



# Trust me I'm a Doctor!

Why this isn't working and how to fix it

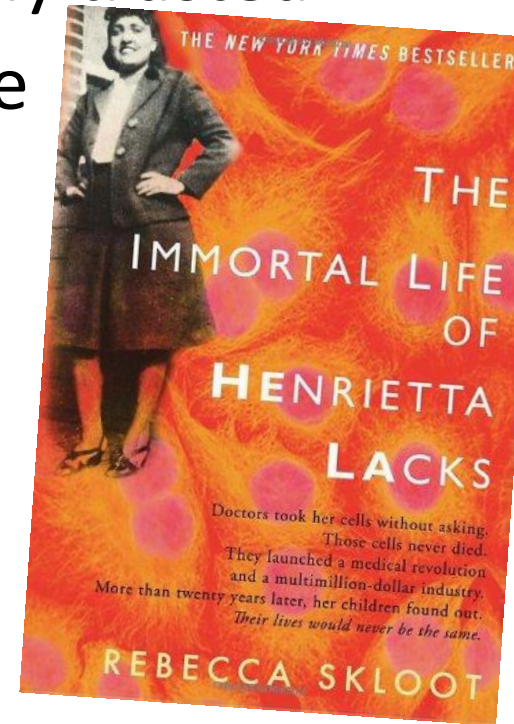
**Malcolm Crompton**  
**Managing Director**

**International Society for Biological & Environmental  
Repositories 2013 Annual Meeting**

Sydney, 6 May 2013

# 'What's the Problem?'

- Biobanks & medical research are highly valued
- Biobanks & medical research are highly trusted
- Medical information is highly sensitive
- My grandfather was a Patient
  - BUT I am a Health Consumer
- And underlying fears:
  - Internet & Re-identification
  - Surveillance Society
  - Brave New World  $\alpha$ - $\beta$ - $\gamma$ - $\delta$
  - What's done can't be undone
  - Even if it could, who will do it?



# 'What's the Problem?'

- Biobanks & medical research are highly valued
- Biobanks & medical research are highly trusted
- Medical information is highly sensitive
- My grandfather was a Patient
  - BUT I am a Health Consumer
- And underlying fears:
  - Internet & Re-identification
  - Surveillance Society
  - Brave New World  $\alpha$ - $\beta$ - $\gamma$ - $\delta$
  - What's done can't be undone
  - Even if it could, who will do it?



# The Solution's Obvious

## ➤ More Legislation



- Researchers and biobankers follow the laws
  - *BUT laws are broken by bad people with malicious intent*
  - *And even the good guys make mistakes*

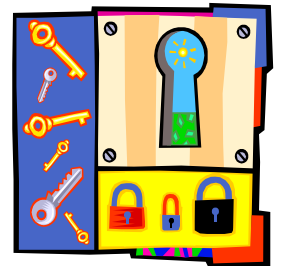
## ➤ More Guidelines



- Provide guidance about what is the right thing to do
  - *YET constantly evolving as technology and society evolves*
  - *And even the good guys make mistakes*

## ➤ More Infrastructure

- Locks on filing cabinets, passwords, encryption
  - *BUT any system can be broken into with enough determination*
  - *And even the good guys make mistakes*



***Building trust and innovative privacy solutions***

# 'There has to be a better way'

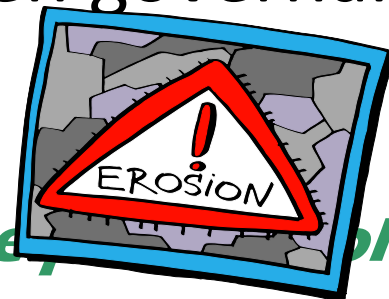
- But we have to structure the problem properly
- First, winners and losers:

	Research Value	Privacy, Safety etc
Public Interest	<input checked="" type="checkbox"/>	?
Private Interest	?	<input checked="" type="checkbox"/>

- Implication: the economics of externalities

# 'There has to be a better way'

- Second, risk management has 3 components:
  - Prevention – Detection – Response
  - Response has 3 components:
    - Learn – Restore – Punish
- Third, there's a big difference between reversible adverse events & those that aren't
- Fourth, all systems degrade, even governance
  - 2<sup>nd</sup> Law of Thermodynamics



