

## **LAURENTIAN UNIVERSITY RESEARCH ETHICS BOARD – MEMBERS CONFIDENTIALITY POLICY**

Final Revision Approved by LUREB Feb. 07, 2015

### **BACKGROUND**

The work of the Laurentian University Research Ethics Board (LUREB) takes place in a confidential environment where members regularly encounter confidential and sensitive information about proposed research protocols, individuals and vulnerable populations. The Tri-Council Policy Statement provides useful working definitions of the applicable principles of confidentiality and security we ask researchers to uphold. In addition, in Sept, 2014, the Canadian Association of Research Ethics Boards (CAREB) developed a Standard Operating Procedures (SOPs) which states that all research protocol submission documents are to be considered confidential. Section 3.0 states that “The REB Chair, REB members and the REB Office Personnel are responsible for maintaining the confidentiality of any personal information received by the REB office during the course of research.”

<https://oicronca.app.box.com/s/95k7ydj574579ajvbe06>

Similarly, the LUREB Terms of Reference S. 3.6.1 Confidentiality and Conflict of Interest state that “Before entering in LUREB related activities, every LUREB member will review confidentiality policies and is required to maintain confidentiality in relation to the information they may become aware of while performing their duty.”

The LUREB members are also subject to legislation which governs the protection of personal information. Among others, these include the Federal Personal Information Protection and Electronic Documents Act (PIPEDA), the Personal Health Information Protection Act (PHIPA) and the Freedom of Information and Protection of Privacy Act (FIPPA) (which became applicable to Ont, universities in 2006). In June 2012, Laurentian University approved a *Policy on Freedom of Information and Protection of Privacy* which defines personal information and limits its collection and disclosure to those who require the information in the performance of their duties.

Ethical codes, guidelines and policies are what is termed “soft law” or quasi-legal instruments by some. See Lorne Sossin and Charles Smith, “Hard Choices and Soft Law,”

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1911267](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1911267) They are characterized by the availability of interpretive discretion but this does not render them arbitrary. The LUREB operates under the delegated authority of the university, making decisions which affect the academic careers of researchers and well-being of research participants, and is thereby subject to administrative law principles of sound practice.

Within this context, all members of LUREB are required to agree to maintain the confidentiality of the research protocols we review and the deliberations of the Committee with respect to confidential and sensitive information which is brought before the Committee. This agreement does not bind Committee members from vigorous debate or commentary, except when such commentary may breach the rights of other members, researchers or research participants.

## **DEFINITIONS**

### **Confidentiality**

The ethical duty of confidentiality refers to the obligation of an individual or organization to safeguard entrusted information. The ethical duty of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft. Fulfilling the ethical duty of confidentiality is essential to the trust relationship between researcher and participant, and to the integrity of research projects.

### **Security**

Security refers to measures used to protect information. It includes physical, administrative and technical safeguards. An individual or organization fulfils its confidentiality duties, in part, by adopting and enforcing appropriate security measures. Physical safeguards include the use of locked filing cabinets, and the location of computers containing research data away from public areas. Administrative safeguards include the development and enforcement of organizational rules about who has access to personal information about participants. Technical safeguards include use of computer passwords, firewalls, anti-virus software, encryption and other measures that protect data from unauthorized access, loss or modification. (TCPS Chapter 5.)

<http://www.pre.ethics.gc.ca/eng/policy-politique/initiatives/tcps2-eptc2/chapter5-chapitre5/>

As a condition of membership on the Laurentian University Research Ethics Board (LUREB), and pursuant to their obligations on this Committee, Committee members shall hold all Confidential Information in confidence;

- (a) use the Confidential Information only in connection with fulfilment of the obligations of appointment to the LUREB;
- (b) restrict disclosure of the Confidential Information to those persons to whom it is necessary to disclose such Confidential Information in order to carry out the obligations of appointment to the LUREB;
- (c) refrain from using the Confidential Information for personal advantage, whether commercial or otherwise; and
- (d) store and dispose of research protocols and related materials in a secure manner.

The LUREB Chair shall be notified immediately of unauthorized disclosure of Confidential Information obtained during the course of duties as a LUREB member, whether intentionally or accidentally.

In consultation with the LUREB, members will use all reasonable efforts to retrieve the wrongfully disclosed Confidential Information and to mitigate any potential harm caused by such a breach.