Guidance for Secondary Subjects (Form E)

Definition. Many IRBs define secondary subjects on their websites. Two of the best definitions are from Florida State and UCLA.

Florida State University. Secondary subjects exist when an investigator asks a primary subject, with whom the investigator is directly interacting, to provide information about other individuals, often family members. For example, in a well publicized twin study case, a father reviewed a research questionnaire sent to his daughter. The questionnaire contained personal questions to be asked of the daughter about her father and other family members, covering topics such as abnormal genitalia, mental illness, and substance abuse. The IRB must determine whether the information collected about the secondary subject is private, and whether confidentiality protections are adequate to ensure against improper breach; and may determine that the collection of the sensitive information about the secondary subjects without their consent would be a breach of privacy, so that consent of the secondary subject would also be required.
https://www.research.fsu.edu/research-offices/human-subjects/faq/

UCLA. Research activities often include procedures wherein the primary subject is asked by an investigator to provide potentially sensitive information, such as personal health and family history information, about family members or other social contacts. If the information provided about the family member or other social contact is private, individually identifiable information, that person becomes a secondary subject (a.k.a., third party subject).
http://ora.research.ucla.edu/OHRPP/Documents/Policy/9/Secondary_Subjects.pdf

One of the best references on the topic for researchers and IRBs is:

Botkin JR. Protecting the Privacy of Family Members in Survey and Pedigree Research. JAMA 2001; 285:207-211.

IRB Review of research involving secondary subjects. The main ethical issue with use of secondary subjects is lack of their informed consent. Federal regulations permit an IRB to waive the requirement to obtain informed consent from research subjects if certain conditions are met. The language of the regulation at 45CFR46.116(d) is as follows:

> An IRB may approve a consent procedure which does not include, or which alters, some or all of the elements of informed consent set forth in this section, or waive the requirements to obtain informed consent provided the IRB finds and documents that:
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> (1) The research involves no more than minimal risk to the subjects;
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> (2) The waiver or alteration will not adversely affect the rights and welfare of the subjects;
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> (3) The research could not practicably be carried out without the waiver or alteration; and
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> (4) Whenever appropriate, the subjects will be provided with additional pertinent information after participation.

rsb: 13 Apr 16