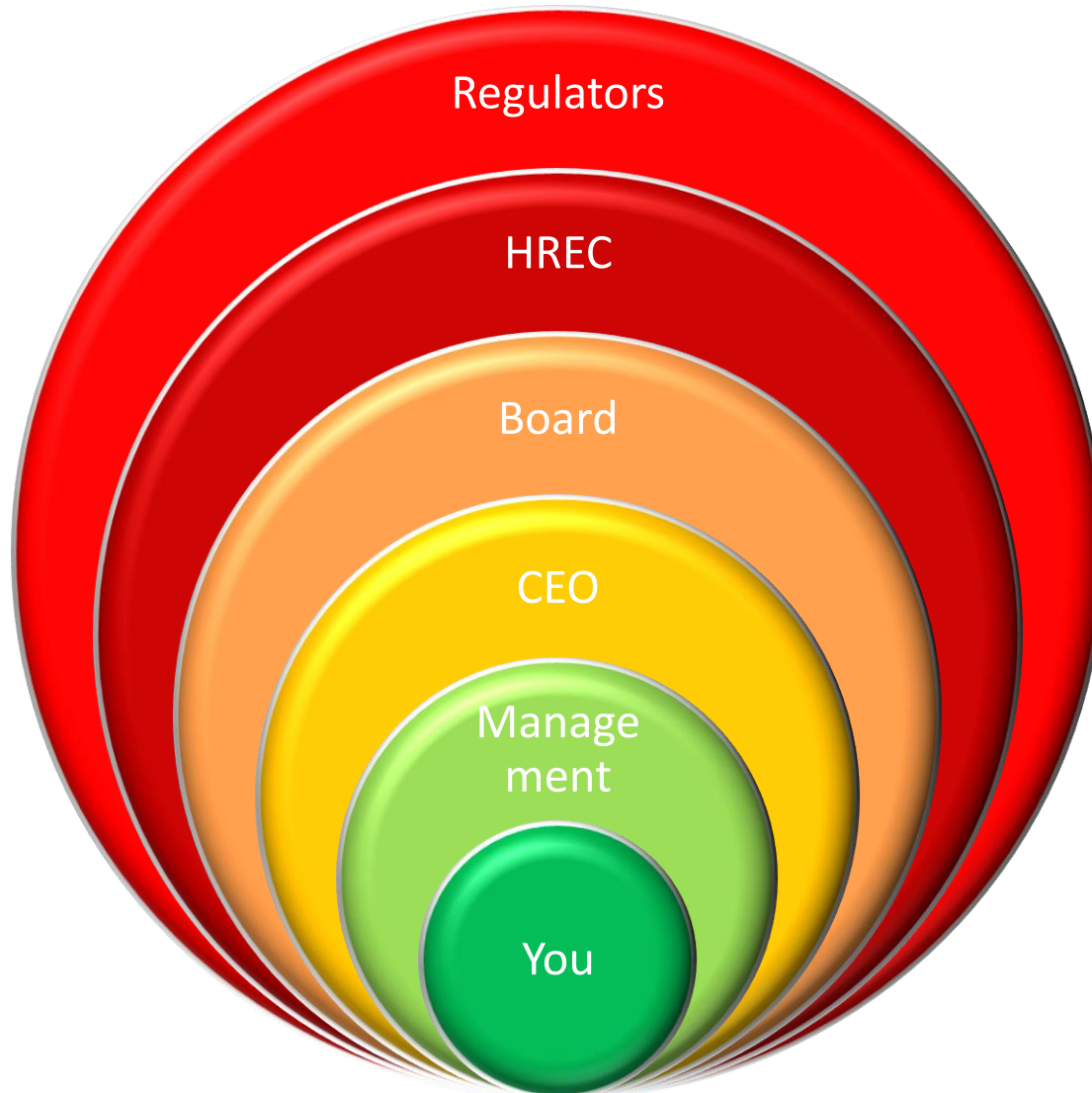
# So, what is the better way?

