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Privacy Programs: Balancing Compliance and Security

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Introduction

In July 2023, South Africa's Department of Justice was fined nearly ZAR5 million (approximately $280,000) under the country's privacy law, Protection of PersonalInformation Act (POPIA), after a ransomware attack crippled its IT systems, exposing a dangerous lapse in cybersecurity due to expired antivirus and security tools. [1] This incident sent a clear message across the Middle East and Africa (MEA) that data privacy without strong security is a hollow promise. As governments across the region roll out robust privacy regulations, businesses face a dual challenge and are realizing that compliance alone is no longer enough. With data breaches now triggering both regulatory penalties and reputational fallout, organizations are under pressure to do more than comply; they need to build real cybersecurity resilience alongside legal compliance. For the MEA region, this balancing act is now central to responsible data management.

[1] Mather, Nadine (2023, July 5). South Africa: Beware – Information Regulator issues first fine of ZAR 5 million under POPIA. bowmanslaw.com. https://bowmanslaw.com/insights/south-africa-beware-information-regulator-issues-first-fine-of-zar-5-million-under-popia

Regional Data Privacy Laws in the MEA

MEA countries are rapidly developing their own data protection regulations, often inspired by global standards. In the Middle East, GCC nations have shifted from various privacy provisions to dedicated laws. For example, the UAE enacted its first comprehensive Personal Data Protection Law (PDPL) via Federal Decree Law No. 45 of 2021, which came into effect on January 2, 2022. This law established a national data office and defined requirements for consent, individual rights, cross-border data transfers, and company obligations to protect personal data.

Some practical aspects of data protection in the UAE are still evolving. As of early 2025, the full implementation of the UAE's PDPL Some practical aspects of data protection in the UAE are still evolving. As of early 2025, the full implementation of the UAE's. [2] Meanwhile, Saudi Arabia's PDPL took effect in September 2024, and Oman's Data Protection Law became active in 2023, with compliance grace until 2025. Qatar and Bahrain passed their data protection laws between 2016 and 2018, updating them to align more closely with the European Union General Data Protection Regulation (EU GDPR). Kuwait also has a PDPL limited to the telecommunications sector, which commenced in February 2023. [2] In Africa, a number of countries have also established modern data protection laws. Nigeria led West Africa by issuing the Nigeria Data Protection Regulation (NDPR) in 2019, which set baseline rules for processing personal data. More recently, Nigeria upgraded this into a full statute – the Nigeria Data Protection Act, 2023 (NDPA) – signed into law in June 2023. [3] The NDPA replaces the NDPR and creates an independent Nigeria Data Protection Commission to enforce the law.

A key theme in privacy regulations across the MEA region is their alignment with international standards. Specifically, regulators in the GCC have updated or drafted laws to reflect the frameworks of the EU GDPR. [2] This alignment means that organizations operating in the MEA often find that complying with local regulations also covers many of the same requirements as European privacy laws. However, it also implies that companies working across multiple MEA jurisdictions face a fragmented compliance landscape, as each country's laws have their specific nuances and requirements. [4]

Enforcement mechanisms in some countries are still maturing (with some regulators only recently established or still finalizing guidelines). That being said, it's quite clear that the MEA region has embraced the global trend that demands strong data privacy compliance backed by legal force.

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[4] Andreeva, Ksenia and Neskoromuuk, Alena. (2023, July 25). Privacy in the Middle East: A practical Approach. morganlewis.com. https://www.morganlewis.com/pubs/2023/07/privacy-in-the-middle-east-a-practical-approach

Alignment with Global Frameworks

To effectively implement these laws and protect data, organizations often look to global frameworks for guidance on best practices. The EU GDPR is not only an influence on MEA laws but is directly relevant to many MEA businesses. GDPR imposes strict requirements on how personal data is processed, secured, and transferred. Critically, its reach can extend beyond Europe – a company based in, say, the UAE or Kenya that serves EU customers must also comply with GDPR in addition to local laws. [5] This means MEA organizations often juggle both local compliance and international rules simultaneously. The GDPR's rigorous standards (such as obtaining explicit consent, conducting Data Protection Impact Assessments (DPIAs), and reporting breaches within 72 hours) have effectively set a high bar.

