MRS is the world’s largest association for people and organisations that provide or use market, social and opinion research, business intelligence and customer insight.
# Table of Contents

Introduction ........................................................................................................................................... 4

Relationship with the MRS Code of Conduct ..................................................................................... 4

The Principles of the MRS Code of Conduct ....................................................................................... 5

Definitions .............................................................................................................................................. 6

Definitions from the MRS Code of Conduct ....................................................................................... 6

Definitions from the General Data Protection Regulation used in the MRS Code of Conduct .......... 7

MRS Code of Conduct Rules .................................................................................................................. 9

1. Pre-Exercise ..................................................................................................................................... 12
   The Rules .......................................................................................................................................... 12
   Guidance .......................................................................................................................................... 13

2. During the Exercise .......................................................................................................................... 14
   The Rules .......................................................................................................................................... 14
   Guidance .......................................................................................................................................... 15

3. Post-Exercise .................................................................................................................................. 16
   The Rules .......................................................................................................................................... 16
   Guidance .......................................................................................................................................... 17

Appendix A .......................................................................................................................................... 18

Examples of Non-research Purposes .................................................................................................... 18

Appendix B .......................................................................................................................................... 21

Introducing a non-research project ........................................................................................................ 21

Appendix C .......................................................................................................................................... 22

Other Codes and Guidelines .................................................................................................................. 22
Introduction

These Guidelines interpret the MRS Code of Conduct (revised 2019) and provide additional best practice guidance. Unless otherwise stated, Guidelines are not binding. Their aim is to promote professionalism in the conduct of research, insight and other data processing activities.

The general public and other interested parties are entitled to complete assurance that every project is carried out in accordance with the MRS Code of Conduct and that their rights and privacy are respected.

Rules from the MRS Code of Conduct applicable in each section of this document are stated in bold. 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 MRS Code, it is the responsibility of the members to keep abreast of any legislation which could affect their professional activities and to ensure that all those involved in projects 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.

Relationship with the MRS Code of Conduct

MRS regulates MRS members and Company Partners’ activities irrespective of the purpose of the exercise.

These regulations should be read in conjunction with the MRS Code of Conduct and associated guidelines and regulations developed by MRS. It is also advised that other pertinent non-MRS rules which cover the relevant purpose of the data collection are referred to. For example, if a data collection exercise is being conducted for direct marketing purposes the appropriate direct marketing Code should be referred to, and in particular: the DMA Code Practice and the ICO Direct Marketing Code of Practice.

A list of useful non-MRS codes and guidelines are listed in Appendix A of this document.

For more information about the MRS Code of Conduct, regulations and the guidelines please visit the MRS website https://www.mrs.org.uk/pdf/MRS-Code-of-Conduct-2019.pdf or contact the MRS Standards Department codeline@mrs.org.uk.
The Principles of the MRS Code of Conduct

MRS Members shall:

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
Definitions from the MRS Code of Conduct

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

Client:
Client includes any individual, organisation, department or division, including any belonging to the same organisation as the member, which is responsible for commissioning or applying the results from a research project.

Data:
Data is information collected in any nature or format.

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.

Member:
A Member is an individual who has been admitted to Membership of MRS in one of the categories set out the MRS Articles of Association.

Note on Definition: For the purposes of applying this Code, an organisation that has signed the MRS Company Partner Service Quality Commitment that applies throughout the organisation/department/team shall be treated as a Member.

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

Research:
Research is the collection, use, or analysis of information about individuals or organisations intended to establish facts, acquire knowledge or reach conclusions. It uses techniques of the applied social, behavioural and data sciences, statistical principles and theory, to generate insights and support decision-making by providers of goods and services, governments, non-profit organisations and the general public.
Definitions 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.

Controller:
Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Data subject:
Data subjects are identified or identifiable living individuals to whom the personal data that is held relates.

Processor:
Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

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.

Pseudonymisation:
Pseudonymisation means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

Special category data:
Special category data means the processing reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union Membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Third party:
Third Party means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.
The Process
The full process for a typical non-research project is very similar to that for a research process; primarily because the way the data is obtained uses the same techniques. The following flowchart summarises the process. It should be noted that for some types of project, such as mystery shopping exercises, not all of these stages will be followed.
**MRS Code of Conduct Rules**

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.

2. Members must ensure that when undertaking direct marketing activities, they adhere to all relevant specific legal and ethical requirements which apply to direct marketing practice.

