

# The Alan Turing Institute

## TURING RESEARCH ETHICS (TReX) Policy

### 1. Introduction

- 1.1 As the UK's national data science and artificial intelligence research Institute and as a regulated charity incorporated in England and Wales, the Alan Turing Institute (the "**Institute**"), as well as its subsidiaries (together with the Institute referred to here as the "**Turing**") is expected to ensure that appropriate consideration is given to ethical matters relating to the research it undertakes and supports. This Policy sets out the Turing's approach to research ethics at the Turing, taking into account principles of good governance, adherence to the Charity Governance Code and corporate charity risk management, practices in the higher education sector more generally, expectations of Trustees, funders, partners, and stakeholders and the interlinking with other regulatory requirements as well as drawing upon the work of researchers at the Turing. The Turing follows the Concordat and endeavours to publish an annual statement on its website regarding its approach to research ethics taking into account principles contained in the Universities UK Concordat to Support Research Integrity (the "**Concordat**").
- 1.2 This Policy relates to the formal process for reviewing ethical considerations by the Turing in Eligible Research (defined below) only. Other work regarding ethics more generally relating to the Turing and its processes, as well as in areas of research is undertaken across many other parts of the Turing but is beyond the scope of this specific Policy. Mechanisms have, however, been included in the Turing Research Ethics ("**TReX**") process to ensure that continuous improvement is embedded in the TReX Process and so developments that occur in other parts of the organisation can influence future iterations of the TReX.

### 2. Risk management at the Turing

- 2.1 The Turing's process for reviewing and approving the ethics behind research it is involved in (the "**TReX Process**" or "**TReX**") is designed to help identify, document, minimise and mitigate the ethical risks of a research project that the Turing is involved with as well as providing objectivity, resilience and consistency to the review process. It is also intended to support the consideration of other aspects related to research integrity more generally. This is part of the Trustee's risk management of the organisation and is also the right thing to do. The TReX also supports and strengthens other processes at the Turing, in particular, certain aspects of the Turing's Data Protection Assessment Process (the "**DPAP**") which works hand-in-hand with TReX (as set out in Para. 9 below). Export controls, National Security & Investments Act reviews and similar related areas are, however, beyond the scope of TReX and are captured in other Turing policies and processes. The TReX Process is also designed to support researchers to consider ethical matters more broadly in their work as well as assist the Turing in embedding continuous improvement in this area and improve the quality of research at the Turing and its publication.
- 2.2 It is important to note that in some instances other organisations that the Turing works with may have their own ethics review process. These organisations, however, are highly likely to have a different footprint to the Turing, for example, they may be government departments or national public bodies which are subject to different legal and regulatory requirements and governance codes, and so the Turing must still undertake its own

organisational ethics review on Eligible Research taking into account Turing's own status as a charity and its position as a national research institute. You may, nevertheless, still be able to use other ethics submissions you have made with other organisations to support your ethics submission to the Turing under the TREx (see further below).

- 2.3 The TREx review process is an internal process to the Turing and is not intended to be relied upon by other parties. For example, collaborators on research projects should undertake their own ethics reviews. Lead or Sponsoring Organisations on collaborative projects (usually where the PI is hosted) would usually be expected to be responsible for the overarching ethics matters relating to the research project as a whole.

### 3. Eligible Research

- 3.1 The Turing's default position is that all Eligible Research it is involved with requires an ethics review under this Policy.
- 3.2 For the purposes of this Policy the activity in question must fulfil **BOTH** parts of the following criteria in-order for it to be regarded as "**Eligible Research**":

**Part 1:** The activity in question must fall within the following definition of "**Research**", namely:

*"Original investigation, undertaken to gain new knowledge and understanding, which may be directed towards a specific aim or objective. It can use existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes including design and construction. It excludes routine testing and analysis of materials, components and processes."*

NB: It is important to note when assessing whether an activity falls within Part 1, it can be undertaken as part of a funding/grant agreement, collaboration agreement or services agreement. When considering whether an activity is research it is important to consider the activities rather than the name of the agreement itself under which the activity is being conducted. For the avoidance of doubt if employees of the Turing are seconded to another organisation, the work they undertake at that other organisation will not fall within the definition of Eligible Research for the purposes of the TREx and the processes applicable to that other organisation will apply.

