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Borders, Data, and the Law: Navigating Cross-Border Health Data Sharing for Research in Africa

Abstract

The growth of genomic and health-related research in Africa has coincided with a wave of data protection legislation that significantly affects how health data can be shared across borders. This talk presents findings from a comparative analysis of the data protection and research ethics requirements governing cross-border data sharing in 12 African countries: Botswana, Cameroon, Ghana, Kenya, Malawi, Nigeria, Rwanda, South Africa, Tanzania, The Gambia, Uganda, and Zimbabwe. Of the 12 jurisdictions analysed, most impose additional requirements when personal data is transferred across borders. Consent and adequacy emerge as the most common legal grounds for cross-border transfers. The findings reveal a fragmented regulatory landscape with no harmonised approach. The talk will introduce practical tools developed alongside the research - including jurisdiction-specific guidelines and data transfer agreements - designed to help health researchers navigate this complex terrain.

Speaker Biography

Aliki Edgcumbe is a Lecturer in the School of Law at the University of KwaZulu-Natal, where she teaches Bioethics in the LLB programme and coordinates the LLM in Medical Law programme, supervising master's research on health research and data protection. Aliki was a member of the DS-I Africa Law Group, part of the NIH-funded Data Science for Health Discovery and Innovation in Africa Initiative, which sought to leverage data science technologies to transform biomedical and behavioural research and improve individual and population health. The Law Group contributed to this goal by providing legal clarity to health researchers in Africa. Aliki's focus within the project was on the data protection laws governing health research across Africa and assisted in developing Country Guides for Scientists, focusing on cross-border data-sharing.

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