   **Comment:** The following practices fall within the scope of direct marketing:

   a) The offering of client goods or services, or vouchers to purchase client goods or services as an incentive, reward or expression of thanks;
   b) The use of promotional language in describing clients in invitations or introductions to projects;
   c) The offering of materials to participants which promote clients or their products and services. This includes referring participants to a client website at the conclusion of a project.

   Members may provide information about a client’s products or services where it is necessary to avoid adversely affecting a participant. For example, where a sensitive subject has been discussed, Members may provide information on relevant help lines operated by a client.

   See also Information Commissioner’s Office (ICO) Direct Marketing Guidance and Direct Marketing Association (DMA) Code.

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

   d) Sell or market under the guise of research (‘sugging’)
   e) Fund raise under the guise of research (‘frugging’)
   f) Lobby for political purposes under the guise of research (‘plugging’)
   g) Create false media content and commentary, including social media, under the guise of research (media-mugging).
Beyond the MRS Code, Members conducting non-research projects need to also take into consideration the following legislation and regulations available at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Digital Marketing**
- Privacy and Electronic Communications Regulations 2003 as amended 2011
- Business Protection from Misleading
- Marketing Regulations 2008
- Communications Act 2003
- Data Protection Act 2018
- Disability Discrimination Act 2005
- Gambling Act 2005

**Opinion Polling**
- Representation of the People Act 2000
- Representation of the People (England and Wales) (Amendment) Regulations 2002
- Representation of the People (England and Wales) (Amendment) Regulations 2006
- Representation of the People (England and Wales) (Amendment) Regulations 2015
- Representation of the People (England and Wales) (Description of Electoral Registers

**Charity**
- Charities Act 1992
- Charities Act 2006
- Charities Act 2011
- Charities (Protection and Social Investment) Act 2016

**Consumer**
- The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Protection Act 1987
- The Consumer Protection (Amendment) Regulations 2014
- Consumer Protection from Unfair Trading Regulations 2008
- The Consumer Rights Act 2015
- Consumer Rights (Payment Surcharges) Regulations 2012
- Enterprise Act 2002
- Fair Trading Act 1973
- Price Marking Order 2004
- Sale and Supply of Goods Act 1994
- Sale of Goods Act 1979
- Supply of Goods and Services Act 1982
- Trade Descriptions Act 1968
- Unfair Contract Terms Act 1977
- Unsolicited Goods and Services Act 1971
Financial services

- Consumer Credit (Advertisement) Regulations 2010
- Consumer Credit (Agreements) Regulations 2010
- Consumer Credit (Disclosure of Information) Regulations 2010
- Consumer Credit (EU Directive) Regulations 2010
- Consumer Credit (Disclosure of Credit) (Amendment) Regulations 2012
- Financial Services and Markets Act 2000
- Financial Services (Distance Marketing) Regulations 2004

It is advised that these regulations are read in conjunction with the MRS data protection guidance. Advice can also be obtained from the MRS Codeline service (codeline@mrs.org.uk). However, this document, the MRS Codeline Service and other MRS data protection guidance is not legal advice and should not be relied upon as such. Specific legal advice should be taken in relation to specific issues.
1. **Pre-Exercise**

The Rules

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 2019 which will be considered when determining if there has been a breach of the MRS Code.

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.

12. Members must carry out Data Protection Impact Assessment (DPIA) for specified types of processing prescribed by data and privacy legislation and for any other processing that is likely to result in a high risk to participants.

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

Comment: See Data Protection & Research: MRS Guidance Note on Controllers and Processors.

27. Members must ensure that there is a lawful basis for any collection and processing of personal data undertaken as part of their professional activities.

Comment: See lawful bases for processing data within the MRS Data Protection guidance.

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;
   h) that personal data is stored and transmitted by secure means and only accessible to authorised individuals.
Guidance
1. Members **must** take reasonable steps to ensure that they consider the additional data protection issues which arise from conducting non-research exercises:

1. a Member’s notification includes all the purposes of their data collection e.g. research and all the other purposes for which data is collected. This may include a Member organisation’s notification, a client’s notification and/or any sub-contractors used in the process.

2. samples are screened against client-specific ‘do not contact’ lists (if applicable to the purpose e.g. direct marketing opt-outs/ins if for direct marketing purposes).

3. samples are screened against relevant external ‘do not contact’ registers (if applicable to the purpose e.g. Telephone Preference Services for direct marketing by telephone).

4. contracts explicitly include data protection provisions.

