

Book Review

Clark, Chris, and Janice McGhee (eds.) 2008. *Private and Confidential? Handling Personal Information in the Social and Health Services*. Bristol: The Policy Press.

248 pp. Paperback, \$39.95 (CDN); ISBN 978-1861349057.

Patrick Feng

Faculty of Communication and Culture, University of Calgary, Canada. pfeng@ucalgary.ca

Privacy and confidentiality are crucial in the delivery of health and social services. Particularly in the West, they are seen as key components of trust relationships and are expected to be protected at all times. However, recent changes—professional, organizational, and technological—have made this task increasingly complex.

The book *Private and Confidential?* sheds light on the complexities of maintaining confidentiality while delivering health and social services. Editors Clark and McGhee have collected eleven essays that discuss issues ranging from the legal and moral foundations of confidentiality to professional codes of conduct. The contributors are mostly UK academics with backgrounds in social work and a variety of other disciplines. They share a common conviction that privacy and confidentiality remain essential to health and social services but are no longer (if they ever were) simple to achieve. As the editors keenly note, “privacy and confidentiality represent an increasingly challenging area of policy and practice where technological development, civil liberties, surveillance, health and welfare become inextricably intertwined” (3).

The book is divided into three parts. Part one probes the foundations and limits of confidentiality in the context of professional practice; part two, the challenges of balancing privacy with other needs; part three, concrete scenarios that illustrate the complexities of health care and social services delivery. Most of the chapters are written from a UK perspective and many draw on real life examples to illustrate the messiness of maintaining confidentiality in practice. While most people are quick to champion these values in the abstract, the practical challenges of balancing privacy with, say, the public’s right to know in the case of sex offenders (ch. 6) or when working with “vulnerable populations” (chs. 7-9) are not so easily resolved.

Several themes recur throughout the book. One is the proliferation of what one might call “well-intentioned” surveillance, i.e., surveillance enacted for the benefit of those being observed. This may occur, for example, with vulnerable groups such as children and the elderly, who often are seen as having limited autonomy and being in need of more protection than the general population. Surveillance of these groups may be enacted with or without their permission; in either case, it has become common for social service agencies to share information among themselves, a practice that has expanded even as privacy rights have become enshrined in legislation such as the UK’s 1998 Data Protection Act. Practitioners are thus faced with contradictory policy imperatives: use surveillance to protect the interests of patients but, at the same time, promote their right to privacy as citizens.

Feng, Patrick. 2009. Review of Clark and McGhee’s *Private and Confidential?: Handling Personal Information in the Social and Health Services*. *Surveillance & Society* 7(1): 83-4.
<http://www.surveillance-and-society.org> | ISSN: 1477-7487

© The author(s). 2009 | Licensed to the Surveillance Studies Network under a [Creative Commons Attribution Non-Commercial No Derivatives license](https://creativecommons.org/licenses/by-nc-nd/4.0/).



Another recurring theme is the changing context within which professional care is given. The past 30 years have seen enormous changes in how health and social services are organized and delivered. Patient care increasingly involves multiple agencies, thus requiring increased information sharing; meanwhile, electronic databases allow for a level of surveillance unimaginable even a decade ago. The authors tend to see this not as a uniformly bad thing but rather as something to be negotiated in practice. The key question, as the editors point out, is “how might we begin to redefine confidentiality in a way that conserves the core of human rights and privacy while addressing the widely agreed need to better share information for the benefit of individual clients, their kin, and society as a whole?” (10)

Overall, the book presents a pragmatic, multidisciplinary perspective on handling personal information. The focus is on the role of the professional and many of the chapters incorporate personal reflections on the challenges of maintaining privacy and confidentiality. While these reflections are interesting, they tend towards “stories from the trenches” and are less satisfying than theoretically engaged discussions grounded in a common literature. For example, most authors seem unaware of the burgeoning field of surveillance studies. Drawing on established fields would have given the book more depth and theoretical coherence.

Another field could have been drawn upon is that of technology studies. Rather than pointing to technology as simply a cause of privacy problems, the authors could have asked why certain technologies tend to elicit certain social responses. This, in turn, would have led them to question the relationship between privacy and technology, something that other scholars have explored (Agre and Rotenberg 1998). Moreover, such questioning might have led to different framings of key issues. For example, the editors frame privacy in terms of “trade-offs,” i.e., as something to be balanced against other needs and priorities. No doubt this is sometimes the case. However, as Monahan (2006) and others have argued, the language of trade-offs often leads us into false dichotomies: privacy vs. security, confidentiality vs. safety, and so on. Rather than viewing privacy as something that must be “traded-off” against other goals, wouldn’t it be better to design systems that facilitate the sharing of critical information *while* protecting privacy?

By the end of the book, the reader has a sense of the challenges of maintaining privacy and confidentiality, but the solution to these challenges is less clear. Clark and McGhee suggest reconceiving confidentiality in terms of trust and recognizing professionals as *trustees* who are responsible for balancing the interests of their clients with broader society. “The concept of professional as trustee,” they write, “is compatible with, but significantly enlarges, the traditional undertaking of professional confidentiality” (236). While I agree that professionals are often put in the role of trustee, this statement by itself does not advance our understanding of privacy and confidentiality very far. Indeed, I wonder if the editors put too much emphasis on the role of professionals. Professionals do not work in a vacuum; rather, they operate in a field of rules, laws, norms, and infrastructures, just like other actors. Recognizing this, the book might have also pointed to the possibility of developing laws and technologies that would assist professionals in the proper handling of personal information.

In the end, the book correctly diagnoses the challenges to maintaining privacy and confidentiality but the proposed treatment is less convincing.

References

- Agre, Philip, and Marc Rotenberg (eds.) 1998. *Technology and Privacy: The New Landscape*. Cambridge, MA: MIT Press.
- Monahan, Torin (ed.) 2006. *Surveillance and Security: Technological Politics and Power in Everyday Life*. New York: Routledge.