



HRP-312 | 12/1/2025

WORKSHEET: Exemption

The purpose of this worksheet is to provide support for Designated/Staff Reviewers granting exemption determinations. It does not need to be completed or retained.ⁱ

1. GENERAL EXCLUSIONS FROM EXEMPTIONS (Check if “Yes”. If any are checked, the research is not exempt.)

- The research is FDA-regulated.ⁱⁱ
- The research involves Prisoners, conducted or funded by DHHS, Dept. of Defense (DOD)ⁱⁱⁱ, or Veterans Administration (VA), and is NOT aimed at involving a broader subject population that only incidentally includes prisoners.
- The research involves interactions with Prisoners.^{iv}
- The research is classified and conducted or funded by the Department of Energy (DOE) (may be reviewed by convened IRB only).^v

2. Criteria for approval of exempt research (Check if “Yes”)

- The research involves no more than Minimal Risk to subjects. **(Must be checked.)**
- Selection of subjects is equitable. (That is, the research is appropriate for the population being studied.) **(Must be checked.)**
- There is recording of identifiable information. (If checked, the following must also be checked.)
 - There are adequate provisions to maintain the confidentiality of the data.
- There are interactions with subjects: **(If checked, all of the following must also be checked.)**
 - There will be a consent process.
 - The consent process will disclose that the activities involve research.
 - The consent process will disclose the procedures to be performed.
 - The consent process will disclose that participation is voluntary.
 - The consent process will disclose the name and contact information for the investigator.
 - There are adequate provisions to maintain the privacy interests of subjects.
 - Permission for use of data can be withdrawn for exempt research activities involving the collection and use of identifiable data.
 - Contact information for the VA researcher.

2018 Requirements

NOTE: For Exempt determinations on or after January 21, 2019, complete section 3. If this study is subject to Pre-2018 Common Rule requirements or is DOJ-regulated, move to sections 4 and 5 below.

3. The research falls into one or more of the following categories (One or more categories must be checked)

- 1. Research conducted in established or commonly accepted educational settings, that specifically involves normal educational practices that are not likely to adversely impact students' opportunity to learn required educational content or the assessment of educators who provide instruction. This includes most research on regular and special education instructional strategies, and research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

- 2. Research that only includes interactions involving educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior (including visual or auditory recording) if at least one of the following criteria is met:
 - (i) The information obtained is recorded by the investigator in such a manner that the identity of the Human Subjects cannot be readily ascertained, directly or indirectly through identifiers linked to the subjects; OR
 - (ii) Any disclosure of Human Subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation; OR
 - (iii) The information obtained is recorded by the investigator in such a manner that the identity of the Human Subjects can be readily ascertained, directly or indirectly through identifiers linked to the subjects, AND an IRB conducts limited IRB review. **(See HRP-319 – WORKSHEET – Limited IRB Review and Broad Consent)**

- If the research involves children and is conducted, funded, or subject to regulation by DHHS, Dept. of Defense (DOD), Dept. of Education (ED), or Veterans Administration (VA), or the Environmental Protection Agency (EPA), the procedures are limited to (1) the observation of public behavior when the investigator(s) do not participate in the activities being observed or (2) the use of educational tests and at least one of the following criteria is met:
 - (i) The information obtained is recorded by the investigator in such a manner that the identity of the Human Subjects cannot readily be ascertained, directly or indirectly through identifiers linked to the subjects; OR
 - (ii) Any disclosure of Human Subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational achievement, or reputation.

- 3(i). Research involving benign behavioral interventions in conjunction with the collection of information from an adult subject through verbal or written responses (including data entry) or audiovisual recording if the subject prospectively agrees to the intervention and information collection and at least one of the following criteria is met:

- (A) The information obtained is recorded by the investigator in such a manner that the identity of the Human Subjects cannot readily be ascertained, directly or indirectly, through identifiers linked to the subjects; OR
- (B) Any disclosure of the Human Subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation; OR
- (C) The information obtained is recorded by the investigator in such a manner that the identity of the Human Subjects can readily be ascertained, directly or indirectly, through identifiers linked to the subjects; AND an IRB conducts limited IRB review^{vi}. **(See HRP-319 - WORKSHEET - Limited IRB Review and Broad Consent)**
 - (ii) For the purpose of this provision, benign behavioral interventions are brief in duration, harmless, painless, not physically invasive, not likely to have a significant adverse lasting impact on the subjects, and the investigator has no reason to think the subjects will find the interventions offensive or embarrassing. Provided all such criteria are met, examples of such benign behavioral interventions would include having the subjects play an online game, having them solve puzzles under various noise conditions, or having them decide how to allocate a nominal amount of received cash between themselves and someone else.^{vii}
 - (iii) If the research involves deceiving the subjects regarding the nature or purposes of the research, this exemption is not applicable unless the subject authorizes the deception through a prospective agreement to participate in research in circumstances in which the subject is informed that he or she will be unaware of or misled regarding the nature or purposes of the research.

