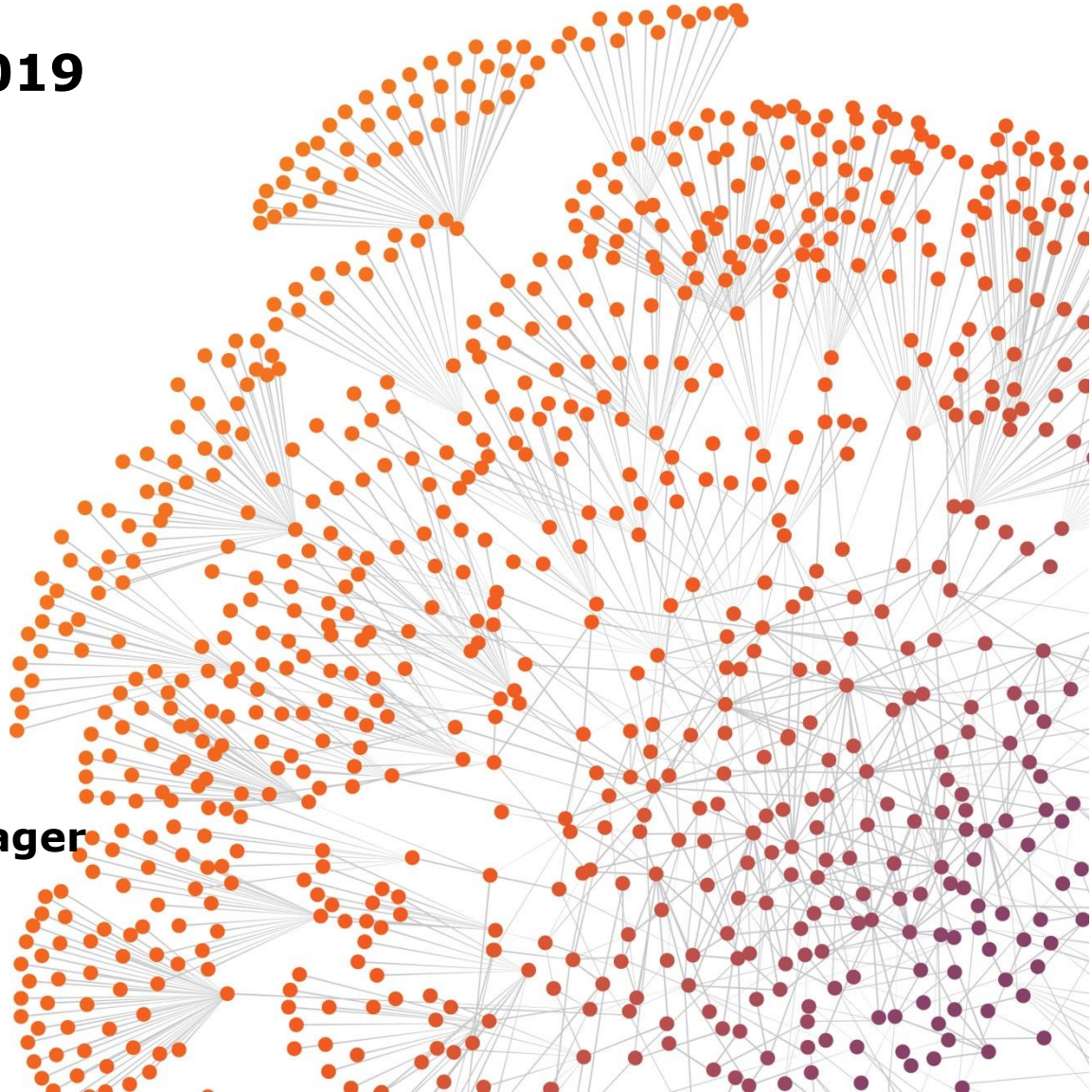




MRS Code of Conduct 2019

Key changes webinar

Julie Corney
Standards & Compliance Manager



About the MRS Code of Conduct



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- MRS adopted its first self-regulatory Code in 1954. Current version of the MRS Code of Conduct came into effect on 1 September 2014
 - Created to support all those engaged in research and insight in maintaining professional standards. Covers all professional activities undertaken by members and Company Partners
 - Code is technology and methodology neutral - sets out overarching ethical principles supported by rules of conduct
 - Drawn up by practitioners for practitioners, the Code helps to protect suppliers, clients and participants.
 - The Code safeguards standards, promotes confidence and champions professionalism
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Why review the Code now?



