Purpose and Scope

1. The purpose of this document is to describe the principles used to govern access to data and serum samples held within the custody of the ECLS Data and Sample Access Committee. Approvals for data and serum samples generated during the ECLS study is the responsibility of the ECLS Data and Samples Access Committee (the Committee), a panel of clinicians and scientists. The Committee has an agreed Terms of Reference to determine suitability and eligibility of proposed requests for data and samples.

Background

2. The study "Detection in blood of autoantibodies to tumour antigens as a case-finding method in lung cancer using the EarlyCDT-lung test" (ECLS) was funded by the Scottish Government and Oncimmune Limited. Prof Frank Sullivan, formerly of University of Dundee, currently of University of St Andrews, is the ECLS Chief Investigator. The ECLS study was co-sponsored by the University of Dundee and NHS Tayside. The East of Scotland Research Ethics Committee REC1 reviewed and approved the ECLS project, REC number 13/ES/0024.

   ECLS was a randomised controlled trial of 12,208 participants at high risk of developing lung cancer, recruited through NHS Tayside, NHS Great Glasgow and Clyde and NHS Lanarkshire.

   Following informed consent, participants were randomised to either 1) EarlyCDT-Lung test followed by imaging studies in those with a positive result (intervention) or 2) standard practice of awaiting clinical presentation of symptoms suggestive of lung cancer then investigation by the standard NHS pathway involving chest X-ray, CT scan and bronchoscopy as clinically necessary (control).

Committee Responsibilities

3. To review requests for aggregate data for feasibility studies and consider requests for access to data and/or samples derived from the ECLS study, including sub studies, which samples were provided with consent from ECLS participants for storage and use in future medical **research** projects in the field of **cancer** only. Requests for data and samples may only be considered eligible where proposed uses are in accordance with donor consent. The access process for ECLS data and samples is attached as Appendix 1.

4. The Committee does not provide ethical approval for projects to which the request relates.

5. To review request for ECLS data and samples against the projects already planned by the ECLS Collaboration. A list of planned projects to be maintained and updated by the ECLS Trial Management Group.

6. The Committee will assess each request for data and/or samples on its scientific and technical merits. The proposed request and associated information will be reviewed based on the following criteria:
   - 6.1. Does the request fall within the consent given by ECLS participants and have standalone ethical consent if required?
   - 6.2. The clarity of what is proposed, the question(s) the project intends to answer and how it is hoped this will be achieved including details of the type, number and format of sample(s) required.
   - 6.3. Could the research question be answered using samples from alternative sources, including commercial sources?
   - 6.4. An assessment of the technical and practical feasibility of what is proposed and whether the planned procedures and the samples sought are likely to enable a reliable conclusion to be reached.
   - 6.5. A review of the technical characteristics of any novel or developmental assays detailed in the request, including reproducibility and validation, and the volume of samples required.
   - 6.6. If relevant, consideration as to whether the number of samples requested are likely to give sufficient statistical power to the study

6.7. Whether there are any ethical uncertainties or dilemmas that may point to the need for separate ethical review and whether the request is compatible with the level of consent provided by the donors.
6.8. The personnel involved, the appropriateness of any collaboration or expertise required and the fulfilment of the overall objective and purposes of the ECLS study.
6.9. Requests will not be accepted where there is funding or involvement with the Tobacco industry.

7. As volume of samples available is limited, the Committee will explore the potential for harmonisation between projects in the access procedures and the principles that underlie them, and to establish a framework of precedents to inform consideration of subsequent requests.

Prioritisation of Access

8. For a period up to and including two years from the date of the main ECLS publication, requests for data and samples must include at least one member of the ECLS collaboration as a co-applicant.

Requests for samples from commercial organisations will not be accepted by the Committee within the first 24 months after the ECLS main publication paper unless there are exceptional circumstances. The Committee will decide if there are exceptional circumstances and all Committee members will be required to vote in such requests.

As the amount of serum samples available is limited, the Committee will prioritise release of samples. Priority will be given based on the scientific and technical merit as judged by the Committee.

Priority will also be given to

8.1. Requests from researchers affiliated or funded by the University of Dundee, University of Glasgow, University of Nottingham or University of St Andrews.
8.2. Applicants affiliated to academic or NHS institutions.
8.3. Projects funded by AMRC or UK government (e.g. MRC, NIHR, CSO)

The Committee will also take into consideration:

8.4. The volume requested in any one request. This will be considered by the Committee according to priorities and taking into account the limited availability of samples.
8.5. The number of requests submitted over a twelve (12) month period by a single applicant/group will be considered by the Committee according to the volume of samples requested and the resource required to release the samples.

