

Dear COPE,

Thank you for sending us the complaint of Dr Kageura and inviting us to respond. Below you will find a detailed timeline of events relating to the Letters, as well as responses to your other queries. If there is more that you would like us to comment on, please do let us know. We appreciate COPE does not interfere with editorial decisions over content and will only advise whether we have followed the appropriate COPE guidelines.

We appreciate how frustrating our decision not to publish must be for these authors, and have expressed this multiple times in our communications with them. We believe we have acted throughout with integrity and appropriate caution in relation to this case, following COPE guidelines and principles. We have consulted with the Editor in Chief of the journal regarding the content of both the articles and the Letters, and have consulted with our legal department and research integrity panel on a very regular basis. We have always responded in a timely fashion with full transparency and attempted, wherever possible, to offer an ethically appropriate compromise. We agree the Letters should not have been accepted while an investigation was ongoing and have updated our internal best practice to ensure this does not happen again.

Details and a timeline of the follow up by the journal and publisher to address the concerns raised by Dr Kageura regarding the handling of the Letters and the reversal of the editorial decision to publish the Letters:

- Context: The two articles that were retracted were done so because they were found (through an external investigation) to be based upon data that was given without participant consent. This contravenes our ethical policy (<https://publishingsupport.iopscience.iop.org/ethical-policy-journals/>), and the authors agreed to the retractions. One methodological error (identified in the first Letter) was also corrected in one of the retraction notices.
- Before the investigation was completed, the journal received four letters (sent between August 2018 and March 2020) (the Letters) relating to these two articles, which were peer reviewed and accepted (the first accepted before we knew of the investigation – the authors of the retracted articles were preparing a response when we learned of the investigation), then placed on hold pending the outcome of the investigation.
- The decision not to publish the Letters was taken when IOP Publishing was made aware (4th June 2020) by the article authors of the outcome of the investigation which led to the two articles being retracted. As the Letters were based entirely on the two articles, it was agreed with the Editor in Chief and IOP Publishing's Research Integrity Panel that we could not, in good conscience, publish the Letters, as they contain a great deal of interpretation and analysis that was underpinned by the inappropriate data in the two original articles.
- This decision was communicated to Dr Kageura and colleagues on 8th July 2020, by a member of our editorial team. This included an apology and explanation as to why the Letters would not be published: "that they are drawing scientific conclusions based on a dataset that was given without participant consent". We explained this is in line with our author guidelines where it states: "in exceptional circumstances, we reserve the right to withdraw an article at any time before publishing" (<https://publishingsupport.iopscience.iop.org/questions/what-we-do-with-your-article-after-acceptance/>). We also explained to the Letter authors that we would be publishing an editorial related to the events (including reference to the Letters and why we would not be

publishing them), and we would like to publicly thank them in the editorial for notifying us of the methodological error that was corrected as part of the retraction notice.

- The authors emailed the Editor in Chief on 11th July 2020 objecting to the decision not to publish on the basis of the COPE Guide for Editors clause 3.1, “Editors should not reverse decisions to accept submissions unless serious problems are identified with the submission.”, and that the Letters only “used (i) the information contained in the papers themselves and (ii) databases that are publicly available”.
- The authors replied to our editorial team on 13th July 2020 asking when the authors told us about the investigation, and on what dates the investigation began and ended.
- The editorial team responded to the author’s message (dated 11th July) on 14th July 2020, restating why we could not proceed, and advising the Letter authors that they could raise a case to COPE if they believed we were not acting in accordance with the COPE guidelines and principles. This correspondence also invited the Letter authors to submit “a Letter/Opinion article making general points about radiological protection after the Fukushima accident (covering inadequacy of technical analysis, etc), though not specifically referring to studies based on unconsented data”.
- The authors contacted the Editor in Chief on 17th July 2020, asking for answers to their questions from 13th July 2020.
- IOP Publishing responded to the author’s message (dated 13th July) on 21st July 2020, explaining that we cannot share details about the correspondence between our organisation and the authors of the two criticised Papers. We reemphasised that a timeline of key events would be published as part of a forthcoming editorial statement to provide the readership with a clear understanding of what steps the journal took in response to this situation as a whole. Additionally, we restated our earlier invitation to submit a Letter/Opinion article making general points about radiological protection after the Fukushima accident, though not specifically referring to studies based on unconsented data. Finally, we asked the authors to confirm if they wished to be named and thanked in the editorial statement.
- The authors responded on 27th July 2020 with a request for the timeline to include submission/editorial decision dates of the Letters and dates/information relating to the correspondence from the authors of the criticised Papers. The authors also requested that the timeline state that their Letters raised various technical/methodological issues within the criticised Papers. The authors declined to be acknowledged in the editorial statement should we uphold the decision not to publish the Letters.
- IOP Publishing responded on 28 July 2020 to confirm that the authors would not be acknowledged in the editorial statement. We further confirmed that the timeline would include the received and editorial decision dates of all the Letters. We explained that relevant messages from the editorial office to the two authors of the original papers, their responses and a brief summary would also be recorded in the timeline. For the avoidance of doubt, the authors were asked to confirm if they would like us to reference the Letters and all author names in the timeline, given that the preceding editorial statement would not acknowledge the authors and the Letters.
- The authors responded on 28th July 2020 confirming that they did wish to be referenced in the timeline.
- The authors wrote to a Director of IOP Publishing on 26th August 2020, requesting that the decision not to publish the Letters was overturned.
- The journal published a [Publisher’s Note](#) on 28th August 2020 (including a timeline of events) relating to the retracted articles and the Letters, in the interests of transparency for readers.

