Process and criteria for determining the
need to submit activities to the WHO Ethics Review Committee (ERC)
and/or
exemption of protocols from further WHO ERC review

This is a draft / interim document.
The WHO ERC Secretariat is currently updating and revising its tools and guidance to better support users. We would very much appreciate your feedback on this document, including its usefulness, clarity, and any suggestions for further improvement.

Please send your feedback to ercsec@who.int

Table of Contents
1. Introduction
2. Quick FAQs
3. Submission criteria
4. Exemption criteria
5. Process for submitting potentially exempt activities
6. Definitions
Annexes:
A. Decision algorithm : what activities need to be submitted / might be exempted
B. Process steps and responsibilities : submission and exemption
C. Examples: submission and exemptions
D. ERC Secretariat processes for exemption
E. Extracts from relevant sections of the ERC Rules of Procedure

1. Introduction

This document is meant for WHO Responsible Officers. It provides advice on processes for submission to the WHO ERC of activities supported financially and/or technically by WHO staff and to clarify decision making for both submission and exemption decisions.

The need to decide if an activity requires ethical review is a fundamental part of good research practice and an important step in managing any potential reputational risk to WHO. WHO Staff involved in research in any way should be familiar with the WHO Code of Good Research Practice as set out in the staff eManual Chapter XV  https://emanual.who.int/p15/Pages/home.aspx

This document is part of a full package of advice and guidance for WHO Responsible Officers which can be found here: XX

1 In planning. To be provided when available
2. Quick FAQs

Please see Sections 3-6 for complete descriptions

Submission

What activities need to be submitted to the WHO ERC?
- All research activities supported financially or technically by WHO that involve human participants (as defined in this document).

What activities do not need to be submitted to the WHO ERC?
- Activities that clearly do not involve human participants (as defined in this document).
- Activities which clearly do not meet the definition of research with human participants (as defined in this document).

What activities should be further discussed with the ERC Secretariat to determine the need for submission?
- Any time a WHO Responsible Officer cannot clearly determine whether activities meet the definition of research with human participants based on the definitions in this document, the activity should be further discussed with the ERC Secretariat (ercsec@who.int)

Exemption

What activities need to be submitted but might later be exempted from further ERC review?
- Activities that are both minimal risk and meet specific criteria may be exempted from further ERC review after submission to the ERC. The decision on exemption is made by the ERC.

NB: Even when the WHO Responsible Officer believes the criteria for exemption are met the protocol must be submitted, because the determination of exemption can only be made by the ERC, not by the WHO Responsible Officers or principal investigator. Once submitted, activities meeting the criteria for exemption undergo a simplified and more rapid process as described in Section 5.

3. Submission criteria

- The determination for submission to the WHO ERC may be made by the WHO Responsible Officer. Please refer to Annex B to understand the process steps and responsibilities for determining whether activities need to be submitted.

- Activities that do not need to be submitted to the ERC for review\(^2\) include:

  3.1. Activities that are clearly not research (see Section 6)

  3.2. Activities that clearly do not include human participants (see Section 6)

  3.3. Activities that are clearly public health activities and not human participant research, including public health surveillance based on WHO guidance\(^3\)

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\(^2\) if in any doubt, the technical unit should contact the ERC Secretariat to make the decision on submission

Public health activities conducted by public health authorities, including surveillance, include those that are part of and embedded in the ongoing and routine work of the Ministry of Health (MoH) and implemented by the MoH. In this case there is no (or limited) sharing of information out of the country and information collected will only be used to inform national processes. These activities may include some elements of research (e.g. systematic collection of data, direct or indirect interaction with human participants, production of generalizable knowledge), but are differentiated from research because the intent is to inform or improve national public health systems or internal organizational processes and/or plans. The purpose is not to contribute to generalizable knowledge through presentations, reports or publications.

**If in any doubt, the technical unit should contact the ERC Secretariat to make the decision on submission**

All activities, including surveillance activities that are not clearly public health activities based on WHO guidance should be submitted to the ERC. The decision on whether such an activity can or cannot be considered public health surveillance will be made by the ERC in consultation the WHO Health Ethics and Governance Unit, if needed, based on review of documents and WHO guidance.

3.4. Internal audits or reviews of a WHO unit's activities carried out by the unit's staff for the purpose of the unit's internal governance.

3.5. Activities that use only information that is already available in published reports in the public domain, such as published in scientific journals or posted on governmental or institutional websites.

This includes desk review and literature review activities. In many cases, activities using data from research participants that can be found elsewhere in the public domain such as in data repositories should be submitted to the ERC.