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- MRS is committed to keeping the Code under regular review to ensure that it continues to be fit for purpose in setting high standards for best practice in the research sector
 - Revisions have been made to the current Code to reflect evolving ethical best practice and recent significant changes in the data protection framework
 - The changes also seek to ensure that the Code keeps pace with the accelerated speed and progress of technological development and data use
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Drivers for change



New national, EU & international data protection frameworks



Broader scope and use of research techniques in data analytics & other non-research projects



Best ethical practice needs to take account of technological developments and large scale data use



Key Changes: Format & Presentation



Our Goal: Improved readability and usability

Changes:

- Formatting for greater readability/accessibility
- Structure of research cycle

Specific digital changes:

- Hyperlinked Symbols/icons to related MRS Guidance
- Online searchable capability
- Accessibility considerations



Vulnerable people

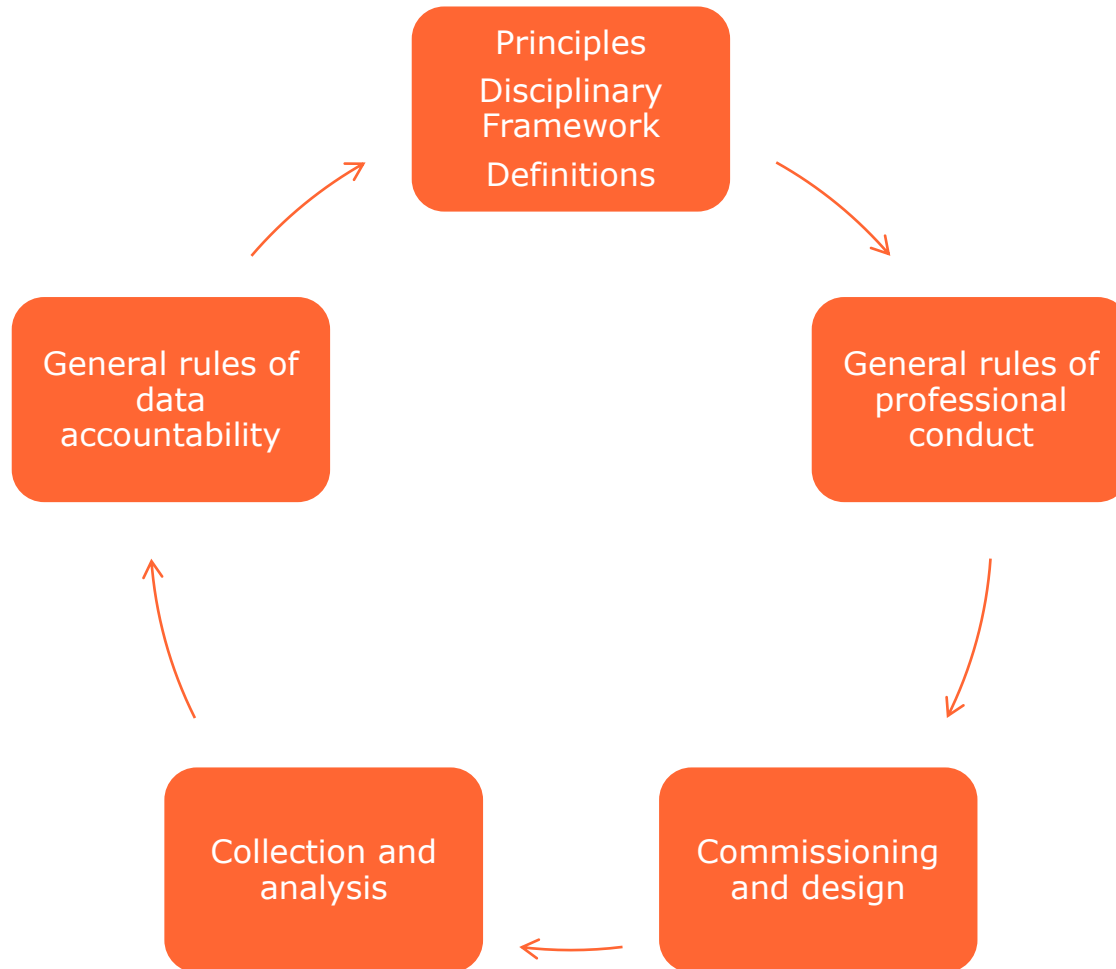


Children



Incentives

Key Changes: Flow of substantive content



Legal framework



Incorporates GDPR definitions such as personal data, consent, DPIA's

Embeds transparent, privacy centric approach

Requires a DPIA to be carried out for high risk processing

Legal framework cont'd



Reflects need for disclosure of identity of client where there is a legal obligation to do so

Broadens legal grounds for data collection and processing but requires consent for collection of personal data directly from participants

Enshrines accountability principle, documentation requirements and specifies importance of holding data in line with retention policies etc

Broader scope & coverage



Data analytics

- New definition of data analytics “process of interrogating data to identify patterns, correlations, trends or other information. This also includes modelling, forecasting and aggregation of data.”
- Specific rule for use of data for secondary purposes ensuring legal ground based on compatibility of purposes
- Rules targeted at members rather than researchers

Non-research

- Explicit rule on use of data in direct marketing
 - Greater clarity on prohibited misleading activities such as selling, fundraising or political lobbying under the guise of research
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Best ethical practice



Vulnerability

- Definition & revised rules in line with MRS Best Practice Guide on Participant Vulnerability

Avoidance of Harm

- New focus on prevention of harm & requirement to take special care when project is sensitive or circumstances might cause participant to become upset or disturbed
