

# UK Biobank Ethics and Governance Council Thirty-eighth Meeting

Meeting at Wellcome Trust  
215 Euston Road, London, NW1 2BE

Monday 10 March 2014 at 10.30am

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## **Agenda**

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1. **Apologies**
2. **Minutes** of thirty-seventh meeting held on 9 December 2013
3. **Matters arising**
  - (i) Tracking of requests to UK Biobank
  - (ii) Funders' review of the EGC
  - (iii) Subgroup reporting: Feedback
  - (iv) Recruitment of new members
  - (v) Risk register
4. **EGC access oversight role**
5. **Closed discussion on topics to discuss under item 7**
6. **Discussion with Professor Mike Parker**
7. **Update from UK Biobank** (Professor Rory Collins, Chief Executive Officer)
  - (i) Report on access process and applications
  - (ii) Re-contact applications
  - (iii) Receiving and incorporating research results into the resource
  - (iv) Imaging pilot
  - (v) EGF revisions
  - (vi) Standard linkage agreement
  - (vii) Any other developments and outstanding recommendations from EGC37
8. **Closed discussion of matters arising under items 7**
9. **Communications activities**
10. **Report on meetings attended**
  - (i) Board of Directors meeting 13/12/13
  - (ii) Fundamentals of clinical genomics 15/01/14
  - (iii) ELSI 2.0 launch meeting 16/01/14
  - (iv) Centre for Medical Ethics and Law workshop on Biobank governance, University of Hong Kong 21/02/14
11. **Any other business**
12. **Dates for 2015** 9 March, 8 June, 8 September and 7 December
13. **Date of next meeting** 2 June 2014 – Wellcome Trust, London

**UK Biobank Ethics and Governance Council  
Thirty-eighth Meeting**

**10 March 2014  
Wellcome Trust, London**

Present: Professor Roger Brownsword (Chair), Professor Martin Richards, Mr Andrew Russell, Ms Tracey Phillips, Mrs Margaret Shotter and Dr Jonathan Hewitt.

In attendance from EGC Secretariat: Ms Adrienne Hunt.

Observers: Ms Katherine Littler (Wellcome Trust) for items 8 – 13.

Speakers: Professor Rory Collins (Principal Investigator and Chief Executive, UK Biobank) and Professor Mike Parker (Director, Ethox Centre) for items 6 and 7.

1. Apologies

Apologies were received from Professor Kate Hunt, Dr Roger Moore, Dr Sheelagh McGuinness, Professor Søren Holm and Mr Jonathan Sellors.

2. Minutes of thirty-seventh meeting held on 9 December 2013

The Council approved the circulated minutes.

3. Matters arising

*Tracking of requests to UK Biobank*

Members noted the outstanding requests to UK Biobank.

*Funders' review of the EGC*

The funders' quinquennial review of the EGC will take place towards the end of 2014. It is anticipated that the EGC will provide a submission, highlighting its past and current activities and its future plans. Members discussed the content of such a submission and agreed that three distinctive features of the EGC should be highlighted: (i) its independence; (ii) its ability to fairly represent participants; and (iii) its knowledge of the backstory which in turn brings an ability to provide a consistent line of advice to UK Biobank. The submission will also rehearse the historical reasons for coupling broad consent with a permanent Ethics and Governance Council; over the years the EGC has pioneered this governance model and demonstrated that it is workable.

During the last quinquennial review (in 2010) the Review Panel decided that, while in principle other large scale studies might also benefit from dedicated ethical advice,

the time was not right to suggest expansion of the EGC remit to advise other projects. Discussing this in the context of the upcoming review, members expressed the view that the EGC's remit should continue to stay central to UK Biobank and ideally would not be extended at this stage. However, members saw potential for the EGC to explore the possibility of taking an active role in developing a network of similar advisory bodies (focusing on large cohorts) and to engage directly with other biobanks.

#### *Subgroup reporting: Feedback*

The EGC Chair, Vice Chair and Secretary will meet with UK Biobank and funder colleagues on 21 March for the first in a series of meetings on the project's feedback policy. The purpose of the initial meeting is to establish the questions for discussion.

#### *Recruitment of new members*

Interviews for up to three new members will be held on the 25 March.

#### *Risk register*

At its last meeting the EGC agreed that, while a formal risk register is not necessary, the Secretary could usefully write a list outlining the potential risks that relate to the EGC's work. Members considered the first draft list which includes the following categories of risk: governance, operational, financial and external. Members agreed to add 'reputational risk' e.g., whereby negative publicity for UK Biobank may reflect on the EGC or its members individually. The controls for this are the crisis management plan and the EGC's practice of documenting its meetings (e.g. as a means of demonstrating and asserting its independence).

#### 4. EGC access oversight role

In January, the EGC met to discuss its oversight responsibilities and UK Biobank's proposal that the EGC could 'audit' the entire process and information relating to a number of approved applications (in response to the EGC's request for real-time access, for a limited period only, to applications that are being adjudicated). UK Biobank's proposal would be a trial after which it and the EGC would discuss and reach consensus as to how to continue and/or amend the process.

