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# CODE OF CONDUCT

Updated May 2023



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# The Market Research Society (MRS)

The Market Research Society (MRS) is the world's leading research association. It is for everyone with professional equity in market, social and opinion research (whether you use it or provide it) and in business intelligence, market analysis, customer insight and consultancy.

## **Evidence matters**

Evidence helps to build strategy and reduce risk; it is essential for good commercial and public policy decisions. If you need, use, generate or interpret evidence, MRS can help you. Our Members have commissioned and provided evidence that has helped win elections, launch global brands and understand profound trends in society. We support, promote, and aim to enrich the research and business world.

In consultation with its individual Members and Accredited Company Partners, MRS supports best practice by setting and enforcing industry standards. The commitment to uphold the MRS Code of Conduct is supported by the Codeline Advisory Service and a wide range of specialist guidelines. Find out more at [www.mrs.org.uk](http://www.mrs.org.uk).

MRS is a member of EFAMRO, the European Research Federation, and the Global Research Business Network.



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# 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.

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# Introduction

This edition of the Code of Conduct was agreed by MRS to be operative from 15 May 2023. It is a fully revised version of a self-regulatory Code first adopted on 5 November 1954.

All MRS Members must comply with this Code. It applies to all Members, Accredited Company Partners and those retained by them.

MRS Accredited Company Partner organisations are required to take action to ensure that all individuals employed or engaged by them (whether MRS members or not) comply with this Code as if they are MRS Members. It applies to all Members irrespective of the sector or methodologies used.

Members and Accredited Company Partners must ensure that they do not in any way restrict their ability to comply with the requirements of, and their obligations under, this Code, including co-operating with MRS in any investigations. Members and Company Partners should be particularly mindful of this requirement when entering into contracts, including Non-Disclosure Agreements, with third parties.

Failure to comply with the spirit of this provision may inhibit, and/or prejudice, an investigation to the detriment of the complainant and/or the MRS Member and/or Company Partner and such failure may be considered to bring discredit on the profession, MRS or its members, in breach of Rule 8 of this Code of Conduct.



The Code is also intended to reassure the general public and other interested parties that activities undertaken by MRS Members and MRS Accredited Company Partners are carried out in a professional and ethical manner.

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# Scope of the MRS Code

The Code of Conduct was historically created to support all those engaged in market, opinion and social research ('research'), insight and data analytics in maintaining professional standards.

In the context of this Code, research, insight and data analytics is the systematic production, collection, processing, and interpretation of information by means of valid, reliable, and reproducible techniques which uses well-validated, scientific principles and methods to design research processes and analyse information to produce valid and reliable findings and conclusions. Research, insight and data analytics provides relevant facts, evidence, and advice to individual and organisational decision-makers to enhance effectiveness of decision-making and decision outcomes.

Since 2019, the MRS Code of Conduct has been expanded to cover all professional activities undertaken by MRS Members and MRS Accredited Company Partners.

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# MRS Binding guidelines

MRS Binding Guidelines are binding on Members. At the time this Code was published, the binding guidelines were:

- MRS Regulations on Administering Incentives and Free Prize Draws
- MRS Regulations on the Use of Predictive Diallers
- MRS Regulations for Using Research Techniques for Non-research Purposes
- Data Protection & Research: Guidance for MRS Members and Company Partners

## MRS Guidance

A full list of MRS guidance documents, which provide additional best practice guidelines and checklists, appear on the MRS website [www.mrs.org.uk](http://www.mrs.org.uk).

## General

It is the responsibility of Members and Accredited Company Partners to keep themselves updated on changes or amendments to any part of this Code which are published from time to time and announced in publications and on the MRS website. If in doubt about the interpretation of the Code, Members may consult the MRS Codeline Service ([codeline@mrs.org.uk](mailto:codeline@mrs.org.uk)) an email advisory service which deals with MRS Code enquiries and advises on best practice.

The MRS Code of Conduct does not take precedence over national law. Members and Accredited Company Partners responsible for international projects shall take its provisions as a minimum requirement and fulfil any other responsibilities set down in law or by nationally agreed standards.

