厚生労働科学研究研究費補助金 特別研究事業

ヒトゲノム・遺伝子解析研究における倫理的・法的・社会的問題に関する調査研究 平成14年度 総括・分担研究報告書

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厚生労働科学研究費補助金(特別研究事業) 総括研究報告書

ヒトゲノム・遺伝子解析研究における倫理的・法的・社会的問題に関する調査研究

主任研究者 塚田 俊彦 国立がんセンター 室長

研究要旨

「ヒトゲノム・遺伝子解析研究に関する倫理指針」に基づく倫理審査委員会の設置状況や、倫理指針に関して研究者等から寄せられる疑義及びこれに対する政府の回答を整理し、その情報をホームページ上で公表した。また、本指針の英語翻訳版を作成した。さらに、特定機能病院を中心にしたアンケート調査により、遺伝子診療部門が全国的に立ち上げられている実状を明らかにした。遺伝子解析研究の情報提供に、インターネット・ホームページが有効であることを示した。

分担研究者

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A. 研究目的

我が国におけるヒトゲノム・遺伝 子解析研究において、研究試料等の 提供者及びその家族の遺伝情報を扱 うことにより起こりうる倫理的・法 的・社会的問題を認識してこれを防 ぎ、研究を円滑に推進するため、平 成13年に、文部科学、厚生労働、 経済産業の3省による「ヒトゲノム・ 遺伝子解析研究に関する倫理指針(3 省共同指針)」が告示された。また、 社会や研究者がヒトゲノム・遺伝子 解析研究に理解を深め、指針の遵守 に役立つよう、3省共同指針に関す るホームページが公開され、国内の 研究機関における倫理審査委員会の 設置状況や、研究者から寄せられる 疑義に対して、3 省を掲載して、3 省を掲載して、3 省を掲載して、1 名を掲載してに新記してに新記してに新記してに新記を負責を1 4 年会のでは、理審査委員では、理審査等をはから、1 4 年を受けるのでは、2 を表した。 2 を表した。 2 を表した。 2 を表した。 3 省を掲載した。 2 を表した。 3 省を担けるのでは、2 を表した。 3 省をのでは、2 を表した。 4 を表した。 4 を表した。 4 を表した。 4 を表した。 4 を表した。 5 をのでは、2 をのでは、2 をのでは、2 をのでは、2 をのでは、3 省をのでは、2 をのでは、2 をのでは、2 をのでは、2 をのでは、3 省をのでは、2 をのでは、2 をのでは、3 省をのでは、3 省をのでは、3 省をのでは、4 をのでは、4 をので

また、共同指針に遺伝カウンセリングに関する項目が盛り込まれたため、大学病院や国立医療機関を中心として、遺伝子診療部門が設置されつつある。本研究ではその現況と問題点を明らかにする。

ヒトゲノム・遺伝子解析研究の円

滑な推進のためには、ゲノムや遺伝 子及び科学研究に関する正しい知識 を一般社会に広く敷衍する必要があ る。本研究においては、医学や先端 科学技術に関する情報を一般社会に 効率良く提供する方法を探る。

B. 研究方法

3 省共同指針の英語翻訳は、平成 13年度厚生労働科学研究費補助金 による特別研究事業「ヒトゲノム・ 遺伝子解析研究に関する倫理指針の 運用に関する研究」(主任研究者: 山口建)において作成された英文粗 訳を、米国の遺伝子解析研究者(Dr. S. Wang, アイオワ保健機構ヒト遺伝子 治療研究所スタッフ研究者)及び生 命倫理学者 (Dr. D. Keyworth, Drake 大学名誉教授、Dr. J. McCrickerd, Drake 大学助教授) の助言を受けて改 訂した。また、国内の遺伝子解析・ 倫理学の専門家(武藤香織 信州大学 医学部講師、白井泰子 国立精神·神 経センター精神保健研究所室長、徳 永勝士 東京大学大学院医学研究科 教授、土屋貴志 大阪市立大学大学 院文学研究科助教授、佐藤恵子 和 歌山県立医科大学教養部講師)と翻 訳検討会を開催し、さらに電子メー ルによる情報交換により改訂作業を 進めた。法律名や省庁名の英訳に関しては、厚生労働省大臣官房厚生科学課を通じて、政府関係者の意見を求めた。