Membership

9. Membership of the Committee will comprise 12 members, consisting of at least 11 members of the original ECLS collaboration, and one independent representative, outlined below:
   i. Professor Frank Sullivan, Chair
   ii. Dr Stuart Schembri, Deputy Chair
   iii. Dr William Anderson, PI University of Dundee
   iv. Prof Francis Mair, PI University of Glasgow
   v. Dr Joseph Sarvesvaran, PI NHS Greater Glasgow and Clyde
   vi. Dr Manish Patel, PI NHS Lanarkshire
   vii. Prof Denise Kendrick, PI University of Nottingham
   viii. Prof John Robertson, Centre for Excellence for Autoimmunity in Cancer (CEAC) University of Nottingham
   ix. Christopher Hall, HIC representative
   x. Dr Sharon King, Tayside Biorepository representative
   xi. Dr Fiona Hogarth, TCTU representative
   xii. Susan Little, Independent: to be confirmed

10. There will be no fixed period of Committee membership. Members can resign at any time giving three (3) months' notice to the Chair. Future appointments to the Committee will be determined by existing members and staggered in order to ensure continuity of membership. The recruitment process will occur when new appointments are necessary.

11. The Committee will co-opt members as and when there is need for expertise not already represented on the committee. Co-opted members will not have voting rights while on the Committee. Their term on the Committee is not permanent and will end on delivery of their specific duty. Specific duties will be agreed in advance, in writing, between the Committee and the proposed co-opted member. Members of the Committee may propose potential co-opted members, subject to approval by the Committee as detailed in the Mode of Operation.

12. If the applicant is normally a member of the Committee, they will be excluded from the review of requests in which they are involved. If the Chair or their deputy is involved with the request then the final decision on reviewers will be made by another member of the Committee.

Mode of operation

13. The Committee will meet twice a year, approximately every 6 months, to discuss emerging issues in relation to data and sample access, including requests deemed inadmissible by the ECLS admin team, and provide information on these to the individual studies and funders. Meeting will be held via a combination of face to face and video/teleconference as required.

14. Quoracy at meetings formally requires the attendance of half (six) of the standing Committee members and that either the Chair or the Deputy Chair must be present for continuity. For face to face meetings, where it is unavoidable, attendance of a member by teleconference, will count as being present.

15. Requests for access to ECLS data will be accepted at any time and will be circulated by email to the Committee by the Chair or Deputy Chair, or delegate, as received.

16. Requests for ECLS samples will be accepted twice a year, with deadlines for submission on 1 March and 1 September each year.

17. Requests for access to ECLS data or samples must be on the current version of the ECLS request form (available via the ECLS web site). Where additional information is provided by the person/group making the request, this will be forwarded to the Committee at the same time.

18. Requests for ECLS data/samples may be submitted in the first instance for applicants to receive confirmation from HIC and/or CEAC on the availability of data/samples and the costs associated with the provision of data/samples; this information may be needed for research grant applications etc. The initial requests will not be circulated to the Committee until the applicant has confirmed they wish to proceed with the request. Confirmation of availability of data/samples and costs does not constitute approval by the Committee to release the data/samples nor does it guarantee the provision of data/samples should the request proceed to full Committee review. Applicants must confirm their intention to proceed to full Committee review within six (6) months of initial notification by HIC and CEAC. Failure to do so within that period will require a resubmission of the initial request.

19. Decisions by the Committee on whether to grant access to data and/or samples will be based on a YES/NO vote in the first instance, with a minimum of six votes required. If there are any NO votes (e.g. 5 YES and 1 NO), the request will be re-circulated to the Committee for discussion; discussion to be via email or teleconference as required. Following a Committee discussion, there will be a second vote. The decision on the second vote will be based on two thirds (2/3) majority vote, with a minimum of 10 Committee members required to vote i.e. minimum of seven out of ten votes required to confirm the Committee decision. In the event that a majority decision amongst Committee members is not reached the Chair of the Committee will make a final decision.

20. Voting in exceptional circumstances requires two thirds (2/3) majority vote with a minimum of 10 Committee members required to vote i.e. minimum of seven out of ten votes required to confirm the Committee decision.

21. The Committee reserves the right to approve access to all the data fields requested or restrict approval to a limited selection of data fields requested.

22. The Committee will use all reasonable endeavours to make a decision on requests within 20 working days of issue of the request form (and associated documents) by the Chair/Deputy Chair (or delegate) to the Committee. Committee members will be contacted by the Chair/delegate two (2) days before the vote is required. The process may take up to an additional 20 working days if the request requires further discussion or specialist advice. The applicant will be notified if the request will take longer than 40 working days.

