
Federal Decree Law No. 3 of 2012
Issued on 13/08/2012 AD
Corresponding to 25 Ramadan 1433 AH
ON THE ESTABLISHMENT OF
THE NATIONAL ELECTRONIC SECURITY AUTHORITY

We, Khalifa bin Zayed al-Nahyan, President of the United Arab Emirates,
After perusal of the Constitution,
Federal Law No. 1 of 1972 on the Competencies of Ministries and Powers of Ministers and its amending laws,
Penal Code promulgated by Federal Law No. 3 of 1987 and its amending laws,
Federal Law No. 2 of 2003 on the State Security Service,
Federal Decree Law No. 3 of 2003 on the Organization of the Communications Sector and its amending laws,
Federal Law No. 1 of 2006 on the Electronic Commerce and Transactions,
Federal Law No. 2 of 2006 on Combating IT crimes,
Federal Law No. 9 of 2006 on the Regulations of the Demographic Register and ID Card,
Federal Law No. 17 of 2006 on the Establishment of the Supreme National Security Council as amended by its Decree Law,
Federal Law No. 6 of 2010 on the Credit Information,
And Federal Decree Law No. 5 of 2011 on the Organization of the Boards of Directors, Boards of Trustees and Committees in the Federal Government,
Federal Law No. 8 of 2011 on the Re-organization of the State Audit Institution,
And Federal Decree Law No. 8 of 2011 on the Rules for Drafting the Public Budget and Balance Sheet,
And based on the suggestion of the Deputy Prime Minister, Minister of Presidential Affairs, and the approval of the Cabinet,

We have issued the following Decree Law:

Article 1 – Definitions

In application of the provisions of the Decree Law herein, and unless otherwise indicated by the context, the following terms and phrases shall have the following meanings assigned to them below:

State: The United Arab Emirates

Council: The Supreme National Security Council

Head of the Council: The Head of the Supreme National Security Council

Authority: The National Electronic Security Authority

Chairman of the Board: The Chairman of the Authority's Board of Directors

General Director: The Authority's General Director

The Concerned Parties: The federal and local government parties that are concerned in the electronic security affairs within the State, or other parties that shall be determined in a decision issued by the Authority's Board of Directors.

Data: Anything that can be stored, processed, generated, and transferred through information systems, such as numbers, letters, symbols, etc.

Information: The data that was processed and now has significance, whether visual, audio or readable.

Communications Equipment: The tools or apparatus manufactured or designed to send, broadcast, receive or transfer any or all the communications services through any communications network.

Content: The electronic information, data and services that can provide the receiver with value in specific contexts.

Information Systems: Any material or moral means, or group of linked or unlinked means used to store, organize, arrange, retrieve, process, develop, and exchange information, in accordance with the orders and instructions stored therein. This includes all the relevant inputs, outputs, and infrastructure.

Information Network: A link between more than one information system, communication networks and electronic systems, or any of them, in order to obtain and exchange data and information.

Communications Network: A system including one or more devices or means of communication, aiming to transfer, broadcast, transform, or receive any communications services through any electric, magnetic, electromagnetic, electrochemical or electromechanical energy, and any other means of communication.

Website: A location where information is available on the information network through a specific address.

Communications Network and Information Systems Security: The protection of the communications network, information systems and electronic control system from any unauthorized access.

E-Security: Securing and protecting the information network, the communications network, the information systems and the information collection processes by using any electronic means.

Encryption: Turning data into an unreadable model that can only be deciphered by those who have the encryption key.

Encryption Key: A tool, a means, or a packet of information that enables the deciphering and reading of encrypted information or data.

Establishment of the Authority and its Headquarters

Article 2

By virtue of the provisions of this Decree Law, an Authority shall be established under the denomination of National Electronic Security Authority. It shall be affiliated to the council, and shall have a legal entity, financial and administrative independence, full legal capacity, and the necessary executive and monitoring powers to perform its activities in accordance with the provisions of the Decree Law herein, and its implementing regulations and decisions.

Article 3

The Authority's headquarters shall be located in the city of Abu Dhabi, Branches or offices may be established inside or outside the State by virtue of a decision of the Board of Directors.

The Authority's Objectives and Competencies

Article 4

The Authority aims at organizing the protection of the communications network and the information systems in the State, as well as developing, amending and using the necessary means in E-Security field. It works on increasing the efficiency of information storage and exchange processes among all the bodies of the State, whether through information systems or any other electronic means.

