MRS Evidence Matters

MRS Guideline: Qualitative Research

April 2024

Table of Contents

Introduction 3

The Principles of the MRS Code of Conduct 4

Definitions 5

1: Recruitment

A: Planning recruitment 7

B: Client Databases 10

2: During the Research Exercise

A: Ensure Emotional Well-Being 12

B: Observation of Interviews and Group Discussions 16

C: Introducing the Observer 19

Introduction

These Guidelines interpret the MRS Code of Conduct (2023) and provide additional best practice advice. Unless otherwise stated, Guidelines are not binding.

Research is founded upon the willing co-operation of the public and of business organisations. It relies on the confidence of those involved that it is conducted honestly, objectively, without unwelcome intrusion and without harm to participants. Its purpose is to collect and analyse information and not to create sales or to influence the opinions of anyone participating.

Every participant must be assured that research projects are carried out in strict accordance with the Code of Conduct and that their rights of privacy are respected. Rules from the Code of Conduct applicable in each section of this document are stated in the shaded boxes. These rules are binding on MRS members and MRS Company Partners and breaches may result in disciplinary action. The guidance that follows the rules provides interpretation and additional best practice. Members and Company Partners are reminded that this document is designed to complement the MRS Code of Conduct and should not be consulted in isolation.

As specified in the Code, it is the responsibility of the member to keep abreast of any legislation which could affect data collection among children to ensure that all those involved in a project are aware of and agree to abide by the MRS Code of Conduct.

This material is provided for information only. It is not legal advice and should not be relied upon as such. Specific legal advice should be taken in relation to specific issues.

The Principles of the MRS Code of Conduct

1. Ensure that their professional activities can be understood in a transparent manner.
2. Be straightforward and honest in all professional and business relationships.
3. Be transparent as to the subject and purpose of data collection.
4. Ensure that their professional activities are not used to unfairly influence views and opinions of participants.
5. Respect the confidentiality of information collected in their professional activities.
6. Respect the rights and well-being of all individuals.
7. Ensure that individuals are not harmed or adversely affected by their professional activities.
8. Balance the needs of individuals, clients, and their professional activities.
9. Exercise independent professional judgement in the design, conduct and reporting of their professional activities.
10. Ensure that their professional activities are conducted by persons with appropriate training, qualifications and experience.
11. Protect the reputation and integrity of the profession.
12. Take responsibility for promoting and reinforcing the principles and rules of the MRS Code of Conduct.

Definitions from the MRS Code of Conduct:

Anonymisation:

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

Client:

A client includes any individual, organisation, department or division, including any belonging to the same organisation as an MRS Member, which is responsible for commissioning or applying the results from a project.

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, analytics tools, algorithms, interviews, as well as passive data collection.

Participant:

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

Definition from the General Data Protection Regulation used in the MRS Code of Conduct

Consent

Consent means any freely given, specific, informed and unambiguous indication of a participant's wishes by a statement or by a clear affirmative action, which signifies agreement to the processing of their personal data.

Personal Data Processing

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

1: Recruitment

A: Planning Recruitment

The Rules

1. Members must ensure that their professional activities conform to the national and international legislation relevant to a given project and, including in particular the Data Protection Act 2018 in the UK, the EU General Data Protection Legislation 2016, and any amendments and superseding legislation that may be enacted. This also covers other applicable legislation inside and outside the UK.

3. Members must ensure that all of their professional activities, whatever the purpose, are conducted in a transparent manner and that their activities promote compliance with privacy ethics and data protection rules.

8. Members must not act in a way which might bring discredit on the profession, MRS or its Members.

30. Members must ensure that participants give their permission to take part in a data collection exercise, before proceeding with the activity. Permission requires the following information to be provided to participants:

a) the name of the organisation(s) or individual responsible for data collection

b) the general subject of the data collection

c) the purpose of the data collection

d) the type of data collected, particularly special category and/or criminal convictions data

e) the right to withdraw at any time

f) whether the data collection is to be recorded and/or observed

g) who is likely to have access to live or recorded information

h) the likely length in minutes of the data collection

i) any costs likely to be incurred by a participant

j) an assurance that the activity is being conducted in accordance with the MRS Code of Conduct and the Data Protection Act 2018 and/or local data protection legislation for non-UK activities.

