

Information Intermediary Liability

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ACTION for Health

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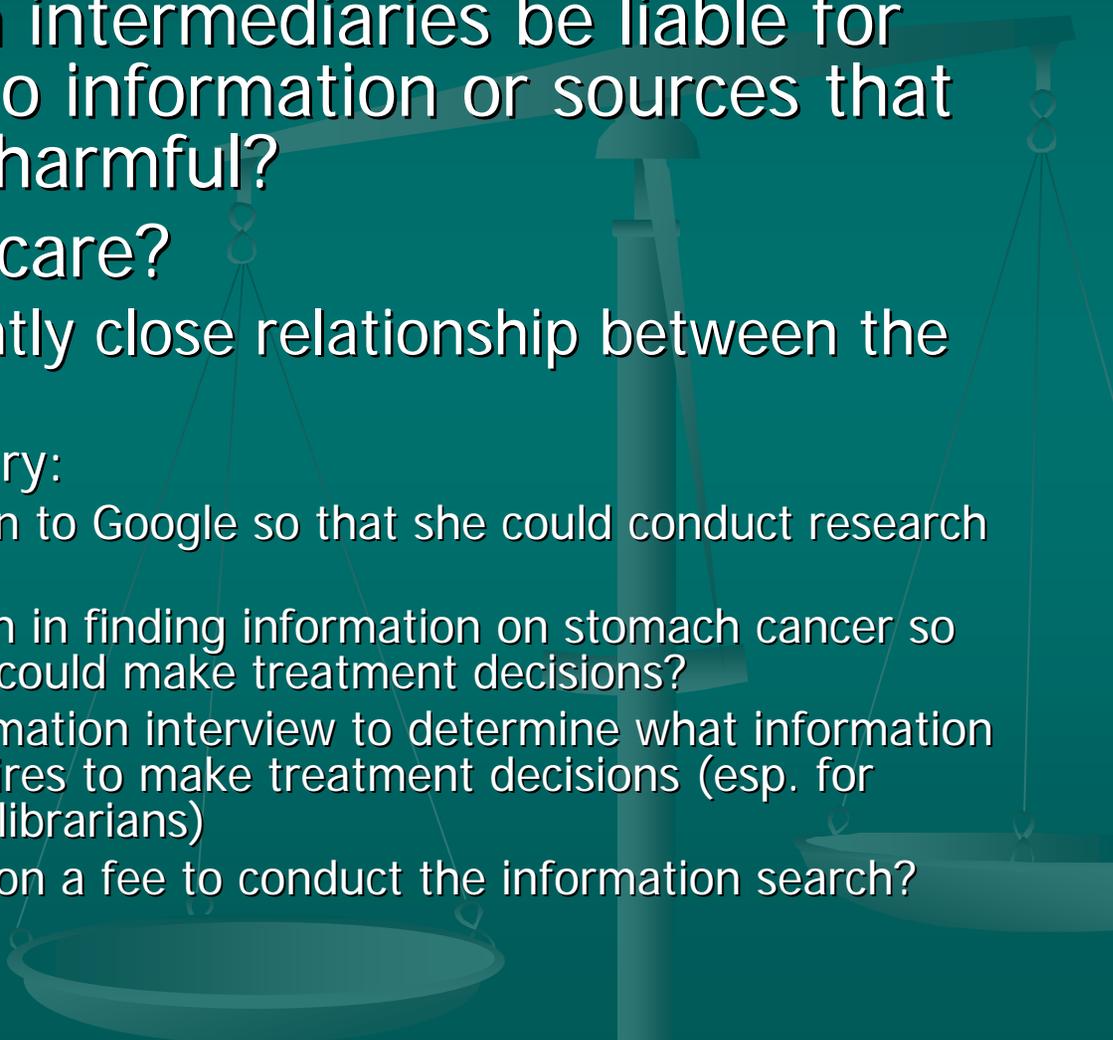
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Information Intermediary Liability