また、先端科学技術とこれに関わる倫理問題の広報を、インターネットを介して行い、その有効性を検討した。方法としては、遺伝子解析に関わる先端技術とその倫理問題の Web ページの作成、及び Web ページの一つであるダウン症データライブラリの利用状況の解析を行った。

(倫理面への配慮)

本研究においては、直接人体や動物を対象とする実験的研究を行わない。 また、特定の個人や集団に関する情報を扱う調査を行わない。共同指針に関する疑義問い合わせの内容及び質問者の公表に際しては、質問者の身元を確定できないよう配慮した。

C. 研究結果

3省共同指針の運用状況に関する 調査の結果、平成14年度中に新規 登録された倫理審査委員会は39件、 3共同指針に関する疑義問い合わせ は16件であった。その内容等は、 「ヒトゲノム・遺伝子解析研究に関 する倫理指針ホームページ」 (http://www2.ncc.go.jp/elsi/) に公表した。また、3省共同指針の英文翻訳を完成した(資料1)。

遺伝子診療部門に関するアンケート調査では、アンケートを依頼した85施設中75施設から回答を得た(回答率88%)。その内、すでに遺伝子診療部門を設置した施設は33(44%)、おわせて61施設(81%)であった。一方、遺伝子診療部門を設置する予定のない進伝子診療部門を設置する予定のないた。以上の結果より、我が国においても急速に遺伝子診療部門が立ち上がりつあることが明らかになった。

インターネットを介した情報伝達の有効性の解析に関して、Webページ(http://www.sainet.info/work/20030214/u0000.html)を作成した。また、既存のダウン症データライでを行ったが見れて解析を行った。での利用推移について解析を行ったのお果、一般の非専門家が利用をの結果、初後「医療」を経っての治理をできた。するの利用を対してある。一方、専門家は「リンク情報」の利用が増え、他の情報源を見りが出まるが、と利用をしてラインの利用が増え、他の情報源を見りまた。

D. 考察

 している可能性がある。一方、新たな倫理審査委員会の登録数の減少は、 遺伝子解析研究を行う研究機関においては、指針に準拠した倫理審査委 員会の設置がほぼ完了しつつあることを示している可能性が考えられる。

遺伝子診療は、遺伝や遺伝子の情 報を適切に医療の場で用いるための 診療行為である。これを進めていく 上で重要なことは、問題解決を望む 個々人の「自発性と自己決定」であ り、診療方針決定に際しては、他の 人から強制されることがあってはな らない。また遺伝子診療は他の医療 行為と同じく当事者の幸福のために 行われるのであり、国家や次世代の ために行われるのではなく、個々人 の遺伝子情報の厳格な守秘を可能と する診療体制を構築しなければなら ない。遺伝子診療は主治医対患者と いう従来の医療の枠組みだけで行う ことは困難であり、種々の専門家が 協力するチーム医療としての取り組 みが必要である。従来、我国におい ては遺伝子診療のシステム作りが極 めて遅れていることが指摘されてい たが、今回の調査で明らかになった ように、現在急速に大学病院を中心

一般にインターネットは情報提供 者からの垂れ流し状態に終わること が多いと考えられるが、今回の調査 では、インターネットによる情報提 供は、情報の受け手を把握し、その 動向を調べることにより、社会のニ ーズや問題を把握することができる 可能性が示された。遺伝子解析研究 に関しても、インターネットは社会 の理解を得るための情報開示や広報 に有効な方法と考えられるが、単に 情報の提供だけでなく、提供側が受 け手のフィードバックを受けること により、情報内容や提供法を一層有 用で効果的なものに改善できる可能 性がある。

E. 結論

本研究では、ヒトゲノム・遺伝子解析研究の倫理指針に関わる情報を開発して、指針の英にはの英にはの英にはの英にはの英には、指針を作成した。とさら上がって、近公とは、一次を明らかにした。インターネッととがあるにとを示した。

F. 健康危険情報

なし

G. 研究発表

1. 論文発表

塚田俊彦:多内分泌腺腫瘍症1型 の遺伝子診断とその意義。内分泌 外科19:149-154,2002 塚田俊彦:多内分泌腺腫瘍症1型 の遺伝子診断。医療:2003(印刷 中)

Wakui K, Toyoda A, Kubota T, Hidaka E, Ishikawa M, Katsuyama T, Sakaki Y, Hattori M, Fukushima Y: Familial 14-Mb deletion at 21q11.2-q21.3 and variable phenotypic expression. J Hum Genet 47:511-516, 2002 Shirohzu H, Kubota T, Kumazawa A, Sado T, Chijiwa T, Inagaki K, SuetakeI, Tajima T, Wakui K, Miki Y, Hayashi M, Fukushima Y, Sasaki H: Three novel DNMT3B mutations in Japanese patients with ICF syndrome. Am J Med Genet 112:31-37, 2002