5. ensure there is a contract in place that reflects the *de facto* controllership or joint-controllership or processor’s responsibilities.
2. During the Exercise

The Rules

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.

31. If consent is the legal basis for the data collection, Members must ensure that participants are provided with appropriate information to allow informed consent to be given, at the point that they agree to participate. 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.

Comment: Consent is one lawful basis for processing, but there are alternatives. Consent is defined in Definitions from the General Data Protection Regulation used in the MRS Code of Conduct. See also Data Protection and Research: Guidance for MRS Members and Company Partners.

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

35. 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).

49. 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
52. If participants request individual complaints or unresolved issues to be passed back to a client (for example in customer satisfaction projects), Members must comply with that request. The comments/issues to be passed back to clients must be agreed by Members with participants and must not be linked back to any other data or used for any other purpose without the explicit consent of participants.

Comment: There may be cases where participants are requested to contact clients directly. This should be balanced with the needs and abilities of the participant.

Guidance
Members and their employees must be honest with and not mislead participants when they are being asked to participate in a non-research project. The technique used to collect the data and purpose for which the data will be collected must be clearly differentiated in any description of a non-research project (“e.g. This questionnaire will gather information to be used to tell you about our products and services”).

Members should pay particular attention to the following:

- The wording of fair processing notices/consent notices used to collect information for client databases to be used as sample.
- Preambles describing the exercise (e.g. questionnaire introductions) clearly state all purposes for which the data are to be used.
- When familiar research brands are being used that the data collection process/materials reinforces that the exercise is not a research exercise.
- The content of materials used during data collection e.g. stimulus materials.
- Any resulting outputs from the exercise (e.g. press releases) must clearly define the purpose(s) for which data were collected.
- Opt outs from contact that have previously been offered to prospective participants or applicable exclusion lists such as the Telephone Preference Service which would apply if undertaking projects for the purpose of direct marketing.
- The consequences of the exercise e.g. if agreeing to receive promotional materials that their details will be passed to the client, etc.
- Mystery shopping exercises where direct action will be taken based upon the results of the exercise e.g. conducting performance appraisals or calculating remuneration or bonus payments for staff.
3. Post-Exercise

The Rules

45. Members must take reasonable action to ensure that all records are held, transferred and processed securely in accordance with relevant data retention policies and or/contractual obligations.

46. Members must take reasonable action to ensure that all parties involved in a project are aware of their obligations regarding the collection, transfer, retention, security, disposal and destruction of data.

47. Members must ensure that the length of time, or criteria, for retaining personal data is clearly communicated to all relevant parties including participants, sub-contractors and clients.

48. Members must take reasonable action to ensure that 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.

58. Members must ensure that reports include sufficient information to enable reasonable assessment of the validity of results.

59. Members must ensure that reports include sufficient information to enable reasonable assessment of the validity of results.

60. Members must ensure that outputs and presentations clearly distinguish between facts, opinion, and interpretation.

63. Members must take reasonable action to check and where necessary amend any Client-prepared materials prior to publication to ensure that the published results will not be incorrectly or misleadingly reported.

Comment: This means that Members are expected to take reasonable steps to ensure that any news releases include either final report details (including question wording for any questions quoted) or details of where the information can be obtained (e.g. via a website link).
Guidance
Any parts of a project conducted for non-research purposes must be disclosed and limitations on associated research results must be provided. When results are released sufficient explanation must be provided to ensure that the results are not misleadingly presented as research results. Any limitations or facts material to the validity of the results should also be provided.

Examples:

Description of incentive before data collection:

• A qualitative group incentivised with a voucher from the client. The final report should make clear that it is a research and promotional exercise due to nature of the incentive and that providing a client-based incentive may have impacted on the results of the group.

Existence of information concurrent with data collection

• A consultation exercise which contains a research element as well as offering a chance to the public to express their views. The final report should note the context in which the research element took place, namely the other information available, public meetings, etc, that were running concurrently as part of the consultation exercise, and the possible impacts of this on the research findings.

Provision of information after data collection

• A social marketing leaflet provided at the end of a research project. As this is information is provided after data collection it would not have a direct impact on the participants’ responses. The report should however note the existence of this purpose and how the project was introduced to participants.

