

## Journal Oversight Board

The Journal Oversight Board (JOB) is an independent body set up to adjudicate in the case of complaints about the editorial content of *The Pharmaceutical Journal* or the handling of such complaints by its editorial staff. It has investigated the following case.

**The complaint** The facts, as the JOB understands them, are that the complainant (Mr X) wrote to the Royal Pharmaceutical Society asking for a letter published in *The Pharmaceutical Journal* in 2004 to be removed from its online archive.

Mr X stated that he was concerned about "identity theft" and that it was a matter of politeness for the Society to agree to such a request from one of its members.

Mr X went on to state that he wrote to the Secretary and Registrar who had not replied. He then wrote to the editor, who passed on his complaint to the editor of *PJ Online*.

The editor of *PJ Online* did not accede to Mr X's request. He stated that he was responsible for a complete archive and that it was not possible to remove material from the printed version, which forms part of a national archive in which publishers are required to deposit their publications.

He further argued that removing sections of the online archive would place this version out of kilter with the printed archive and undermine its integrity. He added that others had made the same request and that these requests had also been declined on the same grounds.

Mr X regarded this reply as unsatisfactory because he believed that it did not enable him to protect himself against identity theft and because he

believed that no one, other than perhaps the editor, was interested in the historical record of *The Pharmaceutical Journal*. He also stated that he regarded the reply as "most unfriendly, curt and submissive".

He again asked that the relevant material be removed from the archive and that he be given an apology.

**The findings** Is Mr X entitled to demand that the published text be removed from the online archive? The first consideration here is whether, in submitting a letter for publication without a request that his name and place of residence be withheld, he gave permission for it to be published by *The Pharmaceutical Journal*, in that context and without time limit.

It is the JOB's view that this is what Mr X did, and the fact that it has been published in both a printed and an electronic form is not relevant. The printed version, which will also survive in perpetuity, provides the same information and, although less accessible, could still be viewed by someone who was unscrupulous.

Mr X referred to the Data Protection Act. JOB members are not lawyers but they are unable to see how the Act is applicable in this case. The Act covers personal data, which is defined as data that can identify an individual and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual. As the information Mr X sought to remove does not express any opinion about him and does not include any indication of the intentions of *The Journal* in relation to him it is hard to see how the Act could apply.

In addition, the Act provides exemptions from a data subject's rights for what it calls "special purposes", one of which is journalism.

Sections 3, 32(1) and 32(2)(b) of the Act exempt these special purposes from a data subject's S10 right to require a data processor to cease processing of personal data. We believe that these sections apply in this case, particularly given the special importance of the public interest in freedom of expression and publication in the public interest set out in S32(1)(b).

The second issue is whether the inclusion of Mr X's name and area of residence in the online archive does in any meaningful way put him at risk of identity fraud. The correspondence refers to his name and the city in which he lives. It does not reveal any further information about him, other than the implication that as a member of the Society he is a pharmacist. It is therefore hard to see how the inclusion of his name in a three-year old letter on the website of a professional journal puts him at any more risk than the tens of thousands of professionals (including every GP and hospital consultant in the UK) whose details are readily available on the internet, often with much more detail than the basic information about Mr X, which he sought to have removed.

Is it reasonable for the Society to turn down Mr X's request? He challenged the *PJ Online* editor's claim that altering the online version would put it out of kilter with the printed archive and undermine its integrity. We do not regard this as a trivial point. Over time it is possible that the online archive will be the only one being accessed. It seems reasonable that it should be accurate and should not be amended unless there are legal

requirements to do so. This is also regarded as good practice in medical and health publishing — for example, neither the *BMJ* nor *The Lancet* permits any alteration of its archives. Any subsequent modification can be signalled by an erratum or a statement of retraction but eliminating material is absolutely ruled out.

Mr X argued that no one would care if parts of the archive were removed. Again that does not seem to the JOB to be a reasonable proposition — the editor has a duty to protect the archive and it is possible, for example, that a historian of the Society or of British pharmacy would be interested in researching the archive.

Mr X's allegation that the Secretary and Registrar failed to respond to his initial complaint is not a matter for the JOB.

Mr X was concerned at the tone of the letter sent by the editor of *PJ Online*. The JOB regards his letter as business-like and, while accepting that it could have been warmer, for example, by regretting that *The Journal* could not help with Mr X's request and hoping that he would understand, it does not accept that the *PJ Online* editor's response was in any way inappropriate.

**The decision** On the basis of the above findings the JOB does not believe that an apology is justified and sees no grounds to uphold Mr X's complaint.

The JOB recommends that *The Pharmaceutical Journal* includes in its guidance for contributors a clear statement to the effect that once material has been published on the website contributors will not have the right to have it removed or edited.

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15 March 2007

### PRESCRIPTION PRODUCTS

#### Omeprazole

Omeprazole capsules 40mg are now available from Pliva in packs of 28. Net price: £58. Legal category: POM.

#### Travatan

Travatan (travoprost 40µg/ml) eye drops are now available from Alcon in a pack of three bottles. Net price: 3 x 2.5ml, £31.95. Legal category: POM.

### DICONTINUED PRODUCTS

#### Pragmatar cream

Alliance Pharmaceuticals has discontinued Pragmatar (cetyl alcohol, precipitated sulphur, salicylic acid) cream 25g and 100g.

### SUPPLY ISSUES

#### Dyazide tablets

Goldshield Pharmaceuticals is experiencing problems supplying Dyazide (co-triamterzide, hydrochlorothiazide) tablets. Medical information on 020 8588 9131. Customer services on 020 8588 9273.

### APPOINTMENTS

#### FIP

Claire Anderson, professor of social pharmacy at the University of Nottingham, has been appointed to the executive committee of the board of pharmacy practice of the International Pharmaceutical Federation.

#### UniChem

UniChem has reorganised its sales and marketing functions. Mark Stephenson, previously marketing director, has been appointed supplier relations director. Jeremy Main has been appointed sales and marketing director. In addition, Sanjay Pathak, MRPharmS, has been appointed commercial services manager.

### RESOURCES

#### Care homes

The pharmacists group of the Care Standards Inspectorate for Wales has produced an information sheet for community pharmacists, to ensure shared understanding about what is required of a care home to achieve best practice in medicines use and storage. Further information at [www.csiw.wales.gov.uk](http://www.csiw.wales.gov.uk).

#### Controlled Drugs

The National Prescribing Centre has produced "A guide to good practice in the management of controlled drugs in primary care (England)", second edition. The guide can be accessed free of charge via the NPC website ([www.npc.co.uk](http://www.npc.co.uk)).

Contact us

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