



Confidentiality and Disclosure: a guide for applicants, peer reviewers and commissioning panel members

Research proposals are considered confidential by the NIHR CCF; that is they contain information that is considered critical to an organisation's on-going operations and could seriously impede them if made public or shared internally. They may also contain material considered personal by the Data Protection Act and will therefore be handled in accordance with this Act at all times. Our Privacy and Data Protection statement is available [here](#).

Information contained within research proposals must necessarily be divulged to third parties in order to make funding decisions. Disclosure of information within proposals is tightly controlled as follows:

1. Confidentiality of applications

The National Institute for Health Research Central Commissioning Facility (NIHR CCF) takes all reasonable steps to ensure that the contents of grant proposals are treated as confidential. Proposal forms and any associated papers are sent to and received by reviewers and Panel members in confidence. Electronic information may be transferred through the secure NIHR CCF website, by email or on encrypted, password-protected discs by secure carrier. Paper information is sent by secure carrier. NIHR CCF staff do not disclose or discuss the content of any proposal submitted with any individuals outside the NIHR CCF or the Department of Health (DH), except for peer reviewers and commissioning panel members.

By acting as peer reviewer or commissioning panel member, individuals are agreeing to treat as confidential all research grant proposals sent to them by NIHR CCF. They must not disclose the fact that the applicant has applied to NIHR CCF for a research grant nor the content of the research grant to any other person (including work colleagues) without the prior written consent of the applicant, obtained via NIHR CCF. Equally they must not use the information in the research grant proposal for any purpose other than providing a review of it to NIHR CCF or the commissioning panel. In addition, any personal information contained within the proposal must be treated according to the Data Protection Act and therefore must not be disclosed to any third party, without prior written consent of the individual concerned.

Proposals will not be reviewed by individuals where there is a known conflict of interest. Detailed guidance on what constitutes a conflict of interest and how it is handled can be found in the appendix.

2. Data security

The NIHR CCF stores all electronic information in secure premises and any electronic information removed from secure premises by NIHR CCF staff is encrypted and password protected. Peer reviewers and panel members are expected to maintain this level of electronic data security.

All individuals who are sent copies of proposals and any associated documents, whether electronic or paper copies, must ensure that these are not retained indefinitely. In general, paper copies collated as panel papers should be left behind for shredding on the day of the meeting or until the final decisions are reached for meetings lasting more than one day. Electronic records may be retained until contract negotiations for successful proposals are completed, after which point they must be deleted.

3. Confidentiality of peer review response

Peer review responses are considered confidential. Anonymised responses will be disclosed to the authors of the research proposal. Any sections of peer review forms which are not disclosed to the authors of the research proposal are clearly marked. Receipt of the peer review form from the NIHR CCF,

and subsequent completed return, form a 'mutual confidentiality agreement' covering the response. This information will not be released without prior consent unless it is seen to be overwhelmingly in the public interest, i.e. when the benefits of disclosure outweigh the duty of confidentiality.

4. Confidentiality of peer reviewer identity

Peer reviewer identity is not disclosed to applicants and anonymous responses are returned to applicants. It may be disclosed to panel members, except where there is a conflict of interest. Lists of those undertaking peer review for NIHR CCF are not published.

5. Confidentiality of panel member discussions

Panel member discussions are recorded during the meeting and form the basis of the panel meeting minutes and the feedback/decision letters to applicants. Comments are not attributed to individual panel members. The minutes are considered confidential and the complete minutes are circulated to panel members, NIHR CCF and DH staff involved in the commissioning process. Panel Members must not disclose details of panel discussions or decisions to anyone outside the Panel, DH or NIHR CCF. Individuals assigned to lead discussion (Lead Assessors or Designated Panel Members) are not disclosed to applicants.

6. Confidentiality of panel member identity

Panel member identity is not considered confidential. Names and affiliations of panel members are published on the NIHR CCF website and in other relevant documents.

