



**CODE OF CONDUCT**

**Draft**

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Comments to [codeofconduct@mrs.org.uk](mailto:codeofconduct@mrs.org.uk)

## The Market Research Society (MRS)

The Market Research Society (MRS) is the world's leading research association. It's for everyone with professional equity in market, social and opinion research (whether you use it or provide it) and in business intelligence, market analysis, customer insight and consultancy.

### *Evidence matters*

Evidence helps to build strategy and reduce risk; it's essential for good commercial and public policy decisions. If you need, use, generate or interpret evidence, MRS can help you. Our members have commissioned and provided evidence that has helped win elections, launch global brands and understand profound trends in society. We support, promote, and aim to enrich the research and business world.

In consultation with its individual members and Company Partners, MRS supports best practice by setting and enforcing industry standards. The commitment to uphold the MRS Code of Conduct is supported by the Codeline advisory service and a wide range of specialist guidelines. Find out more at [www.mrs.org.uk](http://www.mrs.org.uk).

MRS is a member of EFAMRO and the Global Research Business Network.



### **The principles of the MRS Code of Conduct:**

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 participants are not harmed or adversely affected by their professional activities.
7. Researchers shall balance the needs of individuals, clients, 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.

### **Introduction**

This edition of the Code of Conduct was agreed by MRS to be operative from DD MONTH 201Y.

It is a fully revised version of a self-regulatory Code which has been in existence since 1954.

All MRS Members must comply with this Code. It applies to all Members, whether they are engaged in consumer, business to business, social, opinion, international or any other type of research project.

It applies to all Members irrespective of the sector or methodologies used e.g. quantitative, qualitative, mystery shopping, etc.

It also applies to MRS Members when conducting non-market research exercises using research techniques e.g. database building or projects which are used for purposes other than research. Further regulations that apply to these activities are set out in MRS Regulations on Using Research Techniques for Non-Research Purposes and rules 12 to 15 of this Code.

MRS Company Partner organisations are required to take steps to ensure that all individuals employed or engaged by them (whether MRS Members or not) comply with this Code as if they were MRS Members.

The Code of Conduct is designed to support all those engaged in market, social or opinion research in maintaining professional standards.

The Code is also intended to reassure the general public and other interested parties that research is carried out in a professional and ethical manner.

### **MRS Guidelines and Regulations**

A full list of MRS Guidelines, which provide additional best practice guidance, appear on the MRS website [www.mrs.org.uk](http://www.mrs.org.uk).

MRS regulations are binding on Members. At the time this Code was published, the regulations were:

- MRS Regulations on Using Research Techniques for Non-Research Purposes.
- MRS Regulations on Administering Incentives and Free Prize Draws.
- MRS Regulations on the Use of Predictive Diallers.

Members should keep themselves informed of any amended or new regulations. All documents can be found on the MRS website.

### **MRS Disciplinary Regulations**

Under the MRS Disciplinary Regulations, membership may be withdrawn or other disciplinary action taken, if a Member is deemed guilty of unprofessional conduct. This is defined as a Member:

- being guilty of any act or conduct which, in the opinion of a body appointed by MRS Main Board, might bring discredit on the profession, the professional body or its Members; or
- being found by a body appointed by MRS Main Board to be guilty of any breach of the rules set out in this Code of Conduct; or
- being found by a body appointed by MRS Main Board to be guilty of any breach of the provisions set out in any MRS binding guideline laid down from time-to-time by the MRS Main Board; or
- being found by a body appointed by MRS Main Board to be guilty of any breach of any other regulations laid down from time-to-time by MRS Main Board; or
- failing without good reason to assist the professional body in the investigation of a complaint; or
- in the absence of mitigating circumstances having become bankrupt or having made any arrangement or composition with his/her creditors; or
- being found to be in breach of the Data Protection Act 1998 or other comparable legislation applicable outside the UK. Or being found, by a body appointed by MRS Main Board, to have infringed any of the 8 data protection principles set out in the Act or similar provisions set out in comparable legislation outside the UK.