Further processing after data collection

• Data is further processed at a later date for specified purposes such as identifying training needs. Again, as the further processing would take place sometime after data collection, it would not have a direct impact on the participants’ responses. The report should however note the existence of this purpose and how the project was introduced to participants.
Appendix A

Examples of Non-research Purposes

1. *If the data is collected on an identifiable basis, direct action will, or may, be taken.*

Using mystery shopping techniques to measure legislative compliance

A financial regulator approaches a member to conduct an investigation of its list of approved financial providers. The regulator is concerned that a number of its approved financial providers are not following its rules in relation to the selling of financial products. The purpose of the exercise is to identify providers who are not following the legislative requirements to enable the regulator to start investigation proceedings. The member is asked to use recorded mystery shopping techniques to establish which providers are not following the rules, to provide recorded evidence of the mystery shopping approaches and to provide identifiable details of all providers who are in breach of the rules. The member establishes that the mystery shopping requirements set out in the MRS guidance on mystery shopping are in place before agreeing to undertake this exercise.

Using mystery shopping techniques to assess staff performance

A retailer approaches a member to scrutinise the customer service performance of its staff. The purpose of the exercise is to establish which of its staff have improved in their customer service and to use this information to calculate the allocation of bonuses. The member is asked to use recorded mystery shopping techniques to establish staff performance levels, to provide recorded evidence of the mystery shopping approaches and to provide identifiable details of individual staff members approached during the exercise. The member establishes that the mystery shopping requirements set out in the MRS guidance on mystery shopping are in place before agreeing to undertake this exercise.

Using a questionnaire to collect feedback from customers to use in staff training

A bank approaches a member to conduct a customer satisfaction exercise among its customers. There is a dual purpose for the exercise; to conduct some market research and to collect feedback, which is attributed to the participant, to use in staff training. The member is asked to devise a questionnaire which can be administered over the telephone and all calls are to be recorded. The researcher ensures that the questionnaire clearly states the two purposes, and that interviewers are briefed to obtain consent for the recording and for passing identifiable details back to the bank.

Using a questionnaire to collect evidence regarding conformity with regulations

A government department approaches a member to conduct a statutory data collection exercise from businesses with the purpose of assessing whether the businesses are meeting the legislative requirements regarding tax rebates and returns. The researcher collects the information face-to-face from business participants. The member ensures that the questionnaire clearly states the purpose of the data collection and that the businesses and the individuals will be identified in the feedback to the government department (which is also named).
2. The exercise aims primarily to encourage people in general or at random to express views, rather than to achieve robust data based on systematically targeting specific sectors of the population or on the whole range of views from a statistically representative sample of the relevant population.

Conducting a group discussion to obtain recorded images for a conference
A pharmaceutical company is launching a new drug and approaches a member to conduct a qualitative group exercise among a number of patients that have been using the drug and have been part of the drug trials. The purpose of this exercise is to obtain recorded images of patients which can be used at a medical conference. The member ensures that at recruitment that participants are advised of the purpose and fully informs the participants about the nature of the recording.

Conducting a group discussion to elicit views from key individuals/influencers
A local business wants to consult stakeholders on a proposed expansion using group discussion techniques. It is interested in the views of named people with particular roles, rather than eliciting the range of views of all stakeholders. Specific individuals are approached for the exercise and the member makes it clear that comments are to be used in materials regarding the proposal.

Consultation to obtain views on a proposed new development
A local authority wishes to consult local residents on a new development using a questionnaire. The questionnaires are left in key locations in public buildings (e.g. public libraries, post offices, etc); delivered direct to householders or responses are invited in local papers, etc. and there is no systematic attempt to ensure responses received are representative of the views of the population invited to respond. The primary purpose of the consultation is to ensure all those who wish to have an opportunity to give their view, rather than elicit information which is statistically representative of all the population in scope.

Using mystery shopping techniques to identify examples of behaviours or views
A magazine intends to write an article to highlight some of the flaws in the insurance industry. The journalist approaches a research organisation that employs mystery shoppers to gather specific evidence for the article. The journalist does not want to name names but to gather evidence that there are particular problems within the sector. The mystery shoppers conduct the exercise and the information is passed to the journalist in aggregated format and is subsequently published.

3. The exercise promotes the aims or ideals of a client or organisation
Reconvening individual participants to recreate verbatim statements in order to obtain recorded images for a marketing campaign
A mobile phone company is launching a new product and approaches a member to conduct a number of group discussions with current and prospective customers. The results were
encouraging and the Client wants to highlight some of the positive responses and use some video clips for future **marketing** campaign for the product. The member had asked participants originally (at recruitment) about re-contacting them to obtain consent to use data for marketing purposes and is thus able to recontact the participants. The participants are advised of the exact purpose of this latter exercise and the member obtains consent from the participants for the **recorded data** to be used for the defined **marketing purposes**. The member obtains specific details of the form that the marketing is to take to ensure that the participants clearly understand how their recorded data may be used.

