

Case study 5

A colleague tells you about a fascinating new technique that could be really useful for your research.

When you ask for more details, you discover that the colleague read about the technique in a paper she is reviewing for a prestigious journal with a 12-month delay between acceptance and publication.

She tells you that she plans to submit her reviewer's report to the journal next week and will recommend accepting the paper but won't know what the other reviewers recommend.

Your colleague does not know who the authors of the paper are.

- **What can you do?**
- **What ethical issues does this scenario raise?**

Case study 5 – suggested issues for discussion

- **What can you do?** Peer review is a confidential process. The reviewer should not have discussed the paper with you and they certainly should not share it with you. It would be hard for them to claim that they did not know this, especially as journals set out clear requirements for their reviewers:

‘The review process is strictly confidential and should be treated as such by reviewers. As the author may have chosen to exclude some people from this process, no one who is not directly involved with the manuscript (including colleagues and other experts in the field) should be consulted by the reviewer unless such consultations have first been discussed with the Academic Editor. Reviewers must not take any confidential information they have gained in the review process and use it before the paper is published. Even after publication, unless they have the permission of the authors to use other information, reviewers may only use publicly published data (i.e. the contents of the published article) and not information from any earlier drafts.’

[PLOS ONE *Guidelines for Reviewers: Confidentiality*. Available from:

<http://www.plosone.org/static/reviewerGuidelines#confidentiality> (accessed August 2014)]

If you or the reviewer approaches the journal and asks who wrote the paper and whether you could see it, this would obviously put the reviewer in a difficult position as they should not have discussed it with you. You could ask the journal anyway but it is likely to refuse a request to identify the authors or put you in touch with them.

You could check whether anything about the technique is already in the public domain. For example, has it been presented in a conference abstract, is there a patent for it, or can you find anything about it online?

- **What ethical issues does this scenario raise?**
 - The confidentiality requirements of peer review exist not only to help ensure the integrity of the process. They also exist to ensure a ‘level playing field’ for researchers, so everyone has the opportunity to access to the paper at the same time.

Breaching confidentiality to make use of the research could be described as ‘insider dealing’ – improper use of privileged information to gain an unfair advantage.
 - How would you respond to a researcher in this scenario who felt it would be justified to make use of the paper:

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'But I'm developing a treatment for a serious illness [or undertaking similarly important research in another discipline] and the new technique could potentially knock 6 months off the development time. Isn't it reasonable to try to contact the authors to find out more about the technique and perhaps collaborate with them?'

How would you advise this researcher?

- It is possible that the technique is useless. The other reviewers may have spotted a fatal flaw which this reviewer has missed. So even if a researcher thought it was justified to follow the unethical course and start using it in their own research, they might end up wasting their time.