Current Oversight Approaches and Research on Big Data

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The growth of data available for research purposes

• Personal health data online has grown exponentially
  – much “created” or at least added by individuals themselves

• Evolving functionality and applications of web, mobile and social media have created a new research environment
  – Uses of data are increasingly different than researcher-participant interactions
Health-related data

• Information “actively” supplied by individual users
  – medical histories, genomic data, web posts

• Personal information collected while users interact online, social media, increasingly via mobile, and passively (quantified life)
  – Location, content, behavior data

• Disclosures to users of the potential uses of personal data vary dramatically
Collecting Big Data

• What is the right data to collect?
• How to collect it?
• How much to collect?
  – From where?
  – How to determine what is relevant?
• What does it mean?
  – and how to validate what we think it means?
• BUT,
• What are conditions or limitations of use?
• What is the relevance of public health vs. other uses? and
• What about ethics?
How have we come to research ethics protections?

- 1970s approaches to research *protection* being employed in 2016ff contexts
  - Regulations in substantial part driven by reaction to scandal and desire to prevent exploitation of subjects
  - Consent conceptualized as between researchers and subjects
    - Are these concerns relevant today?
    - Are they relevant for research using Big Data?
      - Web-oriented “consent” standards are de facto practice
        » Different than research consent
      - Consumer platforms being used for research purposes
        » Terms of service, etc. on websites, phones, smart devices
  - Regulatory or contractual standards vs. ethics
    - IRBs are applying rules crafted for a different species of research
Consent in an evolving research environment

• What do we hope to achieve in the consent process?
  – Disclosure of information
  – Understanding
    • Of uses, by whom, for how long, possibility of secondary disclosures, etc.
    • Of risks and potential benefits
  – Voluntary participation
  – The evolving concept of control of information

• Collection of information for research purposes as a condition of use
  – Three concerns
    • General consent rather than consent to specific research use
    • Disclosure is boilerplate, which calls into question meaningfulness or even awareness
    • Based on consumer agreement rather than informed consent to research

• Opt-in to research
  – Seems closest to satisfying conventional criteria of informed consent

• Opt-out of research
  – Not clear how consistent these approaches are with informed consent for research

• These are all carryovers from more consumer-oriented web environment
How Companies Learn Your Secrets

By CHARLES DUHIGG  FEB. 16, 2012
Issues outside of the “traditional” research environment

• Social media content as research data
  – Are terms of service enough?
  – What do we mean by the public nature of social media content?
    • For all to see may be different than for all to use
  – Among the required protections for traditional research participation is opportunity to opt out
    • How to accommodate when terms of service effectively *require* participation?
    • Legal standards may be met, but not the sprit of how we understand the ethics of consent
• What criteria are important in determining whether and under what conditions consent may be required?
  – Identified vs. anonymous?
    • Is there a threshold of metadata collection before identifiability?
• Should the purpose of research be a factor in determining the levels of protection necessary?
  – Public health vs research for marketing, recruiting, or other business-related motives
    • Individual rights are trumped by public health; not so in other areas
Opinion: Learning as we go: Lessons from the publication of Facebook’s social-computing research

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The shortcomings of existing approaches

• Regulatory fit
  – What counts as research on human participants?
  – What ethics oversight applies to private sector and collaborative research?

• Informed consent and the meaning of protection of participants

• Confusion over relevance and applicability of state and international jurisdictions

• Rules for publication
What to do about them?

- New thinking about consent to research in data-rich contexts
  - At a minimum, modify disclosures
  - Committing to levels of privacy protection
  - Maximally, modifying consent to more dynamic, context specific process
- Allowing individuals to manage use of about them (vs. from them)
  - Privacy, control, access
- No research stds => credibility suffers
- Few ethics stds => credibility may suffer more widely
- Time for the research community to work to create standards for ethically acceptable social media research
Proposals for a new framework

• Drawing on Vayena et al.
  – Closing old and new gaps in required oversight
  – Clarity
    • Definitions
      – What and who counts as research?
    • Standards for privacy protection
    • Learn from evolving best practices
  – Create and offer new process and technological solutions
    • Beyond consent and de-identification
    • Safe harbor for use of endorsed solutions
  – Calibrated oversight
    • Tiered access to data
    • Variable access based on criteria of risk-benefit
  – Wider stakeholder involvement in development of approaches
    • Researchers
    • IRB professionals and members
    • Industry
    • Regulators
    • Ethics and privacy experts
    • Journal editors
    • Research participants