Confidentiality in the Peer-Review Process

This statement was developed by the CBE Editorial Policy Committee, which invites comments. Please send comments to Thomas B. Ferguson, Editor, *The Annals of Thoracic Surgery*, Suite 3108, Barnes Hospital Plaza, St Louis MO 63110.

Objective

To offer guidelines that may be useful to journals in the basic and applied biologic sciences, medicine, and related disciplines as they develop policies and procedures related to confidentiality in their peer-review processes.

Assumptions

When a manuscript is received in the editorial office, a bond of trust is formed between editor and author. Implicit in this trust is the author's right to expect that the manuscript will be treated in a confidential manner and protected from exploitation or misappropriation during all phases of the evaluation period.

The editor and the reviewers must recognize that they are being entrusted with a contribution considered of great value by the author(s). This value is measured in time and creative effort, as an instrument for professional advancement, and perhaps ultimately even in monetary return. It is important, then, for each person participating in the process to understand that the work is proprietary to the author and to respect the need for confidentiality.

The editor, as overseer of the peer-review process, is obligated to the author(s), the reviewers, and ultimately to the readers to ensure that the work is evaluated thoroughly and fairly for scientific accuracy, logic, and relevance. To aid in this evaluation, the editor often solicits advice from outside experts, the peer reviewers. These persons have the dual responsibility of rendering an opinion on whether the paper is appropriate for the journal to which it is submitted and for providing an assessment of the scientific accuracy, form, and content of the paper—a commentary that should be helpful to the authors whether or not the work is ultimately accepted by the journal. It is in the performance of these tasks that confidentiality might be breached, occasionally unwittingly but possibly more often unknowingly.

What level of confidentiality should an author expect? What appropriate procedures or actions should an editor take to protect a manuscript while it is under the journal's jurisdiction? What measures are appropriate to protect the respective identities of the reviewers and authors, depending on the review procedures (single-blind, double-blind, or open) used by that journal? What additional actions, if any, are required in case of rejection? The committee recognizes that these are difficult questions. No specific recommendation will suit every case, but certain principles of conduct seem applicable to most situations, and it is these that the committee wishes to address.

Recommendations

For the Author

Authors must recognize their responsibility in maintaining the confidential nature of the covenant between themselves and their current journal of selection. They must not demand to know the identities of the reviewers if this violates journal policy. They should not breach their agreement with the journal by sharing the substance of their paper with other journals, except when the editor, checking for duplicate submission, asks to see copies of similar papers that are under evaluation elsewhere. They should under no circumstances give information about the work to the mass media before publication.

For the Editor

On receipt of a manuscript from the author(s), the editor enters into an ethical agreement, promising that she or he will be trustee of the work until either the manuscript is published or a decision against publication is reached. This trusteeship covers all aspects of manuscript management, both in the editorial office and during peer review. Furthermore, the agreement dictates that certain information, such as the names and critiques of the reviewers, will remain confidential indefinitely if a blinded peer-review process is used by the journal.

Authors should be informed of the confidentiality policies in effect for the journal. These policies can be included in the acknowledgment letter, in the information or guidelines for authors, or as a separate statement. Points to be covered include a general description of the review process and specific information on confidentiality procedures in force for that journal, such as single or double blinding of reviewers (reviewer to author) or double blinding of reviewers (author to reviewer), or reviewer-option signed reviews. Several examples follow.

*Journal of the American Medical Association*, Instructions for Authors, under Editorial Review and Processing:

Peer Review.—All submitted manuscripts are reviewed initially by a JAMA editor. Those manuscripts with insufficient priority for publication are rejected promptly. Other manuscripts are sent to expert consultants for peer review. Peer review identities are kept confidential. Author identities are not kept confidential. The existence of a manuscript under review is not revealed to anyone other than the peer reviewers and editorial staff. Information from submitted manuscripts may be systematically collected and analyzed as part of research to improve the quality of the editorial or peer review process. Identifying information remains confidential.

