

## UK Biobank Ethics and Governance Council Twenty Sixth Meeting

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

Monday 14 March 2011 at 10.30am

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### **Agenda**

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1. **Introductions**
2. **Apologies**
3. **Minutes** of twenty fifth meeting held on 6 December 2010
4. **Matters arising**
  - (i) Tracking of requests to UK Biobank
  - (ii) Subgroup reporting as necessary
  - (iii) Researching the socio-economic-related determinants of health
  - (iv) The provision of health information to participants
5. **Future EGC operations: UK Biobank reporting process and EGC subgroups**
6. **Closed discussion on topics to discuss under item 7 - 9**
7. **Update from UK Biobank** (Professor Rory Collins, Chief Executive Officer, UK Biobank)
  - (i) General update on developments and recommendations from EGC25
  - (ii) Biannual report on longitudinal follow-up of participants
  - (iii) Draft crisis management plan
  - (iv) CTSU audit update
8. **UK Biobank's draft access and intellectual property procedures** (Professor Rory Collins and Mr Jonathan Sellors, Company Secretary, UK Biobank)
  - (i) Draft procedures
  - (ii) Material transfer agreement
  - (iii) Access fees and revenue-sharing
  - (iv) Consultation
9. **UK Biobank's long-term communications strategy** (Mr Andrew Trehearne, Head of Communications, UK Biobank)
10. **Closed discussion of matters arising under items 7 - 9**
11. **Communications activities**
  - (i) External speaking opportunities
  - (ii) External enquiries to the EGC
12. **Report on meetings attended**
13. **Any other business**
14. **Date of meetings in 2012**                      5 March, 28 May, 10 September and 10 December
15. **Date of next meeting**                      6 June 2011    - Council meeting, London

**UK Biobank Ethics and Governance Council  
Twenty Sixth Meeting**

**14 March 2011  
Wellcome Trust, London**

Present: Professor Roger Brownsword (Chair), Professor Ian Hughes, Professor Martin Richards, Professor Roger Higgs, Dr Roger Moore, Mrs Margaret Shotter, Dr Jonathan Hewitt, Professor Paolo Vineis, Mr Andrew Russell, Ms Tracey Phillips, Dr Sheelagh McGuinness and Professor Kate Hunt.

In attendance from EGC Secretariat: Ms Adrienne Hunt.

Observers: Dr Beth Thompson (Wellcome Trust) and Dr Catherine Moody (Medical Research Council) for the whole day.

Speakers: Professor Rory Collins (Principal Investigator and Chief Executive, UK Biobank) and Mr Jonathan Sellors (Company Secretary, UK Biobank) for items 7 – 9.

1. Introductions

Three new members were welcomed by the new EGC Chair, Professor Roger Brownsword, and all attendees introduced themselves. The new members are:

- Professor Kate Hunt. Programme Leader (Gender and Health) at the MRC Social and Public Health Sciences Unit, Glasgow
- Dr Sheelagh McGuinness. Lecturer in Ethics and Law at the University of Keele
- Professor Søren Holm. Professor of Bioethics at the University of Manchester (in absentia).

2. Apologies

Apologies were received from Professor Heather Widdows and Professor Søren Holm for the whole day.

3. Minutes of twenty fifth meeting held on 6 December 2010

The Council approved the circulated minutes.

4. Matters arising

*Tracking of requests to UK Biobank*

Members noted the outstanding requests to UK Biobank.

### *Subgroup reporting as necessary*

Discussion focused on the Access and IP (AIP) subgroup, which recently met twice with UK Biobank and commented on a revised draft AIP procedures. A further draft procedures was expected for this Council meeting, along with the Material Transfer Agreement and consultation document, but in the event these documents were not ready for distribution. Instead, UK Biobank provided a paper for consideration that had been agreed with the funders on the governance process for access and the roles of the main bodies involved.

The following were discussed and then raised with UK Biobank under item 8: ethics and scientific review; fees and revenue-sharing; public consultation and development timetable; role of the EGC and appeals. Conclusions were formulated under item 10.

### *Researching the socio-economic-related determinants of health*

At its last meeting the EGC discussed the range of socio-economic-related data that have been collected by UK Biobank at baseline and agreed to write to the project's International Scientific Advisory Board to offer its full support to the further consideration that UK Biobank will give to the collection of socio-economic data through its follow-up and enhancement strategies.

