November 2017

TRANSFERRING OF ESSENTIAL DOCUMENTS (CONTAINING SUBJECTS' IDENTIFIABLE DATA) TO AN OVERSEAS EXTERNAL COLLABORATOR

Scenario

Dr A (a novice to conducting research) has agreed to collaborate with Dr B of an overseas hospital to conduct a research study which will include Singapore as one of its site. Dr B is the main Principal Investigator (PI) and Dr A is the site PI for his institution. Prior to starting the research study, Dr A and Dr B had signed an agreement stating that the ownership of the data belonged to respective sites.

At the end of the study, Dr A received an email from Dr B requesting for copies of all original study documents, which includes source documents and informed consent forms to be shipped to his hospital for archival. Dr A forwarded the email to Ms W, the study's senior research coordinator and instructed her to prepare the requested items to be shipped to Dr B.

Can copies of the original study documents with subjects' identifiable information be shipped overseas for archival?

Ms W explained to Dr A that the [2] essential documents should be retained at site for at least 6 years after completion of the research study. However, if copies of these documents with personal data (identifiable information) are to be transferred to a country outside Singapore, it should be in accordance with the requirements prescribed under PDPA.

The Site Principal Investigator A is responsible for protecting confidentiality of research subjects. Hence, prior to transferring data out of the institution or overseas:

- ✓ [1]He must take appropriate steps to ensure compliance with the data protection requirements in the PDPA while the personal data to be transferred remains in its possession or under its control (The Personal Data Protection Regulations 2014).
- ✓ [2]His institution must also ensure that it has taken appropriate steps to ascertain whether, and ensure that Dr B's institution is bound by legally enforceable obligations to protect the personal data to a standard comparable to the PDPA.

Alternatively, he can be considered to have taken such appropriate steps if:

- ✓ [2]The subjects gave consent and:
  - Subjects had been given a reasonable written summary of the extent to which the personal data will be protected comparable to that of the PDPA;
  - The transfer or personal data is reasonably necessary to provide a product/ service to the subject; and
  - Dr A's institution did not give subjects false misleading information about the transfer.
- ✓ [2]The transfer is necessary to perform a contract between the subject and Dr A's institution.
- ✓ [2]The transfer is necessary to conclude or perform a contract between Dr A's and Dr B's institution if:
  - The contract is entered into at the subject's request or
  - If a reasonable person would consider the contract to be in the subject's interest.

References

1) NHG Proper Conduct of Research Standard Operating Procedures 501-B05: Documentation, Section 5: Policy
2) NHG Proper Conduct of Research Standard Operating Procedures 501-B08: Data Collection and Handling, Section 7.0 : Transferring data out of institution/ overseas

Additional reading

3) Personal Data Protection Act 2012
4) Personal Data Protection Commission, Frequently Asked Questions (FAQs)

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