During the January meeting the EGC developed a tentative three strand governance model for access oversight involving: (i) alerting, (ii) reporting and (iii) auditing; with a light touch audit being undertaken by a qualified third party. In devising this model, the aim is to move away from any perception that the EGC is undertaking a 'parallel review'; instead the model relies on UK Biobank alerting the EGC to novel applications, in addition to providing reports on the access process and applications.

With regard to UK Biobank's proposal, members agreed that it would be a useful exercise to visit the co-ordinating centre and take a look at the access management system, but this should not be viewed as a formal 'audit' by the EGC and nor would the visit replace the third strand of the EGC's proposed model.

## 5. Closed discussion on topics to discuss under item 7

Members raised a number of matters to discuss with UK Biobank under item 7.

## 6. Discussion with Professor Mike Parker

The Council was pleased to welcome Professor Mike Parker, Director of the Ethox Centre (Ethox), a multidisciplinary bioethics research centre at Oxford University. Ethox has an arrangement with UK Biobank to provide ethics advice on request, and by regular discussion of applications under review, related to: (i) specific issues raised by particular applications; (ii) general considerations involved in certain types of research; and (iii) more general ethics advice related to the work of UK Biobank.

Professor Parker explained that he provides ethics advice and support, acting as a resource to the UK Biobank team but not in a decision-making capacity. With the ability to be responsive and available, he helps the team identify and discuss ethical issues, including those that raise potentially broader issues of policy and public interest, and to help them find practical solutions. This role is different, but complementary, to the EGC's independent, arm's length advisory role.

At present, Professor Parker receives and comments on all Preliminary and Main applications and attends the Access Sub-Committee (ASC) meetings, participating in the discussion when invited to do so or when there is a particular ethical issue. In his view, the majority of applications received to date are unproblematic; they are clearly in the public interest and do not raise any new ethical issues. When asked to identify what he considers to be the most substantive issues, Professor Parker highlighted: (i) What principle and process should govern the depletable aspects of the resource, including samples and re-contact with participants (ii) How should re-contact on the basis of genotype be managed? (iii) Genetic studies more generally (iv) Linkage, in particular between cohort studies – if participants gave consent under two different studies, which consent should 'rule'? (v) Feedback of individual findings to participants.

Drawing on his experience as Chair of the Wellcome Trust Case Control Consortium Data Access Committee, Professor Parker commented that, in that study, it became clear early on that a large number of applications were minimal risk and could be managed administratively with greater automation. With experience, it should be possible for UK Biobank to delineate which applications have substantive issues and which do not (with the latter not requiring ASC review). This could be subject to occasional auditing to see if the process is working as expected (i.e. that applications with substantive issues are being picked up and discussed).

## 7. Update from UK Biobank (Professor Rory Collins, Chief Executive Officer, UK Biobank)

### *Report on access process and applications*

Applications are being received at a steady rate, although an increase is expected when the genotype and biomarker data are made available. UK Biobank will hold a Frontiers meeting in London in June, the purpose of which is to encourage UK and European scientists to use the resource. A similar event is planned for later in the year in North America.

During the upcoming review of the access process, UK Biobank will consider how the adjudication of data only applications should be streamlined (e.g. what level of scrutiny and by whom). Ideally, the streamlining measures will be in place in time for the anticipated rise in the number of applications when the genotype and biomarker data are made available. The EGC expressed an interest in inputting into the review and made a few initial comments: (i) If data only applications are to be judged by the adjudication team, and not necessarily with advice from Ethox on every application, how is the ethical knowledge maintained in the co-ordinating centre staff, especially if there is staff turnover? (ii) It may be advisable to continue to consider data linkage requests on a case-by-case basis. (iii) While it may be argued that genomic and imaging data are not special, it may nonetheless be prudent for the ASC to consider the first tranche of applications that propose to use these types of data. In time the majority of such applications could fall into a 'minimal risk' stream.

### *Re-contact applications*

UK Biobank's re-contact procedures identify three main categories of re-contact, including for the purpose of third party research where re-contact may involve additional phenotyping by the researcher. The re-contact procedures also state that 'if there is a possibility that the existence of a risk factor or a disease outcome could be revealed to a participant (of which they are previously unaware) then the participant will not be re-contacted' (similarly, see section B6.4 of the Access Procedures).

UK Biobank has escalated two preliminary applications for EGC advice. Both applications request re-contact with participants on the basis of their risk status. Depending on the method of approach, such re-contact could be interpreted as constituting 'feedback' of a previously unknown risk status to the participants.

Earlier in March, EGC members Mrs Margaret Shotter, Ms Tracey Phillips and the EGC Secretary attended a UK Biobank convened meeting to discuss: (i) re-contact on the basis of risk factors and (ii) specifically, the two preliminary applications. Several other cohort studies were represented at the meeting and shared their experience of re-contacting participants on this basis. This meeting made clear the complexity of this issue and that to date no study has found a solution to the challenge.