Members considered a note of a recent meeting between Professor Paolo Vineis and Professor Rory Collins. It had been suggested that the EGC might hold a meeting to discuss how the socio-economic-related data in UK Biobank could be used and enhanced. Members were of the view that it would be for UK Biobank to organise such a meeting but the Council could provide some support.

### *The provision of health information to participants*

The Wellcome Trust and MRC are undertaking a programme of work that aims to develop a set of principles and practical guidance to support researchers who face the question of what health information to feedback to participants. The guidance will apply to all types of biomedical research, with a focus on feedback of clinically relevant information (including incidental findings).

The Council considered a draft report of The Royal College of Radiologists and partners' workshop 'Ethical Management of Research Imaging'.

## 5. Future EGC operations: UK Biobank reporting process and EGC subgroups

The information needs and operational aspects of the EGC are likely to change over the coming year, not least to respond to the new access phase. In light of this the Secretary prepared a paper that proposed changes to the EGC's subgroups and to the scope of some UK Biobank biannual reports. Members broadly endorsed the proposals and agreed:

- to form a new subgroup to look at feedback issues. The subgroup will comprise Professor Martin Richards (Chair), Professor Kate Hunt, Dr Jonathan Hewitt, Professor Paolo Vineis and Dr Sheelagh McGuinness. An

initial task will be to consider and provide advice on how the feedback section of the EGF might be revised.

- to return to the question of the membership of the AIP and information technology subgroups at its June meeting.
- to request a change in the scope of some of the biannual reports provided by UK Biobank.

#### 6. Closed discussion on topics to discuss under item 7 – 9

Members raised a few matter in relation to UK Biobank's communication and involvement strategy.

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

Professor Collins gave apologies on behalf of Mr Andrew Trehearne.

#### *General update on developments and recommendations from EGC25*

##### *IT systems and the access process*

The IT systems that will underpin the access process are being developed at the coordinating centre in Cheadle, where a scoping exercise is also underway to evaluate software that will support the access application and reporting process. Meanwhile, UK Biobank's core database is being developed at the Clinical Trial Service Unit (CTSU) in Oxford.

A 'showcase' of variables is being prepared and will be published on the project's website (e.g., age range within the cohort, disease prevalence at baseline etc.). Each variable will be supported with information regarding how it was measured and the distribution in the cohort. The aim is to provide enough information so that researchers know what data are available but not so much information (i.e. cross tabulations) that research can be conducted on the data. The 'showcase' will be available to anyone, although the systems can be set up so that some variables are not displayed if considered sensitive. UK Biobank welcomes the EGC's advice on which variables should be restricted.

The Council asked how the depletability of samples will be managed, including how UK Biobank will prevent a particular researcher from monopolising the resource. The Access Sub-committee will look especially at requests for samples, including whether such applications can be coordinated (reducing the amount of sample needed and reducing costs). It is proposed that, while data will be released monthly, samples will be released quarterly in order to facilitate this coordination. Further, assays are likely to be conducted on informative individuals only for nested case-control studies, rather than using samples from the whole cohort.

The access IT systems will need to be able to report the implications of each access request (e.g., how much sample is being requested, how much this will leave per participant and whether the requested assays can be coordinated for a number of

researchers). The access systems would also be able to report who is using the samples so this can be monitored in order to prevent individual researchers from monopolising the resource.

### *Enhancements*

UK Biobank currently aims to submit a funding application for a range of enhancements in July, subject to progress on its priority activities related to developing the access procedures and the under-pinning access IT systems. An imaging visit is planned (involving MRI and DEXA scans), and consideration is being given to the possibility of performing assays on all samples for a number of key biomarkers that are likely to be of interest to many researchers (e.g., lipids).

UK Biobank has developed an outline feedback protocol for incidental findings related to the imaging. Professor Collins re-iterated the current EGF position of no routine provision of feedback, although it has been agreed (in line with the EGC's recommendation) that the feedback policy would be revisited (generally and for all of the proposed enhancement measures).

### *Re-contact*

The Council has previously recommended that UK Biobank should seek clarification regarding whether or not REC approval is necessary for every case of participant re-contact for audit research. UK Biobank's proposal to conduct participant focus groups on the AIP procedures is an example of this type of research. The REC has advised that it will not be necessary for UK Biobank to seek its approval in this instance. However, approval should always be sought for other types of re-contact (e.g., relating to web-based questionnaires or further assessment centre visits).