Comment: This applies to all legal basis for processing data. Permission is defined in Definitions used in the MRS Code of Conduct.

41. 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 an exercise.

b) where observers may know participants, ensure that participants are informed before the start of the data collection that they are to be observed, with a warning that the observers may include clients and/or other stakeholders who already know them and given a chance to withdraw.

Comment: The issue of anonymity and recognition is a particular problem in business to-business and employee projects where sample universes are smaller and as such greater care should be taken for such projects.

43. Members must ensure that re-contact with a participant is carried out only if the participant's permission has been obtained during the initial data collection. 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.

44. Members must ensure that any re-contact matches 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.

Guidance

1. In accordance with the Data Protection Act 2018, most recruiters and agencies that recruit participants must notify the Information Commissioner's Office that they act as Data Controllers, unless they only recruit on behalf of other agencies and do not hold or retain participant details.

2. The identity of any potential observers (if known) should be disclosed at the time of recruitment where the presence of the observers may adversely affect the interest or wellbeing of the participant.

3. Permission from potential participants to participate in any data collection exercise should be gathered in a verifiable form (for example, written, recorded) which can be referred to in case of any doubt.

B: Client databases

The Rules

14. Members must disclose the identity of clients where there is a legal obligation to do so.

Comment: Transparency is one of the fundamental principles underpinning data protection laws. In line with this an obligation to name a commissioning client may arise in three main scenarios:

a) Client is controller or joint controller

b) Client is the source of the personal data

c) Client is receiving personal data from a research a research activity.

15. Where files of identifiable individuals are used e.g., client databases, Members must ensure that the sources of the personal data is revealed at an appropriate point in the data collection.

Comment: The identity of the client must be revealed when data collection is undertaken if clients require personal data from a project.

Guidance

1. Before agreeing to the receipt of client databases, the researcher or recruitment agency should ask their client (the data controller) to confirm that their notification with the Information Commissioner's Office (ICO) includes 'research purposes' and thus that they have the right to process customer information for research purposes.

2. Participants must be told the primary source of the list. This means telling them the name of the client company whose list it is, though this can be revealed at the end of the interview/group discussion rather than the beginning. This instruction must be contained within the recruitment instructions. If the client needs to remain anonymous at recruitment stage, then the participant should be told this and offered the opportunity to proceed on that basis.

3. If a supplied list contains addresses that are incorrect, or if an individual on the list has died, then that information may be passed back to the data controller, e.g., the client. Corrected data such as new addresses cannot be passed back. In such circumstances the data controller should conduct a separate data cleansing exercise. Other incorrect information, for example about brand usership, cannot be passed back to the client.

4. Researchers and clients should agree the definitions of customers/potential participants to be included on the lists. It is recommended that the researcher or recruitment agency checks if their client includes ex-directory telephone numbers and numbers that have been excluded by the Telephone Preference Service (TPS). There is no obligation to remove numbers that are ex-directory or listed on the TPS, but some participants may object or complain on that basis. Researchers should also ask if their client is aware of any problems with the lists and advises their client not to provide any personal customer information that is not relevant to the study.

5. Clients should send informative letters on their own letterhead to all customers likely to be contacted before recruitment starts. This is particularly important when the customer information could be regarded as sensitive or private. It is also good practice for participants to be able to ring a client freephone telephone number if they want to opt out of the study.

6. Researchers/recruitment agencies should build sufficient time into the setting up of recruitment, to allow for lists to be produced, telephone searches to be done and recruitment to be completed satisfactorily.

2: During the Research Exercise

A: Ensuring Emotional Well-Being

The Rules

9. Members must take all reasonable precautions to ensure that participants are not harmed or adversely affected by their professional activities and ensure that there are measures in place to guard against potential harm.

13. Members must ensure that the rights and responsibilities of themselves, clients, and sub-contractors are as controllers or processors are governed by a written contract.

Comment: Refer to the MRS Guidance on Data Controllers and Data Processors for further information.

30. Members must ensure that participants give their permission to take part in a data collection exercise, before proceeding with the activity. Permission requires the following information to be provided to participants:

a) the name of the organisation(s) or individual responsible for data collection

b) the general subject of the data collection

c) the purpose of the data collection

d) the type of data collected, particularly special category and/or criminal convictions data

e) the right to withdraw at any time

f) whether the data collection is to be recorded and/or observed

g) who is likely to have access to live or recorded information

h) the likely length in minutes of the data collection

i) any costs likely to be incurred by a participant

j) an assurance that the activity is being conducted in accordance with the MRS Code of Conduct and the Data Protection Act 2018 and/or local data protection legislation for non-UK activities.