Article 5

The Authority shall have the following competencies:

- 1- Suggest the State's policy in the E-Security field, and execute the same after its adoption by the Council.
- 2- Set the State's E-Security standards and supervise their execution.
- 3- Prepare a national plan to face any risks, threats or attacks on the E-Security in coordination with the concerned parties.
- 4- Verify the efficiency of the systems protecting the communications network and information systems at the governmental and private bodies operating in the State.
- 5- Supervise the commitment of the concerned parties to the implementation of the E-Security requirements issued by the Authority, and follow up their implementation.

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- 6- Fight the crimes pertaining to computing, the information network and information technology, of whatsoever type
 - 7- Coordinate with the regional and international concerned parties regarding the Authority's scope of work.
 - 8- Provide technical and advisory support to all the concerned parties in the State.
 - 9- Receive complaints and suggestions related to E-Security in the State.
 - 10- Prepare and fund the necessary studies and researches for developing the E-Security in coordination with the concerned parties.
 - 11- Set the required controls after coordinating with the concerned parties in the State, in order to authorize the following activities:
 - a- Import, export and use encryption and jamming hardware and software.
 - b- Provide the services of testing the intrusion vulnerability of the communications network and information systems.
 - 12- Suggest the legislations related to the E-Security.
 - 13- Spread awareness about the importance of the E-Security in coordination with the concerned parties.
 - 14- Organize and participate in conferences and seminars, and cooperate with the regional and international organizations relevant to the Authority's work.
 - 15- Any other tasks and competencies entrusted thereto by virtue of a law or a decision of the Council.

Management of the Authority

Article 6

- 1- The Authority shall be managed by a Board of Directors composed of a maximum of nine members and a minimum of five members.
- 2- The Board of Directors shall be established by virtue of a decision of the head of the Supreme national Security Council based on the suggestion of the National Security Advisor. The decision shall determine the Chairman of the Board of Directors and his deputy, who shall replace him during his absence, in case of his inability to perform tasks, or vacancy of the position, until a decision is issued to appoint a Chairman of the Board.
- 3- Term in office for the members of the Board of Directors shall be for a period of three renewable years.
- 4- The decision on establishing a Board of Directors shall determine the remuneration of the Board's Chairman and members.
- 5- The Authority's General Director shall be the Board's rapporteur.

Article 7

The Board of Directors shall be the higher authority specialized in the Authority's affairs, and shall be responsible before the Council for achieving the objectives and implementing the policies for which the Authority was established. It shall exercise the required authorities and powers to achieve its purposes, namely:

- 1- Set the Authority's general policy and supervise its implementation.
- 2- Adopt and review the Authority's business plans and programs, and assess their implementation on an annual basis.
- 3- Determine the Authority's strategic objectives and the required procedures to supervise their implementation, provided that the review of such objectives and assessment of the commitment thereto shall be done annually, or throughout the year if necessary.
- 4- Take the necessary measures to ensure the Authority's compliance with the provisions of the relevant issued laws and regulations, and with the provisions of any legislation related to the Authority's business and activities.
- 5- Verify the accuracy and completeness of all the information submitted to the Council.
- 6- Assess and follow up the Authority's executive management, and verify its achievement of the Authority's objectives.

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- 7- Adopt the Authority's organizational structure; issue the administrative and financial regulations and rules, the human resources regulations, the contract, procurement, project, and tender rules; and supervise the implementation thereof.
 - 8- Submit the Authority's annual budget to the Council through the National Security Advisor before the beginning of December in each fiscal year, or in accordance with the regulations issued in this regard.
 - 9- Submit the Authority's balance sheet to the Council through the National Security Advisor during the first quarter of the end of the fiscal year, or according to the relevant regulations.
 - 10- Form the committees emerging from the Authority's Board of Directors to execute its tasks, while specifying the responsibilities and work mechanism of each one of them.
 - 11- Adopt the regulations for the delegation of powers applicable at the Authority.
 - 12- Review the performance reports submitted by the General Director and make the necessary observations.
 - 13- Submit the annual reports on the Authority's performance to the Council through the National Security Advisor.
 - 14- Issue the decisions pertaining to the specification of the concerned parties in charge of the vital utilities in the State and address the provisions of this Decree Law.
 - 15- Any tasks entrusted thereto by the Council.

