

Yale University Open Data Access (YODA) Project

YODA Draft Policy to Guide External Investigator Access to Clinical Trial Data (May 2014)

1. INTRODUCTION

We welcome and support the overall objectives of the YODA Project to: promote the sharing of clinical research data to advance science; promote the responsible conduct of research; ensure good stewardship of clinical research data; and protect the rights of research participants.

[REDACTED]

[REDACTED]

2. COMMENTS

2.1 Realising the benefits of greater access to clinical trial data

We welcome the opportunity to consider how systems, [REDACTED] [REDACTED] [REDACTED] can be aligned to deliver the greatest benefit for researchers, trial sponsors and the advancement of medical science and patient care. The benefits of a common approach include providing a simple and straightforward process for researchers, the ability to combine data from multiple organisations, and the opportunity for organisations across industry and academia to use established processes and system. [REDACTED]

[REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

2.2 Clarity on when data may be available

It appears that the YODA Policy does not require Data Holders to proactively define which trials are available.

The scope of commitments made by Data Holders may vary for valid reasons, for example due to historical mergers. There may also be legitimate reasons that a Data Holder cannot provide access to data from a specific trial. For example, the YODA Draft Procedures highlight the possibility that the Data Holder will not be able to provide data where they do not have legal authority, where the privacy of participants cannot be protected, or for older studies where data may not be available in an appropriate format. However, while the Draft Procedures suggest reasons why data may *not* be available, there is not a clear description of when the YODA project *would* expect the Data Holder to provide data.

The present proposal that the Data Holder undertakes, an assessment of their ability to provide data risks impacting the perceived independence of the YODA review. As written, it is unclear how the Data Holder's resource assessment will impact on the YODA project's final decision on whether to grant access to data. For example, will requests requiring the Data Holder to allocate resource over an upper limit be automatically rejected by YODA? Or is the resource required just one factor in YODA's final assessment and would a request perceived to have particularly 'high' scientific merit justify the allocation of extra resource? It is important that there is transparency around this process in order to manage expectations and protect the perceived independence of the review process.

It may be beneficial for the YODA Project, Data Holders and researchers if there was greater clarity on which trials would be expected to be available (for examples trials initiated between certain dates). The challenge of providing clarity around the proposed relationship between the YODA review and the Data Holder's assessment may justify an alternative model whereby the Data Holder pre-defines which studies are available. [REDACTED] a list of 'available' studies could be complemented by the possibility of researchers being able to enquire about data from other studies.

2.3 Request requirements

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] In line with YODA's stated objectives to promote open science and protect the rights of research participants, a requirement to provide and disclose a lay summary of the research may be valuable to ensure transparency and confidence in how data is being re-used. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2.4 Prohibiting requests for non-scientific purposes, such as pursuit of litigation and/or commercial interests

We welcome YODA's commitment to support re-use of data for further research that can advance medical science and improve patient care.

The YODA policy states that requests for litigation or commercial purposes will be prohibited. To ensure confidence in the independence of the YODA review, it may be useful to provide greater clarity on how this assessment will be made. For example, will research with the *potential* for commercial impact in the future be rejected? Although the draft YODA Policy indicates this assessment will not involve the Data Holder, it is unclear how the YODA project will independently assess whether a request may relate to 'ligation or commercial purposes' without knowledge of ongoing litigation or the future strategy of the Data Holder.

2.5 Protecting patient privacy.

Personally identifiable information contained in both data *and* documents should be removed to protect patient confidentiality and privacy. The YODA Draft Policy states that *data* will be de-identified but it is not explicit whether potentially identifiable information contained within shared *documents* is redacted. To provide clarity and facilitate the development of a common approach across organisations, it may also be helpful to make the standard applied to de-identify data publically available.

Dear Dr. Krumholz,

█ has reviewed The Yale University Open Data Access (YODA) Project and wants to offer its congratulations and endorsement on a well thought out and operationally sustainable policy, which will allow researchers access to clinical trial data. This policy has a strong mechanism for assuring scientific merit of requests and alignment of the data requested with the research objectives. By publicly disclosing all data requests, the scientific reviews for these requests and reporting the details for declining requests, not only will there be a high level of transparency, but it will aid other requesters in formulating their requests and possibly prevent duplicative work.

Upon review, we offer the following comments and suggestions for your consideration:

- 1) **Definition of Scope:** The Scope of the data available (e.g. by year or phase) is not clearly defined. While we understand the intention is to provide broad access, it would be to the benefit of the data holders and data requesters alike, if the scope of which clinical trials are available were clearly identified, with the understanding that additional data may also be requested where operationally feasible.
- 2) **Statistician requirement:** The document entitled *Draft Procedures to Guide External Investigator Access to Clinical Trial Data* states that the credentials of the researchers will be assessed to ensure that the research team has the appropriate qualifications to perform analyses. We suggest a stricter requirement that each research team include a well-qualified biostatistician. Given the complexity of clinical trial data sets, we believe a statistician is necessary to ensure the integrity of the analyses.

Additional areas where more detail would be helpful include:

- 3) Identification of the YODA steering committee members.
 - a. Will these be standing members?
 - b. Are all members part of the YODA team?
 - c. Will the names and credentials of the YODA Project Steering Committee be publicly announced/available?
- 4) What are the criteria for escalation to a secondary review committee? Which body's decision is ultimately binding?
- 5) Is there any consideration to partnering with the SAS Multi-Sponsor environment to promote access to multiple company data?
- 6) Future Directions:
 - a. Does YODA plan to take on the decision making role for other sponsors, including academic institutions (perhaps a pilot with research studies conducted at Yale)?
- 7) Program Evaluation:
 - a. Has a plan been contemplated to define and evaluate metrics for success of the program?
 - b. Given this is a variation of other models, we would encourage YODA and other data generators to consider building common metrics for measuring success with the goal of moving towards a unified approach across data generators.

Thank you for the opportunity to review and provide comments on this exciting program.

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From: [REDACTED]
To: [Yale Open Data Access Project](#)
Subject: Janssen Pharmaceuticals Data: Public Comment
Date: Friday, May 30, 2014 7:49:08 AM

Dear YODA,

I've reviewed the draft policies you have posted for public comment, and want to share two comments:

1. The agreement includes assurances that data will not be disclosed to third parties. In general, this seems like a reasonable provision. However, once the results of the study are disclosed, it is possible that certain third parties may be able to subpoena information related to the publication. Legal agreements often include exceptions to the Confidentiality Obligations in cases where there is a legal obligation to provide the data to third parties. It would be important to provide an exception for this scenario.
2. I recommend that you give applicants the option of submitting a short Letter of Intent prior to submitting a full application. The purpose of the Letter of Intent would be to confirm that the requested data is (at least in principle) available for sharing. As pointed out in your draft documents, there may be cases where the Data Holder does not have authority to release data. If this is the case, it would be valuable for the prospective applicant to be aware of this prior to investing the time to prepare and submit a full length application. I recognize that there may be "ambiguous" circumstances where the Data Holder does not have authority to release the data, but may be able to obtain the authority if the application is sufficiently compelling. Nevertheless, it would be helpful for the prospective applicant to understand the uncertainties and risks before investing the large amount of time required to submit a high quality application.

Thank you for allowing the opportunity to comment on your draft documents.

[REDACTED]
[REDACTED]
[REDACTED]

Confidentiality Statement:

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