Comment: This applies to all legal basis for processing data. Permission is defined in Definitions used in the MRS Code of Conduct.

28. Members must take reasonable action when undertaking data collection to ensure all of the following:

a) that data collection processes are fit for purpose and clients have been advised accordingly

b) that the design and content of data collection processes are appropriate for the audience being analysed

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

d) that participants are not led toward a particular point of view

e) that responses and/or data collected are capable of being interpreted in an unambiguous way

f) that any potential use of the personal data is revealed

g) that personal data collected and/or processed is limited to what is relevant and

h) that personal data is stored and transmitted by secure means and only accessible to authorised individuals.

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

Comment: This includes surveillance activities, such as using CCTV and mystery shopping. The latter can only be recorded when undertaking own organisation mystery shopping and staff have been informed of this eventuality.

32. Members must ensure that participants are not misled when being asked to participate in a project.

33. Members must exercise special care when the nature of a project is sensitive or the circumstances under which the data is collected might cause a participant to become upset or disturbed.

34. Members must ensure that a participant's right to withdraw from a project at any stage is respected.

Guidance

1. The potentially intrusive nature of qualitative research means that emotional wellbeing is an area of particular concern. The objectives of any study do not give the researcher a special right to intrude on a participant's privacy nor to abandon normal respect for an individual's values.

2. In terms of sensitivity, topic areas can be divided into:

   - those topics that are judged sensitive to everyone, because of the nature of that subject
   - those topics that may be sensitive to a group for cultural, religious or political reasons and
   - those topics that may be sensitive to a particular individual, because of that individual's past history, behaviour and attitudes.

3. In the case of the latter, researchers cannot necessarily take precautions in advance of the interviews, but can treat each case sensitively and individually, giving participants a genuine opportunity to withdraw. Any topic can potentially be sensitive to an individual. Participants who feel their privacy and personal sensitivities are not being recognised or respected may be less forthcoming. Equally, participants who feel they have not been treated with honesty and openness may feel patronised. In both cases, the nature of their responses may be affected. In addition, these participants may feel less willing to participate in further research.

4. Where the topic is judged to be sensitive to most people, participants must be told explicitly the subject and content of the discussion.

5. Where the subject is difficult, emotional or stressful for participants, researchers should consider undertaking a debrief or providing information on follow-up support.

6. Invitations should always make reference to participants' rights to withdraw and withhold information and must state when recording is to be used and whether observers are likely to be present.

7. Researchers should not ask participants to reveal unnecessary personal identifiable information during the interview or discussion.

8. Moderators must respect participants' requests not to answer specific questions and to withdraw from the research exercise if they wish to do so.

9. Participants should feel they have a choice whether to participate in exercises or tasks where they may feel particularly embarrassed or uncomfortable, e.g. role-playing exercises, touching other participants, sitting or kneeling on the floor.

10. Assurances as to the length of the interview must be honoured and, in the event of the discussion or interview running over time, participants should feel they have the opportunity to leave.

B: Observation of Interviews and Group Discussions

The Rules

1. Members must ensure that their professional activities conform to the national and international legislation relevant to a given project and, including in particular the Data Protection Act 2018 in the UK, the EU General Data Protection Legislation 2016, and any amendments and superseding legislation that may be enacted. This also covers other applicable legislation inside and outside the UK.

Comment: See MRS Guidance on Data Protection & Research (2019), which will be considered when determining if there has been a breach of the MRS Code.

30. Members must ensure that participants give their permission to take part in a data collection exercise, before proceeding with the activity. Permission requires the following information to be provided to participants:

a) the name of the organisation(s) or individual responsible for data collection

b) the general subject of the data collection

c) the purpose of the data collection

d) the type of data collected, particularly special category and/or criminal convictions data

e) the right to withdraw at any time

f) whether the data collection is to be recorded and/or observed

g) who is likely to have access to live or recorded information

h) the likely length in minutes of the data collection

i) any costs likely to be incurred by a participant

j) an assurance that the activity is being conducted in accordance with the MRS Code of Conduct and the Data Protection Act 2018 and/or local data protection legislation for non-UK activities.