**NB: There can be different interpretations of “public domain.” Private social media accounts or accounts where access is based on approval from the holder of the account are generally not considered public domain, as there may be a ‘reasonable expectation of privacy’ on the part of the individual providing the data.**

- If there is any uncertainty as to whether an activity is human participant research based on the definitions in Section 6 below, especially if the activity poses more than minimal risk to participants, the Responsible Officer should contact the WHO ERC Secretariat at ercsec@who.int

The WHO publications review process and some journals require documentation of ERC review. Activities that are not human participant research meet the criteria for exemption. If a Responsible Officer requires documentation of ERC review e.g. for publication or audit purposes, even if the activity does not normally need to be submitted because it is not human participant research, an exemption memo can be requested and will be provided by the ERC Secretariat.
4. **Exemption criteria**

Note: these criteria and risks are interpreted in the context of the specific research activity. Thus, the WHO ERC Secretariat may request additional information from the WHO Responsible Officer to determine whether the criteria have been met.

- The determination for **exemption from further ERC review** is made by the WHO ERC. Please refer to Annex B to understand the process steps and responsibilities for submitting activities that may meet the criteria for exemption.
- Research activities may be exempt from further WHO ERC review after submission if they **BOTH** (1) pose minimal risk as defined in this document and (2) meet one or more of the following criteria:

4.1. Information is collected anonymously with no direct or indirect personal identifiers, so that any individual participants can in no way be linked to their data by anyone and they are unidentifiable by the investigator or any member of the research team

**or**

information is collected with personal identifiers and then all personal identifiers are removed by someone outside the research team so that the research team never have access to the identifiers (and the identifiers are destroyed without using for any other purpose)

4.2. Participants provide only objective information or professional opinion on a topic under their direct responsibility or expertise, with their expressed knowledge and consent, and without providing any private individual opinions or opinions on matters outside their direct expertise.

4.3. Activities that use information in the public domain that does not meet the criteria described in point 3.5, above (such that the activity does need to be submitted).

4.4. Activities that use only information generated by observation of public behaviour, without manipulation or intervention by the researcher, or attribution to individuals

**NOTE:** All WHO activities should be held to the highest possible ethical standards. There are many WHO activities that are not human subject research and/or would qualify for ERC exemption but which raise major ethical concerns, such as those involving particularly vulnerable populations (e.g. children, refugees, prisoners, mentally ill people) or those prone to stigma. In these cases, advice should be sought from the Health Ethics and Governance Unit (HEG).
5. **Process for submitting potentially exempt activities to the WHO ERC**

5.1. **Documents**

Please ensure documents and descriptions are sufficiently complete for the ERC Secretariat to be able to judge if the activity meets the exemption criteria, as described in Section 4.

- **Documents required:**
  - Protocol including complete description of activity, participants, and data collection instruments including interview guides (if applicable)
  - ProEthos submission information ([https://extranet.who.int/ercweb/](https://extranet.who.int/ercweb/)) or COVID-19 ad hoc Committee coversheet information ([CERC documents WHO staff public](https://extranet.who.int/ercweb/))

- **Documents that are not initially required:**
  - Independent technical / scientific review
  - PI CVs
  - Documentation of local IRB/ERC submission
  - Informed consent documents

**NB: Additional documents and information may be requested by the ERC Secretariat as needed in order to determine whether the activity meets exemption criteria. A full submission will be required if the activity does not meet criteria for exemption.**

5.2. **Alerting the ERC Secretariat**

- When submitting documents, the Responsible Officer may alert the ERC Secretariat if they believe the activity meets the criteria for exemption. However, the final decision is the responsibility of the ERC.

- If a submitted activity meets the criteria for exemption the ERC will exempt the activity from further review, even if WHO Responsible Officer did not alert the ERC Secretariat during submission.

5.3. **After exemption is granted:**

5.3.1. **Modification of previously exempted activities**

- Any exempted activities that are planned to be modified after exemption should be resubmitted prior to implementation, following the processes for protocol amendment.

- Such a modified activity may need ERC review if the activities have been modified in such a way that the protocol no longer meets the exemption criteria.

- Please contact the ercsec@who.int for support and advice in such submissions (which are currently not administratively possible for protocol exempted through ProEthos)

5.3.2. **Continuing review**

- Submission to the WHO ERC for annual continuing review is NOT required.
5.3.3. **Closure**
- Submission to the WHO ERC for closure is NOT required. The ERC is grateful for submission of any published reports for archiving.

5.3.4. **Cost recovery**
- Exempted activities have a standard cost of 500 USD.

