45. Obligation of confidence

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This chapter considers one requirement in a breach of confidence action: that the defendant was under a legal (as opposed merely to a moral) obligation of confidentiality. It first looks at the basic test for a confidence arising that is ‘knowledge’ or ‘notice’. More specifically, it examines the duties that arise where the parties are in a direct relationship, where there is an indirect relationship, and where no relationship exists. It also describes the duties that arise when the parties are in an employment relationship and tackles the question as to whether (and if so, when) strangers come under an obligation of confidentiality.

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