- Governance!
  - Ethical, Effective, Efficient
  - Fit for purpose
- Start with what works
- Improve it or add to it



# Remember governance is like an onion

➤ Eg:





# Now let's apply all this to Prevention

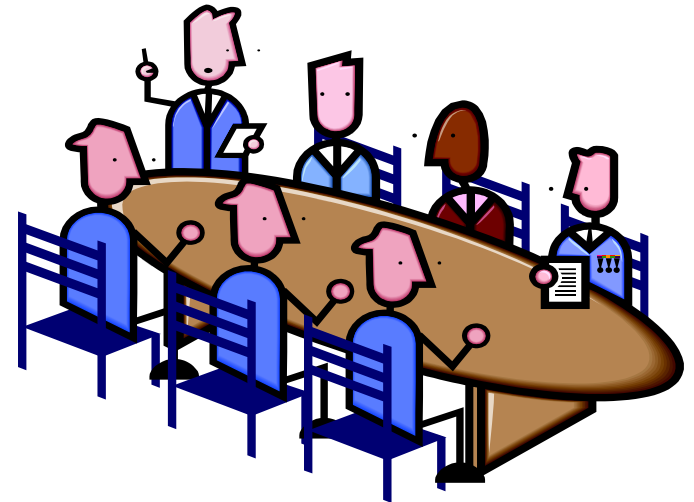
- Where would you like the balance to lie?
  - With you!
- Where is the balance now?
  - Too far towards the outer circles?
- So how to re-balance?
  - National Statement, HRECs etc enough?
- **Change Idea No 1:**
  - Strengthen: education, guidance, leadership
  - Evaluate, publish, share, community input



***Building trust and innovative privacy solutions***

# But also!

- The externality problem
  - Real or perceived
- Hence Ethics Committees
  - Research merit
  - AND stand in the shoes of research subject
  - Challenge is process and efficiency

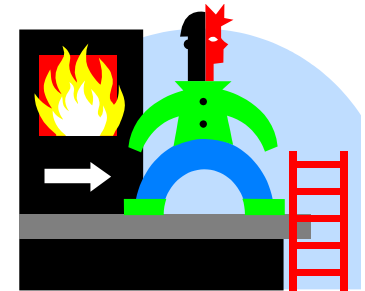


# But one more thing ...

## Response when it all goes wrong

### ➤ Not if, WHEN

- Plan and Practice!
- Fire drill; data back up; ...



### ➤ Research equivalent?

- For researcher AND for research subjects?

### ➤ **Change Idea No 2**

- Detection & Response plans **MUST**
  - Maximise learning
  - Ensure recovery
  - Minimise need for punishment
  - Provide public assurance!



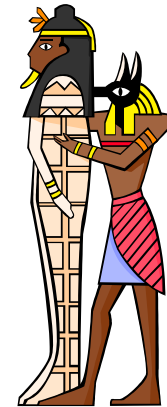
***Building trust and innovative privacy solutions***

# Yes, the patient perspective

- First, it will depend on whether the adverse event is reversible or irreversible
- Some events genuinely irreversible
  - If you are dead, you are dead
  - Others less so, even reputation and discrimination with effort
- **Change Idea No 3**
  - For the reversible, the better the recovery the greater the acceptable levels of risk
  - What's your plan? How to spread the risk? Insurance?

# The 2<sup>nd</sup> Law of Thermodynamics

- So your prevention and recovery strategies address patient risk
- There's still the 2<sup>nd</sup> Law...
  - Laziness/negligence/malfeasance
  - Times change
    - People move on and get old
    - Corners cut
    - New people come in
    - New technologies & practice
- **Change idea No 4**
  - Plan for this too – Review or be reviewed!
  - Publish, engage, be up front, be honest



# Yes, change is needed

## ➤ Change Idea No 1:

- Strengthen with education, guidance, leadership
- Evaluate, publish, share, seek external views & input

## ➤ Change Idea No 2

- Focus your Detection & Response plans to
  - Maximise learning
  - Ensure recovery
  - Minimise need for punishment

# Yes, change is good

## ➤ Change Idea No 3

- For the reversible, the better the recovery the greater the acceptable levels of risk
- What's your plan? How to spread the risk? Insurance?

## ➤ Change idea No 4

- Plan for decay – Review or be reviewed!
- Publish, engage, be up front, be honest

**INFORMATION  
INTEGRITY  
SOLUTIONS**

**Malcolm Crompton**

Managing Director

53 Balfour Street

Chippendale NSW 2008

Australia

**+61 407 014 450**

[MCrompton@iispartners.com](mailto:MCrompton@iispartners.com)

[www.iispartners.com](http://www.iispartners.com)