



MRS Policy Unit

Submission to Cabinet Office Better Use of Data Consultation

Introduction: About MRS, CGG and the research market

1. The Market Research Society (MRS) is the world's largest research association. It's for everyone with professional equity in market, social and opinion research and in business intelligence, market analysis, customer insight and consultancy. MRS supports best practice in the research industry by setting and enforcing industry standards. The Census and Geodemographics Group (CGG) is an MRS advisory board, founded in 1989 to represent the interests of this important activity. The CGG has specialists in market research, retail site location, market and database analysis, as well as census distributors and academic researchers. The CGG is involved with Census developments through representation on the ONS Business and Professional Interests Advisory Group, and with wider matters through membership of the Statistics User Forum as well as through an extensive network of contact in the market research industry.
2. The UK is the second largest research market in the world (second to the US) and the UK research sector is recognised as leading the way in the development of creative and innovative research approaches. In 2015, MRS with PWC undertook an updated assessment of the size and impact of the UK research and evidence market, *The Business of Evidence 2016*¹. One of the main findings from this report is the size of the UK 'business of evidence' market, which employs up to 73,000 people and generates £4.8 billion in annual gross value added (GVA).

About this response

3. We have taken into account the contents of the consultation paper and the questions posed and have focused our response on "Part C – Allowing use of data for research and for official statistics" which sets out proposals to allow the Office of National Statistics (ONS) to get statistical data from government and businesses and to make it easier for researchers to use data from across government.
4. We confirm that no parts of the response are confidential and that the information may be attributed to MRS.

¹ See Summary of Business of Evidence report 2016 at https://www.mrs.org.uk/pdf/boe_info.pdf.



Response to Consultation Paper and Questions: Part C – Allowing use of Data for Research and Official Statistics

5. MRS and CGG welcome the move towards greater data sharing and support the key objectives of delivery of better services to citizens and better statistics so that people, organisations and government can make better decisions. Facilitating greater data sharing with appropriate ethical and legal safeguards is critical in making more effective use of existing data sets. As recognised in the 2015 Independent Review of UK Economic Statistics² it is critical for the ONS to make the most of existing and new data sources and the technologies for dealing with them.
6. Ensuring that the system has in-built safeguards to enshrine and protect the privacy of individuals will be vital in ensuring that the extension of data sharing earns the trust and confidence of citizens and assuages any concerns on the treatment and use of personal data. Against this background and contingent on the establishment of appropriate safeguards we consider that the proposals need to go further than creating a permissive regime (that does not compel data sharing) to developing a regime that compels or provides stronger incentives to encourage data sharing by public authorities.
7. In light of this the proposals for access to data need to be strengthened and we would welcome further clarity in several areas including:
 - i. *Consistency of data sharing frameworks* - As is highlighted in the consultation document the current legal framework is unclear and unwieldy with a multitude of complex and restricted legal gateways for data sharing. We consider that it is an opportune moment particularly with the implementation of new rights and responsibilities in the pending 2018 implementation of the General Data Protection Regulation (GDPR) to move towards a strengthened regime that rationalises data sharing approaches. Reform in this area should seek to simplify, rather than complicate, the pathways and demonstrate a holistic approach to data sharing in the public sector. Similarly, as is pointed

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/507081/2904936_Bean_Review_Web_Accessible.pdf

out in the consultation paper the development of similar approaches in Scotland, Northern Ireland and Wales would be useful in building overall consistency.

- ii. *Access by private sector researchers* - Overall it is important that these reforms create a level playing field for all researchers and equally cover researchers in both academic and private sector organisations who are engaged in the same type of analysis. We note that the paper makes no reference to private sector research/researchers and it is important that the scope is clarified so that the proposals specifically include access to data by all types of researchers across public sector, academic, charitable, private sector and media environments,
- iii. *Consistency in interpretation of key terms* – It is important that terms frequently used in a data protection context are clearly and consistently defined and used. Mechanisms should be put in place to ensure that terms such as “de-identified” and “anonymised” are used and interpreted in line with the regulatory approach of the Information Commissioner’s Office (ICO) and in line with guidance issued by ICO such as the ICO Anonymisation Code.
- iv. *Type of datasets* – The proposals are currently targeted at enabling the Office for National Statistics (ONS) to access detailed administrative data to provide more accurate, frequent and timely statistics. However survey data held across departments is also a valuable source for enriched insights and it should be clarified whether these datasets are included or intended to be included within the scope of the legislation. Additionally it is also noted that health and social care datasets are not mentioned and it would be useful to understand whether and how these data sets fit into the overall scheme.

Access to data which must be linked and de-identified using defined processes for research purposes

Question fifteen: Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is permitted by the UK Statistics Authority?

8. We agree in principle with a reasonable fee being charged by public authorities for providing data for research purposes on a costs recovery basis. Recognising that different approaches could be taken to implementation of this such as sliding scales and maximum fees the most important factor is that there is transparency.

In setting the fee account must be taken of the quality of the data being provided and guidance on who bears the burden if the data is of poor quality should be considered and provided. Clarity and certainty on the amount or manner of calculation is vital in order to allow the cost of accessing research to be properly estimated and assessed in developing research proposals. Critically the same fee should apply across all sectors.