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The story so far...key changes in summary



The key areas where the Code has changed are as follows:

- Broader scope and coverage - The scope of the Code has been broadened in order to better reflect and promote the rights of participants and individuals as well as protect the reputation of all professional activities conducted by members and Company Partners.
 - Revision of substantive rules - The substantive rules of the Code have been also revised and expanded. The Code is now divided into three main sections with sub-sections that follow a research cycle: awareness and adherence with legislation, commissioning and design and the general rules of data accountability.
 - Key new rules - The broader scope and coverage of the new Code is reflected in new rules covering data analytics and non-research activities. Best ethical practice is reinforced by new rules covering vulnerable people, underlining the importance of our member's professional activities being widely accessible.
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Key rules

General Rules of Professional Conduct



Members must never undertake any of the activities, under the guise of research, which aim to manipulate, mislead or coerce individuals. This applies throughout the research process including proposal, data collection, analysis and reporting. Examples of this activity include:

- a) Sell or market under the guise of research ('sugging')
 - b) Fund raise under the guise of research ('frugging')
 - c) Lobby for political purposes under the guise of research ('plugging')
 - d) Create false media content and commentary, including social media, under the guise of research ('media mugging')
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Key rules Children



Members must take special care when considering whether to involve children in projects. The project design must take into account their age and level of understanding.

Comment: Privacy notices and other information supplied for project must be presented in a format that can be understood considering age and level of understanding of child participants.

In all cases, Members must ensure that children have the opportunity to decline to take part, even when responsible adult permission has been obtained. This remains the case if a project takes place in school.

Members must ensure that information about other individuals is not collected from a child unless for the purposes of gaining permission from a responsible adult.

Key rules

Vulnerable people



Members must take reasonable steps to assess, identify and consider the particular needs of vulnerable people involved in their professional activities.