## MRS Disciplinary Procedure

Under the MRS Disciplinary Regulations, membership may be withdrawn, or other disciplinary action taken, if a Member is deemed guilty of unprofessional conduct. This is defined as a Member:

- being guilty of any act or conduct which, in the opinion of a body appointed by MRS Main Board, might bring discredit on the profession, the professional body or its Members; or
- being found by a body appointed by MRS Main Board to be guilty of any breach of the rules set out in this Code of Conduct; or
- being found by a body appointed by MRS Main Board to be guilty of any breach of the provisions set out in any MRS binding guideline laid down from time-to-time by the MRS Main Board; or
- being found by a body appointed by MRS Main Board to be guilty of any breach of any other regulations laid down from time-to-time by MRS Main Board; or
- failing without good reason to assist the professional body in the investigation of a complaint; or

- in the absence of mitigating circumstances having become bankrupt or having made any arrangement or composition with their creditors;
- being found to be in breach, by a competent supervising authority of national data protection and privacy legislation.

All rules must be observed and adhered to by all MRS Members with any involvement, or with any responsibility, at any level in a matter. This means that more than one MRS Member might be in breach of a rule in respect of the same matter.

Note: that where more than one MRS Member is involved in a matter under investigation, whilst the MRS reserves the right to proceed with an investigation and other relevant processes against all such Members under its Disciplinary Regulations, it will usually apply its discretion to proceed against the most senior MRS Member(s) involved, except in cases where there are multiple Members in different organisations.

### **MRS Accredited Company Partner Complaints Procedure**

MRS Accredited Company Partner organisations are also required, in accordance with the terms of the Service, to take action to ensure that the Code of Conduct is adhered to by all individuals employed or engaged by them (whether MRS Members or not). The rules of this service are detailed in the MRS Accredited Company Partner Quality Commitment.

Under the MRS Quality Commitment and its associated Complaints Procedure, MRS Accredited Company Partners are committed to comply with the principles and rules of the MRS Code of Conduct and associated Regulations and to co-operate with MRS to assist in the early resolution of any complaints.

Note: that in instances where MRS Accredited Company Partners/s and MRS Member/s are involved in a matter under investigation by both the MRS Disciplinary Regulations and MRS Accredited Company Partner Complaints Procedure will be applied in parallel. This will change if during an investigation it becomes clear that only individual Member/s or MRS Company Partner/s are responsible for the matter at which point the process will revert to the appropriate procedure.

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# Definitions

## Definitions used in 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.

### **Child:**

A child is an individual under the age of 16.

### **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.

### **Consultant:**

A consultant is any individual or organisation that provides professional services. Consultants can also be a sub-contractor in a professional relationship.

### **Data:**

Data is information collected in any nature or format.

### **Data analytics:**

Data Analytics is the process of interrogating data to identify patterns, correlations, trends or other information. This also includes modelling, forecasting and aggregation of data.

### **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.

### **Data Protection Impact Assessment (DPIA):**

A Data Protection Impact Assessment (DPIA) is a process to help practitioners and organisations identify and minimise data protection risks for projects.

*Note on Definition: Certain high risk processing activities, such as use of systematic and extensive profiling or automated decision-making to make significant decisions about individuals, processing special-category data or criminal-offence data on a large scale and systematically monitoring a publicly accessible place on a large scale require that a DPIA be carried out. Other activities which may require a DPIA to be carried out and DPIA checklists can be found on the ICO website [here](#)*

### **Direct marketing:**

Direct marketing is communication by whatever means of advertising or marketing material, directed to particular individuals. This includes material promoting the aims and ideals of not-for-profit organisations

**Incentive:**

An incentive is any gift, payment or other consideration offered to participants to encourage participation in a project.

**Interview:**

An interview is any form of contact intended to obtain information from or about a participant or group of participants.

**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, organisations/departments/teams that have signed the MRS Company Partner Service Quality Commitment that applies throughout organisations/departments/teams shall be treated as Members.*

**Monitoring**

Monitoring is the examining of activities (such as data collection) to ensure that the activities meet required objectives and performance targets.

**Participant:**

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

**Permission:**

Permission in the context of the MRS Code is a participant giving their permission to take part in a data collection exercise.

**Primary data:**

Primary data is data collected directly from a source and in its original state e.g. in electronic format or hard copy; and includes unedited completed questionnaires, interview transcripts, biometric measurements and other similar items.

**Profession:**

The profession is the body of practitioners engaged in (or interested in) market, social and opinion research, insight and data analytics and/or the application of its techniques.

**Publication:**

Publication is the communication of information to the public.

**Quality control:**

Quality control is any process which is designed to ascertain compliance with regulatory or self-regulatory practices or procedures and/or ascertain or demonstrate adherence to standards which ought to be achieved by persons in the course of their duties.

