Information Intermediary Liability

March 2008

ACTION for Health

Document Status:
☐ Published Paper ☐ Practitioner’s Pointers
☐ Working Paper ☐ Briefing Note
☐ Report ☐ Research Tool
☐ Draft ☐ Overview
☒ Presentation ☐ Other

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Information Intermediary Liability

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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?
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?
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
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?
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.