When working with vulnerable people, Members must ensure that such individuals are capable of making informed decisions and are not unfairly pressured to cooperate with a request to participate and that they are given an opportunity to decline to take part.

Key rules

Participant's Rights



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

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.

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

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).

Key rules

Participant anonymity



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.

Comment: This includes video footage of identifiable participants which is classed as personal data.

Members must take reasonable action to ensure that anonymization is effective, with reference to developments in technology and to the data environment into which data is released.

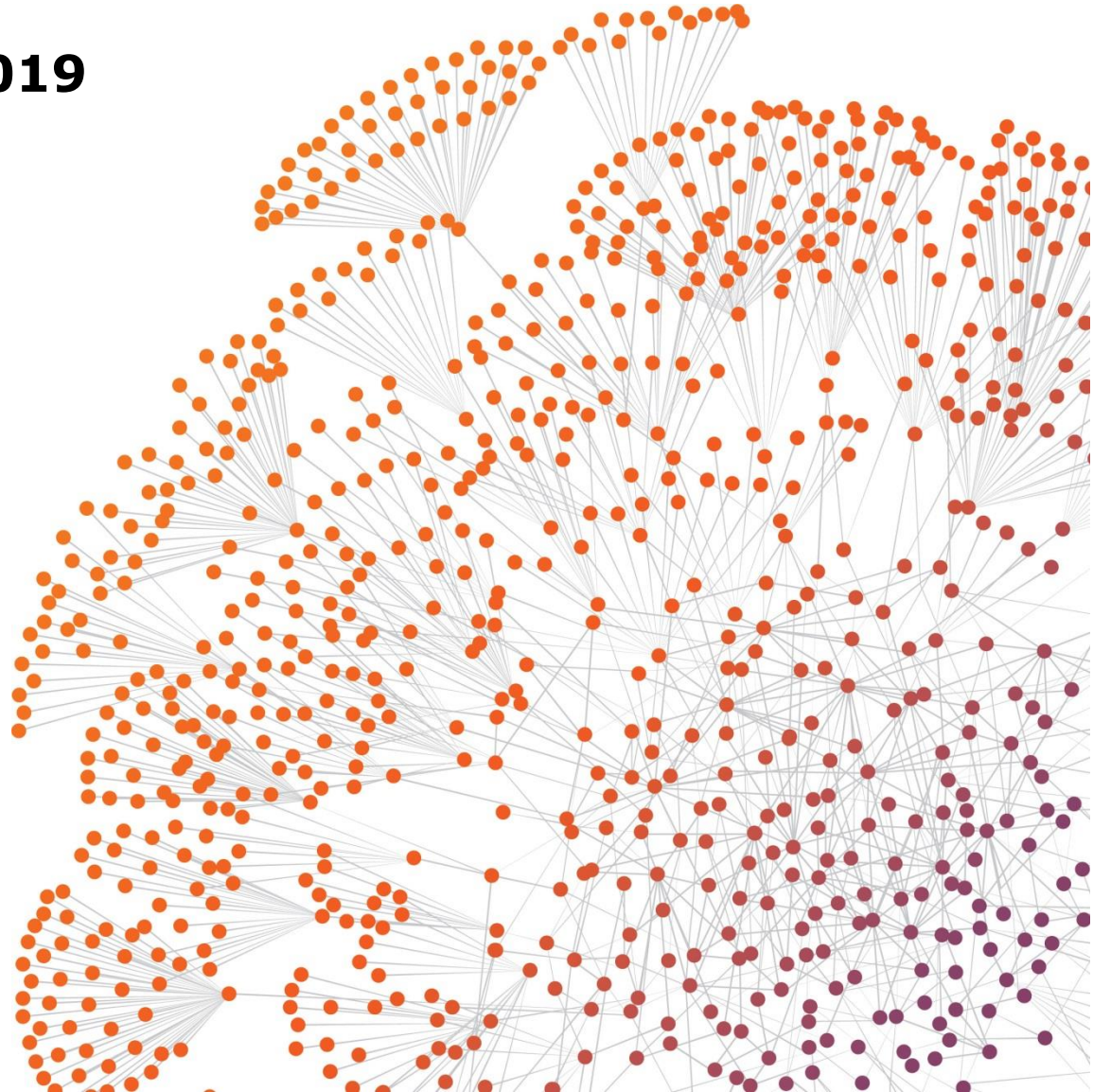
Comment: This rule applies to anonymisation undertaken by Members and to anonymisation of data sets undertaken by clients prior to analysis by Members. Members should refer to the ICO's Anonymisation Code of Practice for further detail.