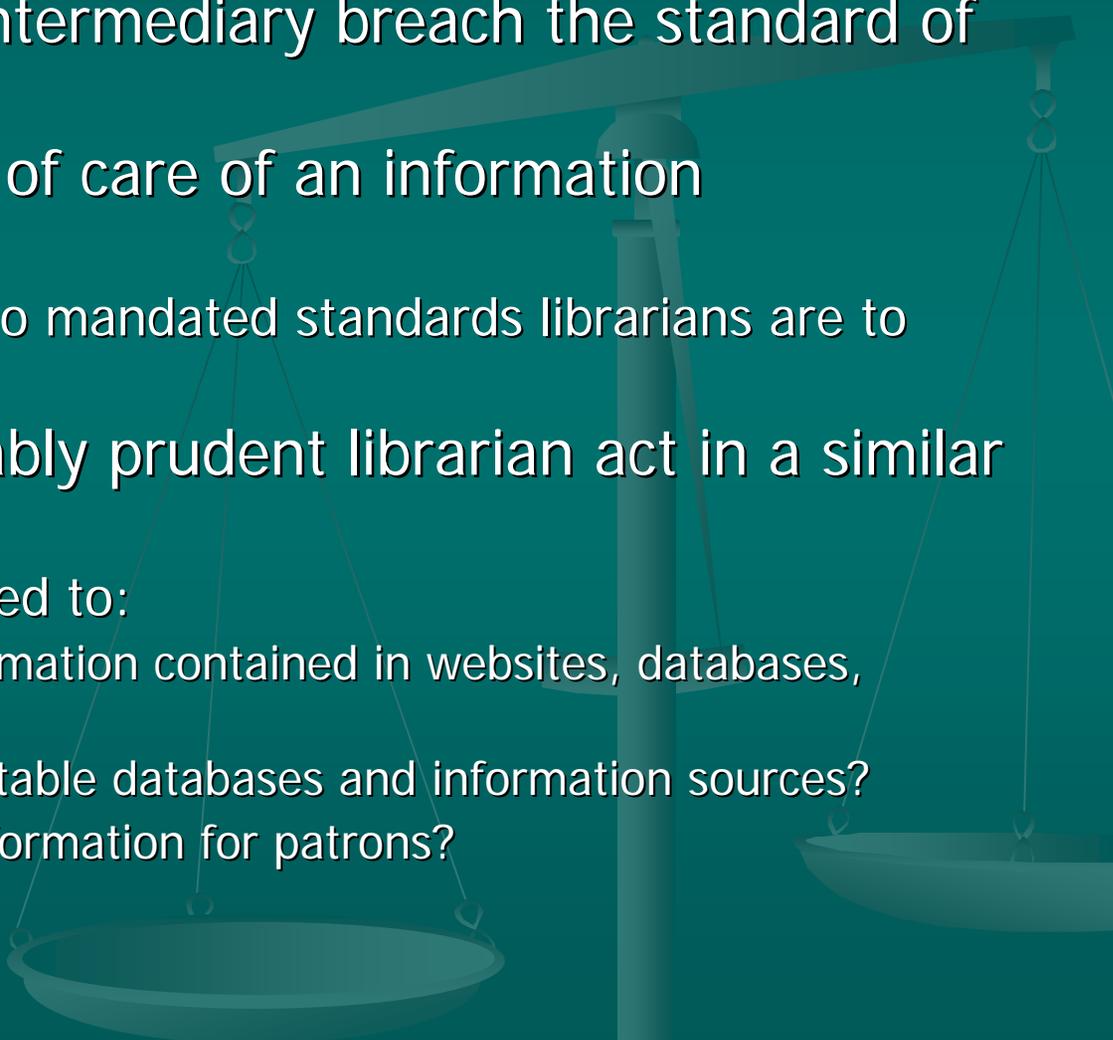


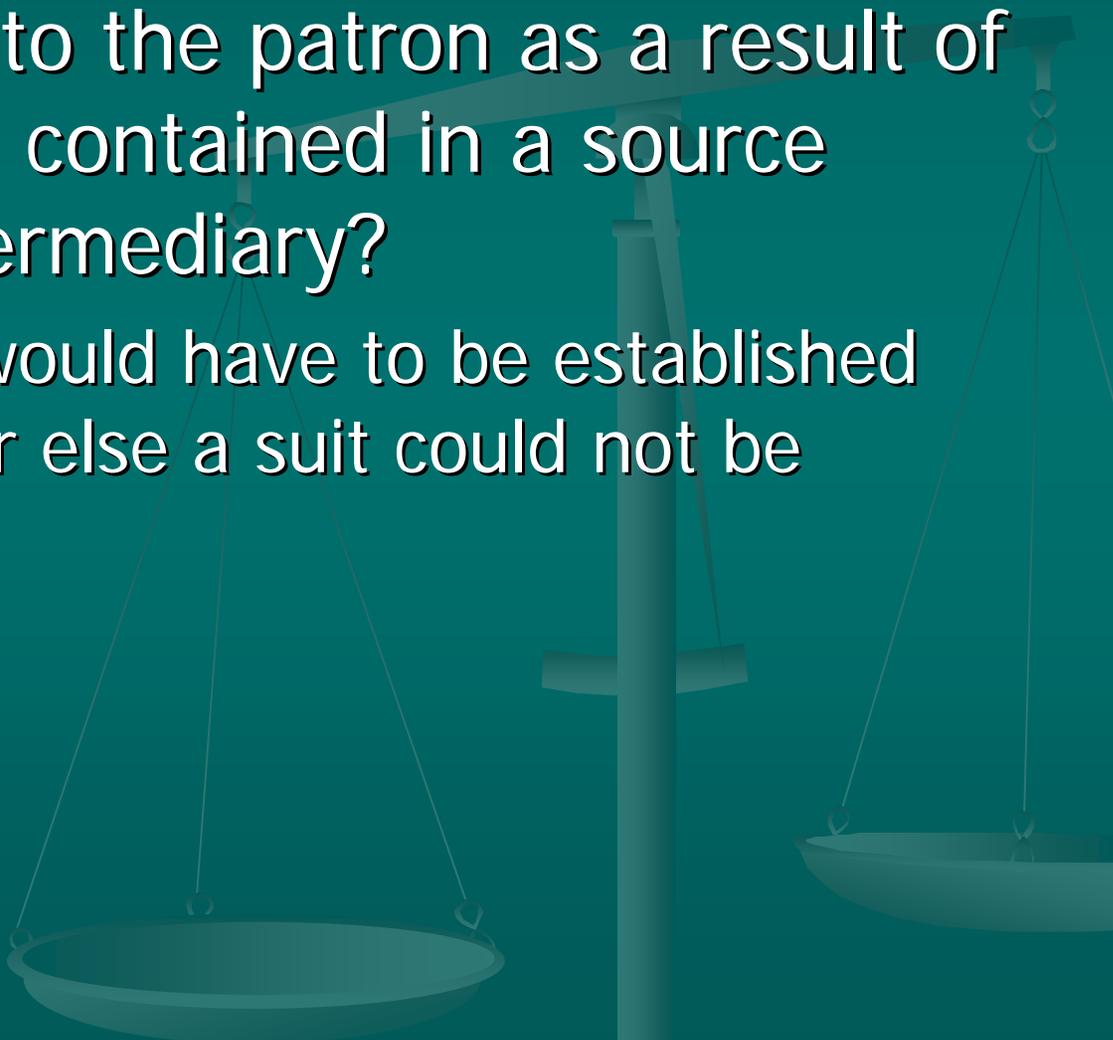