7. Confidentiality – for lay reviewers

Additional support is available for lay reviewers and panel members. Please contact the [NIHR CCF Patient and Public Involvement team](#) if necessary.

8. Freedom of Information Act

The Freedom of Information (FoI) Act (2000) applies to public bodies including NIHR. It gives individuals rights to access information held about them by UK government. Any person can make a request under the Act - no restrictions on age, nationality, or place of residence. Any information can be requested - but some information might be withheld to protect various interests which are allowed for by the Act. Research proposals and peer review reports are considered to be received in confidence and are therefore covered by the exemption in Section 41 (see below).

Exemptions under the FoI Act which may be relevant to information contained in research proposals and related documents are given below:

Under Section 12 - the Department reserves the right to refuse a request where the cost of researching, extracting or copying the information is disproportionately high (*i.e.* >£450 or more than 2.5 days work)

Section 14 - Repeated requests for information or vexatious requests (*"Vexatious" is undefined in the Act*)

Section 21 - Where information is reasonably accessible to the applicant by other means

Section 22 - Information intended for future publication - where release would result in the premature publication of research

Section 23 - Information supplied by, or related to, bodies dealing with security matters

Section 27 - International relations – where disclosure would, or would be likely to, prejudice relations between the UK and any other state or international organisation, or international court, interests of UK abroad etc.

Section 36(2)b - Prejudice to effective conduct of public affairs - where disclosure would, or would be likely to, inhibit the free and frank provision of advice, or the free and frank exchange of views for

purposes of deliberation, or would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs

Section 38 - Health and Safety - where release might result in the compromising of physical or mental health, or personal security (*includes information involving animal data and other sensitive areas of research*)

Section 40 - Personal information - which is covered by the Data Protection Act, involving the disclosure of personal information

Section 41 - Information provided in confidence - by a third party

Section 43 - Commercial interests - where release might result in breach of commercial confidentiality

Section 21, 23, 36, 40 and 41 exemptions are absolute exemptions i.e. they apply without qualification to information that falls within their scope. The other exemptions listed are qualified exemptions in that they are subject to a public interest test, i.e. they apply only where, on a proper assessment, the balance of the public interest is against disclosure. These cases will be decided by the DH.

A summary of how information is handled by NIHR CCF is given in the following table:

Type of Information	Disclose to peer reviewers	Disclose to panel members	Disclose to applicants	Disclose to the public, if requested under FOI	Published on website and in other Programme documents
Peer review comments	No (other peer reviewers)	Yes	Yes (anonymous)	No	No
Peer reviewer name	No	Yes (if no conflict of interest)	No	No	No
List of panel members	Yes	Yes	Yes	Yes (publicly available)	Yes
Attendance at panel meeting, as recorded in minutes	Yes	Yes	Yes	Yes	Yes
Names of Lead Assessors/ Designated Panel Member	No	Yes	No	No	No
Panel meeting minutes	No	Yes	Only those parts relating to applicant's own proposal	No	No
Complete or part proposals	Yes (if no conflict of interest)	Yes (if no conflict of interest)	Only applicant's own proposal	No	Only applicant approved abstracts from successful proposals. Includes Principal Investigator name and affiliation.
Ethnicity and disability monitoring information	No	No	Only applicant's own details	No	No

Appendix: Handling Conflicts of Interest

It is essential that the personal and institutional interests of those involved in reviewing research proposals do not influence the decision making process. All those involved share responsibility for ensuring this. Accordingly, it is important that panel members and peer reviewers are aware of what constitutes a potential or actual conflict of interest (COI). This is set out in the following document.

PANEL MEMBERS

General

The responsibility for disclosing any COI rests with the panel member concerned and should be declared as soon as the conflict is realised. NIHR CCF staff will also identify potential COI. Instances of COI are identified below. If a panel member remains in any doubt about a potential COI they should take advice from the chair and the panel at the time. Panel members must decline to act as Lead Assessor/Designated Panel Member where there is a COI. Panel members have a responsibility to return, or to confirm destroyed, any documents they receive related to an application for which they are confirmed as conflicted.