*Annals of Internal Medicine*, The Review Process:

Reviewers are asked to treat papers as confidential communications and not to share their content with anyone except colleagues they have asked to assist them in reviewing, or to use content for their own purposes. They are asked to declare any conflicts of interest (such as personal
ties to the authors) and not to copy manuscripts.

Journal of Vascular Surgery, Editorial Policies, Principles of Peer Review:

All documents and information provided for the purpose of peer review must be kept entirely confidential. Unauthorized access to papers must be prevented by storing them in a secure manner. The documents must not be shared with other colleagues. If a reviewer wishes to seek a colleague's opinion on the scientific merit of a manuscript, the Editors must be consulted first, and the colleagues must adhere to the same standards of confidentiality.

Obstetrics & Gynecology, Instructions for Authors:

Authors may feel free to suggest the names of specific referees whom they believe to be particularly qualified to review the manuscript. They may also suggest the names of individuals who they feel may not be able to be objective, but if this course is chosen, the reason or basis for the opinion should be stated. All such requests, either pro or con, are regarded as confidential and will be considered by the Editor when assigning referees.

Editors are under obligation not to disclose information about a manuscript or reveal any particulars about the review (especially reviewer assessments) to outside inquiring sources, whether they be individual, media, or legal, during or after review and publication. This principle has been defended successfully in the courts.

As a corollary to the above, it is the editor's responsibility to make certain that these confidentiality considerations extend to every employee in the editorial office, as well as those involved in the publishing process. New employees require specific instruction in this regard as a part of their orientation.

The authors should be informed of the journal's policy regarding communications between the authors of a manuscript and the editorial office. With most journals, the authors are asked to designate a corresponding or responsible author. All subsequent communications from the editorial office are then directed to that person and to no one else, unless otherwise agreed, so it is the corresponding author's responsibility to keep coauthors informed of the manuscript's progress. This rule must be flexible, however, and the committee supports a policy of free communication between the editorial office and any of the authors when the corresponding author is not available. Other inquiries about a manuscript under review—as from a department head or division chief, a financial sponsor of the work, a member of the news media, or a legal representative—should be turned away as a violation of confidentiality.

For reviewers, journal policies on matters of confidentiality are best defined in the guidelines sent to the individual when a reviewer relationship is established or, if preferred, with each request for review. The statement should be concise and clear and should explain all procedures and expectations required to review for that journal. Again, individual journal policies will vary, but the committee recommends that a position should be stated for at least the following situations:

a) The manuscript is a privileged document and, under most circumstances, is for the reviewer's eyes only.

b) Current journal policy varies widely on the matter of permitting the designated reviewer to seek help by showing the manuscript to another person. Some journals forbid this altogether; others ask that the reviewer get permission from the editor before doing so, and still others say that asking a colleague with special expertise is permissible if it is disclosed to the editor. The committee has no recommendation on which course of action is best, knowing that the different policies have worked well for journals operating under varied circumstances. The reviewer must, however, be informed of the policy in effect and must agree to abide by it. If consultations are permitted, the reviewer and through the reviewer the colleague, must keep in mind the confidential nature of the transaction and must protect the manuscript from exploitation and other inappropriate usage.

c) The reviewer should be told of the journal's position on the use of the manuscript under review for any other purpose, such as in the education of students or professionals in training. While not wishing to limit the dissemination of new and important information, the committee recognizes the potential for harm in some of these practices, such as passing out copies of the manuscript for a journal club discussion.

d) The reviewer should understand that when the review is completed, the paper and illustrations must be returned to the editor, or the illustrations returned and the paper destroyed, depending on the policy of the journal. If reviewers are permitted to retain the manuscript, it should be for the sole purpose of comparing it with later revisions.

