



Data protection categories
October 2002

A new categorisation of market research projects has been agreed with the Office of the Information Commissioner. These categories re-define the data collection processes used in the market research industry, and clarify the types and extent of feedback, which can or cannot be undertaken or described as confidential market research as covered by the MRS *Code of Conduct*.

DATA PROCESSING CATEGORIES

Category 1: “Classic” market research	Category 2: “Classic” + N/A/ deceased amendments	Category 3: “Classic” + Interview marker on database	Category 4: “Classic” + Feedback on service issues	Category 5: “Classic” + Personal data for market purposes	Category 6: Non-market research & mixed purposes
---	---	---	--	--	---

← Categories 1 to 5 are defined as market research

→ Category 6 are non-market research

The categories are differentiated by the extent and nature of any feedback from the data collection process, and form two main groups. Categories 1-5 cover projects which all meet the requirements of the Code within the definition of “Classic” market research. It is quite possible that a project may fit under more than one of these categories. Category 6 falls outside the remit of the Code in that some or all of the data will be used instead of or in addition to “Classic” research purposes. The following notes describe these categories in more detail:

Category 1: This category covers “Classic” confidential research with no feedback of any personal data unless to others involved in that specific project, provided they are already or have agreed to be bound by the MRS *Code of Conduct* and treat the data as for research purposes only (also, see Category 5, below). This would, for example, enable non-research specialists involved in a project to have access to individual respondent data.

Category 2: This applies to research projects using samples drawn from client customer databases or other third party owned lists. An obligation under the fourth Principle of the 1998 Act for the data controller is to keep the database relevant and up to date. **An agency therefore is able to and should be informing the client where an individual is found to be ‘no longer at this address (but not of any new address) or has died.**

Category 3: This also applies to the use of client owned customer databases for sampling. The agency provides back to the client the names, or list of identification numbers, of all those contacted solely for the purpose of setting up “do not select for research” (including those who declined to be interviewed on that occasion) markers on the customer database in order to prevent over researching individual customers.

Category 4: In this case a respondent, or the client, has requested that the interviewer(s) feedback to the client details of a specific complaint or dissatisfaction for investigation. The key points are firstly that the respondent must have given their consent – to both the principle of this feedback taking place and the content (to ensure that it accurately describes the details); secondly that the only details provided to the client are the respondents’ contact details plus a description of the complaint, and thirdly that the client can only use that information to deal with the issue raised and for no other purpose.

Category 5: In this case the client (probably the market research department) receives the results from the project at an individual respondent level but with the condition that the data at this personal level are only used for research purposes. This responsibility must be part of the project contract between agency and client. This is wider than Category 1 as it could apply to

anyone within the organisation, not just those in the project team. An example would be videotapes from group discussions.

Category 6: This covers all projects where some or all of the data will be used by the client at a personal level for purposes in addition to or instead of those defined in the 1998 Act and the MRS Code as confidential research. These projects must conform to the MRS guidelines for Category 6 Projects (this guideline will be available shortly).

Within all the above Categories, client organisations have the responsibility as data controllers under the 1998 Act to ensure that any data at a personal level passed back from an agency is used solely for the purpose(s) for which the respondent gave their informed consent. Agencies also need to ensure that their clients are conforming to the 1998 Act in respect of personal data passed to an agency to be used in a project (e.g. as a sampling frame). These responsibilities should be reflected in contractual relationships between clients and researchers.

Taken from *A Basic Guide to The Data Protection Act 1998*, October 2002, The Market Research Society.