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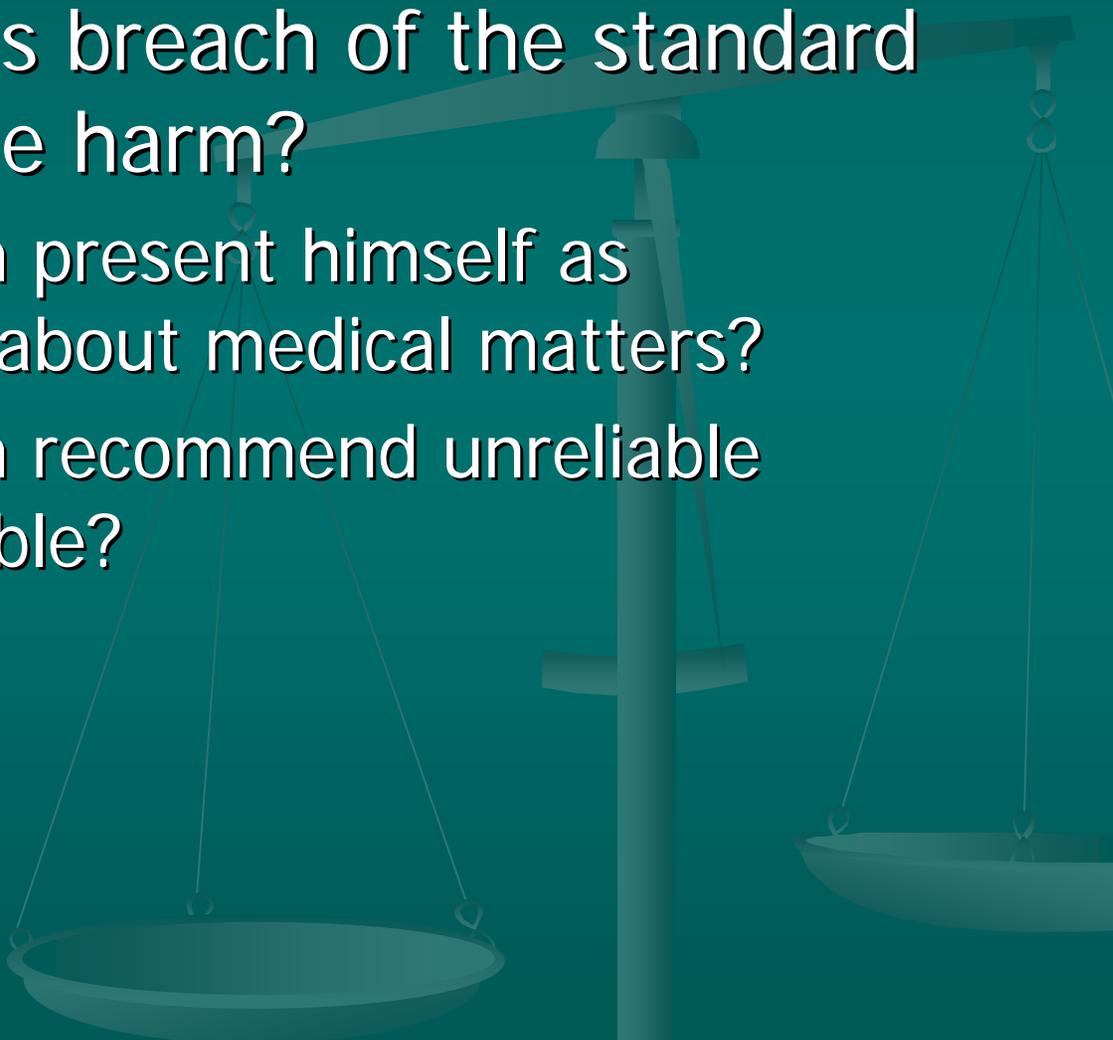
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