Responsive Governance: Shifting Ethical Paradigms and Practices for Repositories

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BACKGROUND

The challenges of large-scale translational biorepository research require a new and responsive approach to research ethics. The evolving needs of patients, researchers, and institutions are core to advancing and sustaining human subjects' regulations and research ethics practices. Researchers are:

• Challenged by new demands for data sharing and secondary use
• Often will not have met the contributing patient
• May not have identifiers or protocols that would permit re-contact

Alternative practices are needed to demonstrate respect for participants and build trust in this setting of enforced anonymity.

EMERGING DATA

Data shows that the public is concerned about privacy but that they are still willing to donate their data to repositories.

People will make their own risk/benefit calculations and will be willing to take risks *if* the presumed benefit is valued, or the person who is asking is a trusted source.

Because of the wide variability in public values and preferences, having a dynamic, responsive governance mechanism will be critical to the integrity of the system.

2008 randomized public survey of 4659 (Kaufman et al. 2009):
• 90% were concerned about privacy protections
• 60% would participate in a biobank if asked
• 48% would provide consent for all research if approved by an oversight board, 42% wanted to be asked for each use
• 37% were worried the data could be used against them
• 92% would allow academic researchers to use data; 80% "govt researchers"; 75% industry
• Receiving research results, or $200, made a difference in interest in participating and lessened concerns about privacy

Telephone interviews were conducted with 1,193 patients recruited from clinics (Hull et al. 2008):
• 72% wanted to know about research being done with anonymous samples; 81% with identifiable samples
• 37% of reasons for wanting to know about what research was done were curiosity-based.
• 57% would require researchers to seek permission, whereas 43% would be satisfied with notification only.

CONSENT

"Blanket" consent is not meaningful, and from some studies, is also misleading for participants.

Alternatives to blanket, or open, consent include:
o Initial consent to *a process* for deciding how their samples will be used
o Re-consent for prospective studies without clear consent direction
o Re-contact for participation in new research endeavors possible
o Re-contact when institutional or oversight review identifies new risks

We should explore new methods of re-contact (automated, electronic communication), which:

o Potentially aids in initial recruitment
o Donor involvement in enlisting others
o Keeps participants engaged and informed about repository activities
o Builds and sustains relationships, which are important to trust

Changing Landscape for Biorepositories
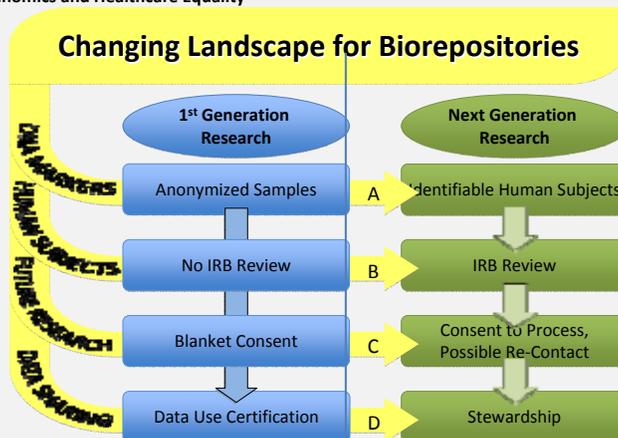
From first-generation to next-generation biorepository research, changes are expected in the following areas:
(A) DNA markers to trace specific samples back to specific individuals, making anonymized samples identifiable
(B) Identifiable human subjects make IRB review a necessity
(C) Oversight suggests need for on-going interactions with donors
(D) Data sharing is subject to self-regulation stewardship

As represented by the vertical arrows, next-generation research will require greater attention to ...

EVOLVING MODELS OF STEWARDSHIP

Shared coded data and on-going contact with donors requires sustained stewardship of materials
o Accountability for research uses
o Robust mechanisms for addressing unanticipated questions
o Custodianship, not ownership, of research materials
o Appropriate roles for participants in research decision-making

Previously proposed stewardship models:
• Steward assumes responsibility for donor's intent, the manner resources are used, and the outcomes from their use (Jeffers 2001)
• Combination of formal regulatory bodies such as IRBs as research gatekeepers and government bodies that pass legislation, plus informal bodies such as professional ... organizations and funders, working in ...

MODELS OF PARTICIPATORY GOVERNANCE

• **Public Engagement**
  o BC Biolibrary, Mayo (O'Doherty, Burgess, Koenig)
  o Public engagements informed policy

• **Participant Advisory Boards**
  o NW Kidney Research Center, SPORE Consortium
  o Equal standing with Scientific Board

• **Donor's Association**
  o Charitable trust model (Winickoff)
  o Democratic identification of common interests

• **Participant Owned and Governed**
  o AGRE, PXE International (Terry)
  o High degree of control and accountability

ACCOUNTABILITY

A research repository governance system will need to build in accountability mechanisms that:
• Track the research uses of repository samples and data (audit trails)
• Develop plans for risk management
• Establish recourse or consequences if breaches occur

Accountability mechanisms may need to evolve at the local (repository-specific), institutional, and national (funding) levels

Transparency about the systems for accountability will help enhance trust
• Effective communication strategy
• Audit trails through informatics solutions

RETURN OF RESULTS

Changing participant expectations suggest repository managers will need to anticipate, and develop systems to support, the routine return of results
• On-going governance to decide which results should be returned, and when
• Identifying effective means of communication

Research is needed to determine if participants interests will be best met by the return of individual or aggregate findings
• Some incidental findings will need to be returned
• Novel bioinformatic approaches may simplify

Open-ended nature of research means that extra effort to maintain contact details will be needed

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