

Non-Compliance Report: Transferring Personal Data Overseas

Case Study

Study co-investigator Dr A left Singapore and moved to an overseas institution. However, Dr B (Principal Investigator, PI) continued to send medical reports that contained **subjects' personal identifiable information** to Dr A's **hotmail**. An agreement had been signed between Dr A and Dr B, but the agreement did not meet **data transfer requirements**. The DSRB determined this incident to be a violation of the Personal Data Protection Act (PDPA) Transfer Limitation Obligation.

Outcome

The study has been suspended pending completion of enquiries by the Ministry of Health.

What the PI should have done

1. Inform DSRB of the study team member who had moved overseas and yet remained part of the study team. This includes changes (if any) in the team member's role e.g. from co-investigator to collaborator.³
2. Send data using secure corporate email to the recipient's corporate or secure email account. Personal email accounts such as "Hotmail" and "Gmail" should not be used⁸. This is to ensure only authorized recipients receive the Research Data.⁴
3. Check that identifiers had been removed and files are password-protected before sharing⁷. This is to ensure that only anonymized data are sent overseas.⁵
4. If identifiable personal data need to be sent overseas, take appropriate steps to ensure compliance with the data protection requirements in PDPA. This includes:
 - Ensuring that consent from subjects was obtained for transfer of identifiable data overseas
 - Ensuring that appropriate steps were taken to ensure that the recipient of the personal data was bound by legally enforceable obligations to provide the transferred personal data with a standard of protection that is at least comparable to the protection under the PDPA
 - If the PI was unable to ensure the steps under points 2- 4, the PI should appoint a local study team member to take over the role of the overseas study team member.⁶

- Ensuring that a data sharing agreement has been signed between the PI's institution and the recipient/receiving institution⁷.
5. If the PI was unable to ensure the steps under points 2- 4, the PI should appoint a local study team member to take over the role of the overseas study team member.⁶

Lessons to Learn

All research team members must be vigilant when transferring data for research. As far as possible, only anonymized data should be transferred overseas. To transfer identifiable data overseas, the study team must meet the strict conditions as set forth in the PDPA.

To obtain help in drafting contractual agreements between study teams and overseas collaborators, study teams should approach their institutions' research offices. For NHG institutions, you may also contact the Research & Development Office Collaborations & Partnership Unit through Mr Louis Ang (Deputy Director) at louis_bk_ang@nhg.com.sg

References

1. Personal Data Protection Commission Singapore. Frequently Asked Questions: What is Personal Data? Accessed from: http://www.ifaq.gov.sg/pdpc/apps/Fcd_faqmain.aspx?FAQ=70555
2. NHG Proper Conduct of Research Standard Operating Procedures 501-B08: Data Collection and Handling, Section 7.0
3. NHG Proper Conduct of Research Standard Operating Procedures 501-B04: Interactions with Domain Specific Review Board
4. Personal Data Protection Commission Singapore. Main Advisory Guidelines: Advisory Guidelines On Key Concepts In The Personal Data Protection Act, The Protection Obligation (Chapter 17). <https://www.pdpc.gov.sg/Legislation-and-Guidelines/Guidelines/Main-Advisory-Guidelines#AG1>
5. Personal Data Protection Commission Singapore. Main Advisory Guidelines: Advisory Guidelines On The Personal Data Protection Act For Selected Topics, Anonymisation (Chapter 3). <https://www.pdpc.gov.sg/Legislation-and-Guidelines/Guidelines/Main-Advisory-Guidelines#AG1>
6. NHG Proper Conduct of Research Standard Operating Procedures 501-A02: Responsibilities of the Research Team
7. NHG Data Sharing Policy (Points 5.4 and 5.5)
8. [IHIS Healthcare IT Security Policy and Standards \(Point 12.7\)](#)

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