#### **AND**

**Part 2:** The Research must fall within one or more of the following subsections:

- (A) The Research will be carried out in whole or in part;
- (i) by researchers employed by, or consultants of, or seconded to the Turing (but not where employees of the Turing are seconded out from the Turing to other organisations); and/or
  - (ii) third party researchers undertaking the Research on behalf of the Turing via a services agreement (but not by a funding agreement or a fellowship agreement alone).

#### **AND/OR**

- (B) The Turing is providing other non-financial resources for the Research e.g. REG Team time, project management resources, use of the Turing digital estate (Data Safe Haven/Azure credits/SharePoint), or other, which must be more than de minimis.

#### **AND/OR**

(C) The Turing is providing ONLY funding for the Research but the organisation receiving the funds does not have its own adequate (in the reasonable opinion of the TREx Panel) research ethics assessment process.

AND/OR

(D) On the balance of probabilities, a reasonable person is likely to raise ethical concerns about the Research that the Turing is associated with or any part of it.

#### **4. The TREx Panel and the TREx Reviewers**

##### **General**

- 4.1 The TREx Process has three (3) stages which includes (i) a pre-screening process in the form of satisfactory (self-assessed by the Relevant Persons) completion of TREx Form 1; (ii) satisfactory completion of TREx Form 2 and its categorisation; and (iii) review by at least one (1) TREx Reviewer and review by the TREx Panel and/or escalation to the CEO of the Institute or above as the case may be. Further information is set out in paragraph 6 below. The Secretariat shall support all three (3) stages of the TREx as set out in this Policy.

##### **TREx Reviewers**

- 4.2 Where completed TREx Form 2 falls within Categories B-D as set out in Paragraph 6 below, at least one (1) TREx Reviewer will undertake an initial review of the completed TREx Form 2 before such Ethics Submission is reviewed by the TREx Panel for their opinion when it next sits and/or escalated to the CEO in the case of Category D.
- 4.3 Number of TREx Reviewers: The Turing will endeavour to have a cadre of at least five (5) TREx Reviewers. It is preferred that there will be no more than twelve (12) TREx Reviewers at any one time in the cadre that can be called upon to be a TREx Reviewer to undertake a Category B-D review, however, there may be circumstances when a greater number of TREx Reviewers are required. No individual who is a TREx Reviewer may review an ethics submission in which they have been involved or otherwise may have an actual or perceived interest in due to a conflict of interest. Any such conflicts of interest must be notified to the Secretariat as soon as reasonably possible.
- 4.4 Status and skills of TREx Reviewers: All TREx Reviewers will be either employed researchers at the Turing, seconded researchers to the Turing, current Turing Fellows, have held the position of a Fellow at the Turing in the previous five (5) years, and/or held another equivalent position with requisite skills and experience in the field of ethics and/or data science and/or other relevant skill sets as may be required from time to time. All TREx Reviewers must have the requisite skills and experience to undertake the role of TREx Reviewer at the Turing in accordance with the role description. An individual who is a Reviewer may not also be a TREx Panel Member.
- 4.5 Term of appointment of a TREx Reviewer: It is preferred that TREx Reviewers may be appointed for an initial term of three (3) years (or shorter as the case may be). This will be reviewed on an annual basis, however, to ensure that the cadre of TREx Reviewers reflect the skills needs, diversity of representation, and availability of resources (including ensuring the staggering of tenures and recruitment) required by the Turing in order to best serve the needs of TREx. Individuals may be requested to be a Reviewer for a further term upon review by the Chair and the Company Secretary and endorsed by the Director of Finance and Corporate Services or other member of the Executive Leadership Team. No TREx Reviewer shall be a reviewer for more than six (6) years. An individual will in any event cease to be a TREx Reviewer if they are the subject of a disciplinary process at the Turing or if in the reasonable opinion of the Turing may bring the Turing into disrepute, require the Turing to make a serious incident report to the

Charity Commission, or act contrary to the Turing values and/or Code of Conduct or are in any other respect regarded as no longer fit to hold the position and/or may be conflicted from holding the position or may no longer be available to support the role. TREx Reviewers may wish to step down from their role in any event from time to time and the Turing requests that they provide the Turing with sufficient notice in order to allow for smooth handover and administration of the TREx Process.

