The transparency of research and freedom of information

We may be forgiven perhaps in thinking that drug companies can be a law unto themselves given the recent news of the record £1.9bn fine imposed on GlaxoSmithKline for illegally persuading American psychiatrists to prescribe an anti-depressant drug to children. The historic penalty ends a seven-year investigation into one of Britain's largest drug firms after they confessed to mis-promoting two medicines, Paxil and Wellbutrin, in the US between the years of 1998 and 2003. Glaxo also admitted that it failed to properly report all the necessary research data to US regulators concerning a diabetes drug called Avandia. This perhaps highlights the importance of freedom of information and the need for increased transparency in research.

The Freedom of Information Act 2000 (FOIA) gives anyone the right in this country to request recorded information held by a public authority in a way that is ‘motive and applicant blind’. Furthermore any appeal for information or what it is needed for does not enter into the equation as to how it is dealt with unless it is regarded as being vexatious. Once requested public bodies are obliged to respond within 20 working days unless they can adequately justify within the terms of the Act the reason for not doing this. Grounds for refusal include:

1) If it is too costly however, the authority must suggest a solution to re-frame the request in a way that can resolve this problem.

2) If the request is seen as vexatious or repeated.

Researchers might be surprised to learn that there is nothing that prevents one researcher in a given university under the FOIA requesting the research data of another. While researchers frequently share their data and even extend this between universities, this is usually underpinned by a mutual agreement rather than a legal power. The legitimacy of any individual making such a request would obviously be questionable and it is debatable whether researchers would actually do it. Apart from understandable concerns about intellectual property interest there are obvious ethical concerns about the misuse or misinterpretation of data in the hands of others. However, developing an intellectual product does not give originators the right to exclude others from its use (Wilson 2011).

While it is clear that there is a need for freedom of information and openness in any publicly reported results. In order to increase public trust the challenge remains to create a research culture that has integrity and transparency, given recent scandals it is doubtful whether this exists yet.