



AUST. COMPETITION &  
CONSUMER COMMISSION  
CANBERRA

27 JUL 2012

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra  
ACT 2601

FILE No:

DCC:

MARS/PRISM:

26<sup>th</sup> July 2012

**Re: Endorsement for Medicines Australia Code of Conduct Edition 17**

Dear Sir/Madam

Sanofi fully supports Medicines Australia's submission of the application for authorisation of Edition 17 of the Code of Conduct made to the ACCC on 4<sup>th</sup> July 2012.

In particular, we consider the proposed changes made in Edition 17 of the Code provides greater transparency by increasing the level of aggregate reporting to include sponsorships, contracted services and advisory board. Sanofi considers these changes to be at a level of disclosure in order to boost transparency whilst still enabling HealthCare Professionals (HCPs) to undertake adequate levels of education and training.

Sanofi specifically opposes any submission made to the ACCC for full public disclosure of names of HCPs attending educational activities or engaging in services for the company.

Sanofi believes that full public disclosure will have a negative impact on the quality and quantity of medical education undertaken in Australia, with respected speakers discouraged from participating and attendees discouraged from attending pharmaceutical educational events. HCPs may not consent to their personal information being disclosed on a public register and in order to avoid this they will elect not to attend any educational events which are arranged or funded by pharmaceutical companies. This is not in alignment with the general principles of the MA Code and Quality Use of Medicines.

Importantly, it is in our view a breach of the Privacy Act. With regards contracted services, to require disclosure of such information to the public would be a breach of both the confidentiality of the parties concerned, who have entered into a legally binding commercial arrangement, as well as the privacy rights of the HCPs concerned who have not consented to their personal information being used in such a manner. In the event that the Code required a disclosure of



personal information in the public domain then the provisions of the Privacy Act would prevail and pharmaceutical companies would be in breach of the law by disclosing doctors names in a public report.

Suggestions to adopt similar requirements to the US Sunshine Act requires careful consideration given that this has not yet been successfully implemented in the US and places an immense burden on pharmaceutical companies and individual HCPs to fulfill such obligations.

Sanofi strongly opposes calls for the publishing of individual names of HCPs and believes this will not only breach the Privacy Act and rights of individual HCPs, but will also have a detrimental effect on medical education for HCPs and consequently impact the quality of patient care in Australia.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Alan Brindell", with a long, sweeping underline that extends to the right.

Alan Brindell  
Director, Public Affairs & Communications  
Sanofi