- IOP Publishing submitted a case to COPE on 4th September 2020, seeking advice on whether we acted appropriately in withdrawing the Letters.
- The Publishing Director for IOP Publishing responded to the authors on 9th September 2020, restating the reasons why the Letters would not be published, reiterating the invitation to submit a more general piece, and advising the authors that we had written to COPE for advice on whether our actions to date had been appropriate, and if there was any alternative or additional action we should take.
- The authors responded on 15th September 2020, again requesting that the decision be overturned and highlighting another article in the same journal that referenced one of the now retracted papers. They also pointed to an error on the retraction notice, which stated that it was “unclear whether the unconsented data was ***provided*** to the authors”, when it should have said it was “unclear whether the unconsented data was ***used*** by the authors” (bold and italics added for emphasis).
- The Publishing Director for IOP Publishing responded on 24th September 2020, stating again the reason for withdrawing the Letters. We confirmed that there was an investigation ongoing into the article they highlighted in their most recent correspondence. We agreed to correct the mistake in the retraction notice, and suggested waiting for the advice from COPE before corresponding again.
- The authors responded on 1st October 2020, asking if we would be investigating the methodological issues raised in the Letters.
- The Publishing Director of IOP Publishing responded on 7th October 2020, explaining that we had requested investigations from the authors’ institutions, and that we also requested information about the ongoing investigation. We explained to the authors that we were given no information about the investigations at all, in fact we were explicitly told by one institution that they would not enter into any correspondence with us. We explained that our responsibility as publisher is to correct the scientific record based on the findings of any institutional investigation(s) as reported to us, which is what we have done. The only investigation we have been notified of any conclusion on is the Date City investigation, which only commented on the issues of participant consent. We do not have any power to influence institutions’ actions or decisions. Again, we suggested waiting for the advice from COPE before corresponding again.
- The authors responded on 13th October 2020, expressing concern that we did not pursue the institutions regarding the alleged methodological errors, and provided an example of where they have told a journalist of the methodological errors.
- COPE’s advice was received by IOP Publishing on 19th October 2020, a summary of which is below (full version in Appendix A):
 - “If the letters are directly and solely based on the results of the affected papers, rejection should be straightforward”
 - “If they mention the papers among other cited research in a commentary or even a research type letter, the authors could remove the affected material and references, without referring to the retracted papers”
 - “If the letters cite the papers in the context of journalology, or criticise the same issues that underlie later retraction, it could be argued the letters could stay, with an explanatory editorial note”
- The Publishing Director of IOP Publishing sent the unedited COPE advice to the authors on 26th October, explaining that we do not believe this gives any justification for publishing the

Letters, but inviting the authors to revise the Letters removing the affected material and references if they could.

- The authors responded on 30th October 2020, suggesting IOP Publishing had not given COPE all the facts of the situation, and requesting a copy of what was sent to COPE. The authors have a different interpretation of the COPE ruling to IOP Publishing and argue that the Letters should be published, rebutting the first two options COPE presented and saying that the third option is justification for publication in this case.
- IOP Publishing updated the retraction notices on 6th November 2020 to say “it is unclear whether the unconsented data was used by the authors in their paper”.
- The Publishing Director of IOP Publishing responded to the authors on 9th November 2020, attaching a full copy of the case we sent to COPE and your response. We reiterated why we believe the COPE advice supports our decision not to publish, in summary:
 - The Letters are directly and solely based on the results of the affected papers
 - Removing the affected material and references from the Letters would remove all the content of the Letters
 - The Letters do not fit the criteria of journalology (the scientific study of publishing), and they do not comment on issues that underlie the retractions (unethically collected data)
 - We reiterated the invitation to submit a more general Letter on issues relating to radiological protection
 - We suggested the authors raise their own case with COPE if they were still unsatisfied.
- The authors responded on 13th November 2020, reiterating the many concerns they have with our decision and responses, and informing us they would be submitting a case to COPE.

Information on the journal policies to handle critiques about published content raised after publication.