- 4.6 Appraisal of TREx Reviewers: The Chair and/or Vice Chair and/or Company Secretary will endeavour to undertake an annual appraisal of the work of each TREx Reviewer.
- 4.7 On-boarding and training of TREx Reviewers: TREx Reviewers will be provided with appropriate role descriptions and training on related Turing practices and processes relevant to the TREx Reviewer and their ability to undertake the role effectively and within the context of the Turing and its other operations.

### **The TREx Panel**

- 4.8 Overview: Ethics Submissions (in the form of a completed TREx Form 2) made as part of the TREx, as well as certain matters relating to the DPAP as set out in Para. 9 below, are reviewable by the TREx Panel.
- 4.9 Secretariat: The TREx Panel is supported by the Secretariat. The Secretariat is part of the Corporate Governance team at the Turing, which is part of the Office of the General Counsel, and will ensure that the administration of the TREx Process, the TREx Reviewers, and the TREx Panel comply with the principles of the Charity Governance Code and best practice in line with other practices across the Corporate Governance function relating to the Turing's formal decision-making Boards and Committees as well as with this Policy and assist in embedding the principles set out in the Concordat and other related best practice principles and academic developments.
- 4.10 TREx Panel terms of reference: The terms of reference of the TREx Panel can be found on Mathison. The Turing's Corporate Governance Protocols, as found in Part 2 of the Corporate Governance Handbook, will apply to the administration of the TREx Panel and the process where applicable ensuring appropriate levels of confidentiality are incorporated.
- 4.11 Minuting & reporting on the activities of the TREx Panel: The discussions of the TREx Panel will be minuted and will be confidential. Any reports documenting the opinion and recommendations of the TREx Panel ("**Panel Outcome**") will come from the TREx Panel as a whole and not from individual TREx Panel Members and will not be regarded as confidential where possible. Such Panel Outcomes will be shared with the Relevant Persons (as defined in TREx Form 1) who led in making the TREx submission by the Secretariat. An outcome letter will also be supplied which is not confidential.
- 4.12 TREx Panel Opinions: The TREx Panel will endeavour to achieve unanimity for its opinions. Where unanimity of opinions cannot be reached in a timely manner opinions shall be reached by majority. Where there is a deadlock, the decision shall be escalated to the CEO under Category D.

Panel Outcomes from the TREx Panel will set out the opinion of the TREx Panel. Where the opinion of the TREx Panel is not unanimous such Panel Outcomes will summarise the opinion of the majority of the TREx Panel and shall also separately summarise the key points of the dissenting TREx Panel Members. The Panel Outcome shall come from the TREx Panel as a whole and shall state the names of the TREx Panel Members who were present at the relevant TREx Panel meeting but will not attribute any particular comments to any particular TREx Panel Member. The Panel Outcomes will be signed by the Chair, or where the Chair is conflicted or absent or otherwise unavailable, it will be signed by the Vice Chair.

- 4.13 TREx Panel Outcomes: Panel Outcomes shall state the opinion of the TREx Panel, and any reasonable conditions attached thereto. The Relevant Person(s) shall be required to take into account such reasonable conditions and act upon them. The Panel Outcomes will also include summaries of dissenting views of TREx Panel Members as stated above.

The Panel Outcome may also include any constructive recommendations made by TREx Panel Members to the Relevant Person(s) in relation to ethical considerations relating to their Ethics Submission and the underlying research, such as making the Relevant Person(s) aware of developments of ethical considerations in existing or emerging sectors. Such recommendations are not binding on the Relevant Person(s) or impact the opinion of the TREx Panel but are intended to be helpful to the Relevant Person(s) and the underlying work of the Turing.