23. The Committee, through the Chair, may ask the applicant to provide additional information to assist with the review of the request for data/samples, such requests to be made on one occasion only. The applicant has ten (10) working days to provide the additional information requested by the Committee. The Committee will use all reasonable endeavours to decide on requests within 20 working days of receipt of the additional information. The process may take up to an additional 20 working days if the request requires further discussion or specialist advice. The applicant will be notified if the request will take longer than 40 working days.

24. Decisions by the Committee will be recorded by electronic vote.

25. Where appropriate, the Committee will take advantage of the third-party specialist knowledge, particularly where an applicant seeks to use depletable samples. Where necessary the specialist will be invited to sit on the Committee as a co-opted member. See Clause 11 above.

26. The decision on access to data/samples will be sent to the applicant electronically by the Chair/Deputy Chair (or delegate). Approval may be contingent on other approvals being obtained by the applicant.

27. Approved requests for data will be sent to Health Informatics Centre (HIC), University of Dundee for release as per their SOPs, including appropriate data transfer agreement. Approved requests for samples will be sent to CEAC for release as per their SOPs, including appropriate material transfer agreements. Approved requests for sample and data will be sent to both HIC and CEAC for releases as per their SOPS and appropriate agreements.

28. Decisions by the Committee not to approve requests for data and/or samples will be sent to the applicant electronically by the Chair/Deputy Chair (or delegate) with the reasons for refusal. Applicants will be able to appeal to the Committee once. Appeals will be circulated by email to the Committee by the Chair or Deputy Chair, or delegate, as received.

29. Decisions on appeals by the Committee should be made within 20 working days of issue of the appeal (and associated documents) by the Chair/Deputy Chair (or delegate) to the Committee. There will be no further right of appeal.

30. The Committee will review requests based on the information provided in the ECLS Request Form. Should this information change for requests that have been approved by the Committee, the applicant must provide updated information, highlighting any changes including but not limited to the design, outcomes, data fields, type and/or volume of samples, funder, applicants or co-applicants. The Committee reserves the right to withdraw approval for projects when in the opinion of the Committee the changes invalidate the original decision of the Committee. Applicants will have option to appeal such decisions

31. The ECLS data/samples can only be used by the applicant for the project specification approved by the Committee. Use of the ECLS data/samples out with this specification is strictly prohibited.

32. The time to release of data and/or samples will be communicated to the applicant by HIC and CEAC. This is out with the control of the Committee.

Declaration of Interest

33. All Committee members must declare any interests when joining the Committee and sign the Agreement and Declaration of Interest form. Interests which should be declared are those which are, or could be perceived to be, relevant to work of the Committee. Declaring an interest does not mean there is a conflict of interest. Declarations of interests will be reviewed at the full Committee meetings held twice a year. Responses to the declared interests will be agreed by the Committee.

34. All standing Committee members must make an annual declaration of interests.

35. All Committee members, including co-opted members, must declare in writing before, or orally at the start of, each Committee meeting any interests that are relevant or could be perceived as relevant to the work of the Committee.

36. Requests for data and samples will be circulated to the Committee for review out with full Committee meetings. Committee members must declare any interests that are relevant to requests for data/samples. The Chair and standing Committee members will agree the response to any declared interest as per the ECLS Committee Agreement and Declaration of Interest.

37. It is the responsibility of the Committee to identify and declare interest at the earliest opportunity and to ensure this declaration remains up to date.

Reporting

38. ECLS Data and Sample access activity will be publicly reported on the ECLS web-page (or appropriate alternative) for the interest of study participants, researchers and the general public.

39. Applicants of approved requests for data/samples are expected to publish their findings within twelve (12) months of the end of their project.

40. All publications of research findings utilising ECLS data/samples must acknowledge the ECLS collaboration.

Fees

41. A fixed fee covering Committee support and administration costs payable to the University of Dundee, will be charged for all requests – see ECLS web site for current administration costs. The provision of data and samples will be costed based upon the HIC and University of Nottingham costing models.

42. No data or samples will be released to the applicant until all costs have been paid.

Dispute Resolution

43. Should the Committee fail to reach a decision, or their decision is challenged, the request will be referred to TAyside medical Science Centre (TASC) or its successor bodies.

Review of Terms of Reference

44. The ECLS Data and Sample Access Committee Terms of Reference will be reviewed on an annual basis. Any changes to the Terms of Reference will be agreed by the Committee on a majority basis but should be consistent with prior agreements which govern the study, data and samples release agreements.

Appendix 1: Process Flow