

Guidelines for Breaking Participant Confidentiality

Per the latest edition of the [Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans \(TCPS2 2018\)](#):

Article 5.1: Researchers shall safeguard information entrusted to them and not misuse or wrongfully disclose it. Institutions shall support their researchers in maintaining promises of confidentiality.

“Application

When researchers obtain information with a promise of confidentiality, they assume an ethical duty that is central to respect for participants and the integrity of the research project. Breaches of confidentiality may harm the participant, the trust relationship between the researcher and the participant, other individuals or groups, and/or the reputation of the research community. Research that probes sensitive topics (e.g., illegal activities) generally depends on strong promises of confidentiality to establish trust with participants.

The ethical duty of confidentiality applies to information obtained directly from participants, or from other researchers or organizations that have legal, professional or other obligations to maintain confidentiality. The ethical duty of confidentiality must, at times, be balanced against competing ethical considerations or legal or professional requirements that call for disclosure of information obtained or created in a research context. For example, in exceptional and compelling circumstances, researchers may be subject to obligations to report information to authorities to protect the health, life or safety of a participant or a third party, a community, or the general population. Researchers are expected to be aware of ethical codes (such as professional codes of conduct) or laws (e.g., those requiring the reporting of children in need of protection or the presence of reportable communicable diseases) that may require disclosure of information they obtain in a research context. In other situations, a third party may seek access to information obtained and/or created in confidence in a research context. An access request may seek voluntary disclosure of information or may seek to compel disclosure through force of law (e.g., by subpoena). [Chapter 1, Section C](#), elaborates on the relationship between research ethics and law.

Certain areas of research (such as research involving children at risk of abuse or studies of criminal behaviour or research about reportable communicable diseases) are more likely to put researchers in positions where they may experience tension between the ethical duty of confidentiality and disclosure to third parties ([Article 5.2](#), Application). Where possible, practicable and appropriate, researchers should design their research to avoid or mitigate foreseeable conflicts, for instance, by collecting the minimal identifiable information that is necessary to answer the research question. Researchers shall maintain their promise of confidentiality to participants within the extent permitted by ethical principles and/or law. This may involve resisting requests for access, such as opposing court applications seeking disclosure. Researchers’ conduct in such situations should be assessed on a case-by-case basis and guided by consultation with colleagues, any relevant professional body, the REB, legal counsel and/or persons knowledgeable about applicable laws and regulations in the relevant jurisdictions...”

The Office of Research Ethics Compliance should be informed when researchers breach participant confidentiality in accordance with [Article 5.1](#) by submitting an adverse event form in [TRAQ](#) within 3 business days.