- 4.14 Number of TREx Panel Members: The TREx Panel shall comprise at least three (3) individuals who will be recruited following an open and transparent process, where possible and reasonably practical to do so, taking into account the skills needs of the TREx Panel and diversity of representation. The TREx Panel will not have more than nine (9) Members. The TREx Panel shall have a quorum of three (3) Members which must include the Chair or the Vice Chair. No individual may form part of the TREx Panel where they are conflicted, unless appropriate mitigating actions are put in place to manage such conflict, and it is accepted by all panel members present at the Panel meeting. The majority of the TREx Panel must be employed by or seconded to the Turing where practical to do so.
- 4.15 Term of appointment of TREx Panel Members: It is preferred that TREx Panel Members will sit for an initial term of three (3) years (or shorter as the case may be) and will have an appropriate role description. TREx Panel Members and the overall composition of the TREx Panel will be reviewed at least every three (3) years but may be shorter as the case may be. TREx Panel Members may be asked to sit for a further term taking into account the skills needs of the Panel and the Turing. It is preferred that TREx Panel Members will not sit for more than six (6) consecutive years in total. It is preferred that there is at least a twelve (12) month gap between the end of an individual's tenure as a TREx Panel Member before they may reapply to become a TREx Panel Member and if there is a vacancy.
- 4.16 Status of TREx Panel Members: The Turing will endeavour to ensure that the majority of TREx Panel Members will be employed by, or seconded to, the Turing where practical to do so. These employed/seconed TREx Panel Members will not be required to constitute researchers only and may include participation from across the business support functions also.
- 4.17 Independent TREx Panel Members: The TREx Panel may contain independent Members who are not currently employed by or seconded to the Turing but who are either current Turing Fellows, have held the position of a Fellow at the Turing in the previous five (5) years, and/or have held another equivalent position with requisite skills and experience in the field of ethics, data science and/or other complimentary skill sets and who are not current TREx Reviewers.
- 4.18 Lay member of the TREx Panel: The TREx Panel may also include a lay member who is not a researcher and who has additional skills and experience to contribute to the work of the TREx Panel. Any such lay member will be recruited externally and through an open and transparent recruitment process where reasonably practical to do so.
- 4.19 TREx Panel Chair and Vice Chair: The Chair and Vice Chair of the TREx Panel shall be appointed from amongst the members of the TREx Panel and shall be employees of the Turing.

- 4.20 Observers: The TREx Panel may, where appropriate, also have an observer at its meetings who is a student at the Turing or at an affiliated university or a junior employee at the Turing. Such Observer shall not form part of the formal TREx Panel and shall not be counted towards the quorum. Such Observer may not attend meetings where they are conflicted.
- 4.21 TREx Panel appraisals: The Chair, Vice-Chair and/or Company Secretary will endeavour to undertake annual appraisals of the TREx Panel Members taking into account input from other participants in the TREx. The Company Secretary shall undertake the appraisal of the Chair and Vice Chair where appropriate to do so.

## **5 Turing Research Ethics Framework**

- 5.1 In-order to ensure resilience, objectivity, and consistency across its research ethics decisions, as well as to support with the use of the Research Exemption as part of the DPAP (see Para. 9 below), those involved in the TREx Process shall apply the Turing's Research Ethics Framework ("**TREx Framework**") when reviewing all Eligible Research and carrying out their duties.
- 5.2 The TREx Framework can be found on Mathison.
- 5.3 The TREx Panel will, from time to time and taking into consideration input from other Turing colleagues who are involved in research ethics work, review the TREx Framework and will make recommendations for their updating/review to the Chair, Vice-Chair, and the Company Secretary.