**Using co-creation to generate video footage for an advertising campaign**

A charity asks as a member to help it develop a new ad campaign targeting potential donors aged 16-24. The member engages with a group of video bloggers to generate insights and **to produce videos to be used in a marketing campaign**. The participants/participants would have to be clearly informed of this use at the time of the project. Additional releases for reasons of copyright would also be required.

**Participation in a project is incentivised with a client’s goods or services**

A large retailer approaches a research organisation to create a research panel from users of its loyalty card. It is agreed that incentives will be in the form of loyalty points which are redeemable at the retailer’s stores. Due to the incentives offered, the project is in part **promoting** the retailer and so must be treated as a **marketing project**. Only those customers that have agreed to receive **marketing communications** may be invited to join the panel.

**Participation in a social marketing project**

An NHS Trust wishes to research current attitudes to diet and exercise and also wishes to encourage healthier lifestyles by offering membership of a local gym as an incentive for participation. Due to the nature of the incentive the project is **promoting the aims and ideals of the client** and so must be treated as a marketing project. Telephone recruitment sample must be screened against the TPS and participants must be informed of the secondary aim of the project at recruitment.
Appendix B

Introducing a non-research project

Example 1: Incentivising participation with client incentives

'Good morning I'm from [research organisation name]. I have been given your name as a customer of XXXX. They would be very interested in your views and opinions about the products/services they provide to help them ensure they are meeting the needs of their customers. Could you spare me about ten minutes of your time? Thank you. To encourage participation, XXX have asked me to offer you one of their products, ZZZZ, after we've finished. Also, I can assure you that XXX will not receive any information that will identify you as having given your views today'

Example 2: Collecting information to be used for research and marketing

'Good morning I'm from [research organisation name].. I have been given your name as a customer of XXXX. They have asked us to conduct some research on the quality of service they are providing to their customers and would also like to offer you the opportunity to find out more about their products and services.
### Appendix C

**Other Codes and Guidelines**

There are a number of other Codes and guidelines that Members/Company Partners may find useful when conducting non-research exercises. The following table lists some of the documents in existence. This list is not exhaustive.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Codes/ Guidelines</th>
<th>Website reference</th>
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<tbody>
<tr>
<td><strong>Advertising</strong></td>
<td>• ICC Advertising and Marketing Communications Code</td>
<td>• <a href="https://iccwbo.org/publication/icc-advertising-and-marketing-communications-code/">https://iccwbo.org/publication/icc-advertising-and-marketing-communications-code/</a></td>
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<td>• Advertising Standards Authority (ASA)</td>
<td>• <a href="https://www.asa.org.uk/codes-and-rulings.html">https://www.asa.org.uk/codes-and-rulings.html</a></td>
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<td>o CAP Code The UK Code of Non-broadcast Advertising and Direct &amp; Promotional</td>
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<td>Marketing</td>
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<tr>
<td><strong>Direct marketing</strong></td>
<td>• Direct Marketing Association (DMA) Code of Practice</td>
<td>• <a href="https://dma.org.uk/the-dma-code">https://dma.org.uk/the-dma-code</a></td>
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<td>• Federation of Direct Marketing Associations (FEDMA)</td>
<td>• <a href="https://www.fedma.org/work-areas/self-regulation/">https://www.fedma.org/work-areas/self-regulation/</a></td>
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<td>o Code of Practice for the Use of Personal Data</td>
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<td>o The Online Communications Annex</td>
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<td><strong>Direct selling</strong></td>
<td>• Direct Selling Association (DSA)</td>
<td>• <a href="https://dsa.org.uk/dsa-codes-3/">https://dsa.org.uk/dsa-codes-3/</a></td>
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<td>o Business Code</td>
<td></td>
</tr>
<tr>
<td><strong>Public Relations</strong></td>
<td>• Chartered Institute of Public Relations Code of Conduct</td>
<td>• <a href="http://www.cipr.org.uk">www.cipr.org.uk</a></td>
</tr>
<tr>
<td><strong>Staff training</strong></td>
<td>• Chartered Institute of Professional Development Code of Professional Conduct</td>
<td>• <a href="http://www.cipd.co.uk">www.cipd.co.uk</a></td>
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