Muroya K, Yamamoto K, Fukushima Y, Ogata T: Ring chromosome 21 in a boy and a derivative chromosome 21 in the mother: Implication for ring chromosome formation. Am J Med Genet 110: 332-337, 2002 Kurotaki N, Imaizumi K, Harada N, Masuno M, Kondo T, Nagai T, Ohashi H, Naritomi K, Tsukahara M, Makita Y, Sugimoto T, Sonoda T, Hasegawa T, Chinen Y, Tomita H, Kinoshita A, Mizuguchi T, Yoshiura K, Ohta T, Kishino T, Fukushima Y, Niikawa N, Matsumoto N: Haploinsufficiency of NSD1 causes Sotos syndrome. Nature Genet 30: 365-366, 2002

Kondoh S, Sugawara H, Harada N, Matsumoto N, Ohashi H, Sato M, Kantaputra PN, Ogino T, Tomita H, Ohta T, Kishino T, <u>Fukushima Y</u>, Niikawa N, Yoshiura K: A novel gene is disrupted at a 14q13 breakpoint of t(2;14) in a patient with mirror-image polydactyly of hands and feet. J Hum Genet 47: 136-139, 2002

福嶋義光:ヒトゲノム・遺伝子解析に関する倫理指針。長崎医学会雑誌 77:174-177, 2002

福嶋義光:キャリーオーバー患者の母性・父性医療:遺伝カウンセリングを中心に。日本小児科学会雑誌 106:1599-1602, 2002

福嶋義光: 家族性腫瘍の遺伝カウンセリングの実際と課題。 Cancer Frontier 4:66-68, 2002

吉田邦広, 玉井真理子, 久保田健夫, 川目裕, 天野直二, 池田修一, 福嶋義光:遺伝性神経筋疾患における発症前遺伝子診断の現状と課題一当院遺伝子診療部の事例に基づく検討。臨床神経学 42:113-117, 2002

福嶋義光:遺伝子研究の倫理的側面(特集:精神医学研究を遺伝学から今一度見直す)。脳と精神の医学(日本生物学的精神医学会認定準機関誌)13:275-281,2002 櫻井晃洋,福嶋義光:遺伝子診断と遺伝カウンセリング。日本臨時後間では、12:5-8,2002

福嶋義光:遺伝子診断と倫理(特集:遺伝子診断・遺伝子治療)。 ファルマシア(日本薬学会)38: 399-402, 2002

福嶋義光:遺伝子診断はどこまで 進むか(臨時増刊 21世紀の医療 と創薬)。月刊薬事 44:613-617, 2002

福嶋義光: 遺伝カウンセリング(知っておきたい 200 words 一現代医学理解のために)。医学のあゆみ200: 1093-1094, 2002

福嶋義光:遺伝子診断と生命倫理-遺伝子診断に関連した倫理指針。 医学のあゆみ 200: 859-862, 2002 福嶋義光:精神医学用語解説 232. 遺伝カウンセリング。臨床精神医学 31:342-343, 2002

櫻井晃洋,<u>福嶋義光</u>:遺伝子診断 と遺伝カウンセリング(特集:新 時代を迎えた糖尿病治療)。臨床 と研究 79:26-29,2002

福嶋義光: 遺伝子解析に関連する 倫理指針と遺伝カウンセリング。 内分泌・糖尿病科 114:100-104, 2002

<u>福嶋義光</u>:ゲノム医療の倫理(主題:わかりやすいゲノム・再生医療の基礎・現状・展望)。medicina 39:402-403, 2002

福嶋義光:遺伝性疾患と生活習慣. 医師と患者のための医学講座「生活習慣と健康」健康増進と疾病予防のための生活改善(編集:日本医師会学術企画委員会、総監修:和田攻)。東京法規出版 pp. 228-239, 2002

福嶋義光: Prader-Willi 症候群の遺伝カウンセリング。Prader-Willi 症候群 臨床からケアまで。診断と治療社. pp. 134-137, 2002 古川徹生、<u>巽純子</u>、溝口佳寛、佐藤大、藤田弘子: ダウン症データライブラリの利用者別ニーズの分