5.4. **Important reminders for exempted protocols:**

5.4.1. **Ethical obligations in research**
- Exempt status does not affect the ethical obligations of researchers to participants.
- Researchers have the responsibility to obtain informed consent, protect confidentiality, minimize risks, and address problems or complaints (as appropriate/relevant depending on the processes of the activity) according to international guidelines (https://cioms.ch/publications/product/international-ethical-guidelines-for-health-related-research-involving-humans/).

5.4.2. **Submission to local and institutional IRBs/ERCs**
- WHO ERC exemption does not automatically mean the activity is exempted by other ethics committees or institutional review board (IRBs). Please ensure that the activity is submitted for review to local/national and institutional IRBs/ERCs as per national and institutional requirements.â€”

5.5. Exempted activities are included in approved/exempted list posted on the WHO website.

6. **Definitions**

*Please see CIOMS*â€”for more detailed information

**Anonymized data:** data that are collected with personal identifiers but are irrevocably stripped of identifiers and no code is available anywhere that could allow future re-linkage or identification and thus the risk of re-identification of individuals from remaining indirect identifiers is low or very low.

**Anonymous data:** data that are originally collected with no associated direct and indirect personal identifiers by researchers or data collection platform servers, so that no one can ever identify participants.

**De-identified data:** data that are collected with personal identifiers but all identifiers have been separated from the data, and the linking codes for re-identification are stored in a secure location separate from the data. When such data are labelled using codes, aliases, or pseudonyms, they may be referred to as “pseudonymized” data.

**Exempt:** an activity that is submitted but does not require further review by the WHO ERC because the activity is both minimal risk and meets certain standard criteria as stated in CIOMS and/or the WHO ERC Rules of Procedure.

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4 Local ethics committees may have a different view on what activities may be exempt or not depending on the local context
5 https://www.who.int/groups/research-ethics-review-committee
6 https://cioms.ch/publications/product/international-ethical-guidelines-for-health-related-research-involving-humans/
Human participants (sometimes termed “human subjects”): human beings (i) whose biological material, medical records, health information, or other data are collected or used by investigators and/or (ii) who are exposed to manipulation, intervention, observation, or other interaction (including interviews and surveys) with investigators either directly or through alteration of their environment as part of a research activity. 7

Human participant research (sometimes termed human subject research): research with humans, their biological materials and/or data

Research: any social science, biomedical, behavioural, or epidemiological activity that entails systematic collection or analysis of data, with the intent to develop or contribute to generalizable knowledge. Generalizable knowledge consists of theories, principles or relationships, or the accumulation of information on which they are based, that can be corroborated by accepted scientific methods of observation and inference. 4

Minimal risk: risk that is no more likely and not greater than that experienced in daily personal or professional life or during a routine medical or psychological examination. All potential risks are considered that could negatively affect the physical and mental well-being of research participants, including biological, physical, psychological, social and financial risks, stigmatization, discrimination, wrongful deception, violation of privacy and breach of confidentiality.

Personal Identifiers: Information that can be used to identify a research participant. Direct identifiers are those that can be used to directly identify someone, such as name, passport number or ID number, or URL. Indirect identifiers are those that, in combination, could be used to identify someone (e.g. birthdate, phone number, location, gender and/or rare health condition)

Sensitive data: data that, if linked to a participant, could cause some social, physical, or emotional harm.

WHO Responsible Officer (RO): WHO staff member responsible for implementation and/or provision of technical or financial support of the activity.

7 WHO ERC Rules of Procedure
Annex A: Decision algorithm for determining what activities need to be submitted and what activities might be exempted from further review after submission

Does the activity involve **human participants** (as defined in this document Section 6)?

- Not sure
  - Not sure
    - Is the activity considered **research**?
      - (WHO Responsible Officer determines)
        - yes
          - WHO Responsible Officer submits activity to the ERC
            - Does the activity meet the **exemption criteria**?
              - (ERC determines)
                - yes
                  - Activity is exempted from further WHO ERC review**
                    - **may need to be submitted to /approved by other IRB/ERCs**
                - No
                  - Full Protocol submitted for ERC review (if has not yet been)
                    - see ERC Process Guidance / prescreening XX

- No
  - Activity not submitted to the WHO ERC
    - **may need to be submitted to /approved by other IRB/ERCs**

WHO Responsible Officer consults with ERC Secretariat (ercsec@who.int) and/or WHO Health Ethics and Governance Unit for determination regarding submission/exemption
Annex B: Process steps and responsibilities for determining activity submission and exemption

