

KEY POINTS YOU NEED TO KNOW ABOUT PUBLIC INTEREST

WHEN IS DISCLOSING INFORMATION IN THE PUBLIC INTEREST?

- There is a public interest in enabling the secondary uses of patient information for health research purposes, as health research will benefit society over time.

WHAT IS THE PUBLIC INTEREST TEST?

- The public interest test operates as a device by which we can determine the course of action which best serves the interests of the public.

WHY IS THE PUBLIC INTEREST TEST IMPORTANT?

- In the absence of consent for your proposed data use, you may be able to use personal identifiable data in your research project if you can demonstrate that there is an overriding public interest in the research.
- The public interest test prevents research being hampered by a 'culture of caution' which places too much weight on concerns over confidentiality.

BALANCING PRIVACY AND CONFIDENTIALITY

- You must determine whether it is in the public interest to disclose or not to disclose the information. This determination must be done on a case-by-case basis by considering all of the relevant facts and circumstances.
- Factors you should consider include:
 - The nature and sensitivity of the information to be disclosed
 - The use to be made of the information
 - The context in which the information was generated
 - The reasonable expectations of the subject of the information
 - Any harm which could be caused to this individual or others
 - The security arrangements in place to protect the data
 - The advice of a Caldicott Guardian or similar expert
 - The advice of a Research Ethics Committee
 - The advice of the Privacy Advisory Committee
 - The importance of the information to be obtained from the research output