

The MRS Market Research Standards Board

The MRS Code of Conduct

Response to Consultation Submissions

Between January and April 2009 MRS received 114 responses to its consultation on proposed changes to the MRS Code of Conduct. In addition, an open meeting for MRS members and MRS Company Partners was attended by 25 people.

The MRS Market Research Standards Board (MRSB) has carefully considered all the submissions received and has come to a number of decisions on its original proposals. Additionally the submissions have given rise to further issues that MRSB would like to address and consult further with MRS members and Company Partners. Details of this further consultation are set out at the end of this paper.

1. Definitions

Proposal:

Incentive:

Any benefit offered to respondents to encourage participation (or as a consequence of participating) in a research project.

MRSB agrees with responses that noted that this definition of incentive is too broad. The definition should be limited to benefits that encourage participation and should not include other benefits given after the fact which should properly be considered as thank you gifts.

Revised definition:

Incentive:

Any benefit offered to respondents to encourage participation in a research project.

2. Principles of the Code

Proposal:

The proposed revised principles of the MRS Code of Conduct were:

1. Researchers shall ensure that participation in their activities is based on voluntary informed consent.
2. Researchers shall be straightforward and honest in all their professional and business relationships.
3. Researchers shall be transparent as to the subject and purpose of data collection.
4. Researchers shall respect the confidentiality of information collected in their

professional activities.

5. Researchers shall respect the rights and well being of all individuals.
6. Researchers shall ensure that respondents are not harmed or adversely affected by their professional activities.
7. Researchers shall balance the needs of clients, individuals and their professional activities.
8. Researchers shall exercise independent professional judgement in the design, conduct and reporting of their professional activities.
9. Researchers shall ensure that their professional activities are conducted by persons with appropriate training, qualifications and experience.
10. Researchers shall protect the reputation and integrity of the profession.

These 10 new principles were broadly welcomed in responses to the consultation. There were some suggestions for additional words that could be added, but MRSB did not feel that the changes would be beneficial. The exception to this was principle 7 where MRSB agreed with the suggestion that as respondents' rights are paramount in the MRS Code, individuals should appear first in the balancing of needs by researchers.

Outcome: Proposal accepted with revised principle 7

7. Researchers shall balance the needs of individuals, clients, and their professional activities.

3. Code Rules

Proposal:

- A10. Members must take all reasonable precautions to ensure that Respondents are not harmed or adversely affected as a result of participating in a research project.

Comment: Members should have due regard to sensitive subjects that may be covered in a research project. For example, Members should ensure that Respondents are informed of questions that relate to sensitive subjects and offered the option not to answer.

There were a number of queries on this added comment about the meaning of the word "sensitive" and the application of the comment to specific situations. While MRSB initially felt that this comment would be of assistance to researchers in researching sensitive subjects or with vulnerable respondents, the overall effect of the comment was to narrow the perceived scope of rule A10, detracting from its intended meaning of covering all forms of harm to respondents regardless of the subject matter of the relevant project.

Outcome: Proposed comment removed

Proposal:

B15. If there is to be any recording, monitoring or observation during an interview, Respondents must be informed about this both at recruitment and at the beginning of the interview.

Comment: This does not include monitoring (listening) to telephone interviews for the purpose of quality control where interviewers have been informed that such monitoring takes place.

One comment was received as to the transparency of this practice but MRSB confirms that this comment reflects a specific exemption contained in the Telecommunications (Lawful Business Practice) Regulations 2000.

Outcome: Proposal accepted

Proposal:

B19. A Respondent's right to decline to answer any question must be respected

This proposal was one of the most commented on and MRSB acknowledges that there are multiple problems with the practical application of this rule, particularly in the online environment. MRSB concluded that this issue was in some instances an issue of good practice in questionnaire design and therefore MRSB elected to make further changes to rule B14 noted later in this document. Rule B19 will not appear in any final version of The MRS Code.