Members discussed with Professors Collins and Parker the broad issue and the specific applications, agreeing to provide UK Biobank with written advice subsequent to the meeting.

#### *Receiving and incorporating research results into the resource*

Professor Collins advised that UK Biobank is developing its procedures for having researchers return results and on these being incorporated into the resource; an update will be provided at the next EGC meeting.

At present, published research papers appear on UK Biobank's website under the list of approved applications. On mentioning that the papers can be difficult to find, Professor Collins advised that Mr Andrew Trehearne (UK Biobank's Head of Communications) is planning to modify the website in order to make the papers more accessible.

#### *Imaging pilot*

Professor Collins thanked the EGC for its input during the development of the imaging pilot feedback materials. In addition to working with UK Biobank as it prepared the materials, the EGC also provided comments as part of the formal review process. This process concluded recently with the approval of the pilot sub-study, subject to minor modifications to the feedback materials.

The Review Panel recommended that: (i) during the evaluation of the incidental findings reporting process (which involves a number of scans being systematically reviewed by a radiologist who is blinded to the previous radiographer review), if a scan reveals a previously unidentified and potentially serious finding this should be fed back to participants and their GP; (ii) to facilitate this evaluation, the scans should be read by the radiologist in tranches throughout the pilot, rather than at the end of the pilot phase; (iii) the participant materials should be reviewed by the Plain English Campaign. The Review Panel also sought clarification of the reason for no feedback from the Dual-energy X-ray absorptiometry (DXA) scans. Professor Collins advised that incorporating this measure into the summary provided to participants would require significant adaptations to existing IT systems. Such adaptations were not felt to be justified for the purposes of the pilot study, although they could be introduced in the main phase.

At an earlier meeting, the EGC was advised that the imaging eligibility check-list will be performed and stored on paper at the Participant Resource Centre (including the participant's name and associated UK Biobank Participant ID). Mindful of the security issues surrounding paper files members asked if the pilot check-list could be set up electronically (allowing files to be password protected). Professor Collins agreed to take this suggestion back to the team.

#### *EGF revisions*

The EGF has been a useful framework but is in need of updating. While recent initiatives have taken priority, UK Biobank is well aware that the EGF requires

modification (e.g. to bring consistency with the access procedures and the imaging sub-study protocol).

#### *Standard linkage agreement*

The Council received UK Biobank's standard access agreement, for information. This template agreement details the terms under which parties are contracted by UK Biobank to undertake work on its behalf (e.g. Dr John Gallacher's work on the Healthy Minds project).

#### *Any other developments and outstanding recommendations from EGC37*

Members raised with Professor Collins the proposed access oversight model (see item 4). It was agreed that Professor Collins and Professor Brownsword should meet to discuss the detail of the proposal and its acceptability to UK Biobank.

#### 8. Closed discussion of matters arising under items 7

Members further discussed the issue of re-contact on the basis of risk factor; the EGC Chair and Secretary will prepare a first draft of the EGC advice, which will be circulated to members for comment.

#### 9. Communications activities

The EGC Chair, Secretary and member, Dr Jonathan Hewitt, will visit Estonia in April to hear about the work of the Estonian Genome Centre and the Centre for Ethics at Tartu University. Also in April, the EGC Secretary will attend a one day meeting in Paris entitled 'Longitudinal population studies: A targeted approach to ethics and regulation'.

#### 10. Report on meetings attended

##### *Board of Directors meeting 13/12/13*

The EGC Chair attended the December Board meeting.

##### *Fundamentals of clinical genomics 15/01/14*

The EGC Vice Chair and Secretary attended a workshop that provided an overview of the state of the art of genomic sequencing and analysis.

##### *ELSI 2.0 launch meeting 16/01/14*

The EGC Chair and Vice Chair attended the launch of the ELSI 2.0 initiative which 'is designed to catalyze international collaboration in ELSI genomics and to enable

those in the field to better assess the impact and dynamics of global genome research'<sup>1</sup>.

*Centre for Medical Ethics and Law workshop on biobank governance, University of Hong Kong 21/02/14*

The EGC Chair was invited to speak at a workshop, hosted by the Centre for Medical Ethics and Law at the University of Hong Kong. The purpose of the workshop was to stimulate discussion aimed at developing sustainable governance mechanisms for biobank researchers and stakeholders in the region.

#### 11. Any other business

The EGC Vice Chair position will become available in June when Professor Martin Richards steps down from the Council. Members were invited to contact the Secretary with their expressions of interest.

Members agreed to move the September meeting to the 9th, with the imaging assessment facility visit on the 8th September.

#### 12. Dates for 2015

9 March, 8 June, 8 September and 7 December

#### 13. Date of next meeting

2 June 2014 – Wellcome Trust, London

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<sup>1</sup> Jane Kaye et al 'ELSI 2.0 for Genomics and Society' Science 11 May 2012: **336** (6082), 673-674. [DOI:10.1126/science.1218015]