



MRS Checklist for Buying and Using Data Lists

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MRS has produced this checklist to help practitioners act legally and ethically in sourcing participants for research projects. This includes:

- Buying, renting or licensing consumer data lists for research or marketing purposes
- Using client supplied databases or samples such as lists of consumer names, email or postal addresses, or telephone numbers sourced from documents such as their customer purchase and application forms
- Collating details from online data collection processes or social media processes

The data lists have personal data such as contact details and may also contain socio-demographic information covering gender, ethnicity and other sensitive personal data.

Researchers can use the questions in this checklist to assess whether personal data such as contact details of potential research participants have been properly sourced. The checklist should be used along with the MRS Code of Conduct and Guidelines.

Legal and Regulatory Obligations

The Data Protection Act 1998 establishes an obligation on researchers to ensure that personal data has been “fairly and lawfully” sourced. Under the MRS Code of Conduct 2014 it is important to assure yourself of the provenance and legitimacy of your data source in order to ensure that you have a legitimate ground for processing and using personal details. Breaching these requirements can leave your business open to regulatory action by the Information Commissioners Office (ICO) and/or the MRS disciplinary process.

Principle 1, Data Protection Act 1998

*“Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
(a) at least one of the conditions in Schedule 2 is met, and
(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.”*

Rule 17 of the MRS Code of Conduct:

“Members shall 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.”

Buying or Renting Data Lists

Key Points

- *Review the terms of any contracts supplied by list providers* – It is important to ensure that contracts cover the fair and lawful sourcing of the data and they should provide guarantees that the list has been validly sourced. If this is not adequately covered in the contract then ask additional questions (see the list of key questions for further guidance) to determine whether the data can be legally used for research purposes and fully review the sources of the data.
- *Audit the supplier of the data list* - Review their website, terms of use, documented processes for data collection methods, privacy practices and privacy policies and fair processing notices to ensure that these are appropriate and reflect guarantees on fairness and lawfulness. Check whether the list supplier is accredited or a member of a professional body. Also check the supplier's notification with the ICO to ensure that the notification is adequate and investigate whether the supplier is on the ICO watch list of organisations being monitored on their data collection policies.
- *Ask list suppliers' key questions* – Focus on the origin and accuracy of the data and consider the frequency and categories of use by asking the key questions set out below.

Questions to ask

- Who compiled the original list and how?
 - Is it from original sources or another data list broker?
 - Is it from public data, commercial sources or directly from the individual?
 - Are children under 16 screened out?
- Is the list based on informed consent of individuals?
 - When was consent obtained? Was it based on opt-in or opt-out consent?
 - What information and assurances were individuals given in providing their details? What exactly does their consent cover?
 - Were the uses of the data made clear, in plain English and in easily readable font or language?
 - Was consent given for disclosure only to named parties or to third parties?
 - Did individuals have notice that their information would be shared with third parties?
- How is the list maintained?
 - When was the list last cleaned?
 - How often is it updated? Monthly, annually?
 - Can individuals correct their details or opt out of the list?
- How often is the list used?
 - Is it frequently used by list buyers or renters?
 - Is it used primarily for market research or other purposes?

- Are there any known problems with the list?
 - What reports and feedback have been received? Are there any complaints about the accuracy of the source list?
 - Is there a guarantee that the list has been validly sourced?
 - Have the suppression policies been applied and are they up to date?

Using Client Supplied Data Lists or Databases

Key points

- *Requirement to disclose source of data* - If client databases are used to identify participants, researchers must ensure that the source of the personal data is revealed at an appropriate point if requested by the participants.
- *Additional screening for mixed purpose projects* - Mixed purpose projects that include purposes other than research, such as marketing, must use samples that have been pre-screened against the Telephone, Mail and Fax Preference Services and are in line with the Privacy and Electronic Communications Act 2003.
- *Opt-outs for market research purposes* - If research was included as an opt-out, this must be respected and all those who have indicated they do not wish to be contacted for research must be screened out of samples.

Questions to ask

- Does the client's ICO notification cover the purpose(s) and disclosures for their personal data e.g. does it include research as one of the purposes?
- Is the client aware that where they have supplied their own database for sampling that participants have the legal right to know the source of the data if it is requested?
- Are there any pre-existing "opt-out" permissions for market research or marketing present in the file?
- Are sample markers used in the client list to avoid over-sampling?

Useful Information Sources

[MRS Code of Conduct 2014](#)

[FAQ's on MRS Code of Conduct](#)

[ICO Guide to Direct Marketing](#)

[DMA Buying and Selling Data Toolkit for the Marketing Industry](#)