

SPHN Factsheet: Data Transfer and Use Agreement Template

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What is the general background of SPHN?

The main goal of the Swiss Personalized Health Network (SPHN) initiative is to bring Switzerland at the forefront of personalized health research. SPHN contributes to the development, the implementation, and the validation of a nationally coordinated infrastructure which is required to make health-related data interoperable and exchangeable across Switzerland. In the long-term, public health and healthy citizen data will also be integrated. As outlined in the Ethical Framework for Responsible Data Processing, data sharing is one of the core guiding principle of the Initiative.

What is the objective of the common Data Transfer and Use Agreement template?

This Data Transfer and Use Agreement (DTUA) template governs the transfer and use of data that is made available by a provider to a non-profit third party, which wishes to use this data for its own research purpose. This template aims to facilitate data exchange within Switzerland: it shall be used by SPHN partners that work in compliance with the governance principles issued from applicable ethical and legal requirements.

Why is the Data Transfer and Use Agreement template needed?

The DTUA is a key regulatory requirement that defines the rights, responsibilities and obligations of the Parties involved (e.g. Provider, Recipient, Processor) regarding permitted use, ownership, publications, intellectual property and liability when data is being transferred or accessed in the frame of a project. While each institution has been using their specific DTU agreement, the DTUA template is part of a national harmonization effort in line with the SPHN initiative and Swiss Biobanking Platform.

How was the Data Transfer and Use Agreement template prepared?

It was developed between November 2018 and March 2019 by a working group composed of legal representatives from the following institutions: EPFL, ETHZ, Inselspital, SIB – Swiss Institute of Bioinformatics, Swiss Academy of Medical Sciences/SPHN, Swiss Biobanking Platform, University Hospital of Basel (USB), University Hospital of Geneva (HUG), University Hospital of Lausanne (CHUV), University Hospital of Zurich (USZ), Unitectra (University of Basel, Bern, and Zurich), University of Geneva, and University of Lausanne.

Who should use the Data Transfer and Use Agreement template?

SPHN encourages anyone working with data in Switzerland to adopt it. The use of this template is however limited to the exchange between academic institutions and is not suitable for the transfer to a for-profit organization.

Who should sign the Data Transfer and Use Agreement template?

A DTUA must be concluded between legal entities, which are to be bound by the contractual provisions, and between the scientists involved in the transfer and the related research. The DTUA cannot be signed by the scientists alone as they might not be able to guarantee the implementation of the contractual obligations.

How should the Data Transfer and Use Agreement template be used?

In the majority of instances, this template will be suitable without making adaptation. **Marked fields in grey are to be completed** whereas **text highlighted in yellow is optional**. It may still be adapted in case of specific needs, provided that all Parties involved agree. In this case, specific legal advice should be sought. Any use of the Data Transfer and Use Agreement template is exclusive responsibility of the respective users.

In the event of additional questions, please feel free to contact the SPHN Management Office at info@sphn.ch.