

Human Subjects Committee - Important Definitions

The definitions provided below are from the U.S. [Common Rule](#) and [FDA regulations](#) for the protection of human subjects in research. These definitions should be applied when determining whether a scholarly activity constitutes 'human subjects research' or a 'clinical investigation' under U.S. federal regulatory standards. Scholarly activities that are not 'human subjects research' or a 'clinical investigation' do not require IRB approval and oversight.

1. U.S. Common Rule Definitions

- a. **Research** means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

Notes to aid interpretation:

- Systematic investigations typically involve a plan or protocol to select, collect, and analyze data and/or biospecimens using quantitative and/or qualitative methods to develop or refine a protocol (e.g., hypothesis-generating, pilot testing), test a hypothesis, or answer/resolve a question.
- Activities designed to develop or contribute to generalizable knowledge are characterized both by a design that would generally be accepted by the scientific community and an intent or purpose to contribute to scientific knowledge by developing or contributing to the evidence base.
- Activities that involve unique circumstances and are not likely reproducible elsewhere are not considered generalizable. Likewise, activities that involve the implementation of an established or widely accepted practice, standard, or process, and analysis to evaluate whether implementation resulted in the desired outcome in a local setting, are generally not designed or intended to inform practice elsewhere.

b. Human Subjects

- i. **Human Subject** means a living individual about whom an investigator (whether professional or student) conducting research:
- obtains information through intervention or interaction with the individual and uses, studies, or analyzes the information or biospecimens; or
 - obtains, uses, studies, analyzes, or generates identifiable private information or identifiable biospecimens."
- ii. **Intervention** includes both physical procedures by which information or biospecimens are gathered (e.g., venipuncture) and manipulations of the subject or the subject's environment that are performed for research purposes.
- iii. **Interaction** includes communication or interpersonal contact between investigator and subject.
- iv. **Identifiable Private Information** is private information for which the identity of the subject is or may readily be ascertained by the investigator or associated with the information

- v. **Private information** includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information that has been provided for specific purposes by an individual and that the individual can reasonably expect will not be made public (e.g., a medical record).
- vi. An **identifiable biospecimen** is a biospecimen for which the identity of the subject is or may be readily associated with the biospecimen.

Notes to aid interpretation:

- “Readily ascertain” refers to circumstances or methods that may lead to or enable identification of the individuals from whom data or specimens were derived without extensive effort or expertise. For example:
 - The use of coding systems to replace direct identifiers on data when the investigator has or can obtain access to the key to the code
 - When the data or specimens are from an investigator’s own patients and the investigator may recognize individual patients because of their familiarity with the patients, or could readily re-identify patients through the review of their own records
 - When the data or specimens contain enough detail, or are about rare enough conditions, that the information could be linked to individuals without too much effort or expertise
 - Combining or comparing data with other sources of information (e.g., public records, news articles) when individual entities may become known or the combined dataset contains enough detail that identities could be ascertained without too much effort or expertise
- The Common Rule definition of identifiable information is not the same as that of HIPAA. Removal of HIPAA identifiers does not necessarily mean that the identities of individual patients are not known to, could not be recognized by, or could not otherwise be ‘readily ascertained’ by investigators
- “Interaction” encompasses on-line surveys, questionnaires, etc. even when the investigator does not receive identifiers with the data. Surveys, questionnaires, and other instruments through which the investigator solicits information and individuals respond is ‘communication’

2. U.S. FDA Definitions

- a. **Clinical Investigation** means any experiment that involves a test article and one or more human subjects.
- b. **Test Article** means any drug for human use, biologic product for human use, medical device for human use, human food additive, color additive, electronic product, or any other article subject to regulation under the [FDA] act or under sections 351 or 354-360F of the Public Health Service Act.
- c. **For drugs and biologics classified as drugs – clinical investigation** means any experiment in which a drug is administered or dispensed to, or used involving human subjects. An experiment is any use of a drug except for the use of a marketed drug in the course of medical practice. Subject means a human who participates in an investigation, either as a recipient of the investigational new drug or as a control.

- d. For medical devices and biologics classified as devices** – investigation means a clinical investigation or research involving one or more subjects to determine the safety or effectiveness of a device. Subject means a human who participates in an investigation, either as an individual on whom or on whose specimen an investigational device is used or as a control.

Notes to aid interpretation:

- FDA’s regulations apply to clinical investigations of FDA-regulated products. Other than exemptions for certain taste and food quality studies and for the emergency use of a test article when prior IRB review is not possible, FDA-regulated clinical investigations almost always require IRB approval and oversight.
- FDA’s regulations apply to the use of de-identified specimens in clinical investigations of medical devices (e.g., the use of de-identified residual clinical specimens for research evaluating the effectiveness of a diagnostic).
- The review of data generated for other purposes, such as health care, to evaluate a marketed drug, device, or biologic does not constitute an experiment and therefore is typically not subject to FDA regulations unless the data will be used to support an application to the FDA (including for changes to labeling).
- However, when marketed drugs, devices, or biologics are used in a prospective clinical investigation (e.g., when treatment is assigned or additional data are gathered or generated in order to evaluate the test article), such research is subject to FDA regulations.