On the cybersecurity side, frameworks like the NIST Cybersecurity Framework (CSF) 2.0 and ISO/IEC 27001 play a pivotal role in guiding organizations on how to secure information. NIST's guidance is voluntary, but it has global uptake and is often referenced by regulators and industries as a benchmark for robust security controls. In the MEA region, some national cybersecurity authorities (like Saudi Arabia's National Cybersecurity Authority (NCA)) have issued controls or frameworks influenced by NIST and other international standards. [6]

Implementing NIST CSF 2.0 guidelines can help MEA organizations improve their security posture and demonstrate compliance with the "security of processing" obligations found in privacy laws. For example, both the EU GDPR and local laws require organizations to use "appropriate technical and organizational measures" to protect personal data – following a framework like NIST provides a way to fulfill that requirement with recognized best practices. ISO/IEC 27001 is another cornerstone – it is "the world's best-known standard for information security management systems (ISMS)". [7]

Many organizations in the MEA pursue ISO/IEC 27001 certification to systematically manage and secure their sensitive information, including personal data. Being ISO/IEC 27001- certified typically means the company has assessed risks, implemented a comprehensive set of security controls (policies, processes, technical measures), and undergoes regular audits. This not only helps prevent data breaches but also gives assurance to regulators (and clients) that the organization takes data protection seriously.

MEA organizations often need to align local laws with global frameworks. Privacy regulations define required outcomes, such as protecting personal data and respecting individuals' rights, while frameworks like NIST CSF 2.0 and ISO/IEC 27001 offer practical guidance. For instance, a company may implement ISO/IEC 27001 controls to comply with the UAE's Personal Data Protection Law or use NIST's incident response guidance to meet South Africa's POPIA breach response requirements. Though alignment isn't always direct, these frameworks help organizations create an integrated compliance and security program.

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[6] CE Interim. (2025). Comparing Cybersecurity Standards: USA, Europe & Middle East. ceinterim.com. https://ceinterim.com/cybersecurity-standards-usa-europe-middle-east

[7] ISO (2024). ISO/IEC 27000 family. iso.org. https://www.iso.org/standard/iso-iec-27000-family

The Balancing Act: Compliance vs. Security in Practice

Balancing regulatory compliance and security is crucial for organizations. In the MEA region, many businesses are integrating privacy and security into their corporate governance. Middle Eastern companies are increasingly recognizing data privacy risks in their overall risk management frameworks to avoid breaches and regulatory failures. [5] This means they view privacy compliance as a core risk, similar to financial or operational risks, and allocate resources accordingly. By incorporating privacy into enterprise risk management, organizations can better align security and compliance controls.

A growing strategy involves adopting "privacy by design" and "secure by design" principles, ensuring that privacy and security are integral to new systems from the outset. For example, when a bank designs a mobile app in Nigeria, it prioritizes data encryption and collects only necessary information to comply with the NDPR while minimizing security risks. Organizations are conducting regular DPIAs for new projects, as mandated by many laws. These assessments help teams evaluate how personal data is handled and identify potential gaps early on. Experts advise that developing a clear data privacy policy should begin with assessing current practices, identifying types of personal data collected, and understanding local data protection laws. This approach naturally incorporates essential security measures as part of compliance efforts.

Crucially, leading organizations view privacy compliance and security as mutually reinforcing rather than competing priorities. A common pitfall is to focus solely on compliance “on paper” – drafting policies and obtaining consents – without investing in actual security, which can lead to disastrous breaches. Conversely, focusing only on IT security without proper processes can mean running afoul of lawful processing requirements or data subject rights. The sweet spot lies in an integrated privacy program: one that “harmonizes the relevant data protection requirements into a cohesive framework” and “introduces ways to mitigate data-related risk and build a response plan for unforeseen events.” [2]

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Challenges and Successes: Regional Insights and Cases

Balancing compliance and security poses significant challenges, as recent incidents in the MEA have demonstrated. A key issue is regulatory fragmentation and the recent enforcement of these laws. Different jurisdictions have varying requirements; for example, one country may require local data storage for sovereignty reasons, while another may allow cloud storage abroad under certain conditions. Companies operating in multiple MEA markets must navigate these diverse regulations while ensuring compliance without hindering their business. This challenge is heightened as some MEA regulators are still developing their enforcement strategies.