All rules must be observed and adhered to by all MRS Members with any involvement, or with any responsibility, at any level in a matter. This means that more than one MRS Member might be in breach of a rule in respect of the same matter.

Note that where more than one MRS Member is involved in a matter under complaint, whilst the MRS reserves the right to proceed with an investigation and other relevant processes against all such Members under its Disciplinary Regulations, it will usually apply its discretion to proceed only against the most senior MRS Member(s) involved, except in cases where there are multiple members in different organisations.

### **MRS Company Partner Complaints Procedure**

Participants in the MRS Company Partner Service are also required, in accordance with the terms of the Service, to take steps to ensure that the Code of Conduct is adhered to by all individuals employed or engaged by them (whether MRS Members or not). The rules of this service are detailed in the MRS Company Partner Quality Commitment.

Under the MRS Quality Commitment and its associated Complaints Procedure, MRS Company Partners are committed to comply the MRS Code of Conduct and to co-operate with MRS to assist in the early resolution of any complaints.

### **General**

It is the responsibility of Members and Company Partners to keep themselves updated on changes or amendments to any part of this Code which are published from time to time and announced in publications and on the MRS website. If in doubt about the interpretation of the Code, members may consult the MRS Codeline Service ([codeline@mrs.org.uk](mailto:codeline@mrs.org.uk)) which deals with MRS Code enquiries and advises on best practice.

The MRS Code of Conduct does not take precedence over national law. Members and Company Partners responsible for international research shall take its provisions as a minimum requirement and fulfil any other responsibilities set down in law or by nationally agreed standards.

## **Definitions**

### ***Definitions used in the MRS Code of Conduct***

#### **Agency:**

Agency includes any individual, organisation, department or division, including any belonging to the same organisation as the client which is responsible for, or acts as, a supplier.

#### **Anonymisation:**

Anonymisation is the process of removing, obscuring, aggregating or altering identifiers to prevent the likely identification using reasonable means of the individuals to whom the data originally related.

#### **Child:**

A child is a person under the age of 16.

#### **Client:**

Client includes any individual, organisation, department or division, including any belonging to the same organisation as the member, which is responsible for commissioning or applying the results from a research project.

#### **Consultant:**

A consultant is any individual or organisation that provides research services. Consultants can also be a sub-contractor in the research relationship.

#### **Data Collection Process:**

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

#### **Direct Marketing:**

Direct marketing is communication by whatever means of any advertising or marketing material, which is carried out by a direct marketer or on their behalf and which is directed to particular individuals.

#### **Identity:**

The identity of a participant includes, as well as their name and/or address, any other information which offers a reasonable chance that they can be identified by anyone who has access to the information.

#### **Incentive:**

An incentive is any benefit offered to a participant to encourage participation in a project.

#### **Interview:**

An interview is any form of contact intended to obtain information from or about a participant or group of participants.

#### **Member:**

A Member is an individual who has been admitted to membership of MRS in one of the categories set out the MRS Articles of Association.

For the purposes of this applying this Code, an organisation with MRS members that has signed the MRS Company Partner Service Quality Commitment which applies throughout the organisation shall be treated as a Member.

**Mystery Shopping:**

Mystery shopping or Mystery customer research are the same activity and is the use of individuals trained to experience and measure any customer service process, by acting as potential customers and in some way reporting back on their experiences in a detailed and objective way.

**Participant:**

A participant is any individual or organisation from or about whom data are collected.

**The Profession:**

The profession is the body of research practitioners and others engaged in (or interested in) market, social and opinion research or the application of its techniques.

**Publication:**

Publication is the communication of information to the public.

**Research:**

Research is the collection, use, or analysis of information about individuals or organisations intended to establish facts, acquire knowledge or reach conclusions.

**Records:**

Records includes anything containing information relating to a project and covers all data collection and data processing documents, audio and visual recordings.