## **6 Turing Research Ethics Assessment Process**

- 6.1 It is preferred that any Eligible Research should follow the TREx Process for approval prior to the proposed Eligible Research being carried out. This is to ensure that the appropriate ethical considerations have been taken into account in the design and execution of the Eligible Research and to assist in risk management at the Turing. Late submissions may result in TREx opinions being unfavourable and/or conditions not being able to be implemented in time. The Relevant Persons (as defined in TREx Form 1) is responsible for completing the TREx Process in good time. The steps of the TREx Process are as follows:

### **6.2 [Step 1: Completion and submission of TREx Form 1:](#)**

TREx Form 1 should be satisfactorily completed by the Relevant Person (as defined in TREx Form 1) and submitted to the Secretariat. TREx Form 1 can be found on Mathison. It is the responsibility of the Relevant Person to ensure that all associated policies and risk management issues reflected in TREx Form 1 are appropriately dealt with including but not limited to export controls and National Security & Investments Act requirements as reflected in the relevant policies.

### **6.3 [Step 2: Review of TREx Form 1:](#)**

The Secretariat will undertake a high-level check of TREx Form 1 but will not look beyond the Relevant Person's self-assessment responses. If it has been so completed, the Secretariat shall inform the Relevant Persons and ask them to complete TREx Form 2. The completed TREx Form 2 is the main "*Ethics Submission*" for the purposes of this Policy. TREx Form 2 can be found on Mathison.

### **6.4 [Step 3: Completion and submission of TREx Form 2:](#)**

The Relevant Persons should complete TREx Form 2 and submit it to the Secretariat.

In certain situations, the Relevant Persons may have been required to complete ethics approval processes at other organisations (e.g. at the NHS). Where this is the case, the Relevant Persons may append such other submission to TREx Form 2 and refer to the specific relevant section in the appended document when answering the questions in TREx Form 2. Such other ethics approvals should be in the English language. It is the responsibility of the Relevant Person to ensure that the questions in TREx Form 2 are answered and any cross references made to other documents are clear and concise and that any documents are appended to TREx Form 2 where relevant. This is to ensure that the TREx Reviewers and TREx Panel Members can understand the submission and carry out their function.

In such circumstances the Relevant Person must explain the status of such other ethics approvals and whether any approvals, conditional approvals or other recommendations were made by that other organisation in relation to the same. The Relevant Person should append proof of such decisions to TREx Form 2. Such proof may be checked with the issuing organisation and as such the Relevant Person must provide the appropriate contact details of such other organisation. The Relevant Person must keep the Secretariat informed of the status of such other ethics processes over the course of the Research and whether anything changes. The Turing may wish to see evidence of such other ethics reviews and it is the responsibility of the Relevant Persons to provide the Secretariat with such information in a timely manner and in the English language. Any such change may impact the status of the TREx Panel's decision in relation to that particular Ethics Submission at the Turing and the TREx Panel reserve the right to revisit any previous Turing ethics approval given if the status of such other ethics approval changes.

#### 6.5 [Step 4: Triaging of TREx Form 2:](#)

The Secretariat shall undertake an initial review of the completed TREx Form 2 and initially assess whether it falls within one of four (4) categories as set out below:

- (a) [Category A:](#) The completed TREx Form 2 does not meet the basic criteria;
- (b) [Category B:](#) The completed TREx Form 2 meets the basic criteria and no or few specific concerns are likely to be raised or identified by a TREx Reviewer/s and/or the TREx Panel;
- (c) [Category C:](#) The completed TREx Form 2 meets the basic criteria but concerns are, or are likely, to be raised by a TREx Reviewer/s and/or the TREx Panel; and
- (d) [Category D:](#) The completed TREx Form 2 meets the basic criteria and significant concerns are, or are likely, to be raised by the Secretariat, a TREx Reviewer/s, and/or the TREx Panel and/or such concerns cannot be adequately mitigated against and/or the TREx Panel would like a second opinion on the Ethics Submission.

#### 6.6 [Step 5: Next steps post triage:](#)

The following steps will be taken depending on the categorisation of the completed TREx Form 2:

- (a) [Category A:](#) The Secretariat will inform the Relevant Person that the completed TREx Form 2 has not met the basic criteria and Turing ethics approval has been unable to be progressed. The Secretariat will explain why the basic criteria has not been met. The Relevant Person shall be encouraged to revisit their completed TREx Form 2 taking into account the comments provided. The Relevant Person may resubmit their updated and completed TREx Form 2 having taken into account the advice.
- (b) [Category B, C & D:](#) If the Eligible Research falls within Category B, C, or D the completed TREx Form 2 will be sent to at least one (1) TREx Reviewer by the Secretariat for review against the TREx Framework.



