Reviewer's report

Title: Biobanking research on oncological residual material: a framework between the right of individual and the interest of society

Version: 2 Date: 3 December 2012

Reviewer: Judy Allen

Reviewer's report:

The authors have responded to some of the reviewers comments and the article is now tighter. The authors have been reluctant to respond to other comments. With the exception of the point outlined below I would now regard the remaining points as discretionary. While I am still of the view that addressing them would clarify the argument they are not essential before publication.

Major compulsory revisions

I am confused, however, by the response to my comment at 3(b). As I understand the authors response the opt our procedure is proposed where the person has refused donation of a sample with reversible anonymisation. If a formal consent procedure is being undertaken anyway I do not understand why the option of consenting to donation of a sample with irreversible anonymisation would not be offered simultaneously. This appears to me to undermine the argument justifying an opt out process. If I have misunderstood the proposal then I suggest the authors clarify the proposal for the sake of other readers. Either way I still consider it to be essential that this be clarified. The two approaches to consent are central to the argument of the paper so it is crucial that the way they would operate is clear.

Level of interest: An article whose findings are important to those with closely related research interests

Quality of written English: Acceptable

Statistical review: No, the manuscript does not need to be seen by a statistician.

Declaration of competing interests:

I declare that I have no competing interests.