As of early 2025, in the GCC onshore jurisdictions, there have been no major public enforcement actions yet by national data protection authorities, partly because some laws are in infancy and regulators are in "grace period" mode. [2] The Clyde & Co legal review notes that historically, regulators were hands-off, but an "upwards trajectory in enforcement" is expected soon. This means that organizations cannot be complacent – the lack of fines so far is likely temporary, and companies need to use this time to get their compliance and security in order before regulators crack down.

On the other hand, some parts of the MEA have begun enforcement in earnest, providing cautionary tales. A notable case was referenced in the introductory paragraph about South Africa's Information Regulator fine under POPIA in July 2023 for failing to protect personal data. This case arose from a 2021 ransomware attack that crippled the Department's IT systems. The subsequent investigation found that the Department had allowed critical security software licenses (antivirus, Security Information and Event Management (SIEM), and Intrusion Detection System (IDS)) to lapse, leaving systems unprotected. Those security lapses were deemed a violation of POPIA's requirement to secure personal information. Thus, a privacy law enforcement action was taken for what was essentially a cybersecurity failure.

Other African regulators have also been active. In Kenya, the Office of the Data Protection Commissioner (ODPC) began wielding its enforcement powers in 2023, issuing penalty notices to several organizations. In one instance, a school in Nairobi was fined KES 4.5 million for posting students' photos online without parental consent, breaching the Data Protection Act's provisions on processing children's data. [8] This case highlights that enforcement isn't limited to data breaches; regulators are equally concerned with misuse of personal data and privacy rights. For businesses, this means both privacy controls (like obtaining valid consent) and security controls must be in place, and a lapse in either can result in penalties. Nigeria, too, has been ramping up oversight: even before the new NDPA law, Nigeria was considered one of the more active African countries in terms of data protection enforcement, with its authorities "proactively auditing domestic organisations as well as foreign tech giants with no local presence." [9] Now, with a dedicated Data Protection Commission established, we can expect more structured enforcement in Nigeria, which will likely include checks on whether organizations have adequate security safeguards for the data they hold.

Despite challenges, there are success stories and positive momentum. Many organizations in the MEA have successfully established robust privacy programs that integrate global best practices. For instance, large banks and telecommunications firms in the UAE and Saudi Arabia often boast both ISO/IEC 27001 certification for their information security and active privacy compliance teams that conduct regular audits and training. This dual approach has helped them not only prevent major breaches but also smoothly handle compliance tasks like responding to data subject access requests or conducting DPIAs for new tech deployments.

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Conclusion

The MEA region is experiencing significant changes in data protection, driven by new compliance laws and ongoing cybersecurity threats. Companies must integrate privacy compliance into their operations while strengthening technical defenses. Recent developments, from the UAE's emerging regulations to Nigeria's audits and South Africa's fines, underscore that privacy and security are interconnected, and success lies in addressing both together. MEA organizations are leveraging global frameworks like the EU GDPR, NIST CSF 2.0 and ISO/IEC 27001 to build programs that meet legal requirements and protect data. As regulators increase enforcement and cyber threats evolve, including challenges from artificial intelligence (AI) and Internet of Things (IoT) security, organizations can use regional case studies and best practices to turn compliance and security into operational strengths.

By taking these steps, businesses can not only evade fines and avoid breaches but also build trust with customers and partners in a digital economy that values privacy. This balancing act is continuous, but with dedication and the appropriate frameworks, companies in the MEA can find a practical balance where both personal data and their reputation are protected.

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