As examples of the above, the following paragraphs related to confidentiality are reproduced from "Suggested Guidelines for Consultants" of the American Journal of Orthodontics:

1. The unpublished manuscript is a privileged document. Please protect it from any form of exploitation. Reviewers are expected not to cite a manuscript or refer to the work it describes before it has been published; nor should they use the information it contains for the advancement of their own research. The reviewing process has a certain confidential nature, and consultants who wish to pass manuscripts to colleagues for review should first ask the editor for permissions and then ensure that those colleagues understand the confidential nature of the material...
5. A consultant should not discuss a paper with the author. In some instances, it may seem natural and reasonable to discuss points of difficulty or disagreement directly with the author, especially if the consultant is in favor of publication and does not mind revealing his identity. Specific prohibition of the practice is therefore necessary because the other consultants and editor may have differing opinions and the author may be led into undue optimism by having cleared things up with the consultant who made direct contact with him.

It is desirable that the editor have knowledge of the review methods of the persons who review manuscripts, so that if a breach in journal confidentiality is brought to her attention, it can be dealt with promptly usually by a telephone call. More than one serious departure from accepted procedure may result in not asking that person to review again or removing the person from an established review panel. A careful review of the facts, however, is necessary, inasmuch as the services of good reviewers are sought by several journals, each of which may have different confidentiality policies in effect.

For the Reviewer
The responsibility bond between the reviewer and the editor is very much a two-way street, so much of the previous section is also applicable for the reviewer.

Reviewers should recognize that while a manuscript under review is in their possession, they are caretakers of the authors' trust, as is the editor. A conscientious reviewer will make an effort to understand a journal's editorial policies regarding confidentiality when asked to be a reviewer.

If the journal policy is to blind reviews, the reviewer, by accepting the assignment, agrees to uphold this policy regardless of her or his personal views on blinding. There should be no dialogue of any kind between the reviewer and the authors, except through the editor. This includes comments in the review that might identify the reviewer to the author. Any purposeful violation, such as an unauthorized telephone call to an author, may prompt the editor to remove the reviewer's name from the panel. Further, if a reviewer becomes aware of a breach of confidentiality, it is her or his responsibility to bring it to the attention of the editor.

If a journal does not blind reviews, it is even more important that the reviewers understand that they should not open a dialogue with the authors that circumvents the editorial office. If they do so, the editor loses control of the peer-review process.

The reviewer should maintain confidentiality even after publication of the paper. On occasion, a reviewer will request the editor's permission to disclose to an author that she or he reviewed the manuscript or simply may tell the author, thinking there is no need for secrecy "after the fact." Each journal should be prepared to address these issues. The committee recommends that if reviewer confidentiality is maintained during the review process, anonymity should continue indefinitely. This position will provide the strongest support for the editor if outside sources—whether competing scientists, commercial houses, the news media, or legal firms—seek to gain information that does not properly belong in their hands.

Possible Sanctions and Penalties
There are few instances in which a breach in confidentiality requires a sanction or penalty. The majority of situations can and should be adjudicated by the editor. Examples of situations where the editor might wish to intervene are 1) if an author discovers the identity of a critical reviewer and confronts that person directly, 2) if a reviewer distributes copies of a manuscript to department members, and 3) if in a blinded review situation the reviewer purposely reveals her or his identity to the authors. These transgressions, which in themselves seem relatively trivial, need to be dealt with firmly and expeditiously by the editor, for each carries in the background the potential for litigation. Documentation of the incident and the editorial-office response should be carefully recorded in the manuscript record.

And finally, a caveat for all of us dealing with peer review and the issues of confidentiality, so well put by Addeane S Caelleigh, editor of Academic Medicine: "Above all, the confidentiality of journal operations must not be used as a screen for sloppy procedures, muddled policies, and unfair practices. The price that editors pay for the trust that confidentiality implies is that they must operate review and decision systems that would be demonstrably fair if the community could see the inner workings behind specific decisions" (Acad Med 1993; 68 (Suppl 3):S23-S29).4

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