Primary records are the most comprehensive record of information on which a project is based; they include not only original data records themselves, but also anything needed to evaluate records, such as quality control documents. Secondary records are any other records about the participant and the research results.

**Responsible Adult:**

A responsible adult is an individual who has personal accountability for the well-being of a child, for example a parent, guardian, teacher, nanny or grandparent.

**Sub-contractor:**

A sub-contractor is any individual or organisation that undertakes a part of a project.

***Definitions from the Data Protection Act 1998 used in the MRS Code of Conduct***

**Personal Data**

Data which relate to a living individual who can be identified-

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;

**Data Subject**

An individual who is the subject of personal data;

**Data Controller**

A person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed;

**Data Processor**

Any person (other than an employee of the data controller) who processes the data on behalf of the data controller

**Processing**

Obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including—

- (a) organisation, adaptation or alteration of the information or data,
- (b) retrieval, consultation or use of the information or data,
- (c) disclosure of the information or data by transmission, dissemination or otherwise making available, or
- (d) alignment, combination, blocking, erasure or destruction of the information or data;

**Third party**

Any person other than—

- (a) the data subject,
- (b) the data controller, or
- (c) any data processor or other person authorised to process data for the data controller or processor.



## The MRS Code of Conduct

### General Rules of Professional Conduct

1. Members must ensure that research conforms to the national and international legislation relevant to a given project, including in particular the Data Protection Act 1998 or other comparable legislation applicable outside the UK.
2. Members must take reasonable steps to avoid conflicts of interest with clients or employers and must make prior voluntary and full disclosure to all parties concerned of all matters that might give rise to such conflict.
3. Members must act honestly in their professional activities.
4. Members must take reasonable steps to ensure that others do not breach or cause a breach of this Code

*Comment: This includes:*

*Members taking reasonable steps to ensure that the people with whom they work (including other members, non-member practitioners, colleagues, clients, consultants, sub-contractors) are sufficiently familiar with this Code that they are unlikely to breach or cause it to be breached unknowingly or unintentionally, and, members with responsibility for implementing processes, procedures and contracts, taking reasonable steps to ensure that they are such that this Code is unlikely to be breached or caused to be breached by others unknowingly or unintentionally.*

5. Members must not act in a way which might bring discredit on the profession, MRS or its members.
6. Members must take all reasonable precautions to ensure that participants are not harmed or adversely affected by the member's professional activities.

### Commissioning and Design

7. Members must not knowingly take advantage, without permission, of unpublished work of other practitioners, which is the property of those other practitioners.

*Comment: This means, where applicable, that members must not knowingly carry out or commission work based on proposals prepared by practitioners in another organisation unless permission has been obtained.*

8. Members must take reasonable steps to design research to the specification and/or quality standards agreed with the client.
9. Members must take reasonable steps to ensure that the rights and responsibilities of themselves, clients, and sub-contractors are governed by a written contract and/or internal commissioning document.

*Comment: Under the Data Protection Act 1998, contracts for the processing of personal data must be in writing.*

## **Client Confidentiality**

10. Members must not disclose the identity of clients or any confidential information about clients without the client's permission, unless there is a legal obligation to do so.
11. Where lists of named individuals are used, e.g. client databases, members must ensure that the list source is revealed at an appropriate point, if requested. This overrides the right to client anonymity.