Article 8

The Authority shall have a General Director, who is appointed by virtue of a federal decree based on the suggestion of the Chairman of the Board. He shall be in charge of the smooth operation of the Authority's activities, and of representing it in its relations with third parties and before the courts. He shall, in particular:

- 1- Suggest the means and methods that aim to provide the highest levels of information and data protection in the State, and develop their implementation plans.
- 2- Prepare the business plans and programs and all related projects, and submit the same to the Board of Directors for approval.
- 3- Draft the organizational structure, the administrative and financial regulations, the human resources regulations, the contract, project and tender rules; and submit them to the Board of Directors.
- 4- Prepare the draft annual budget and balance sheet of the Authority, and submit them to the Board of Directors.
- 5- Appoint the Authority's officers and issue the decisions pertaining to their affairs, within the limits of the prerogatives he enjoys in accordance with the rules and regulations applicable in the Authority.
- 6- Implement and follow up the decisions, policies, plans and programs set by the Board of Directors.
- 7- Adopt the financial transactions within the limits stipulated by the financial rules and regulations applicable in the Authority.
- 8- Prepare the regulations of the delegation of powers in the Authority.
- 9- Supervise the organizational administrations and units that compose the Authority, and draft periodic and annual reports in relation with the work progress, and submit the same to the Board of Directors.
- 10- Contract with experts and advisors according to what he deems appropriate, determine and pay their remuneration in accordance with the regulations applicable in the Authority.
- 11- Any other tasks entrusted thereto by the Board of Directors.

Article 9

The Chairman of the Board may delegate some of his prerogatives to the General Director or one of the Authority's senior officials in accordance with the Authority's regulations of the delegation of powers.

Article 10

All the information and data submitted by the concerned parties with regards to their tasks to the Authority shall be deemed confidential, thus, neither the Authority nor any of its officers may inform any person or public or private party about such information and data, disclose the same, or use it for any purpose other than that specified by the implementing regulations of the Decree Law herein.

Article 11

The concerned parties and persons shall comply with the regulations, standards and controls issued by the Authority on E-Security, and shall provide all information and data required by the Authority to achieve its tasks. The concerned parties shall also commit to fulfill the E-Security requirements in accordance with the provisions of the Decree Law herein and its implementing regulations and decisions.

Article 12

The concerned parties shall set and implement the regulations, rules and plans to accomplish the E-Security, depending on the nature of their work, and in a manner that is not in contradiction with the provisions of the Decree Law herein or any of its implementing resolutions.

Article 13

The Authority may take all the necessary measures to verify that the State's communications network and information systems are not exposed to any illegal access or to discover malfunction areas in the communications network and information systems to avoid the occurrence of any violation to the provisions of the Decree Law herein.

Article 14

The Authority shall set the necessary controls to prevent any attempt to hinder, jam, damage, or change the communications network or the content of the information systems, and may do whatever it takes to avoid the occurrence of such acts, both from inside or outside the State.

The Authority shall enjoy, in urgent cases, and after consulting the National Security Advisor, the prerogative to monitor, penetrate, process, eliminate, jam, or block the communications network, the information systems, and the communications and email devices that belong to any person or entity that appears to the Authority as having participated in any act that may affect the State's security, doctrine, economy, heritage, civilization, public system, social peace, international and regional relations, or vital utilities altogether with the public and private parties working therein, or that may affect the life or funds of any person in the State, provided that the competent public prosecution is informed of the measure taken by the Authority in such cases within one week, so that it can conduct its affairs in respect of such measure.

Article 15

The Authority's resources shall consist of the following:

- 1- The annual credits allocated by the State to the Authority in the public budget.
- 2- The surplus achieved in the Authority's budget for the preceding fiscal years.

Article 16

The Authority's fiscal year shall begin on the first day of January and shall end on the thirty-first of December of each year. However, the Authority's first fiscal year shall begin on the effective date of the Decree Law herein and shall end on the thirty-first of December of the following year.

Article 17

The Authority's funds shall be deemed as public funds and shall be exempted from all federal fees.

Article 18

The Authority shall not be subjected to the audit performed by the State Audit Institution on federal governmental bodies.

Article 19

The Board of Directors shall appoint one or more governmental bodies to audit the accounts of the Authority, and such bodies shall submit their auditing report to the Board of Directors.

General Provisions

Article 20

Until the Authority's human resources regulations are issued, the employees at the Authority shall abide by the Council's human resources regulations, and shall be governed by the provisions of the retirement and pension laws applicable in the said Council.

Article 21

The officers who are appointed by a decision of the Minister of Justice in agreement with the Chairman of the Board shall have the status of the judicial arrest officers in proving any violations of the provisions of the Decree Law herein.

Article 22

The Chairman of the Board shall issue the implementing regulations and necessary decisions for the execution of the provisions of the Decree Law herein.

Article 23

Any provision that conflicts or contradicts the provisions of the Decree Law herein shall be abrogated.

Article 24

The Decree Law herein shall be published in the Official Gazette and shall enter into force on the day following its publication.

Issued at the Presidential Palace in Abu Dhabi

On 25 Ramadan 1433 AH

Corresponding to 13/08/2012 AD

Khalifa bin Zayed al-Nahyan

President of the United Arab Emirates

This Federal Decree Law was published in the UAE Official Gazette, Issue 540, Page 13.

