i>
④ URL (please provide the URL officially posted by the government, English page is preferred, if available)	<i>Not Applicable</i>
⑤ The <b>effective</b> date*	<i>December 20, 2016.</i>

\* If the law has been amended, please fill in the effective date of the amended law.

- ii. If there are any special instructions about the laws, please describe them.

### III. OECD Privacy Principles

- i. If there are any provision of law which embody each OECD Privacy Principle in your country, please describe the outlines.

<https://www.oecd.org/sti/ieconomy/oecdguidelinesonthe protectionofprivacyandtransborderflowsofpersonaldata.htm>

- (a) Collection Limitation Principle

This principle means that there should be limits on the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.

*Not Applicable*

- (b) Data Quality Principle

This principle means that personal data should be relevant to the purposes for which they are to be used, and, to the minimum extent necessary for such purposes, should be accurate, complete and kept up-to-date.

*Not Applicable*

- (c) Purpose Specification Principle

This principle means that the purposes for which personal data are collected should be specified not later than at the time of the data collection and the subsequent use limited to the fulfilment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.

*Not Applicable*

(d) Use Limitation Principle

This principle means that personal data should not be disclosed, made available or otherwise used for purposes other than those specified in accordance with (c) Purpose Specification Principle, except:

- i) with the consent of the data subject; or
- ii) authorized by law.

*Not Applicable*

(e) Security Safeguards Principle

This principle means that personal data should be protected by reasonable security safeguards against such risks as loss or unauthorized access, destruction, use, modification or disclosure of data.

*Not Applicable*

(f) Openness Principle

This principle means that there should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available for establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and address of the data controller.

*Not Applicable*

(g) Individual Participation Principle

This principle means that an individual should have the right:

- i) to obtain from a data controller, or otherwise, confirmation of whether or not the data controller holds data relating to him;
- ii) to have communicated to him, data relating to him within a reasonable time;
  - at a charge, if any, that is not excessive;
  - in a reasonable manner; and
  - in a form that is readily intelligible to him;
- iii) to be given reasons if a request made under subparagraphs (i) and (ii) is denied, and to be able to challenge such denial; and
- iv) to challenge data relating to him and, if the challenge is successful to have the data

erased, rectified, completed or amended.

*Not Applicable*

(h) Accountability Principle

This principle means that a data controller should be accountable for complying with measures which give effect to the principles stated above.

*Not Applicable*

ii. If there are any sectors in which any laws exclude the application of each OECD Privacy Principle, please describe the outline.

(a) Collection Limitation Principle

(b) Data Quality Principle

(c) Purpose Specification Principle

(d) Use Limitation Principle

(e) Security Safeguards Principle

(f) Openness Principle

(g) Individual Participation Principle

(h) Accountability Principle

*Not Applicable*

#### IV. Data Localization and Government Access

In your country, are there any systems having an impact on the rights of data subjects such as comprehensive government access (e.g., limitation on the authorities' access to personal data for investigation purposes, and the safeguard is the attorney-client privilege) to

personal data or **Data Localization (e.g., rules requiring domestic installation and storage of servers and data)**? If yes, please describe them.

*There are no specific Iraqi laws which would be applicable to these concepts. Iraq is a socialist country, and as such there are no protections for privacy and consumer concepts. Conversely, the state is authorized to collect, investigate, and store all data it may deem relevant. Iraq maintains the Communications and Media Commission (CMC). This CMC regulates all internet, telephone, satellite and cellular communications and as such it is the sole regulatory body for internet and telecommunications within Iraq.*

#### **V. The Data Protection Authority**

If there is the data protection authority, please write down the name and address of the authority

Name: *Not Applicable*

Address:

Telephone:

Website:

Other information if any: