

Summary of LOWI opinion 2015-03

This opinion concerns a case in which a number of Petitioners complained to the Board about two reports that, in brief, were supposedly not produced with the necessary care.

The Petitioners complained about two reports, one of which is a draft report. The Board found the complaint – which consists of multiple subsidiary complaints – inadmissible. The ruling of inadmissibility was not based on any explicit grounds as set out in the relevant Institution's applicable complaint procedure. As a result, the decision was subject to additional justification requirements. In the LOWI's view, the decision does not meet the stricter duty of justification. The fact that a report is still in the draft stage does not mean that the rules of research integrity do not apply. The confidentiality of a draft report cannot be invoked if no detailed arrangements have been made with the research commissioning body regarding confidentiality and insufficient action is taken if this presumed confidentiality is violated. Since the complaint procedure and the evidence presented at the hearing on behalf of the Board do not provide the LOWI with a sufficient basis to rule on the admissibility of the case, the LOWI has advised the Board to reconsider the Petitioners' complaint.

On 17 March 2015, the Board issued a decision in line with the LOWI's opinion.