



MRS Regulations: Using Research Techniques for Non-Research Purposes

March 2024

Introduction

These Regulations interpret the MRS Code of Conduct (2023).

Research is founded upon the willing co-operation of the public and of business organisations. It relies on the confidence of those involved that it is conducted honestly, objectively, without unwelcome intrusion and without harm to participants. Its purpose is to collect and analyse information and not to create sales or to influence the opinions of anyone participating.

Every participant must be assured that research projects are carried out in strict accordance with the Code of Conduct and that their rights of privacy are respected. Rules from the Code of Conduct applicable in each section of this document are stated in the shaded boxes. 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 Code, it is the responsibility of the member to keep abreast of any legislation which could affect data collection among children to ensure that all those involved in a project 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.

The Principles of the MRS Code of Conduct

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 from the MRS Code of Conduct:

Anonymisation:

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

Client:

A client includes any individual, organisation, department or division, including any belonging to the same organisation as an MRS Member, which is responsible for commissioning or applying the results from a project.

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.

Participant:

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

Definition 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.

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.

The Rules

- 1. Members must ensure that their professional activities conform to the national and international legislation relevant to a given project, including the UK data protection legislation. Members must ensure that they adhere to all relevant legal and ethical requirements when conducting their professional activities.**

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

- 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.**
- 8. Members must not act in a way which might bring discredit on the profession, MRS or its Members.**
- 9. Members must take all reasonable precautions to ensure that participants are not harmed or adversely affected by their professional activities and ensure that there are measures in place to guard against potential harm.**
- 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.

Guidance

- Members must take reasonable steps to ensure that they consider the additional data protection issues which arise from conducting non-research exercises:
 - 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.
 - 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).

- 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).
 - contracts explicitly include data protection provisions.
 - ensure there is a contract in place that reflects the de facto controllership or joint controllership or processor's responsibilities.
2. 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. 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.*



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