**WHO Responsible Officer** assesses whether the activity needs to be submitted for review based on whether the activity is human participant research (as defined in this document)

- Not sure if activity may be human participant research
  - **WHO Responsible Officer** contacts ERC Secretariat for advice (ercsec@who.int)
    - (Additional information may be requested by ERC Secretariat)

- Activity is human participant research
  - In developing the research, the WHO Responsible Officer does not raise the question or suspect that the activity may not be human participant research

- Activity is clearly not human participant research
  - Activity not submitted to the WHO ERC
    - **may need to be submitted to /approved by other IRB/ERCs**

- ERC Secretariat and Chair review documents and discuss with WHO Responsible Officer to determine if the activity is human participant research and requires WHO ERC review

- ERC Secretariat and Chair determine if activity satisfies criteria for exemption from further WHO ERC review
  - yes
    - Activity exempted from further WHO ERC review
      - **may need to be submitted to /approved by other IRB/ERCs**
  - no
    - Protocol undergoes ERC review
      - see ERC Process Guidance / prescreening XX

(Additional information may be requested by ERC Secretariat)
Annex C: Examples

*Does the activity need to be submitted?*

C.1. Research studies that use human participants and therefore *do require submission* to the WHO ERC for determination of exemption or ERC review

Examples
a. analysis of coronavirus antibody tires in stored samples from a previous research study
b. an anonymous online survey asking people if they prefer orange juice or milk
c. data extracted from health care records, anonymized, and provided to the researcher
d. a study collecting and analyzing expert’s views on health technologies

C.2. Research studies that either do not use human participants or are not considered research and therefore *do not require submission* to the WHO ERC

Examples
a. A literature review is performed of published literature on heart disease in adolescents (no human participants, is research)
b. National governments collect standard information on tobacco use in pregnant women attending prenatal care to direct national awareness campaigns (are human participants, not research)
c. National pandemic plans are collected from all countries in the WPRO region and the mention of zoonotic disease surveillance planning is assessed (no human participants, not research)
d. C.3. Activities NOT considered public health activities according to the WHO guidance* do require submission* to the WHO ERC

Example:

a. A researcher systematically collects health data on a new disease to determine distribution among age populations in the country as part of a national project.

C.4. Activities considered public health activities according to the WHO guidance* do not require submission* to the WHO ERC

Example:

a. The Ministry of Health is initiating a new testing programme for a new disease to determine distribution among age populations in the country in order to prioritize the vaccine distribution programme in the country

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Annex C: Examples

C.5. An activity considered an internal audit or internal quality improvement and therefore does not require submission to the WHO ERC

Examples

a. A survey is conducted of staff of organization A to identify issues of concern that will be used to prioritize internal action in the organization

b. A subset of workers are asked to initiate and assess a new internal process in order to determine cost and feasibility for future rollout in the company

Can the activity be exempted from further ERC review?

C.6. Activities that are more than minimal risk (as defined in Section 6) and therefore cannot be exempted

Examples

a. A study in country X or population Y on the feasibility of making HIV treatment widely available

b. A survey to inform quality improvement in hospitals that may put the health care providers at risk for punitive action or may cause concern among workers about repercussions

c. A strategic assessment of reproductive health care services in a context where abortions are highly stigmatized, restricted, or illegal

d. An assessment of migrants health care choices

C.7. Information is collected completely anonymously or is anonymized/de-identified when provided to the research team and therefore may be able to be exempted (if is deemed minimal risk)

Examples:

a. A survey implemented by a survey company who provides compensation to respondents for the purposes of this activity based on URLs for which the identifiers are destroyed without having been used for any other purpose and the research team are only provided anonymized, de-identified data.

NB: In this case there may be a subsequent quality assurance step by the third party, but the original data are destroyed without sharing with the research team (or anyone) so that no record of any identifiable information is ever retained

b. A survey collects information in open text fields but any potentially identifying information is removed (by an independent group/staff) prior to analysis/review by the research team

c. Staff other than the research team set up interviews using aliases without sharing data linking to telephone numbers and IDs so that interviewees cannot be identified and only de-identified transcripts go to the research team
Annex C: Examples

C.8. An activity that uses Information that is publicly available but that does not meet the criteria of 5.5 above, so needs to be submitted but may be able to be exempted (if is deemed minimal risk)

Examples

a. An activity using information available publicly but that requires permission for use
b. An activity using information from data repositories

C.9. An activity in which participants provide only objective information on a topic under their direct responsibility and therefore may be able to be exempted (if deemed minimal risk)

Examples:

a. A Delphi exercise is organized to collect professionals' views about their field of knowledge
b. Elected or public officials are interviewed in their official capacity on issues that are in the public domain, and provide institutional information, policy, or viewpoint on behalf of the institution. These individuals are accountable as public officials and not anonymous.
c. Experts are interviewed on their topic of expertise
d. Members of a specific group or committee are interviewed on the function of the committee or activity, speaking on behalf of their committee.
e. Experts participate in analysis of previously compiled information and data, not generation or provision of information.

