

Protection

What does the Law of Confidence protect?

Information/ Ideas which are not in the public domain.

What is Confidential Information?

Information that is private and not of public knowledge

The information/ideas can be either commercial or non-commercial

Types of Information that can be protected

Government Secrets	Trade Secrets	Personal Informati on	Artistic & Literary informa tion
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Vestwin Trading Pte Ltd v Obegi [2006] SLR 573

Elements of breach of confidence

1. The information must have the quality of confidence (it must be confidential)
2. Information must be disclosed in circumstances importing an obligation of confidence (there must be a relationship of confidentiality)
3. There must be unauthorized use of the information to the detriment of the party who originally disclosed it (the disclosure must be in breach of confidence)

Coco v Clark.

Elements of confidence

All 3 elements must be fulfilled:

1. Quality
2. Obligation/relationship
3. Unauthorized use resulting in detriment

All this must be established before an action for breach of confidence can succeed.



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