4. Secondary research for which consent is not required: secondary research uses of identifiable private information or identifiable biospecimens, if at least one of the following criteria is met:

- (i) The identifiable private information or identifiable biospecimens are publicly available; OR
- (ii) Information, which may include information about biospecimens, is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects, the investigator does not contact the subjects, and the investigator will not re-identify subjects; OR
- (iii) The research involves only information collection and analysis involving the investigator's use of identifiable health information when that use is regulated under 45 CFR part 160 and 164 (HIPAA), subparts A and E, for the purposes of "health care operations" or "research" as those terms are defined at 45 CFR 164.501 or for "public health activities and purposes" as described under 45 CFR 164.512(b); OR
- (iv) The research is conducted by, or on behalf of, a Federal department or agency using government-generated or government-collected information obtained for nonresearch activities, if the research generates identifiable private information that is or will be maintained on information technology that is subject to and in compliance with section 208(b) of the E-Government Act of 2002, 44 U.S.C. 3501 note, if all of the identifiable private information collected, used, or generated as part of the activity will be maintained in systems of records subject to the Privacy Act of 1974, 5 U.S.C. 552a, and, if applicable, the information used in the research was collected subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq.

5. Research and demonstration projects which are conducted or supported by a Federal department or agency, or otherwise subject to the approval of department or agency heads (or the approval of heads of bureaus or other subordinate agencies that have been delegated authority to conduct the research and demonstration projects), and that are designed to study, evaluate, improve, or otherwise examine: public benefit or service programs, including procedures for obtaining benefits or services under those programs.^{viii}

(i) Each Federal department or agency conducting or supporting the research and demonstration projects must establish, on a publicly accessible Federal website or in such other manner as the department or agency head may determine, a list of the research and demonstration projects that the Federal department or agency conducts or supports under this provision This research or demonstration project must be published on this list prior to commencing the research involving human subjects.

6.^xTaste and food quality evaluation and consumer acceptance studies, (i) if wholesome foods without additives are consumed or (ii) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agriculture chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the Dept. of Agriculture.

7. Storage or maintenance for secondary research for which broad consent is required: Storage or maintenance of identifiable private information or identifiable biospecimens for potential secondary research use if an IRB conducts limited IRB review.^{xi} **(See HRP-319 – WORKSHEET – Limited IRB Review and Broad Consent)**

8. Secondary research for which broad consent is required: Research involving the use of identifiable private information or identifiable biospecimens for secondary research use. **(See HRP-319 – WORKSHEET – Limited IRB Review and Broad Consent.)^{xii}**

Pre-2018 Requirements

NOTE: If this study is subject to 2018 Common Rule requirements, complete section 3 above.

4. One of the following is true:

The research is DOJ Regulated.

The review is related to research determined to be exempt prior to January 21, 2019, and the organization continues to apply Pre-2018 requirements to some or all research initiated prior to January 21, 2019.