Outcome: Removal of proposed new rule

Proposed Text

B21. For telephone and face to face interviews, calls must not be made to a household (local time) before 9am weekdays and Saturdays, 10am Sundays or after 9pm any day, unless by appointment.

Comment: The only exception to this is where local rules and customs differ from UK practice

A query was made as to whether *local rules* are the same as laws. Rules are mandatory requirements which may take a variety of forms including primary and secondary legislation, by-laws and other forms or regulation. Researchers should make every effort to familiarise themselves with the regulatory context within which they work.

"Households" traditionally implied a dedicated landline; however the advent of mobile phones and of mobile-only telephone subscribers has blurred this distinction. The purpose of this rule is to protect the public from unreasonable disturbance in their private lives. The use of text messaging for example at unsocial hours can also provoke distress and so should be included in a reworking of this rule.

Outcome: New proposal to be put forward

Proposal

- B26. Client goods or services, or vouchers to purchase client goods or services, must not be used as incentives

This proposed rule, although an MRS regulation since January 2008, provoked significant debate during the consultation process. While MRSB recognises the usefulness of client incentives in encouraging participation, these incentives raise issues of promoting the aims and ideals of the client, so tending towards promotion and direct marketing.

MRS sought further advice on this issue from the Information Commissioner's Office (ICO). In response, the ICO clearly stated that it would regard the provision of client incentives as a form of promotion, which would engage regulations that restrict direct marketing communications.

MRSB has therefore decided to retain the rule as proposed.

Outcome: Proposal accepted

Proposal

- B28. Consent of a parent or responsible adult (acting in loco parentis) must be obtained before interviewing a child under 16.

Comment: Under special circumstances, permission to waive parental consent may be obtained, but only with the prior approval of the MRS Market Research Standards Board.

This rule removes the previous consent exemption for 14 and 15 year olds in public places. While it was noted that obtaining interviews with these ages may be made more difficult, MRSB notes that this change is being made in the context of a general rise in the ages at which young people are given the same rights as adults, e.g. leaving school and purchase of tobacco.

MRSB acknowledges that clarity is needed in the definition of responsible adults and provides this in the revised text below.

Outcome: Revised comment to rule B28

- B28. Consent of a parent or responsible adult (acting in loco parentis) must be obtained before interviewing a child under 16.

Comment: A responsible adult (acting in loco parentis) is an individual who has personal accountability for the well-being of a child, for example, guardian, teacher, nanny or grandparent. It is not an individual who has a limited or specific responsibility such as a lifeguard, instructor or employer.

Under special circumstances, permission to waive the requirement for consent of a parent or responsible adult may be obtained, but only with the prior approval of the MRS Market Research Standards Board.

Proposal

- B32. For research administered using an electronic communications network or service, Members must ensure that Respondents are asked to give their age before any other personal information is requested. Further, if the age given is under 16, the child must be excluded from giving further personal information until the appropriate consent from a parent or responsible adult has been obtained and verified.

MRSB notes that the wording creates unwarranted burdens where an age question is redundant such as in business to business research. The revised text attempts to clarify this point.

Researchers should note that an electronic communications network or service is a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description and includes a telephone network.

Outcome: Revised rule B32

- B32. For research administered using an electronic communications network or service, where it is known (or ought reasonably be known that) some Respondents are likely to be under the age of 16, Members must ensure that Respondents are asked to give their age before any other personal information is requested. Further, if the age given is under 16, the child must be excluded from giving further personal information until the appropriate consent from a parent or responsible adult has been obtained and verified.

Proposal

- B36. Members must ensure that completed recruitment questionnaires, incentive and attendance lists, transmissions or recordings or any other research information or outputs which identify Respondents are not passed to or accessed by Clients or other third parties without the explicit permission of the Respondents; and Members must take reasonable steps to ensure that the information or outputs are used only for the purpose agreed at the time of data collection.

No substantive comments were received on this proposal.