A TREx Reviewer ("**Primary Reviewer**") will undertake a review of the completed TREx Form 2. The Secretariat may ask another TREx Reviewer ("**Secondary Reviewer**") to review the decision of the Primary Reviewer. From time to time

Once at least one (1) TREx Reviewer has reviewed and commented on the completed TREx Form 2 and has provisionally provided it with a favourable opinion (whether with or without conditions and/or recommendations), the Secretariat will inform the Relevant Person that their Ethics Submission has progressed but remains subject to review by the TREx Panel at their next meeting noting that the TREx Panel may or may not agree with the initial assessment/s which the Relevant Person will need to take into account.

The TREx Reviewer may:

- (i) Provide a favourable opinion on the completed TREx Form 2 (and related documents) as a Category B with no conditions or recommendations;
- (ii) Provide a favourable opinion on the completed TREx Form 2 (and related documents) with conditions or recommendations; or
- (iii) Escalate the completed TREx Form 2 for a Category C or D review by the TREx Panel if they do not believe it falls within Category B or if they do not wish to provide a favourable opinion.

The TREx Panel will review the work of the TREx Reviewer/s, including but not limited to, the categorisation, conditions, and/or recommendations noted by the TREx Reviewer/s, and will either:

- (i) Provide a favourable opinion on the TREx Form 2 (and related documents) as either a Category B or C with no conditions or recommendations;
- (ii) Provide a favourable opinion on the TREx Form 2 (and related documents) as either a Category B or C with conditions or recommendations; or
- (iii) Escalate the TREx Form 2 for a Category D review by the CEO in accordance with Step 4(d) above.

The Secretariat will inform the Relevant Person of the Panel Outcome.

- (c) Category D: If the proposed Eligible Research falls within Category D the Turing may, after due consideration by the TREx Reviewer/s and TREx Panel, either (i) not provide a favourable opinion on the Ethics Submission, or (ii) approve the Ethics Submission with appropriate conditions and/or mitigations put in place. Any such decision shall rest with the CEO, having considered the outcome of the review by the TREx Panel and the TREx Framework. Any such decision shall be documented. The CEO may escalate such decision regarding Category D to the Audit and Risk Committee ("**ARC**") at the CEO's discretion.

#### 6.7 Documented outcomes:

All outcomes of the TREx Panel will be documented and contain the following elements:

- (i) Date of review;
- (ii) Categorisation of the TREx Form 2;
- (iii) Whether a favourable opinion was given either outright, conditional, or not a favourable opinion;
- (iv) Any conditions or recommendations made; and
- (v) Date of follow up.

#### 6.8 Status of recommendations:

All recommendations made by the TREx Reviewer/s and/or the TREx Panel and/or the CEO and/or the ARC will be non-binding.



## 6.9 Status of conditions:

All reasonable conditions attached to an ethics approval by the TREx Panel, CEO and/or the Audit & Risk Committee will be binding and must be followed by the Relevant Person and related Turing researchers.

## 7 **Auditing functions of the TREx Panel**

### **Exempt Research:**

- 7.1 “**Exempt Research**” is where an activity falls within the definition of Research under Part 1 of the definition of Eligible Research noted above but does not fall within any of the subsections within Part 2 of the definition of Eligible Research.
- 7.2 The TREx Panel may from time to time review a sample of such Exempt Research to ensure that such decision is correct. Where the TREx Panel conclude that the research project should in fact be regarded as Eligible Research it can request that the TREx Process is completed retrospectively by the Relevant Person.