C.10 An activity that uses only information generated by observation of public behaviour, without Intervention or manipulation by the researcher or individual attribution and therefore may be able to be exempted (if is deemed minimal risk)

Examples

a. A study counting the number of people who washed their hands after using the restroom without collecting any identifiable information from them
Annex  D: Process for ERC Secretariat processing of potentially exempt protocols

D.1. trigger scenarios:
- The ERC Receives inquiries from WHO staff asking whether activities need to be submitted, or might be exempted or “waived”
- The ERC Receives documents requesting or suggesting exemption
- The ERC Receives previously exempted activities that have since been modified

D.2. Determine if sufficient information to determine whether the activity meets criteria for exemption

D.2.1. ERC Secretariat informal review to assess if correct documents and sufficient information is included to be able to determine whether the activity meets criteria for exemption from further WHO ERC review

D.2.2. Documents required are described in Section 5

D.3. If not enough information is provided, more detail may be requested by standard ERC memo or email

NB: in memo/email it is useful to alert Responsible Officer that a full submission including local IRB/ERC submission and independent technical/scientific review may be required if activity does not meet criteria for exemption from review

D.3.1. When receive responses, repeat step D.2

D.4. Determine if meets criteria

When sufficient information has been provided, proceed with the ERC Secretariat informal review to assess whether activity meets criteria for exemption from ERC review

D.4.1. If meets criteria, prepare exemption memo based on standard template

D.4.1.1. Include comments on Ethical Obligations, Local IRBs/ERC submission, and Changes to the Activity (as per exemption memo template / this document Sections 5.2.1 – 5.2.3)

D.4.2. If does not meet criteria for exemption, prepare memo/email explaining why does not meet criteria for exemption, and requesting full submission, including all documents

D.4.2.1. When receive responses, goes to regular ERC Secretariat pre-screening review

D.4.3. If UNSURE initiate discussions with Chair to decide next steps

D.5. There is NO continuing annual review or closure of exempted activities

D.6. Information on exempted activities is included in CERC web posting

D.7. Cost recovery standard at 500 USD (one time)
Submission

VII.A In order to ensure that appropriate ethics review has occurred for all research involving human participants that meets the requirements of these Rules and that is funded or otherwise supported by WHO, the WHO responsible staff member, working in close collaboration with the Principal Investigator, shall submit the proposal for such research to the Secretariat, in accordance with the documentation requirements of Appendix 3.

Deciding on exemption:

VIII.B.3.c. If the WHO responsible staff member considers that the activity supported by him/her qualifies for an exemption from ERC review, he/she should use the procedure for requesting an exemption, as indicated on the ERC intranet and internet sites.

VIII.B.3.d. If the Secretariat and Chair cannot agree whether a research proposal qualifies as exempt from review, the proposal shall be categorized as eligible for expedited review as provided in VIII.B.4 below, and reviewed accordingly, and the WHO responsible staff member shall be informed as per these Rules.

ERC exemption processes:

VIII.B.3.b. If the Secretariat and the Chair both find that a proposal is exempt from review by the Committee in accordance with the criteria set forth in subparagraph (a) above, the research proposal shall be classified as "exempt from ERC review", an appropriate notation shall be made in the Register, and the WHO responsible staff member shall be notified accordingly. Such notification shall include a brief explanation of the grounds for the exemption and a reminder that the Secretariat must be consulted in the event that material changes are made in the design or execution of the activity in question.

Criteria for exemption:

VIII.B.3.a.: A research proposal may be exempted from review by the Committee when:

(i) it does not involve human participants according to the definition outlined in these Rules;

(ii) the data (including health-care records and specimens) being studied already exist and are either publicly available or are recorded by the investigator in such a manner as to be unidentifiable by the investigator or any member of the research team;

(iii) public officials are interviewed in their official capacity on issues that are in the public domain;

(iv) the data for the study are generated by observation of public behaviour; or

(v) the relevant activity is limited to public health surveillance or evaluation of health programmes carried out pursuant to statutory or regulatory requirements.

The WHO Rules of Procedure are available here: https://extranet.who.int/ercweb/documents.php