Outcome: Proposal accepted

Issues for further consideration and consultation

Interviews and Questionnaires

One of the criticisms of the MRS Code of Conduct is that it is based on the quantitative paradigm of the interview and the questionnaire. This has become even more problematic when developments in passive data collection, mystery shopping, as well as online and co-creation research are considered.

Balancing this is the need to have clear and well understood terms around which the MRS Code can be written.

Interview is currently defined in the MRS Code as follows:

Interview:

An interview is any form of contact intended to obtain information from a Respondent or group of Respondents.

MRSB proposes to retain the word interview to expand this definition to cover the considerations set out above.

Proposal:

Interview:

An interview is any form of contact intended to obtain information from or about a Respondent or group of Respondents. This can involve passive as well as direct contact.

Questionnaire is not currently defined in the MRS Code but appears in the heading above rule B14.

Designing the Questionnaire

- B14 Members must take reasonable steps to ensure all of the following:
- that questions are fit for purpose and Clients have been advised accordingly
 - that the design and content of questionnaires are appropriate for the audience being researched;
 - that Respondents are able to answer the questions in a way that reflects the view they want to express;
 - that Respondents are not led towards a particular answer;
 - that answers are capable of being interpreted in an unambiguous way;
 - that personal data collected are relevant and not excessive.

MRSB notes that a questionnaire is one form which a data collection process can take. The points set out in B14 are applicable to many kinds of research and should not be understood to be limited to questionnaires alone. In proposing revisions to this rule MRSB is also taking

the opportunity to address issues raised under the discussion of the proposed rule B19 above.

Proposal: Revising and expanding rule B14

Designing the data collection process

- B14 Members must take reasonable steps to ensure all of the following:
- that the data collection process is fit for purpose and Clients have been advised accordingly
 - that the design and content of the data collection process or instrument is appropriate for the audience being researched;
 - that Respondents are able to provide information in a way that reflects the view they want to express, including don't know/ prefer not to say where appropriate;
 - that Respondents are not led towards a particular point of view;
 - that responses are capable of being interpreted in an unambiguous way;
 - that personal data collected are relevant and not excessive.

Definitions

Data Collection Process

A data collection process is any process used to obtain information from or about Respondents. It includes, but is not limited to, interviews, questionnaires, discussion guides, and stimulus materials.

Recontacting Respondents

Based on queries to the MRS Codeline advisory service and other recent submissions, MRSB believes that there is a need to clarify the purpose of re-contact questions and to offer guidance on their design. MRSB proposes to insert a comment before rule B11.

Proposal:

Re-interviewing Respondents

Comment: A re-contact question asks permission for a follow-up interview, i.e. an interview for which a respondent is selected as a consequence of participating in a previous interview.

Any re-contact question should be agreed at the design stage with the client to cover any planned or possible consequential interviews.

Privacy and protection from unreasonable disturbance

Further to the discussion of rule B21 above, MRSB proposes the following revisions to its proposal:

Proposal: Expanding rule B21

B21. Telephone and face to face interviews must not be conducted nor text messages sent before 9am weekdays and Saturdays, 10am Sundays or after 9pm any day, unless by appointment or for business to business research.

Comment: The only exception to this is where local rules and customs differ from UK practice.

Use of cameras in observation

B47 of the current Code provides detailed requirements for the use of CCTV or other fixed camera. MRSB have become aware that some members have interpreted this rule to apply to recorded mystery shopping exercises. MRSB would like to clarify that this is not the case, as the informed consent of respondents is obtained in advance through other methods. To more clearly separate this rule from the preceding section the heading above this rule should be amended as below.

Proposal: Amend heading prior to rule B47 to read:

Observation and Ethnographic Research

Data Security

MRSB would also like to take this opportunity to emphasise the importance of the secure handling of personal data. Some additions are proposed for the final section of the MRS Code currently headed "Data Storage"

Proposal: Expanding rule B62

Data Security and Storage

B62 Members must take reasonable steps to ensure that all hard copy and electronic lists containing personal data are held, transferred and processed securely in accordance with the relevant data retention policies and/or contractual obligations.