### **Follow up on implementation of conditions:**

- 7.3 The Secretariat may follow up with the Relevant Person whose submission has been conditionally provided with a favourable opinion to see whether the reasonable conditions have been implemented. The Relevant Person is under an obligation to implement the reasonable conditions where practical to do so in a timely manner.
- 7.4 The Secretariat may feed back to the TREx Panel on any such follow-up and/or the Relevant Person may be asked to discuss their Eligible Research with the TREx Panel in a follow-up meeting. The TREx Panel reserves the right to amend the status of their opinion depending on the outcome of such follow-up or such conditional favourable opinions.

### **Trustee Oversight:**

- 7.5 The Chair, Vice-Chair and/or Company Secretary will report annually to the Audit & Risk Committee about the TREx Process. Such report may include any patterns in issues and any category D Ethics Submissions. The annual statement of research integrity required under the Concordat will be tabled for approval by the Audit & Risk Committee and when so approved will be communicated to the UKRIO promptly thereafter and published on the Turing’s website by the Secretariat.

### **External Audit:**

- 7.6 Where practical to do so, from time to time, a sample of decisions under the TREx Process may be externally audited against the TREx Framework and any related policies. Any recommendations made by the external auditors for improvements may be made to the Company Secretary and shared with the Chair and Vice-Chair of the TREx Panel and may form part of the Chair’s/Vice-Chair’s report to the Audit & Risk Committee. Such recommendations may be incorporated into the TREx Process as the case may be.

## 8 **Record keeping**

- 8.1 All TREx Forms and outcomes of reviews at any stage of the process will be submitted to the Secretariat for processing and record keeping in accordance with the Turing’s Data Retention Policy.

- 8.2 The Relevant Person shall also ensure that a record of all completed TReX Forms and any outcomes of reviews are retained with the Research project documents in accordance with the Turing's Data Retention Policy.

## **9 Interlinking with the Data Protection Assessment Process**

- 9.1 The Turing's Data Protection Assessment Process ("**DPAP**"), which applies whenever personal data is part of a research project, interlinks with the TReX Process in three main areas, namely: (i) The Legitimate Interests Assessment ("**LIA**"); (ii) The Data Protection Impact Assessment ("**DPIA**"); and (iii) Reliance on the research exemption.

### **Legitimate Interests Assessment:**

- 9.2 Whenever the Turing processes (does something with) personal data the organisation is required to rely upon a lawful basis to do this in order to comply with data protection legislation. Where possible the Turing is encouraged to rely upon the lawful basis of *legitimate interests* as defined under applicable data protection legislation and further described in the Turing's Data Protection Policy<sup>1</sup>.
- 9.3 In-order to rely upon legitimate interests a number of steps need to be followed which are set out in the DPAP. An overview of the DPAP itself can be found on Mathison. As part of this assessment an LIA needs to be completed by the relevant person. A template LIA can be found on Mathison.
- 9.4 Section D of the LIA incorporates a "*Balancing Test*" whereby the researcher who is seeking to rely upon legitimate interests, must balance the Turing's interest against the impact on individuals. This is where the TReX Panel may assist in the administration of the DPAP.
- 9.5 The Turing's Data Protection Manager will review the LIA. Where the Data Protection Manager is unsure about the assessment of the Balancing Test, or where they would like a second opinion, the Data Protection Manager may submit a request to the TReX Panel. Such a request would set out the circumstances and the specific request made to the TReX Panel. The Data Protection Manager may also raise other data protection and ethics queries or concerns to the TReX Panel from time to time.
- 9.6 The TReX Panel will consider the question and provide their opinion to the Data Protection Manager. The Data Protection Manager will take this into consideration when finalising the review of the LIA.
- 9.7 At least once every two (2) years the TReX Panel may review a sample of LIAs in relation to the Balancing Test which have not been escalated to them for review. They will feedback any constructive comments to the Data Protection Manager about the outcome of those Balancing Tests. Such feedback will be taken into consideration by the Data Protection Manager as part of continuous improvement of the administration of the DPAP.

### **Data Protection Impact Assessment ("**DPIA**"):**

- 9.8 Research undertaken by the Turing is highly likely to require the completion of a DPIA. For more information about DPIAs see the Data Protection pages on Mathison.
- 9.9 Sections 5 and 6 of the DPIA asks the researcher to consider any ethical privacy impacts [on the individual]. The researcher will complete these parts of the DPIA.

