

Big data, cloud computing and cross-border transfers of personal data – these data privacy issues in healthcare have come to the fore in recent years, with a renewed focus on data privacy and the protection of personal data in Europe and in the region.

In Singapore, "personal data" is defined very broadly, i.e. any data by which a person may be identified, whether the data is viewed in isolation or in conjunction with other data. The following legislation and guidelines apply to personal data in Singapore, to regulate the collection, use, disclosure and care of any such personal data:

- Personal Data Protection Act 2012;
- Personal Data Protection Regulations 2014; and
- Advisory Guidelines issued by the Personal Data Protection Commission, particularly the Advisory Guidelines for the Healthcare Sector.

The healthcare-specific Advisory Guidelines published in September 2014 further apply the key obligations under the PDPA and the Do Not Call provisions to scenarios that healthcare service providers may face. In particular, it contains guidance on the following:

- Scope of consent / deemed consent given by the patient;
- Retaining medical records of patients in light of the retention limitation obligation under the PDPA;

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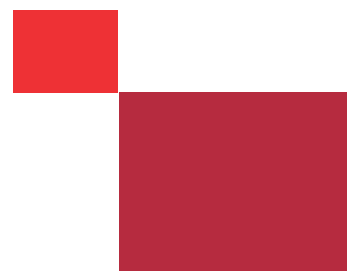
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- Taking family histories when personal data of third-parties is required;
- Applicable exceptions to the consent, use and disclosure of personal data;
- Providing personal data when an individual requests access to his medical records, and how corrections to the personal data should be dealt with; and
- Obligations under the Do Not Call provisions when contacting patients or former patients.

The PDPA also contains specific exemptions to the obligation to obtain consent prior to the collection, use and disclosure of an individual's personal data. There are also instances where the data in question may cease to be considered as personal data, such as where the data has been anonymized or sufficiently de-identified. The organisation which deals with such anonymized data generally need not be subjected to the extensive data protection obligations under the PDPA, and may freely transfer such anonymized data out of Singapore.

Given the global operations of large pharmaceutical companies, it is natural that data privacy issues also tend to spread across multiple jurisdictions through cloud computing and cross-border data transfers.

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