MRS Code of Conduct 2019

GDPR, the Code and participant rights

**Debrah Harding
Managing Director**



Legal adherence



The MRS Code of Conduct:

- Covers all members and Company Partners professional activities
- Such activities must conform to national and international legislation
- Specifically GDPR and the UK Data Protection Act 2018

Data Protection & Research: Guidance for MRS Members and Company Partners:

- Developed through consultation with the ICO
- Used when determining legal adherence of members and Company Partners
- Rules 1 and 3 of the Code are key

The Code also has some new rules which explicitly cover GDPR requirements

Legal adherence: the Code rules



Rule 1:

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

Comment: See Data Protection & Research: Guidance for MRS Members and Company Partners.

Rule 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.

Participant rights: identifying the data controller



Transparency is one of the fundamental principles underpinning data protection and the MRS Code of Conduct

- Members must disclose the identity of clients where there is a legal obligation to do so
- Three main scenarios when client identity must be revealed:
 - Client is a controller or joint controller
 - Client is the source of the personal data
 - Client is receiving personal data from a research activity
- Points to consider:
 - Impact of revealing the client identity – bias, confidentiality
 - When you reveal the client identity – beginning or end of data collection

Participant rights: lawful basis for collection



MRS Code of conduct traditionally retained 'informed consent' as the basis for processing of participant data

New MRS Code requires a lawful basis for any collection and processing of personal data:

- informed consent of participant
- contract
- compliance with legal obligation
- protection of vital interests
- public task
- legitimate interest

Plus use of data for further processing – secondary purposes:

- Links between the original and proposed new purpose/s.
- The context in which the data was originally collected
- The consequences of the proposed secondary processing
- The existence of safeguards

Participant rights: informed consent



A significant amount of member activities use 'informed consent' for processing

Informed consent is a legal concept defined in the GDPR and DPA18

Permission to take part and informed consent are not the same thing

Participant rights: informed consent



Informed consent requires the following information to be provided:

- 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) the use of automated decision making (if used);
- k) transfer of data to a third country;
- l) retention periods or criteria used to determine retention periods;
- m) the right to complain
- n) 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.

Participant rights: the MRS Code



Key rights for participants:

- Not to be misled
- Special care when sensitive topics being explored
- Right to withdraw
- Ability to check bona fides
- Limits on data collection times
- Not pressurised to participate
- Right of data deletion

Participant rights: GDPR and the Code



GDPR:	MRS Code of Conduct:
Right to be informed	Permission and informed consent
Right of access	General legal adherence
Right to rectification	General legal adherence
Right to erasure	Deletion
Right to restrict processing	Participants decline to take part
Right to data portability	General legal adherence
Right to object to processing	Participants decline to take part
Right to withdraw consent	Right to withdraw at any time
Right not be evaluated by using automated decision making	Informed consent

Participant rights: rules of data accountability



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- All records are held, transferred and processed securely in accordance with relevant data retention policies and or/contractual obligations
 - All parties involved in a project are aware of their obligations regarding the collection, transfer, retention, security, disposal and destruction of data
 - The length of time, or criteria, for retaining personal data is clearly communicated to all relevant parties including participants, sub-contractors and clients
 - 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

What next?



As noted at the beginning of this webinar, the new Code of Conduct was published on the MRS website on 1 October 2019 and will be enforceable from the beginning of January 2020

MRS members and MRS Company Partners have several months to undertake any staff training, process updates and policy reviews to ensure the new MRS Code requirements are being adhered to



Question time!