



## TIP SHEET 7

### Developing a data sharing agreement

- Before entering into a data sharing agreement, it is important to understand the following:

#### What is the purpose of data sharing? What plans or requirements do you have?

- Why are you sharing data and what will be achieved? What is the specific goal?
- What potential harm could result in the short- and long-term from the sharing of data?
- What are you and your partners, third parties, or sub-contractors planning to do with the data? Do you plan to share it onward with others and, if so, for what purpose? Will it be shared with national or local governments or government ministries? Will it be shared with donors?
- Are there requirements for data sharing or opening data? How do they affect your process?
- For how long will you be sharing data? What happens at the conclusion of the agreement or initiative or if the funding runs out? What is the plan?
- When will data be anonymised, aggregated or deleted?

#### What kind of relationship will you have with your partners or contactors?

- Is this a grant agreement where you are receiving funding to collect, process or manage data?
- Is it a contract agreement where you are contracted by someone to collect, process, or manage data?
- Is it a contract agreement, where you are contracting someone else to collect, process or manage data?
- Is it a sub-contract in which case the original data sharing conditions need to be replicated?
- Is the data sharing between two partners or multiple partners?

#### What exact data needs to be shared?

- Based on the purposes mentioned above, exactly what data needs to be shared?  
Note: Only share data that is absolutely necessary for the specific purpose.  
Note: If possible, only share anonymised data.

#### What category of data will be shared?

- Personal data?
- Sensitive personal data?
- Sensitive non-personal data?
- Sensitive data that is and currently anonymised but which could be re-identified in the future due to advances in technology?
- How will you contextualise, describe, or tag the data to avoid it being used out of context and in such a way that the assessment of the quality of the data can be documented?

#### What data laws do you need to follow?

- Is there a national data privacy law (or multiple laws) that should be followed?
- Based on privacy legislation, are you legally allowed to share this data?
- Does the data privacy law spell out specific roles for those who collect or handle data?
- For data that has already been collected, are the data subjects aware that their data will be shared and, if so, have they given consent?
- For data that is still to be collected, ensure that the consent makes it clear to data subjects that data will be shared and with whom.
- Will the data remain in the country where it is collected, or will it be shared or processed or stored in another country? Will the data cross borders at any point? Is cross-border data transfer of this type of data permitted? (For example, some countries do not allow health data to cross borders)
- Does the law mandate that you conduct a Privacy Impact Assessment to identify any potential harm that could come from collecting, processing, sharing, and using the data? The potential harm should be weighed against the benefits of sharing the data.



### How exactly will the data be shared?

- Will the data be shared across two or more organisations? Or will one or more organisations share with one another (or a few others)? Or will one organisation dictate to the other(s) how and why the data will be collected (the data controller) and the other(s) will collect and process the data as directed? Or will all organisations collect and process data and then share with one another?
- How often will data be shared? Once only? Ongoing?
- How exactly will it be shared or transmitted and via which systems and processes?
- What security measures do the partner organisations have in place? (These should be assessed and verified).
- If you are collecting or processing sensitive information, be aware that you may be legally obligated to conduct a Privacy Impact Assessment.

### Who will manage and be accountable for the data and how?

- Which organisation(s) will manage and maintain the data, the database and related systems?
- Has it been clearly defined who the data controller is and who the data processor is? (Each has specific responsibilities as defined by the law). Or will both organisations collect and use this data? (Joint data controllers and processors).
  
- What systems are in place to secure and protect the data?
- Have you checked to ensure that your data and data systems are interoperable if both parties are collecting data, or if data is to be combined?
- How will data access be managed and controlled and by whom?
- What will happen at the conclusion of the project, data collection or partnership?
- Are there sufficient staff and financial resources to ensure data protection and security?
- How will any critical data incidents (leaks, unauthorised access, breaches, data loss) be handled and communicated and by whom?
- How will any requests for data removal, deletion, correction, etc. be handled? (e.g. if a person whose data has been collected withdraws or wants to change data or has some other question about their data)

Addressing these questions will assist in gathering the information necessary to develop and implement a data protection and/or data sharing agreement with a partner.