Guidelines for Research Involving Possible External Pressure to Disclose Participant Data

External pressure to disclose participant data spans diverse risks to participants and researchers, such as prosecutor action to seize gang member or sex worker data, other governments’ interest in democratization or sexual orientation, and extralegal action against oppressed workers or others.

External pressure to disclose does not include moral or intrinsic reporting, such as child abuse, imminent risk of harm, or professional reporting duties for communicable diseases or malpractice.

Research involving possible external pressure to disclose should have a sound scholarly rationale with understood expected benefits. It should follow institutional review procedures, such as funding body and thesis committee review, departmental approvals for grant applications and protocols, Research Ethics Board (REB) review, and safety in field research. Research team members, REBs and other officials should ensure their understanding of project issues is as up to date as possible.

The following principles should be followed in University research where external pressure to disclose is reasonably foreseeable, consistent with the Tri-council policy statement: Ethical conduct for research involving humans, 2nd Edition (TCPS-2—e.g., Ch.1, Sec.C; Articles 3.6 and 5.1; Ch.10, Sec.A(d)): http://www.pre.ethics.gc.ca/policy-politique/initiatives/tcps2-eptc2/Default.aspx

Design research to minimize risks of external pressure to disclose; include details in your protocol:

1. Identify foreseeable risks of external pressure to disclose participant data; consider the context of the risk for participants. For example, are they in prison, do they have a case in the courts, are they involved in gangs or criminal(ized) activities, do they live in authoritarian countries, and so on.
2. Detail possible external pressures to disclose, risks of disclosure, measures to reduce those risks, and planned responses to disclosure pressure, in the protocol and participant consents.
3. Collect as little personally identifiable data as possible, code and de-link or destroy identifiers, such as names, contact information or interview recordings as soon as possible.
4. Consider what information is necessary to answer your research questions, and to the extent possible minimize collection of information likely to be subject to external pressure to disclose—for example, details of specific crimes vs. relatively general information regarding criminality.
5. Implement robust “cradle-to-grave” data security. See: “Data security standards for personally identifiable and other confidential data in research”:

Plan responses to external disclosure pressure. Disclose fully to participants and research team

1. Plan actions if confronted with a subpoena, court order, extralegal pressure, intimidation, etc.
2. Disclose risks and planned responses in the participant consent process and to researchers. For example, indicate if you intend to disclose participant data, or resist a subpoena, intimidation, etc.
3. Identify resources to resist disclosure—for example, legal counsel, institutional support, consular contacts—where possible and appropriate.
4. Educate all members of the research team, and work with REBs and institution officials to ensure up-to-date understanding of relevant policy, ethics guidelines and law necessary to resist disclosure as appropriate.

Respond to external pressure to disclose according to your plan

1. Be prepared to respond to reasonably foreseeable pressures to disclose.
2. Consult as promptly as possible with your participants, research team, REB and institution (see contacts below) regarding efforts to resist.
3. Disclose changes or deviation from your plan immediately to participants and your REB.

For further information contact ethics.review@utoronto.ca.