Privacy and Islam: From the Quran to Data Protection in Pakistan
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Abstract
Islam gives great importance to the fundamental human right to privacy. This is evident from the some of the verses of the Holy Quran: "Do not spy on one another" (49:12). "Do not enter any houses except your own homes unless you are sure of their occupants' consent" (24:27). The Prophet has gone to the extent of instructing his followers that a man should not enter even his own house suddenly or surreptitiously.

This study attempts to explore the extent of the sanctity given to the right to privacy by Islam and the kinds of privacy it recognizes. It will also explore the extent to which this right has been recognized in the laws of certain key Islamic Countries.

The paper will include a case study of Pakistan, an Islamic state that recognizes the Quran and Sunnah as sources of law. Under the Pakistani Constitution there cannot be a law in violation of the injunctions of Islam. In fact various laws have been declared to be in violation of the injunctions of Islam by the Federal Shariah Court. The Constitution of Pakistan, as well as the Pakistani law on Freedom of Information recognize the right to privacy. Despite this the main objective of the draft Pakistani Data Protection Law is not to enshrine the principles of Islam but to satisfy the requirements of EU Directive 95/46, in particular Article 25 thereof, with the hope of ensuring that data will be allowed to flow freely between the EU and Pakistan, thus making Pakistan an attractive market for outsourcing. The paper will also analyse to what extent Pakistan has been able to achieve this.

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