Regarding re-contact more broadly, the Council re-iterated its earlier recommendation that UK Biobank should develop a strategy that covers the various purposes for which participants might be re-contacted.<sup>1</sup>

### *UK Biocentre*

The Board and funders have approved UK Biobank's plans to establish the UK Biocentre to act as a centralised service and facility for other researchers, subject to certain conditions being satisfied. A number of parties have already expressed an interest in using the UK Biocentre's services e.g., in sample handling and storage.

### *Biannual report on longitudinal follow-up of participants*

In Scotland and Wales, the first phase of pilots has been successfully completed to demonstrate linkage to electronic record systems for death, cancer registration, hospitalisation and primary care data. The pilots have shown the value of having local contacts and expertise to facilitate the linkages.

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<sup>1</sup> Post meeting note: At EGC24 the Council recommended that such a strategy could address: (a) how re-contact will be made and how frequency will be monitored and judged appropriate; (b) the need for re-contact to be phased over time and monitored to ensure that participants are not overburdened and (c) the fact that some participants might be ill at the point of re-contact or have died.

In England, central flagging for death and cancer with the NHS Information Centre (IC) will be completed in March and the first reports for death have been received (with reports on cancer to be sent after the end of the current flagging exercise). For linkage to hospital discharge data (HES) in England, all approvals have recently been received from the IC and extraction of HES records for the first 50,000 participants will be received in the next 1-2 months.

In terms of the primary care record in England, UK Biobank is hoping to use the new GPES (General Practice Extraction Service), but is also exploring other options.

The Council briefly discussed whether there are any data quality issues associated with these records. UK Biobank can accurately link to the data of particular individuals because the project has a participant's unique NHS number (rather than relying on a name which people can share). In terms of the data being extracted, UK Biobank's Outcomes Working Group will assess what level of adjudication work will be needed to verify and enhance the health record data.

#### *Draft crisis management plan*

Following their respective funding reviews, UK Biobank and the Council have been advised to develop a crisis management plan. Members considered a draft plan, written by Mr Trehearne with input from the EGC Secretary. The plan will be revised in light of recent input from the funders, after which a further draft will be circulated.

#### *CTSU audit update*

A verbal update was provided on CTSU's progress in relation to the implementation of the audit recommendations. The Council re-iterated its request to receive a report from Dr Tim Peakman at the conclusion of the process that details whether UK Biobank is satisfied with CTSU's actions against the recommendations.

8. UK Biobank's draft access and intellectual property procedures (Professor Rory Collins and Mr Jonathan Sellors, Company Secretary, UK Biobank)

#### *Draft procedures and material transfer agreement*

UK Biobank is planning a phased roll-out for the access process whereby researchers can register in July, preliminary applications can be submitted in August and main applications can be submitted in September. Professor Collins reiterated that these timelines are indicative and that the systems will only be initiated when they are ready for use.

The Council has previously recommended that ethics input should be integral to the access review process. The circulated summary description and schematic indicate that the Access Sub-Committee (AC) will be chaired by an individual with ethics/legal expertise and the Ethox Centre (Oxford University) will be contracted to provide ethics advice.

The coordinating centre staff will review applications against a check-list of criteria. The AC will be responsible for developing this check-list with the UK Biobank

Principal Investigator. If the coordinating centre staff have any concerns about an application this will be referred to the Ethox Centre for advice and may be highlighted in a report for consideration by the AC. This process will be driven by a precautionary approach in the first instance until experience with access increases.

#### *Access fees and revenue-sharing*

The Council considered a briefing note on UK Biobank's proposed framework for charging access fees to users. Having undertaken an initial cost analysis, UK Biobank is considering potential fees in the range of £200 - £250 for a preliminary application and £1750 for a main application. This fixed cost element will cover basic administration of the applications with any data and sample extraction/assay costs being charged at a variable rate determined by the requirements of the project. The Council found this to be a modest fixed fee.

The Council asked whether UK Biobank had considered charging a slightly higher fee so that the resource could become self sustaining and less reliant on its funders. Professor Collins responded that while funding is in place to maintain the resource, and while the policy is to encourage use, the level of the indicative fixed fee was considered to be appropriate. This policy may be reviewed in the longer term.