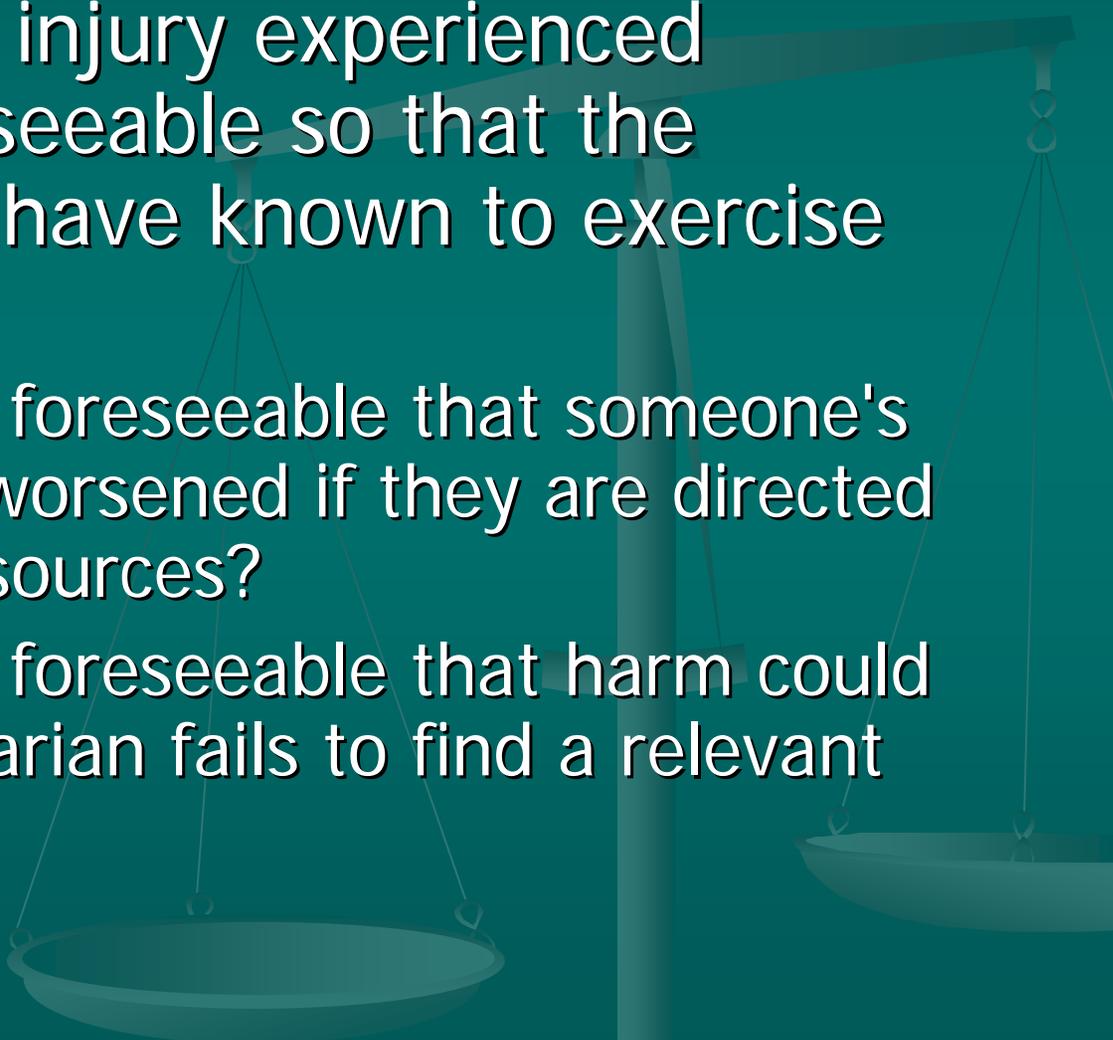


