

GOVERNANCE OF CROSS-BORDER TRANSFER OF DATA IN SUB-SAHARAN AFRICA (SSA)

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Global Forum on
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Research for Ethical Data Science
in sub-Saharan Africa



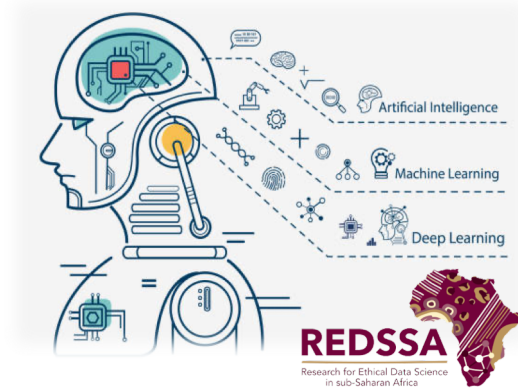
INTRODUCTION



- Collation, storage, & use of health data inform clinical decision-making, scientific endeavours, & policymaking
- Many African settings - limited Internet access, poor quality data sources, & inadequate analytical capacity
- Gap between the availability of data sources & analytical capacity underscores global inequity

DATA REQUIREMENTS TO MANAGE PANDEMICS

- Large, high-quality datasets for AI models
 - optimized decision-making
- National health information systems (public & private)
- Primary data sources & epidemiological data
- Key limitation in data sharing



FACILITATING CROSS-BORDER SHARING



- Develop & establish high-quality public health information & technology system
- Electronic transmission of relevant data & reports
- Development & promotion of network domains
- Adopting informatics guidelines & standards to enable interconnectivity

ETHICS & GOVERNANCE CONSIDERATIONS

- Data sharing: - collection, maintenance, sharing
 - analysis & insights
 - making informed decisions
- Barriers affecting data sharing (economic, legal & ethical)
- Key principles: equitable, ethical, & efficient data sharing
- Recommendations on enhancing access to & sharing of data
- Minimum requirements for a DTA



AFRICA'S DATA-SHARING LANDSCAPE

- South Africa, Nigeria, Kenya, Ethiopia & Uganda
- How do these settings manage cross-border data transfers?
- Research ethics guidance
- Common conditions in data protection laws
- Factors to consider in the processing of personal information

Rank & country	Legal Requirements	Legislation	Classification
South Africa	A responsible party may only transfer personal data outside South Africa if the recipient is subject to a law, binding corporate rules or the binding agreement that provide adequate protection, or the data subject consents to the transfer; or the transfer is necessary for terms of the provisions of the Act.	Sec. 72 of the Protection of Personal Information Act, 4 of 2013 (South Africa)	Strict
Nigeria	Cross-border transfer of personal data is subject to authorisation by the Attorney General or the National Information Technology Development Agency (NITDA) based on the adequate level of protection. In the absence of authorisation by the Attorney General or the Agency, personal data transfer may only take place if the data subject gave consent, or the data transfer is necessary in terms of the Regulation.	Reg. 2.11 & 2.12 of the Nigeria Data Protection Regulation, 2019.	Moderate
Kenya	Only allowed if there is proof of adequate data protection safeguards or consent from the data subject. Data controller or data processor must provide proof to Data Commissioner on appropriate safeguards. The data transfer must be necessary in terms of the Act.	Sec. 25(h) 48 of the Data Protection Act, No. 24 of 2019 (Kenya)	Strict
Ethiopia	Cross-border data transfer may only take place subject to an adequate level of data protection in the recipient country. Data controller or data processor must provide proof to Data Protection Commission of appropriate level of protection, or the data subject has given consent to the proposed transfer, or the transfer is necessary, or the transfer is made from a register & intended to provide information to the public.	Sec. 27-30 of the Draft Proclamation to Provide for Personal Data Protection, 2021 (Ethiopia)	Strict
Uganda	Data processor or data controller must ensure that there are adequate measures in place for the protection of personal data, or the data subject must provide consent.	Sec. 19 of the Data Protection & Privacy Act, 2019 (Uganda)	Strict

CONCLUSION



Need for a reliable & accessible data ecosystem



Holistic approach to data management should underpin evidence-based decision making



Transparency, fairness, & accountability



Standard contractual provisions & templates should be developed

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 - Prof Jerome Amir Singh
 - Prof Annelize McKay
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Data sharing governance in sub-Saharan Africa during public health emergencies: Gaps and guidance

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While the COVID-19 pandemic has captured the attention of the global community since the end of 2019, deadly health pandemics are not new to Africa. Tuberculosis (TB), malaria and human immunodeficiency virus (HIV) count amongst other serious diseases that have had a catastrophic impact on the African continent. Effective responses to such pandemics require high-quality, comprehensive data sets that can inform policymaking and enhance healthcare decision-making. While data is driving the information economy in the 21st century, the scarcity in Africa of carefully curated, large epidemiologic data sources and analytical capacity to rapidly identify and understand emerging infectious diseases poses a major challenge to mounting a time-sensitive response to unfolding pandemics. Data access, sharing and transfer between countries are crucial to effectively managing current and future health pandemics. Data access and sharing, however, raises questions about personal privacy, the adequacy of governance mechanisms to regulate cross-border data flows, and ethical issues relating to the collection and use of personal data in the interests of public health. Sub-Saharan Africa's most research-intensive countries are characterised by diverse data management and privacy governance frameworks. Such regional variance can impede time-sensitive data sharing and highlights the need for urgent governance reforms to facilitate effective decision-making in response to rapidly evolving public health threats.