## **Distinguishing research from other purposes**

12. Members must ensure that research purposes are clearly distinguished from direct marketing.

*Comment: Client materials, advertisements, products and services may legitimately be the subject matter of a research project. The following practices however fall within the scope of direct marketing:*

- a. *The offering of client goods or services, or vouchers to purchase client goods or services as an incentive, reward or expression of thanks;*
- b. *The use of promotional language in describing a client in invitations or introductions to projects;*
- c. *The offering of materials to participants which promote a client or their products and services at the conclusion of a project.*

*Members may provide information about a client's products or services where it is necessary to avoid adversely affecting a participant. For example, where a sensitive subject has been discussed, members may provide information on relevant help lines operated by a client.*

13. Members must ensure that client goods or services, or vouchers to purchase client goods or services, are not used as incentives in a research project.
14. Where incentives are offered, Members must ensure that Participants are clearly informed:
  - a. who will administer the incentive;
  - b. what the incentive will be;
  - c. when the participant will receive the incentive; and
  - d. whether any conditions are attached e.g. completion of a specific task or passing of quality control checks.

*Comment: For further information, members should consult the separate MRS Regulations Administering Incentives and Free Prize Draws*

15. Members must ensure that non-research or mixed-purpose projects are conducted in accordance with the separate MRS Regulations *Using Research Techniques for Non-Research Purposes*.

## **Informed consent**

16. Members must ensure that participants give their informed consent where information is collected directly from a participant.

17. Members must ensure that they have a fair and lawful basis for the collection and processing of personal data from sources other than the data subject themselves.
18. Members must ensure that participants are provided with sufficient information to allow informed consent to be given. This includes:
  - a. the name of the organisation responsible for data collection;
  - b. the general subject of the data collection;
  - c. the purpose of the data collection;
  - d. whether the data collection is to be recorded and/or observed;
  - e. who is likely to access to live or recorded information;
  - f. the likely length in minutes of the data collection;
  - g. any costs likely to be incurred by the participant; and
  - h. an assurance that the research is being conducted in accordance with the MRS Code of Conduct.

*Comment: the organisation responsible for data collection is the data controller as defined under the Data Protection Act 1998.*

19. Members must ensure that all of the following are undertaken when recording equipment is used to observe public spaces:
  - a. Clear and legible signs must be placed in areas where surveillance is taking place.
  - b. Cameras must be sited so that they monitor only the areas intended for surveillance.
  - c. Signs must state the individual/organisation responsible for the surveillance, including contact information and the purpose of the observation.

## **Children**

20. Members must ensure that permission of a responsible adult is obtained and verified before a child under the age of 16 participates in a research project.

*Comment: A responsible adult is an individual who has personal accountability for the well-being of a child, for example, a parent, 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 permission of a responsible adult may be obtained, but only with the prior approval of the MRS Market Research Standards Board.*

21. Where the permission of a responsible adult is required, members must ensure that the adult is given sufficient information about the project to enable them to make an informed decision.
22. Members must ensure that the identity of the responsible adult giving permission is recorded by name, and relationship or role.
23. Where it is known (or ought reasonably to be known) that participants may include persons under the age of 16, members must ensure participants are asked to confirm 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 permission from a responsible adult has been obtained and verified.

24. In all cases, members must ensure that a child has an opportunity to decline to take part, even though a responsible adult has given permission for their participation. This remains the case if a project takes place in school.
25. Members must ensure that information about other people is not collected from a child unless for the purposes of gaining permission from a responsible adult.

### **Participant Anonymity**

26. Members must ensure that the anonymity of participants is preserved unless participants have given their informed consent for their details to be revealed or for attributable comments to be passed on.
27. Members must take reasonable steps ensure that anonymisation is effective, with reference to developments in technology and the data environment into which data are released.

*Comment: This rule applies to anonymisation undertaken by members and to anonymisation of data sets undertaken by clients prior to analysis by members. Members are referred to the ICO's Anonymisation Code of Practice.*

*Comment: Members should be particularly careful that they do not inadvertently identify participants. For example this may arise:*

- *where sample sizes are very small (such as business and employee research);*
- *where data contains sufficient contextual information to permit identification (such as attributes or descriptions of participants);*
- *where data can be matched with publicly available information (such as social media profiles); or*
- *where data can be matched with other sources (such as transaction histories held by clients).*

28. If participants have given consent for data to be passed on in a form which allows them to be personally identified, members must:
  - a. demonstrate that they have taken all reasonable steps to ensure that the data will only be used for the purpose for which the data were collected
  - b. and fully inform participants as to what will be revealed, to whom and for what purpose.
29. If participants request individual complaints or unresolved issues to be passed back to a client (for example in customer satisfaction research), members must comply with that request. The comments/issues to be passed back to a client must be agreed with the participant and must not be linked back to any other data or used for any other purpose without the explicit consent of the participant.
30. Members must ensure that participant details are not passed on to a third party for research or any other purposes without the prior consent of the participant.