析。医療情報学 22 (Supp1): 349-350, 2002 溝口佳寛、 古川徹生、佐藤大、 <u>巽</u> 純子: 障害者支援文書による仮想 図書館管理インターフェース開発 の試み、医療情報学、22 (Supp1): 738-739, 2002

2. 学会発表

H. 知的財産権の出願・登録状況 なし

ETHICS GUIDELINES FOR HUMAN GENOME/GENE ANALYSIS RESEARCH

March 29, 2001

Ministry of Education, Culture, Sports, Science and Technology
Ministry of Health, Labour and Welfare
Ministry of Economy, Trade and Industry

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INTRODUCTION

The promotion of scientific research is an important element achieving a society in which people can live healthy and fulfilling lives. In this context, human genome/gene analysis research begun in the latter half of the twentieth century has made significant contributions to the progress of both life science and health care science and is starting to play an important role in the development of the health and welfare of humanity and the growth of new industries.

It is also true that human genome/gene analysis research depends largely on research activities targeted at individuals, and that genetic information obtained in the course of research reveals genetic predispositions of both donors (those persons who provide a human specimen for human genome/gene analysis research) and their blood relatives. which might cause various ethical, legal or social problems. Therefore, research must be conducted properly on the basis of respect for human dignity and human rights as well as understanding and cooperation from society. For these purposes, the protection of the rights of individual donors should be given priority over scientific or societal benefits in accordance with ethical standards stipulated in such documents as the Helsinki Declaration of the World Medical Association. It is also essential that society be given adequate explanation of the less positive aspects of research and that research be conducted on the basis of this understanding. As Japan has yet to fully establish standards regarding overall human genome/gene analysis research that could respond to the aforementioned demands, it has become an urgent issue to establish such specific guidelines so that human dignity will be respected, the human rights of donors and their families or blood relatives will be protected and research will be conducted properly.

The present ethics guidelines to be applied to overall human genome/gene analysis research were jointly prepared and are presented to society at large by the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare and the Ministry of Economy, Trade and Industry, as stipulated in the "Fundamental Principles of Research on the Human Genome" (issued by the Bioethics Committee of the Council for Science and Technology on June 14, 2000), which in turn was established based on such documents as the "Universal Declaration on the Human

Genome and Human Rights" by the United Nations Educational, Scientific and Cultural Organization (UNESCO), and also with reference to the "Guidelines for Bioethical Problems Associated with Genetic Analysis Research" (from the Advanced Medical Technology Evaluation Committee of the Health Sciences Council on April 28, 2000).

Any and all parties who are involved in human genome/gene analysis research are required to comply with the present Guidelines.

<Note>

With the enforcement of the present Guidelines, the "Guidelines for Bioethical Problems Associated with Genetic Analysis Research" shall be abolished and replaced with the present Guidelines.

PART I: BASIC IDEAS

1. Basic Principles

The present Guidelines were established, based on the special characteristics of human genome/gene analysis, and are to be applied to all human genome/gene analysis research and observed in every research locale. The following matters are set as basic principles of the present Guidelines so that human dignity and human rights will be protected and research will be promoted properly based on an understanding from and cooperation of society:

<Note>

Recognizing the special characteristic of human genome/gene analysis research various problems might be raised as a result of genetic information obtained in the course of research possibly revealing genetic predispositions of both donors and their blood relatives, the definitions and scope of research to which the present Guidelines should apply are stipulated under 14 (3) below.

(1) respect for human dignity

(2) adequate prior explanation and informed consent on the basis of free will

- (3) thorough protection of personal information
- (4) conduct of socially beneficial research that contributes to the knowledge, health and welfare of humanity
- (5) priority of individual human rights protection over scientific or societal benefits
- (6) guarantee of the propriety of research through preparation of and compliance with research protocols pursuant to the present Guidelines as well as prior review and authorization by the ethics review committee established as an independent body
- (7) guarantee of transparency of research through on-site investigation of research progress by third parties as well as release of research results into the public domain

2. Scope of Application

The present Guidelines shall apply to human genome/gene analysis research and require researchers and equivalent persons to comply with them.

<Subrule 1: Subrule Concerning Research Conducted Prior To The Enforcement Of The Present Guidelines>

Although the present Guidelines do not apply to ongoing human genome/gene analysis research begun prior to the enforcement of these Guidelines, such research should be conducted in line as closely as possible with them.

