The use of human tissue samples from healthy volunteers: When and where to apply for ethical review

Staff and students of the University of Oxford regularly undertake work that requires the use of tissue samples from healthy human volunteers.

Collection of human tissue samples (including, but not restricted to, blood, urine, saliva and faeces) presents potential risks to the health and safety of both the donor and the person taking or using the sample, and to regulatory requirements. The risks are the same, regardless of whether samples are collected from patients or healthy volunteers. The same risk assessment and safety procedures should, therefore, be followed, and consideration must be given to the health and safety of all involved, and to important ethical issues and regulatory requirements that may arise.

When planning work with tissue samples from human volunteers, it is important to consider both of the following:

- the requirement for ethical review/approval to collect, use and/or store human material
- the need to meet Human Tissue Authority (HTA) regulations for the storage of human material

Is ethical review required?

Ethical review and approval should be obtained for the taking and use of human tissue samples, except in the following cases:

- where, as part of their training or employment, students/staff are being taught how to take blood (phlebotomy training), and the blood will not subsequently be stored or used for another purpose;
- where samples will be used for evaluation or assessment of established diagnostic devices or in-vitro diagnostic kits then destroyed (performance assessment);
- where material is used in a programme for systematic monitoring/evaluation of a project, service or facility to ensure that standards of quality are being met (Quality assurance);
- where the tissue sample is being used in research laboratories as a reagent – e.g. as a source of feeder cells for maintenance of cell lines or clones, or substrate for growth of virus stocks (i.e. no knowledge is being derived from the tissue itself);
- where blood is to be taken as part of a practical class and will not subsequently be stored or used for another purpose.
In such cases, consent should still be obtained from the tissue donor, but if the sample is being taken for any of the above purposes, this use will not require formal review and approval by either a University or NHS Research Ethics Committee (REC).

In some cases, tissue is taken from colleagues. If such tissue is taken for any of the above non-research purposes, staff and students should follow the guidance provided on the University Occupational Health website.

For research involving the taking of venous blood samples, urine and/or saliva from healthy adult volunteers, University researchers should adhere to the CUREC Approved Procedure 24 (AP24) when seeking ethical review/approval and conducting the research.

**Human Tissue Authority Guidelines on ‘Relevant Material’**

The HTA requires ‘relevant material’ for research to be held under the governance of either NHS ethical approval or an HTA licence.

Regardless of whether or not ethical review and approval is needed, it is therefore important to first establish whether the human tissue samples would be considered 'relevant material' under the Human Tissue Act 2004. This was an act of the UK parliament applying to England, Northern Ireland and Wales, which consolidated previous legislation and created the Human Tissue Authority to "regulate the removal, storage, use and disposal of human bodies, organs and tissue."

The definition of relevant material in the Act is:

**Section 53: Relevant material:**

1. *In this Act, "relevant material" means material, other than gametes, which consists of or includes human cells.*
2. *In this Act, references to relevant material from a human body do not include embryos outside the human body, or hair and nail from the body of a living person.*

**Examples of relevant material (taken from the HTA website)**

The fundamental concept of relevant material is that if a sample is known to contain even a single cell that has come from a human body, then the sample should be classified as relevant material.

1. **Specifically identified relevant material**
   This includes material such as bodies, organs and tissues, consisting largely or entirely of cells, and clearly identifiable.

2. **Processed material**
Where a processed material is generally agreed – as a result of the process – to leave it always either cellular or acellular, then the presumption should be that all examples should be regarded as such. The HTA would rely on an assurance that the process in question had been carried out. Under this category, plasma or serum, for example, will not be regarded as relevant material provided the process is demonstrated to render them acellular. Note that if the process used to separate plasma is intended to generate platelet-poor or platelet-rich plasma (as opposed to platelet-free), then there may still be cells within the plasma, making it relevant material.

3. Bodily waste products (including excretions and secretions)

The HTA considers bodily waste should normally be regarded as relevant material. The Act’s wording is clear and reflects the possibility that even a single cell can be subject to an activity such as research. There will be cases where a person believes that material, intended for a scheduled purpose, is actually acellular. In such cases, the HTA can be approached for advice.

4. Cell deposits and tissue sections on microscope slides

In general, cell deposits or tissue sections on microscope slides are considered to constitute relevant material. This is because such deposits or sections are likely to contain whole cells, or are intended to be representative of whole cells.

For more detail on whether specific materials fall within the definition of ‘relevant material’ under the Human Tissue Act, please refer to https://www.hta.gov.uk/policies/list-materials-considered-be-relevant-material-under-human-tissue-act-2004.

Where to apply for ethical review

The decision as to which ethics committee to apply to depends on a combination of whether the tissue samples are considered ‘relevant material’, and the subsequent processing/storage of the samples.