Question sixteen: To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?

9. Publication of relevant details of research projects will be important in promoting transparency of the process and should include publication of summaries of accepted applications. This may also act as a measure for assessing how well the data sharing initiative is working across different departments as the data sharing initiative will require adaptations to create a change in culture that promotes greater data sharing. Transparency and detail on applications and rejections could also encourage “cross-department competition”.

10. Additionally we consider that it is reasonable for the UK Statistics Authority to publish summaries of rejected applications and the reasons for rejection. Details to be included in the summaries will need to be tailored to respect sensitivities or confidentiality and it will be important for the UK Statistics Authority to develop criteria for making these determinations. In terms of details to be published the “metrics” may be more valuable than the names particularly as naturally the reasons for the refusal may not be related to the quality of the research.

Question seventeen: What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?

11. Clear principles and criteria will be vital in ensuring clarity and transparency on research that has the potential for public benefit. A key point in developing appropriate and targeted approach to determination of public benefit is to ensure that it does not exclude research by private sector researchers. Public-private partnerships are increasingly important in the delivery of services and this



development should be factored into the development of the data-sharing approaches.

12. Public benefit principles should include efficiency improvement and wastage reduction. Increased efficiency is a tangible public benefit as is the development of new and innovative goods and services that serve public needs/demands. Indeed market research, is acknowledged as playing a key role in helping business to better understand consumers, customers, and to develop appropriate goods and services which are essential for economic efficiency, innovation and progress within the UK economy. Social and opinion research carried out by researchers in the private sector is widely used by government and public bodies to understand citizens' preferences and behaviours, measure impact and assist in developing appropriate policies used, for example, in improving educational, healthcare and police services.
13. As noted in our response to the ONS consultation on Approved Researchers which raised similar issues "We believe ... that in order to minimise constraints on innovation and on administrative overhead, the interpretation of 'in the public good' should be made as broad as possible consistent with the necessary constraints on the use of data. We recognise that there is a possibility of some public concern about private sector commercial users making profits from use of secure public data, and do accept that it may be necessary to ring-fence this kind of use with an appropriate requirement that the work is in the public interest. We strongly believe however that the public interest is best served by ensuring a level playing field, particularly between private companies and academic institutions. The rules should aim to avoid situations in which one sector is able to do work more easily than the other sector can do that same work."
14. We support a public benefit test that facilitates equal access by different types of researchers and consider that a policy that supports a presumption of the publication of research results could be incorporated within the framework. Publication should be subject to legal, ethical and commercial considerations and take into account reasonable grounds for withholding publication of details.



Access by UK Statistics Authority to identified data for the purpose of producing official statistics and research

15. We acknowledge the pivotal regulatory role to be carried out by the UK Statistics Authority in the oversight and the development of the accreditation scheme and accredited researchers, indexers and researchers. There is room for additional clarity in the development of this oversight role and the crafting of these principles including:

- i. Recognition of the need to be cognizant of existing guidance such as the ESRC Safe Researcher
- ii. Adherence to ethical self-regulatory professional rules should be treated as key criteria in establishing accreditation conditions. This can be achieved by incorporation of other self-regulatory frameworks such as the MRS Code of Conduct which was adopted in 1954 with the latest fully revised version of the MRS Code of Conduct coming into effect on 1 September 2014. The Code is designed to support those engaged in market research in maintaining professional standards and to reassure the general public that research is carried out in a professional and ethical manner. MRS individual members and Company Partners must comply with the Code which applies, whether they are engaged in consumer, business to business, social, opinion or any other type of research project. The commitment to uphold the MRS Code of Conduct is supported by the MRS Codeline service and a range of specialist guidelines.
- iii. Approach that facilitates continuing dialogue on the usability of the data sharing framework - Development of an advisory group or point of contact which can answer queries about what can be done with the data *once it has been received* by the requesting party is important. Sometimes ideas develop as a project evolves, and it would be useful to have people to verify uses or small changes in use from the original intention stated in the initial request. Hopefully this would also incorporate advice on whether the extension can be done under an existing agreement, or whether a new request should be submitted.



Question eighteen: Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purpose of producing National and official statistics and statistical research?

16. Establishing a maximum period of time for the duration of a notice for the supply of data is very welcome in ensuring that advance notice is given regarding changes in collection of information. We consider that two years is a reasonable maximum period.

Question nineteen: If your business has provided a survey return to the ONS in the past we would welcome your views.

17. As professional associations representing individual members we have no view on this question.

Question twenty: What principles and factors should be considered in preparing the Code of Practice?

18. The proposal to introduce legislation with applicable criminal penalties is welcome and should encourage universal compliance.

For further information or clarification on this submission please contact Dr Michelle Goddard, Director of Policy and Standards, (michelle.goddard@mrs.org.uk 020-7566-1882). This submission is made on behalf of The Market Research Society and the Census and Geodemographics Group, 15 Northburgh Street, London EC1V 0JR. The Market Research Society is a company limited by guarantee, registered in England No. 518685.

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