- <Subrule 2: Subrule Concerning Collaborative Research With Overseas</p>
 Institutions>
- 1. In conducting collaborative research with an overseas institution, the ideas prescribed in these Guidelines shall still be observed and human dignity and human rights shall be respected, with regard to the process of human specimen provision, the significance of human genome/gene analysis research, etc. in the country where such research is conducted.
- 2. Research shall, in principle, be conducted pursuant to the criteria under

these Guidelines while observing laws, guidelines and the like stipulated in the country where such research is conducted.

3. When guidelines in the country where such research is conducted are more rigorous than these Guidelines, research shall be conducted in line with the more rigorous guidelines.

The issue of clinical examinations or equivalent human genome/gene analyses which are conducted in the course of a medical treatment and whose results are medically established as instruments to be utilized directly for the medical treatment of donors and their blood relatives will have to be carefully discussed in the future as a matter regarding medical treatment, and the present Guidelines therefore do not apply. However, medical doctors giving treatment should, with the purposes of the these Guidelines in mind, take appropriately responsible measures on their own with regard to human genome/gene analysis, referring to guidelines etc. prepared by pertinent academic societies or other authorized organizations.

PART II: DUTIES OF RESEARCHERS AND EQUIVALENT PERSONS

3. Basic Duties of All Researchers and Equivalent Persons

- (1) All researchers and equivalent persons shall conduct human genome/gene analysis research for the purposes of elucidating life phenomena, preventing diseases, improving diagnosis and treatment protocols, promoting health, etc.
- (2) All researchers and equivalent persons shall ensure the societal usefulness of their human genome/gene analysis research and shall pay attention to the protection of individual human rights by prioritizing them over scientific or societal benefits.
- (3) All researchers and equivalent persons shall make it a basic practice to conduct human genome/gene analysis research only after providing adequate explanation to donors, their proxy consenters or equivalent persons and obtaining informed consent based on their free will.

- (4) All researchers and equivalent persons shall not, in the absence of any justifiable reason, divulge personal information obtained in the course of their profession. This shall continue to apply after they resign from their profession.
- (5) All researchers and equivalent persons shall strive to protect personal information and shall also respond in good faith to questions, complaints, etc. concerning the handling of personal information.
- (6) All researchers and equivalent persons shall, when any serious doubt in terms of the protection of human rights of donors or equivalent persons arises, such as an unexpected divulgence of personal information, immediately report this to both the director of their research institution and a principal investigator.
- (7) All researchers and equivalent persons shall conduct human genome/gene analysis research in compliance with these Guidelines and with respect for human dignity and human rights by, for instance, conducting research in accordance with a research protocol as authorized by the ethics review committee and approved by the director of their research institution.
- (8) All researchers and equivalent persons shall strive to guarantee transparency of research through, for instance, securing of the proper process for research conduct, on-site investigations by qualified external persons, appropriate responses to inquiries from donors or equivalent persons regarding research progress and the release of research results into the public domain.
- (9) All researchers and equivalent persons shall, in consideration of the fact that human specimen provision is based on goodwill, make efforts to limit the amount of human specimen provision from people by, for instance, properly preserving and utilizing specimens already provided.

4. Duties of Directors of Research Institutions

(1) Directors of research institutions shall assume the final responsibility for the conduct

of human genome/gene analysis research in their institution and shall oversee principal investigators and research conductors so that they will conduct research properly in accordance with a research protocol. In doing so, the directors of research institutions shall strive to have all parties concerned with their institution understand thoroughly that they should protect the human rights of donors and equivalent persons as much as possible and that they may be subject to penalties, such as disciplinary actions, if they violate these Guidelines, a research protocol or the like.

<Subrule Concerning Examples Of Directors Of Research Institutions>

The following positions are examples of directors of research institutions:

- Hospital Director
- Public Health Care Center Director
- Dean of Faculty of Medicine
- Director of Laboratory.
- (2) Directors of research institutions shall take adequate measures for the prevention of personal information divulgence.

<Subrule Concerning Measures For Personal Information Protection>

Processes, equipment and regimes shall be arranged to pursue the rigorous management of personal information. In using computers, for instance, some measures should be taken for this purpose; one example is to separate computers processing personal information from other computers.

(3) Directors of research institutions, such as human specimen collecting institutions, that handle personal information shall designate a personal information custodian for the purpose of protecting personal information in human genome/gene analysis research. Directors may, as required, also designate, upon specifying a chain of command, a cocustodian or an assistant who conducts actual operations under the supervision of a personal information custodian.