Comment: This applies to all legal basis for processing data. Permission is defined in Definitions used in the MRS Code of Conduct.

39. If Members have agreed with clients that observers are to be present, (either in person or remotely) during data collection exercise with participants, Members must inform all observers about their legal and ethical responsibilities.

Comment: See MRS Guide to Observers – Legal & Ethical Responsibilities

40. Members must clarify with participants the capacity in which observers are present; clients must be presented as such, even if they are also practitioners and/or Members of MRS.

41. 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 an exercise.

b) where observers may know participants, ensure that participants are informed before the start of the data collection that they are to be observed, with a warning that the observers may include clients and/or other stakeholders who already know them and given a chance to withdraw.

Comment: The issue of anonymity and recognition is a particular problem in business-to-business and employee projects where sample universes are smaller and as such greater care should be taken for such projects.

Guidance

1. The researcher and their client should consider carefully whether the benefits of observation outweigh the disadvantages.

2. If the client wishes to observe interviews or groups for quality control or training reasons, then consideration should be given to the other options such as listening to recordings, reading group transcripts or setting up dummy interviews/groups.

3. So that the researcher can assess the observer effect and interpret the group/interview responses with more confidence, only some of the groups/interviews on a project – ideally no more than half – should be observed. Where this is difficult to achieve, e.g. in small samples, then researcher and client should be mindful of the observer effect when interpreting the data. The potential effect on participants applies both with 'covert' (via viewing theatres) and with 'visible' (in the same room) observations.

4. Visible observation of interviews (for example, where the observer is present in the room) with two or three people can be particularly intrusive and therefore researchers should only consider such observation as acceptable in exceptional circumstances and ideally only for some of the interviews on that project. There should ideally only be one observer per group/interview.

5. Observers must not note down participants' personal data without their consent.

6. Researchers should advise observers prior to attending qualitative research sessions (in the same room as participants) how best to ensure participants' wellbeing and minimise the observer effect. Consideration should be given to aspects such as style of clothes, promptness, where the observer sits, whether the observer has a role on the group/interview, paying attention to all comments equally, note-taking and when questions may be asked.

7. When observing in a viewing facility, Researchers should advise observers of the potential damage to the group/interview dynamics from any form of interruption such as noise or light from behind the mirror, entering the interviewing room during the group/interview or sending in notes or slipping them under the door.

8. Researchers must advise observers of their responsibilities:

   - if any observer recognises any participant, they must leave the observation room (apart from when pre-introduced in business/employee research exercises), and
   - audio, visual or written records or any other participant generated material taken away afterwards by clients (with all of the participants' consent) must only be used for the purposes to which participants agreed that the recordings could be used; this must be set out in writing in an agreement between the researcher and client.

C: Introducing the Observer

The Rules

39. If Members have agreed with clients that observers are to be present, (either in person or remotely) during data collection exercise with participants, Members must inform all observers about their legal and ethical responsibilities.

Comment: See MRS Guide to Observers – Legal & Ethical Responsibilities

40. Members must clarify with participants the capacity in which observers are present; clients must be presented as such, even if they are also practitioners and/or Members of MRS.

41. 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 an exercise.

b) where observers may know participants, ensure that participants are informed before the start of the data collection that they are to be observed, with a warning that the observers may include clients and/or other stakeholders who already know them and given a chance to withdraw.

Comment: The issue of anonymity and recognition is a particular problem in business-to-business and employee projects where sample universes are smaller and as such greater care should be taken for such projects.

Guidance

1. Researchers should give a general explanation of why observers are present and what they will do (e.g. take notes). This includes both covert and visible observation.

2. Researchers must reassure participants about the confidentiality of their responses and their personal details.

3. Clients should respect Researchers' recommendations that there are no observers on a particular project if there is a strong concern that the client's presence will adversely affect the nature of the response.

MRS
The Old Trading House
15 Northburgh Street
London EC1V 0JR

Telephone: +44 (0)20 7490 4911
Fax: +44 (0)20 7490 0608
Email: codeline@mrs.org.uk
Website: www.mrs.org.uk

Company limited by guarantee. Registered in England No 518686. Registered office as above.