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<sup>1</sup> This is particularly the case where large data sets from third parties is used for research for practical reasons. There are, however, situations where consent would be more appropriate such as where human participants are directly involved in the Eligible Research and so consent should not be ruled out. There may also be cases where for data protection purposes relying on legitimate interests may apply, however, for ethical purposes consent may be more appropriate.

- 9.10 The Turing's Data Protection Team review the DPIAs. Where the Data Protection Manager is unsure about the response to Sections 5 and 6 of the DPIA, or where they would like a second opinion, the Data Protection Manager may submit a request to the TREx Panel. Such a request would set out the circumstances and the specific request made to the TREx Panel.
- 9.11 The TREx Panel will consider the question and provide their opinion to the Data Protection Team. The Data Protection Manager will take this into consideration when finalising the review of the DPIA.
- 9.12 Where practical to do so, from time to time, the TREx Panel may review a sample of the responses to Sections 5 and 6 of the DPIAs which have not been escalated to them for review. They may feedback any constructive comments to the Data Protection Manager about the review of those responses. Such feedback will be taken into consideration by the Data Protection Manager as part of continuous improvement of the administration of the DPAP.

#### **Reliance on the Research Exemption:**

- 9.13 Where the Turing is undertaking Research and particularly in situations where personal data is involved, researchers are encouraged to seek to rely on the Research Exemption which is available under the data protection legislation. For more information about the Research Exemption please see the Data Protection pages on Mathison.
- 9.14 In order to rely upon the Research Exemption the researchers must demonstrate that the Research shall be undertaken within an ethical framework. Turing's position is that ALL Eligible Research must be undertaken within the TREx Framework as set out in this Policy and the TREx Process. Where researchers are not using the TREx Process, as their Research does not fall within the definition of Eligible Research, they may still submit their Research for ethical review under the TREx, or other applicable ethics process, in order to support their desire to rely upon the Research Exemption under data protection legislation. The TREx Panel will support such review where it is carried out under the TREx.

#### **General interlinking of the DPAP and research ethics at the Turing:**

- 9.15 Data protection legislation and regulations, and the associated processes, contain many ethical considerations baked into them relating to individuals and the use of their personal data. The regulator, the Information Commissioner's Office, is continually developing the regulations and practices and guidance around data protection. As such there is a significant body of information and support within the UK on this specific area with a growing body of professionals dedicated to this area of practice and development.
- 9.16 Data protection considerations relating to Research and the impact on individuals is, therefore, largely caught by the DPAP, and as such is largely carved out of the work of the TREx Panel except as stated above. Completion of the DPAP is, however, a requisite to completion of TREx Form 1 and is, therefore, still an integral part of the TREx Process. The TREx Panel may, nevertheless, consider ethical issues relating to Eligible Research containing personal data including human subjects and ethical considerations, including those related to consent in particular and safeguarding, may vary to outcomes from data protection assessments.

## **10 Related documents**

- Research Misconduct Policy
- Turing's National Security & Investments Act Policy and its associated information hub

- Turing's Export Controls Policy Statement and associated information hub.
- Turing's Safeguarding (and vulnerable adults) Policy
- Data Protection Policy
- Data Retention Policy
- TREx Form 1
- TREx Form 2
- Terms of Reference of the TREx Panel
- Turing Research Ethics Framework
- DPAP overview and tools
- Universities UK Concordat to Support Research Integrity
- Equality, Diversity & Inclusion Policy
- Safeguarding Policy

## 11 Review

<b>Board approved:</b>  <b>Last reviewed by the Audit &amp; Risk Committee:</b>	29.11.2021 and subsequently delegated to the Audit & Risk Committee.  November 2023	<b>Next scheduled review by the Audit &amp; Risk Committee:</b>  November 2026
<b>Owner:</b>	Office of the General Counsel: Corporate Governance.	<b>Interim review:</b> Company Secretary December 2024.

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