The more the resource is used, the more data will be returned and the more useful the resource will become. The Council asked what sanctions will be available to respond to researchers who fail to meet their obligation to return data. While the data agreement will allow UK Biobank to take legal measures, an effective sanction would be to prohibit any further use of the resource. UK Biobank may also contact a researcher's institution or funder. Where possible, UK Biobank will put in place mechanisms that allow it to control the data. For example, UK Biobank plans to undertake – or commission a third party to undertake – the assays meaning that it will keep a copy of the data that is provided to the researcher. UK Biobank could then easily add this data to the resource once the agreed exclusivity period has ended. Moreover, even in those cases when samples are provided to researchers, this will be done in such a way (i.e. without any other relevant data) as to require the researcher to return the assay results to UK Biobank before they would receive the associated data required to allow them to analyse the assay results.

Given the modest fee it may be possible for researchers to access UK Biobank without applying to a funder (e.g., if they have funds available in an existing grant). Such applications will not necessarily have gone through a funder's peer review process and so may have implications for UK Biobank's own review process. The Council agreed that it would be useful to review, after 6 months or a year, the process by which UK Biobank checks that an application has sufficient scientific peer review/merit (which is likely to be most relevant when it relates to the use of the depletable sample resource and requests for re-contact).

**ACTION:** Professor Collins agreed to give the EGC sight of the indicative cost analysis. [RC]

## *Consultation*

A revised consultation timetable was circulated for information. Mr Trehearne is developing a series of Questions and Answers and a number of access scenarios (e.g., commercial use) which will be used to inform two participant focus groups and the public consultation.

9. UK Biobank's long-term communications strategy (Mr Andrew Trehearne, Head of Communications, UK Biobank)

Professor Collins gave a brief update on the redevelopment of the project's website and the circulation of the project's newsletter in January.

10. Closed discussion of matters arising under items 7 – 9

## *Access and IP*

Broadly speaking, the Council welcomed the access governance document agreed between UK Biobank and the funders. Members considered the paper to provide an appropriate and very useful structure around which the necessary detailed provisions can now be drafted. There is, however, a good deal of work still to be done and the Council expressed its concern that the timetable for consultation on, and completion of, the AIP procedures is too compressed. The following aspects were discussed:

### *Ethics and scientific review – check-list of access criteria*

The Council is strongly of the opinion that applications should receive full and appropriate ethics scrutiny – encompassing the matters that are subject to research ethics committee approval but also (and crucially) taking account of UK Biobank's purpose, the legitimate interests of participants, and public good criteria. The consultancy agreement with the Ethox Centre was seen as a positive feature, as was the commitment to appoint an Access Sub-Committee (AC) Chair with ethics and/or legal expertise.

While the coordinating centre staff will have the opportunity to seek ethics advice from the Ethox Centre, it is less clear what triggers would prompt the staff to seek such advice. This highlights the importance and need for a robust check-list of access criteria, which the Council understands is being developed and will be developed further with the AC when it has been convened, and modified as experience with access increases. The check-list should include both scientific and ethics criteria. The criteria should facilitate both an objective assessment and the subjective prioritisation of competing, good quality applications and the needs of UK Biobank as it aims to ensure the best use of the resource for the public good. The check-list could include ethics review as one criterion, such that any application that has not been subject to such review is sent to the Ethox Centre for advice. The coordinating centre staff's review can be further facilitated by the inclusion of relevant questions in the application forms that encourage applicants to consider threats to participants and/or public interest beyond those that relate to privacy or security risks.

The Council recommends that the check-list of criteria is a key feature of the next draft procedures and that it should be included in the public consultation.

#### *Access fees and revenue-sharing*

Through its public meetings and public attitude surveys, the Council has been sensitized to the strong public interest in UK Biobank not being used to support the generation of large profits without there being sufficient benefit sharing provisions. It is accepted that UK Biobank does not anticipate that there will be many instances of exceptional profiteering. Notwithstanding, from a point of view of trust, it will be very reassuring for participants and the public alike to know that UK Biobank has a policy and/or procedures for managing this if and when it should ever arise (even if this will be difficult to enforce). Under this model the procedures should make provision for potential revenue-sharing in exceptional circumstances. The Council recommends this approach.