Research involving human tissue that is considered relevant material must be submitted to an NHS Research Ethics Committee (via the HRA National Research Ethics Service) for review and approval. Prior to this, documents must be submitted to the Clinical Trials and Research Governance (CTRG) team, who will confirm whether the University can act as Sponsor of the research.

There are some types of study that can be reviewed by the MS IDREC or the Oxford Tropical REC (OxTREC). Importantly, ethical review/approval from one of these Committees is essential for the use of tissue samples in research where they are not categorised as ‘relevant material’.

The following information, coupled with the flow chart on the next page should help you decide which review route to follow. However, as this is not always a clear-cut decision, please contact either the MS IDREC Secretariat or CTRG for advice as necessary.
## Example

<table>
<thead>
<tr>
<th>Example</th>
<th>Pre-ethics Review</th>
<th>Ethics Committee to Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any samples from patients (where research is conducted in the UK)</td>
<td>Biopsy from someone with cancer</td>
<td>University as Sponsor (via CTRG)</td>
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<tr>
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<td>NHS REC (via IRAS)</td>
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<tr>
<td>Any samples from patients (where research is conducted outside the EU)</td>
<td>Faeces from someone infected with typhoid</td>
<td>N/A</td>
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<td></td>
<td></td>
<td>OxTREC and Local Ethics Committee in Country where research is being conducted</td>
</tr>
<tr>
<td>Cellular samples from healthy volunteers being stored in order to perform research on the cells, where the site does not have a HTA licence (storage for longer than 24 hours)</td>
<td>PBMC viably cryopreserved from blood samples</td>
<td>University as Sponsor (via CTRG)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NHS REC (via IRAS)</td>
</tr>
<tr>
<td>Cellular samples from healthy volunteers being stored in order to perform research on the cells, where the site has a HTA licence (storage for longer than 24 hours)</td>
<td>Departmental Review (if required)</td>
<td>MS IDREC</td>
</tr>
<tr>
<td>Cellular samples from healthy volunteers used in research and destroyed on day taken (i.e. not stored at all)</td>
<td>Blood taken to conduct a whole blood count for research data purposes</td>
<td>Departmental Review (if required)</td>
</tr>
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<td>MS IDREC or OxTREC (refer to flow chart below)</td>
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<tr>
<td>Cellular samples from healthy volunteers taken and DNA/RNA extracted as soon as possible (within a maximum of 7 days) to render acellular. Only DNA/RNA used/stored for research.</td>
<td>Blood drawn into Tempus tubes for RNA extraction</td>
<td>Departmental Review (if required)</td>
</tr>
<tr>
<td>Blood collected and processed to obtain acellular plasma</td>
<td>Departmental Review (if required)</td>
<td>MS IDREC or OxTREC (refer to flow chart below)</td>
</tr>
<tr>
<td>Tissue for use in research is collected across a number of sites and batched before being sent to an establishment licensed by the HTA for storage for research</td>
<td>Departmental Review (if required)</td>
<td>MS IDREC (Note, however, that if intending to do research with the relevant material, NHS REC review may still be required)</td>
</tr>
</tbody>
</table>
### Example

Samples obtained from an ethically approved research tissue bank (RTB).

### Pre-ethics Review

Colorectal tumours fresh frozen are sought from a tissue bank for a specific project.

Relevant tissue bank will comment on feasibility of project (whether they have suitable samples).

### Ethics Committee to Review

RTB Access Committee procedure.

As long as the research tissue bank has approval to release samples under the generic ethical approval of the biobank, there is no need for the researcher to apply for additional REC review or hold the samples on HTA licenced premises.
Where to apply for ethical review

Research involves obtaining fresh human tissue that contains cells

Are samples from participants who are recruited by virtue of being NHS patients?

NO

Does all tissue used in research fall into one of the following categories:
- Cellular samples used in research on day of acquisition and destroyed the same day?
- Extraction of DNA/RNA from cellular sample as soon as possible (maximum 7 days) after acquisition and only DNA/RNA used in research?
- Cells removed from tissue sample (and discarded) as soon as possible (maximum 7 days) after acquisition and only the non-cellular portion is used in research?

NO – Research in EU

NO – Research wholly outside EU

Apply for ethical review and approval from the appropriate sub-committee of the Central University Research Ethics Committee (CUREC)

YES

Apply for University Sponsorship via the Clinical Trials and Research Governance (CTRG) Team

YES

HRA National Research Ethics Service

Oxford Tropical REC (OxTREC)
- For research funded by US National Institutes of Health / other US federal agency
- Medical/Health-related research solely outside of the EU

Medical Sciences Inter-Divisional Research Ethics Committee (MS IDREC)
- All other Research
Further Information

Medical Research Council (MRC) ethics series - Human Tissue and Biological Samples for Use in Research: Operational and Ethical Guidelines

CUREC Approved Procedure 24 for studies involving the taking of venous blood samples, urine and/or saliva from healthy adult volunteers

University Occupational Health website