- The journal welcomes comments and criticisms of work published in the journal. These are most commonly submitted as Comment pieces (description at <https://publishingsupport.iopscience.iop.org/questions/article-types/>). These pieces go through the same peer review as any other paper. If accepted, the authors of the original work are invited to submit a reply. At the time the Letters were submitted, there was no formal internal policy on how to handle papers in review or press that cite articles undergoing investigation. We have since corrected this and there are now clear guidelines for all staff that any submissions relating to papers currently under any kind of ethical investigations should be put on hold BEFORE acceptance.
- Allegations of misconduct are managed according to COPE guidelines, see the section “Handling cases of alleged misconduct” in our ethical policy (<https://publishingsupport.iopscience.iop.org/ethical-policy-journals/>)

Information on the journal and publisher policies to handle corrections to the published record

- All IOPP journals follow the same policy relating to corrections, see <https://publishingsupport.iopscience.iop.org/questions/post-publication-corrections-to-journal-articles/>.

Again, we would like to reiterate that we sympathise with the frustration of the authors, but ultimately stand by our decision not to publish work that is based upon research that has been found to use unethically collected data. We have offered the authors the opportunity to submit a more general piece, and have sought advice from the Editor in Chief, our Research Integrity Panel, our legal team and the Committee for Publication Ethics. We have been transparent in all our dealings in relation to the articles and the Letters, including publishing a Publisher's Note to explain the events surrounding the retractions. Short of publishing the Letters (against the judgement of all those listed above), we do not see what further action we could take to satisfy these authors.

We look forward to receiving any further advice from the COPE committee on whether we have acted appropriately in this case, and if there is any further action we should take.

Yours sincerely,

Kim Eggleton

Research Integrity & Inclusion Manager

IOP Publishing

Appendix A: COPE case and response

Withdrawal of acceptance based on potentially unconsented data

Two papers were retracted (without dispute from the authors) after a lengthy investigation. It was discovered that some of the data used in these articles were gathered without participant consent for the study or for publication (no participants are identifiable). The investigation was conducted by a public body in the country of the authors, and the journal has been told that they will not be provided with the specific details of the ethically inappropriate data. The investigation also identified a small number of methodological errors, which have also been mentioned in the retraction notices.

During the investigation, four separate letters based on the two articles were submitted, peer reviewed and accepted. They were not published immediately and were placed on hold while the investigation was being completed. On completion of the investigation, the journal revisited the content of the letters, and asked the editor in chief and deputy editor of the journal for their opinions. Because the journal does not have the specific details of the ethically inappropriate data, it was not felt possible to independently verify with certainty whether or not the four letters were free of the use of the ethically inappropriate data. Given that the four letters were heavily based on the papers and cite data, figures, and equations, the decision was made not to publish the letters.

The authors have complained that the journal has gone against COPE guidelines "3.1 Editors should not reverse decisions to accept submissions unless serious problems are identified with the submission". The journal guidelines state that the journal has "the right to withdraw acceptance at any time before publishing, in exceptional circumstances", and also that "Informed consent to participate in the study should be obtained from participants (or their parent or legal guardian in the case of children under 16) for all research involving human subjects". The authors are arguing that their letters do not use the unconsented data. Again, the journal has stated that there is no way to independently verify with certainty whether or not the four letters were free of the use of the ethically inappropriate data, and therefore do not feel comfortable publishing the work.

The journal invited the authors to submit a new letter based on the papers that is more general and that does not use the unconsented data (appreciating it is difficult to know what that is). They have not responded to this invitation.

Questions

1. Was the journal right to withdraw the accept offers for the four letters?
2. Is there any specific guidance that covers articles that comment on retracted papers and what is permissible?

Advice

The journal's decision to withdraw the acceptance of these letters is reasonable as the authors did not provide evidence that the data used in the letters were not based on the unconsented data. The authors need to be able to prove that the data they are using for their submission are valid and have the required ethical consent; if they are using third party data and cannot prove this, they should revise the submission or accept that the paper will not be published. The assumption is that the four

letters, which could be critiquing one or both papers, come from at least two separate sets of authors, so there is no issue of salami letters.

If the letters are directly and solely based on the results of the affected papers, rejection should be straightforward. If they mention the papers among other cited research in a commentary, or even a research type letter, the authors could remove the affected material and references, without referring to the retracted papers. If the letters cite the papers in the context of journalology, or criticise the same issues that underlie later retraction, it could be argued the letters could stay, with an explanatory editorial note (see for example <https://retractionwatch.com/2020/06/22/tortuous-and-torturous-why-publishing-a-critical-letter-to-the-editor-is-so-difficult/>).

An intermediate solution might be to consider adding a note indicating that the articles were retracted and why. The journal could then ask the authors of the letters to adapt what they have written with this in mind and focus on what else they might want to say. The editor could write a forward to this, outlining what was done and why the letters are being published as part of a debate around the issues involving the retraction.

The journal's policy is clear that they may decide to change the acceptance decision in exceptional circumstances. The journal might consider updating their policies or having their own code of conduct, based on COPE's core practices, in relation to submissions. In hindsight, perhaps the letters should not have been accepted during the investigation but rather put on hold first; a relevant office policy or process could be developed to prevent this in the future. It is also commendable that the journal has a statement on the consent from guardians/parents of children; the journal might wish to include a statement on assent.