<Subrule Concerning Requirements For Personal Information Custodians>

- 1. A personal information custodian/co-custodian shall be a person, such as a medical doctor or pharmacist, who is prohibited from divulging confidential information obtained in the course of their profession under Article 134 of the Criminal Code (Law No.45 of 1907), Article 100 of the National Public Service Law (Law No.120 of 1947) or any other provision of law.
- 2. A personal information custodian/co-custodian may not simultaneously hold the position of principal investigator or research conductor conducting human genome/gene analysis research (excluding human specimen provision) using human specimens to be provided by the personal information custodian/co-custodian.
- (4) Directors of research institutions shall establish an ethics review committee as an advisory board to review the propriety of conducting human genome/gene analysis research etc. When, however, it is difficult to set up an ethics review committee for reasons such as the small size of a human specimen collecting institution, an ethics review committee established by a collaborative research institution, a public service corporation or an academic society may be substituted for an internal one.

<Subrule 1: Subrule Concerning The Establishment Of An Ethics Review Committee>

When a committee with the similar function already established in a research institution is reorganized as an ethics review committee meeting the present Guidelines, it does not have to be renamed as an Ethics Review Committee.

<Subrule 2: Subrule Concerning Handling Of Collaborative Research>

In the case of collaborative research, authorization for a research protocol shall be obtained from the ethics review committee of each institution, and the director of each research institution shall, in consulting the propriety of conducting research, obtain important information, such as the progress of authorization for the research protocol in other research institution(s), progress in obtaining informed consent and progress of anonymization, and submit the information to the ethics review committee of his/her research institution.

- (5) Directors of research institutions shall, with regard to any research protocol or alteration thereof, respect the opinions of the ethics review committee in determining whether or not to approve it. Directors of the research institutions shall not approve the conduct of research for which the ethics review committee submits the opinion of authorization denial.
- (6) Directors of research institutions shall keep track of the progress of human genome/gene analysis research by, for instance, receiving a research progress report on a regular basis, at least annually, and implementing an on-site investigation by qualified external persons on a regular basis, at least annually, and shall order the research altered or discontinued based on the ethics review committee submitting the opinion of alteration or discontinuation, or if necessary for any reason.

<Subrule Concerning On-Site Investigation By Qualified External Persons>

- 1. Directors of research institutions shall, with regard to the progress of the process for obtaining informed consent and progress of personal information protection, have on-site investigations conducted to check that those processes are conducted in accordance with the relevant research protocol.
- 2. Director of research institutions shall have principal investigators and research conductors cooperate with on-site investigations.
- 3. External investigators shall not, in the absence of any justifiable reason, divulge information obtained in the course of an on-site investigation. This shall continue to apply after they resign from their positions.
- (7) Directors of research institutions shall deliver to a personal information custodian a copy of an approved research protocol, a copy of regular reports regarding research progress and a copy of on-site investigation results conducted by qualified external persons.
- (8) Directors of research institutions shall deliver to the ethics review committee a copy of regular reports regarding research progress and a copy of on-site investigation results conducted by qualified external persons.

- (9) Directors of research institutions shall properly respond to complaints, inquiries, etc. from donors and equivalent persons by, for instance, setting up a special route to receive such complaints etc.
- (10) Directors of human specimen collecting institutions shall, in principle, anonymize a human specimen when providing it to an external institution, (When the human specimen collecting institution also conducts human genome/gene analysis research, its research division shall be considered to be an external institution).

<Subrule Concerning Provision Of Unanonymized Human Specimens To External Institutions>

When a donor, proxy consenter or equivalent person agrees to the provision of an unanonymized human specimen to an external institution and, at the same time, a research protocol authorized by the ethics review committee and approved by the director of a research institution allows for the provision of unanonymized human specimens to external institutions, anonymization is not required.

(11) Directors of human specimen collecting institutions shall, as required, ensure that donors and their families or blood relatives will be able to receive genetic counseling by, for instance, establishing a pertinent genetic counseling system or explaining about genetic counseling and making referral to pertinent genetic counseling services.

<Subrule Concerning Referral To Genetic Counseling Organizations>
When a human specimen collecting institution does not have an internal genetic counseling system, the institution shall, if a donor and his/her family or blood relative desires genetic counseling, make referral to pertinent genetic counseling services.

5. Duties of Principal Investigators

(1) Principal investigators shall, prior to conducting human genome/gene analysis