



SNS COLLEGE OF TECHNOLOGY

Coimbatore-35.

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COURSE NAME : 19GET201 PROFESSIONAL ETHICS & HUMAN VALUES

IV YEAR/ VII SEMESTER

UNIT – IV Responsibilities and Rights

Topic: Confidentiality, conflicts of interest , occupational crime

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Confidentiality



Confidentiality can be defined as the ethical principle or legal right that a physician or other health professional will hold secret all information relating to a patient, unless the patient gives consent permitting disclosure.

Confidential information

- Information which is to be kept secret
- Any confidential information should be kept in secret for the purpose of running the organization effectively



Confidentiality



Terms associated with confidential information:

1. Privileged information:

- Available only on the basis of special privilege such as the privilege consistent with an employee who is working on a special assignment
- It includes information that has not yet become to public or known within an organization

2. Proprietary information:

- Owned by a company
- Refers to a new knowledge established within the organization that can be legally protected from use by others



Confidentiality



3. Trade secrets:

- Given limited legal protection against employee or contractor abuse (mis-treatment)
- Secrets may be about designs, technical processes, plant facilities, quality control methods, list of customers, business plans etc.

4. Patents:

- Patents differ from trade secrets
- Legally protect some specific products being manufactured and sold by other competitors without any written permission of the patent holder
- In case of trade secrets, the legal protection is limited to keeping relationships of confidentiality and trust



Types of confidential information

1. Obvious information of confidentiality:

This refers to test results and data, information about the unreleased products, design of products, formulae for products and technical processes of the products etc.

2. Information of lesser confidentiality:

- Includes all business information such as the number of employees working on a project, the identity of suppliers, marketing strategies, production costs and production yields etc



Justification and limit of confidentiality

- The confidentiality obligation can be justified at two levels.
- First level focuses on three moral considerations
 1. Respect for autonomy
 2. Respect for promises
 3. Respect for public or social well-being
- The second level is to appeal to the major ethical theories.
- There are different ethical theories which help to justify the rights in different ways. They are
 1. Right based theories
 2. duty-based theories
 3. utilitarian theories



Confidentiality



1. Right-based theories:

- Justify employees obligations of confidentiality by appealing to basic human rights. Example: whistle-blowing

2. Duty-based theories:

- Stress the basic duties of employers and employees to upkeep the trust placed

3. Utilitarian theories:

- **Rule – Utilitarian** justified the rules of confidentiality only when such rules produce the most good for the general public
- **Act-Utilitarian** focus on each situation when an employer decides on some matters to be counted as confidential information



Conflicts of Interest

- A conflict of interest occurs when the employees have an interest to pursue.
- It prevents them from meeting their obligations to serve the interest of their employers or clients
- For example: an electronics engineer working for a state department of communications might have a financial interest in a company which has a bid on supply of instruments



Conflicts of Interest - Types



1. Actual conflicts of interest:

- Based on weaker judgment and service
- Refers to the loss of objectivity in decision making and inability to faithfully discharge professional duties to employers

2. Potential conflicts of interest:

- Based on the difference between gifts and bribes
- Example: an engineer may find himself becoming a friend gradually with a supplier for his company
- This kind of potential conflicts also arise when accepting large gifts from the suppliers

3. Apparent conflicts of interest:

- This may occur when an engineer is paid based on a percentage of the cost of the design and there is no incentive for him to cut costs.
- There are some other conflicts of interest. They are:
 1. Interest in other companies
 2. Moonlighting
 3. Insider information