*Comment: Data processors are not third parties. Data controllers may change data processors without the consent of data subjects. For example, the owner of a research panel may change platform providers without seeking the permission of panel members.*

## Recontacting Participants

31. Members must ensure that a follow-up interview with a participant is carried out only if the participant's permission has been obtained at the previous interview. The only exception to this is re-contact for quality control purposes.

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

32. Members must ensure that any re-contact must match the assurances given to participants at the time that permission was gained e.g. when re-contact was to occur, the purpose and by whom.

## Data Collection

33. Members must take reasonable steps to ensure all of the following:
  - a. that the data collection process is fit for purpose and clients have been advised accordingly;
  - b. that the design and content of the data collection process is appropriate for the audience being researched;
  - c. that participants 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;
  - d. that participants are not led towards a particular point of view;
  - e. that responses are capable of being interpreted in an unambiguous way; and
  - f. that personal data collected are relevant and not excessive.

34. Members must ensure that participants are informed about any recording, monitoring or observation at recruitment and at the beginning of the data collection process.

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

35. Members must ensure that participants are not misled when being asked to take part in a project.
36. Members must ensure that a participant's right to withdraw from a project at any stage is respected.
37. Members must ensure that participants are able to check without difficulty the identity and bona fides of any individual and/or their employer conducting a project (including any sub-contractors).
38. Members must take reasonable steps to ensure that the following activities do not take place before 9am Monday to Saturday, 10am Sunday or after 9pm any day, unless by appointment:
  - a. In person visits to private homes
  - b. Calls to household landline telephone numbers
  - c. Calls to mobile telephone numbers

- d. Messages via SMS or other direct message facilities to mobile telephones

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

- 39. Members must ensure that participants (including employees in employee research) are not required or pressured to participate.
- 40. Members must ensure that any responses given by the participant are deleted if requested by the participant, and if this is reasonable and practicable.

### **Observers**

- 41. If Members have agreed with clients that observers are to be present, members must inform all observers fully about their legal and ethical responsibilities.
- 42. Members must make clear to participants the capacity in which observers are present; clients must be presented as such, even if they are also researchers and/or members of MRS.
- 43. There are some situations where observers could adversely affect participants' interests and/or wellbeing, and in such instances, members must
  - a. ensure that participants are told at an appropriate stage the identity of any observer who might be present during the exercise.
  - b. where observers may know participants, ensure that participants are informed before the start that their interviews are to be observed, with a warning that the observers may include clients who already know them.
  - c. where observers know, or are likely to know, participants, ensure that observers are fully introduced before the interview begins and participants given a chance to withdraw.

*Comment: The issue of anonymity and recognition is a particular problem in business-to-business and employee research.*

### **Mystery Shopping**

*Comment: The objective of a mystery shopping project is to provide management information on processes and/or quality of service, in order to aid training and retraining plans, improvements in service and hence increase customer satisfaction etc.*

*For mystery shopping exercises the 'participant' will be a staff member who is subject to the mystery shop and as such there are different levels of allowable disclosure and data usage.*

- 44. Where employees' personal data is to be collected, Members must take reasonable steps to ensure that:
  - a. the employees have been advised that their service delivery and/or regulatory compliance may be checked through mystery shopping; and

- b. the objectives and intended uses of the results have been made clear by to staff (including the level of reporting if at branch/store or individual level); and
  - c. if mystery shopping is to be used in relation to any employment/contractual/regulatory terms and conditions, that this has been made clear to the employees.
45. Where employees cannot be advised that they may be mystery shopped, Members must ensure that employees are not recorded (e.g. by using audio, photographic or video equipment) and that their identities are not revealed by other information.
46. Members must take reasonable steps to ensure that mystery shoppers are fully informed of the implications, and protected from any adverse implications, of conducting a mystery shopping exercise.

