

# THE GAMBIA

## Cross-Border Sharing of Data

**This section reviews the rules as required by data protection law in the cross-border sharing of personal data. The rules on the cross-border sharing of personal data under data protection law do not exist in a vacuum, and therefore other important information that must be followed when sharing personal data is discussed. This information, however, is comprehensive as it relates to the cross-border sharing of personal data.**

**The relevant national health research regulations as they relate to the cross-border sharing of personal data are reviewed. These national health research regulations set out the required legal and ethical conditions that must be met when processing personal data for research. Applicable national legal and ethical documents are listed, but the discussion only specifies the requirements as they relate to the cross-border sharing of personal data for research. The guide does not treat the legal and ethical requirements generally required for research, and therefore users of this guide must consult with these documents to ascertain these requirements and to ensure that they are met.**

**The section provides users with a comprehensive description of the requirements to be met in the cross-border sharing of personal data for research. It sets out all the necessary conditions that must be met to legally share data across borders for research.**

**In countries where no data protection law is in force, the necessary national legal and ethical requirements, as they relate to the cross-border sharing of data, are presented.**

Generally, in most countries, the cross-border sharing of data is governed by several legal and ethical regulations, all of which must be met prior to the sharing of data for research. In The Gambia, there are limited regulations and/or guidelines in this domain. There is no data protection regulation in force.

### Health Research Regulations and Cross-Border Data Sharing

The health sector regulatory landscape is policy heavy but light in law. Relevant policies and documents are the:

- Gambia ICT4D Policy framework

- National Health Laboratory Services Strategic Plan 2021–2025
- National Health Policy 2021–2030
- National Science, Technology and Innovation Policy (NSTIP) (2013–2022)

Most of the policies recognise the importance of sharing data and international collaborations for the development of the health sector, without clearly stipulating any strategy for cross-border data sharing. The National Health Policy 2021–2030 seeks to promote health research in strategic areas but does not have a policy for cross-border flow of data for health research. The National Health Laboratory Services Strategic Plan 2021–2025 promotes data sharing among laboratories and agencies whose activities affect human health. It also encourages collaboration in implementing the One Health strategy. The One Health Model adopted by ECOWAS member states, including The Gambia, emphasises cross-border collaboration and information sharing among countries.

### **Data Protection and Privacy Policy and Strategy**

Although The Gambia has no data protection law, the Data Protection and Privacy Policy and Strategy was adopted in 2019. A Data Protection Act is currently under development.

### **Miscellaneous Guidance**

The African Union Convention on Cyber Security and Personal Data Protection ([‘the Malabo Convention’](#)) is in force. The Gambia has signed it, but is yet to ratify it. However, it may guide researchers in adopting standards in data protection. The Economic Community of West Africa States (ECOWAS) [Supplementary Act](#) on Personal Data may also be of guidance.