A related possibility is that a differential fee might be charged for academic and commercial users. Given that the proposed fee is modest, the Council considers it unlikely that an increased fee for commercial researchers would deter their application. The Council acknowledges that the academic/commercial distinction is not always clear, however, this policy has been adopted elsewhere and so a workable solution should be achievable (e.g., Generation Scotland).

To be clear, the Council does not consider the position of a flat rate fee for all applicants and no provision for revenue-sharing as a defensible position. The Council would re-iterate its earlier recommendation that the procedures should at least include a provision for revenue-sharing.

The Council also re-iterates its previous recommendation that, in determining the access fee, consideration might be given to the question of the sustainability of the resource and whether or not the fee should take maintenance costs into consideration.

#### *Consultation*

UK Biobank's consultation document should be thorough, impartial and give people a genuine opportunity to comment. In addition to seeking comment on the procedures themselves, the AIP subgroup and UK Biobank have discussed the importance of raising particular issues (e.g., commercial access) in the covering materials for the consultation process. The subgroup will comment on the draft consultation materials when they are available.

Professor Collins has assured the Council that the access systems will not be initiated until the procedures have been subject of a robust consultation process. The new timetable proposes a 4 week consultation period and 2 weeks for both the collation and analysis of the consultation comments and revision of the procedures. The Council found this highly ambitious and considered that more time could be usefully allocated to each stage.

### *Timetable*

Without having sight of the revised procedures and supporting consultation documents at this meeting, and the opportunity to discuss them, the full Council is unable to take a position on them. If the draft procedures went out for consultation on the 11 April, as planned, they would have to go without the Council's endorsement.

The Council understands that the revised timetable is indicative only and that UK Biobank will not permit access until the procedures are finalised. However, the Council is concerned that the timetable (even in its indicative form) is very ambitious and as such UK Biobank should exercise caution in how it communicates its plans to the external community so as not to raise expectations about when the resource will be ready for use.

### *Role of the EGC*

The following points emerged in discussion:

- The Council's role is primarily one of oversight and audit of the access process. The Council is not accountable for the (routine) ethics review of applications, instead it monitors that the agreed mechanisms for ethics review have been put into place by UK Biobank and are working effectively.
- The governance document states that the Council will have continuous access to an overview of the review process for all applications (with any material issues highlighted). In addition, the Council anticipates receiving the Principal Investigator's report that will be prepared for the AC's quarterly meetings) and being notified of the AC's decisions (e.g., through the provision of the AC meeting minutes).
- In the short term, for the purpose of assisting UK Biobank with the development of the access criteria and to give the Council a sense of the types of applications being received, the Council expects to review the first 20 applications for both data only and samples/data. This would represent the start of an evolutionary process whereby the Council will step back from the access process over time.
- In the longer term the Council envisages that it will sample a number of access applications and decisions throughout the year as part of its auditing function.
- The Council will be reactive and give advice when requested e.g., on novel areas of research and/or problematic applications.
- The Council reserves the right to proactively advise e.g., on novel areas of research and/or problematic applications.
- The Council would like to reserve the right to observe the AC meetings for the purpose of its auditing function.
- The Council will expand its AIP subgroup and will build its audit process over time as the nature and scale of access applications becomes apparent.

### *Appeals*

The AC is described as the key access decision-maker but decisions will be referred to the full Board where a unanimous decision can not be reached. The next draft

should clarify how appeals will be handled (in particular for applications that have already been considered by the full Board).

#### 11. Communications activities

##### *External speaking opportunities*

The Chair and Secretary have been invited to Coimbra to speak with a number of people involved in biobanking.

##### *External enquiries to the EGC*

The Secretary reported on a few recent enquiries, including an invitation from colleagues working on the Tasmanian biobank to provide feedback on their draft public engagement website.

#### 12. Report on meetings attended

There were no meetings to report.

#### 13. Any other business

Members noted the revised EGC Financial Processes and Expenses Policy.

The Chair expressed his thanks and best wishes to Professor Roger Higgs and Professor Ian Hughes who will step down from the EGC in May having served for six and a half years.

#### 14. Date of meetings in 2012

5 March, 28 May, 10 September and 10 December

#### 15. Date of next meeting

6 June 2011 - Council meeting, London