5. The research falls into one or more of the following categories (one or more categories must be checked)

- 1. Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as: (i) research on regular and special education instructional strategies, or (ii) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods. (Both the procedures involve normal education practices and the objectives of the research involve normal educational practices.)
- 2. Research involving the use of educational tests^{xiii} (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (i) information obtained is recorded in such a manner that Human Subjects can be identified, directly or through identifiers linked to the subjects; and (ii) any disclosure of the Human Subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. In addition:
 - If the research involves children and is conducted, funded, or subjects to regulation by DHHS, Dept. of Defense (DOD), Dept. of Education (ED), Veterans Administration (VA), or the Environmental Protection Agency (EPA), the procedures are limited to (1) the observation of public behavior when the investigator(s) do not participate in the activities being observed and (2) the use of educational tests. (**“NA” if the research does not involve children or is not conducted, funded, or otherwise subject to by these agencies.**)
- 3. Research involving the use of educational tests survey procedures, interview procedures, or observation of public behavior that is not exempt under paragraph (b)(2) of this section, if: (i) the Human Subjects are elected or appointed public officials or candidates for public office; or (ii) Federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.
- 4. ^{xiv}Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects. (**For research conducted, funded, or otherwise subject to regulation by any federal agency “existing” means “existing at the time the research is proposed.” Otherwise, it means “existing at the time the research is proposed or will exist in the future for non-research purposes.”**)
- 5. Research and demonstration projects which are conducted by or subject to the approval of Dept. or Agency heads, and which are designed to study, evaluate, or otherwise examine: (i) Public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to those programs or procedures; or (iv) possible changes in methods or levels of payment for benefits or services under those programs. In addition: (Check if “Yes”. All must be checked)
 - The program under study delivers a public benefit^{xv} or service.^{xvi}
 - The research or demonstration project is conducted pursuant to specific federal statutory authority.
 - There is no statutory requirement that the project be reviewed by an IRB.
 - The project does not involve significant physical invasions or intrusions upon the privacy of subjects.
 - The funding agency concurs with the exemption.

- 6. ^{xvii}Taste and food quality evaluation and consumer acceptance studies, (i) if wholesome foods without additives are consumed or (ii) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the Dept. of Agriculture.

ⁱ This document satisfies AAHRPP elements I-9, II.2.A, II.2.B, II.2.C, II.3.F, II.4.A, II.5.A.

ⁱⁱ The organization's policy is to not grant exemptions to FDA-regulated research in category (6).

ⁱⁱⁱ Human participant research involving prisoners that would otherwise meet exemption criteria may be conducted, but must first be approved by an IRB and meet the requirements of Subpart C and DoDI 3216.02.

^{iv} AAHRPP Tip Sheet 18: Review of Research Involving Prisoners and the Role of the Prisoner Representative.

^v DOE O 443.1C, Chg.1.

^{vi} For VA Research, the limited IRB review must be completed prior to approval by the R&D committee.

^{vii} Per OHRP correspondence dated September 26, 2004, in general, eye-tracking (all types) can be considered for data collection in this exemption.

^{viii} Such projects include, but are not limited to, internal studies by Federal employees, and studies under contracts or consulting arrangements, cooperative agreements, or grants. Exempt projects also include waivers of otherwise mandatory requirements using authorities such as sections 1115 and 1115A of the Social Security Act, as amended.

^{ix} When following Veterans Administration (VA) regulations and guidance, the determination of exempt status for research and demonstration projects meeting the criteria for exempt category 5 must be made by the Under Secretary for Health on behalf of the Secretary of VA, after consultation with Office of Research and Development (ORD), Office of Research Oversight (ORO), Office of General Counsel (OGC), and other experts, as appropriate.

^x Note that for FDA-regulated research exemption (6) is an exemption from IRB review in 21 CFR §56, but unlike DHHS regulations is not an exemption from FDA requirements for consent in 21 CFR §50. If an organization's policy is to grant exemptions to FDA-regulated research in category (6), then additional criteria for such exemptions would be that consent will be obtained in accordance with 21 CFR §50.20 and §50.25, and the consent will be either be documented in writing in accordance with 21 CFR§50.27 or waived in accordance with 21 CFR §56.109(c)(1).

^{xi} For VA Research, the limited IRB review must be completed prior to approval by the R&D committee.

^{xii} For VA Research, the limited IRB review must be completed prior to approval by the R&D committee.

^{xiii} Includes cognitive, diagnostic, aptitude, and achievement tests.

^{xiv} "If these sources are publicly available" was removed because public data cannot be private, and if there is no collection of private identifiable data, there can be no Human Subjects.

^{xv} For example, financial or medical benefits as provided under the Social Security Act.

^{xvi} For example, social, supportive, or nutrition services as provided under the Older Americans Act.

^{xvii} Note that for FDA-regulated research exemption (6) is an exemption from IRB review in 21 CFR §56, but unlike DHHS regulations is not an exemption from FDA requirements for consent in 21 CFR §50. If an organization's policy is to grant exemptions to FDA-regulated research in category (6), then additional criteria for such exemptions would be that consent will be obtained in accordance with 21 CFR §50.20 and §50.25, and the consent will be either be documented in writing in accordance with 21 CFR§50.27 or waived in accordance with 21 CFR §56.109(c)(1).