### **Analysis and Reporting of Findings**

47. Members must ensure that findings disseminated by them are clearly and adequately supported by the data.
48. Members must comply with reasonable requests to make available to anyone the information necessary to assess the validity of any published findings from a project.
49. Members must ensure that their names, or those of their employer, are only used in connection with any project as an assurance that the latter has been carried out in conformity with the Code if they are satisfied on reasonable grounds that the project has in all respects met the Code's requirements.
50. Members must allow clients to arrange checks on the quality of data collection and data preparation provided that clients pay any additional costs involved in this.
51. Members must provide Clients with sufficient information to enable Clients to assess the validity of results of projects carried out on their behalf.
52. Members must ensure that data include sufficient technical information to enable reasonable assessment of the validity of results.
53. Members must ensure that reports include sufficient information to enable reasonable assessment of the validity of results.
54. Members must ensure that outputs and presentations clearly distinguish between facts, opinion, and interpretation.
55. Members must take reasonable steps to ensure that findings from a project, published by themselves or in their employer's name, are not incorrectly or misleadingly presented.
56. Members must take reasonable steps to check and where necessary amend any Client-prepared materials prior to publication to ensure that the published results will not be incorrectly or misleadingly reported.

*Comment: This means that Members are expected to take reasonable steps to ensure that any news releases include either final report details (including question wording for any questions quoted) or details of where the information can be obtained (e.g. via a website link).*

57. If Members are aware, or ought reasonably to be aware, that findings from a project have been incorrectly or misleadingly reported by a Client they must at the earliest opportunity:
  - a. refuse permission for the Client to use the Member's name further in connection with the incorrect or misleading published findings; and
  - b. publish in an appropriate forum (e.g. their website) the relevant technical details of the project to correct any incorrect or misleading reporting.

### **Data Security**

58. 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.
59. Members must take reasonable steps to ensure that all parties involved in the project are aware of their obligations regarding security of data.
60. Members must take reasonable steps to ensure that the destruction of data is adequate for the confidentiality of the data being destroyed. For example, any personal data must be destroyed in a manner which safeguards confidentiality.



## **Appendix**

The MRS Code of Conduct applies to all MRS Members and Company Partners regardless of location. However, Members and Company Partners should be aware of other relevant codes that may apply to the research they undertake. A short selection of codes is listed here for reference. These codes are based on common principles and heritage, but reflect legal and cultural differences between countries.

### **ICC and ESOMAR**

ICC/ESOMAR International Code on Market and Social Research

[www.esomar.org](http://www.esomar.org)

[www.iccwbo.org](http://www.iccwbo.org)

### **Australia**

AMSRS Code of Professional Behaviour

[www.amsrs.au](http://www.amsrs.au)

### **Canada**

MRIA Code of Conduct and Good Practice

[www.mria-arim.ca](http://www.mria-arim.ca)

### **Germany**

Declaration for the Territory of the Federal Republic of Germany concerning the ICC/ESOMAR International Code on Market and Social Research

[www.adm-ev.de](http://www.adm-ev.de)

### **Italy**

ASSIRM Code of Professional Ethics

[www.assirm.it](http://www.assirm.it)

### **Japan**

JMRA Code of Marketing Research

[www.jmra-net.or.jp](http://www.jmra-net.or.jp)

### **Russia**

OIROM Code of Conduct

[www.oirom.ru](http://www.oirom.ru)

### **United States**

CASRO Code of Standards

[www.casro.org](http://www.casro.org)