- Would information intermediaries be liable for directing patrons to information or sources that ultimately proved harmful?
- Is there a duty of care?
 - Is there a sufficiently close relationship between the parties?
 - Did the intermediary:
 - Direct the patron to Google so that she could conduct research on her own?
 - Assist the patron in finding information on stomach cancer so that the patron could make treatment decisions?
 - Conduct an information interview to determine what information the patron requires to make treatment decisions (esp. for health sciences librarians)
 - Charge the patron a fee to conduct the information search?

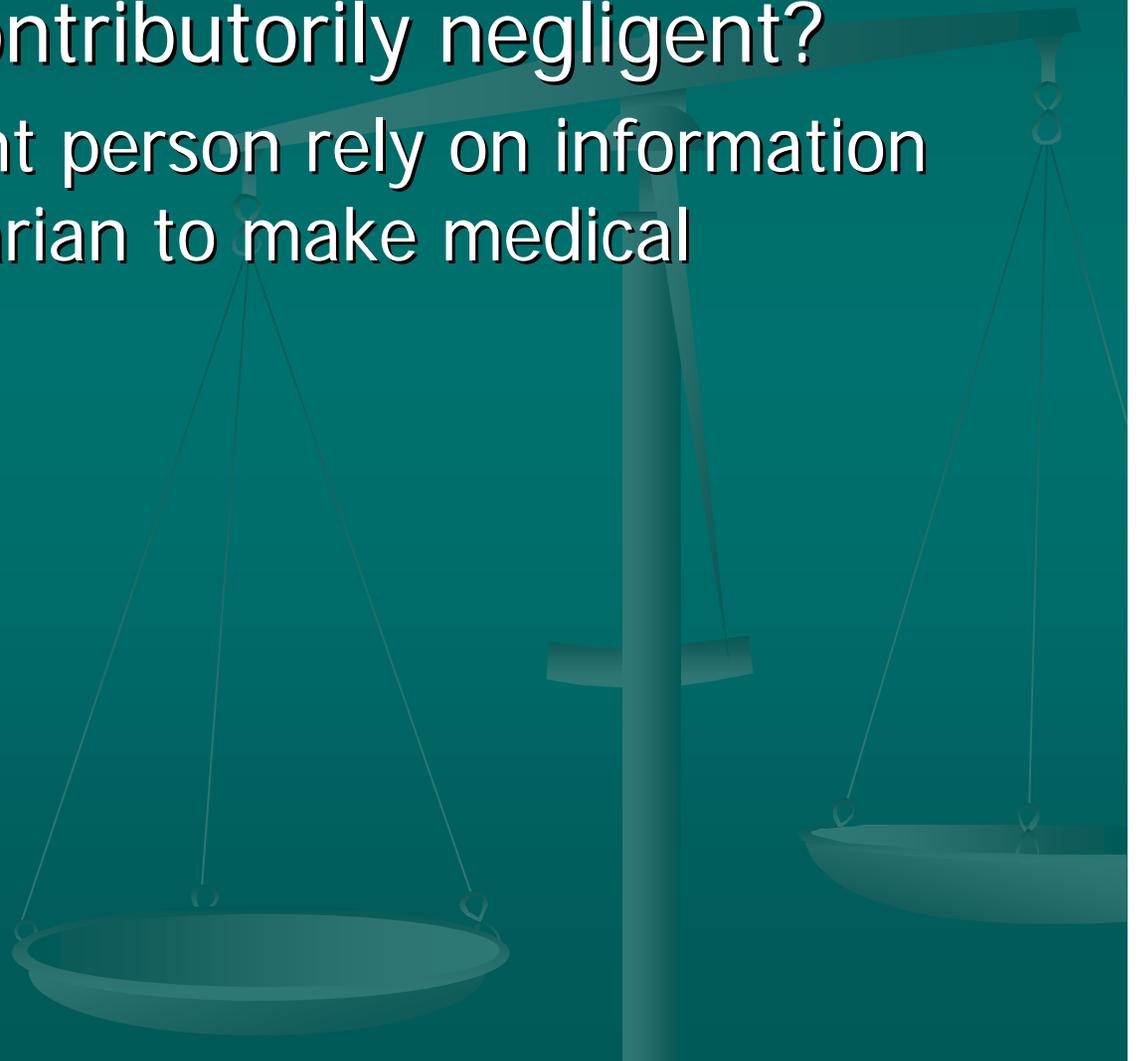
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- Did the information intermediary breach the standard of care?
 - What is the standard of care of an information intermediary?
 - In Canada there are no mandated standards librarians are to meet
 - How would a reasonably prudent librarian act in a similar circumstance?
 - Would they be expected to:
 - Know all of the information contained in websites, databases, library holdings?
 - Know what are reputable databases and information sources?
 - Interpret medical information for patrons?

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- Did harm occur to the patron as a result of following advice contained in a source found by an intermediary?
 - This condition would have to be established by the patron or else a suit could not be brought

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- Did the librarians breach of the standard of care cause the harm?
 - Did the librarian present himself as knowledgeable about medical matters?
 - Did the librarian recommend unreliable sources as reliable?

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- Was the kind of injury experienced reasonably foreseeable so that the librarian should have known to exercise more caution?
 - Is it reasonably foreseeable that someone's health may be worsened if they are directed to problematic sources?
 - Is it reasonably foreseeable that harm could result if the librarian fails to find a relevant source?

- Is the patron contributorily negligent?
 - Would a prudent person rely on information found by a librarian to make medical decisions?



■ Conclusion

- It is unlikely that a librarian operating within the parameters of their training would be held liable for harm that is suffered by a patron who seeks requests their assistance in gathering information.

