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NEWS ARTICLE

## Quebec Court protects researcher confidentiality

**(Ottawa – June 2, 2017)** A Quebec Superior Court judge has retracted his own ruling from last January that required a Université du Québec à Montréal professor to violate the confidentiality of her research participants.

On May 31, in a case where the Canadian Association of University Teachers (CAUT) intervened, Justice Marc St-Pierre ruled that professor Marie-Ève Maillé's promise of confidentiality met the four criteria of the "Wigmore" test for determining whether a communication is privileged.

"We are extremely pleased that the judge chose to uphold researcher-participant confidentiality," says CAUT Executive Director David Robinson. "The decision confirms that it is in the public interest for researchers to conduct their work with a promise of anonymity to study participants."

The case involved the work of then graduate student Marie-Ève Maillé, who interviewed 93 people in 2010 about a controversial wind farm being built in the Arthabaska region of Quebec, and promised them anonymity.

After local residents launched a class action lawsuit against the wind farm company, Éoliennes de l'Érable Inc., Justice St-Pierre ruled last January that Maillé, now an adjunct professor in social and public communications, must disclose the names of people who took part in her research.

Maillé requested a review of the judgment after receiving a letter indicating she could be held in contempt of court for refusing to comply.

Robinson notes that this latest judgment builds upon a 2014 case involving academic privilege and researcher-participant confidentiality, also from the Quebec Superior Court.

In that instance, CAUT funded a legal challenge on behalf of two University of Ottawa criminology professors resisting police efforts to obtain records related to a study about male escorts. One of their subjects was convicted murderer Luka Magnotta.

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Justice Sophie Bourque denied Montreal police access to taped interviews the professors had collected, upholding for the first time the rights of researchers to protect confidential information necessary for their academic work.

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