Procedure at Panels

Members with COI must leave the room during formal discussion and initial scoring of the application with which they are conflicted. There is no provision for an individual to remain in the room but play no role in the discussion of a proposal. They must also remain silent if the decision on a proposal where they have a COI returns to the table at the overview/priority-setting stage and leave the room if asked, or volunteer to do so if the debate appears likely to be reopened. Conflicts of interest will be recorded in the panel minutes. Where the chair is conflicted, a panel member will be designated as chair for those proposals. All declared COI are recorded in the minutes of the panel meeting.

Instances of conflict

- 1. Originators and co-applicants**

Originators and co-applicants are always considered conflicted and must follow the procedure above. They may be told the outcome of the panel's discussion at the close of the meeting but must wait for the formal written outcome letter from the Programme Secretariat before sharing this decision with anyone outside the meeting. Assessors' comments (both internal and external) will not be available to the panel member concerned, either within their agenda papers or as tabled papers.

- 2. Collaborators**

Active collaborators in the proposed research should leave the room while the application is considered. Current collaboration with any applicant in research other than the specific project under consideration or any historical collaboration with the research team should be declared and the decision whether or not this represents a significant COI is guided by discussion with the chair.

- 3. Panel Members from the same institution as the prospective researchers**

Panel members from the same institution as the research team should leave the room if they are closely associated with the department or unit concerned. If the link is more tenuous, it should be declared and the decision whether or not this represents a significant COI is guided by discussion with the chair. A current or recent past line management relationship is always seen as a COI.

- 4. Competitive and commercial interests**

Panel members must never derive academic or commercial competitive advantage from knowledge they acquire in the process of reviewing proposals. They are considered conflicted if they are involved in or planning to undertake any academic or commercial activity which is similar to that covered by the proposal. In all cases, the interest must be declared and the decision whether or not this represents a significant COI is guided by discussion with the chair. Panel members must declare anything that would be likely to compromise the independence of their opinion.

- 5. Personal Relationships**

Where panel members have a close personal relationship with an applicant they should declare an interest and leave the room when the application is under consideration.

PEER REVIEWERS

General

Wherever possible, COI are avoided through careful selection of reviewers by NIHR CCF staff. However, some relationships may not be apparent and so the guidance below should be followed. In addition, in some specialist/niche areas of research it is likely that avoiding any conflict is impossible. In these cases, the NIHR CCF will seek to keep these to a minimum. The responsibility for disclosing any COI rests with the peer reviewer concerned and should be declared as soon as the conflict is realised. If there is any doubt about a potential COI, peer reviewers should take advice from the NIHR CCF programme manager. Peer reviewers have a responsibility to return, or to confirm destroyed, any documents they receive related to an application for which they are confirmed as conflicted.

Instances of conflict

1. Collaborators

Active and frequent collaborators are considered conflicted. Historical collaboration with the research team should be declared and the decision whether or not this represents a significant COI is guided by discussion with the NIHR CCF programme manager.

2. Peer reviewers from the same institution as the prospective researchers

Peer reviewers that are closely associated with the department or unit concerned are conflicted. Where the link is more tenuous, the peer reviewer should not be used unless there is no alternative. A current or recent past line management relationship is always seen as a COI.

3. Competitive and commercial interests

Peer reviewers must never derive academic or commercial competitive advantage from knowledge they acquire in the process of reviewing proposals. They are considered conflicted if they are involved in or planning to undertake any academic or commercial activity which is similar to that covered by the proposal. In all cases, the interest must be declared to the NIHR CCF. Peer reviewers must declare anything that would be likely to compromise the independence of their opinion.

4. Personal Relationships

Peer reviewers are considered conflicted if they have a close personal relationship with an applicant.