**Reasonable action:**

Reasonable action by a Member is such actions as a person in their position (in light of experience, role, responsibilities etc.) should be expected to take to adhere with the provisions of the MRS Code.

**Records:**

Records includes anything containing information relating to a project and covers all data which forms evidence of an event, activity or fact including data retention policies, evidence demonstrating consent, data privacy statements etc.

**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.

**Responsible adult:**

A responsible adult is an individual who has personal accountability for the well-being of a child or a vulnerable adult, for example a parent, guardian, carer, teacher, nanny or grandparent. It is not an individual who has a limited or specific responsibility such as a lifeguard, instructor or employer.

**Secondary data:**

Secondary data is data that has already been collected and is available from another source.

**Sub-contractor:**

A sub-contractor is any individual or organisation that undertakes part of a project under instruction from another organisation or individual.

**Vulnerable people:**

Vulnerable people means individuals whose permanent or temporary personal circumstances and/or characteristics mean that they are less able to protect or represent their interests (see [MRS Best Practice Guide on Research Participant Vulnerability](#)).

## Definitions from the UK Data Protection legislation 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.

### **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.

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# The MRS Code of Conduct



## General Rules of Professional Conduct

### Awareness and Adherence with Legislation

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](#)

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. This could include wellbeing information and advice to assist with financial difficulties.

**Comment:** The information provided on the client's products or services as noted above must not double up as marketing/promotional communications

See also [Information Commissioner's Office \(ICO\) Direct Marketing Guidance](#) and [Direct Marketing Association \(DMA\) 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.
4. Members must never undertake any 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').

## Business and Professional Ethics

- 5. Members must take reasonable action to avoid conflicts of interest with clients or employers and must make prior voluntary and full disclosure to all parties that might give rise to such conflict.
- 6. Members must act honestly in their professional activities.
- 7. Members must take reasonable action to ensure that others do not breach or cause a breach of this Code.
- 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.



## Commissioning and Design

- 10. Members must not knowingly take advantage, without permission, of unpublished work of other practitioners, which is the property of those other practitioners.

**Comment:** This means, where applicable, that Members must not knowingly carry out or commission work based on proposals prepared by practitioners in another organisation unless permission has been obtained.

- 11. Members must take reasonable steps to design projects to the specification and/or quality standards agreed with clients.
- 12. Members must carry out a Data Protection Impact Assessment (DPIA) or risk assessments 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.

**Comment:** See [MRS Standards & Policy Team webinar – 'Data protection Impact Assessment \(DPIA\) and Data Breach Reporting'](#)

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

**Comment:** See [Data Protection & Research: MRS Guidance Note on Controllers and Processors.](#)



## Client Confidentiality

- 14.** Members must disclose the identity of clients where there is a legal obligation to do so.

**Comment:** Transparency is one of the fundamental principles underpinning data protection laws. In line with this is an obligation to name a commissioning client, which may arise in three main scenarios:

- a) Client is controller or joint controller
- b) Client is the source of the personal data
- c) Client is receiving personal data from a research activity

- 15.** Where files of identifiable individuals are used e.g., client databases, Members must ensure that the sources of the personal data is revealed at an appropriate point in the data collection.

**Comment:** The identity of the client must be revealed when data collection is undertaken if clients require personal data from a project.



## Children

- 16.** Members must ensure that permission of a responsible adult is obtained and verified before a child participates in their professional activities.

**Comment:** See also [MRS Guidelines for Conducting Data Collection Activities with Children](#). Under special circumstances, permission to waive the requirement for permission of a responsible adult may be obtained, but only with the prior approval of the MRS Market Research Standards Board. To request a waiver, contact the MRS standards department via [codeline@mrs.org.uk](mailto:codeline@mrs.org.uk).

- 17.** Where the permission of a responsible adult is required, Members must ensure that the responsible adult is given sufficient information about the project to enable them to make an informed decision.
- 18.** Members must ensure that the identity of the responsible adult giving permission to approach a child to take part in their professional activities is recorded by name, and relationship or role.
- 19.** Where it is known (or ought reasonably to be known) that participants may include children, Members must ensure participants are asked to confirm their age before any other personal information is requested. Further, if the age given is under 16, the child must be excluded from giving further personal information until the appropriate permission from a responsible adult has been obtained and verified.
- 20.** 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 a project must be presented in a format that can be understood considering age and level of understanding of child participants. See also the [ICO's Age Appropriate Design](#)

[Code](#) (the 'Children's Code') for further guidance for online services likely to be accessed by children

21. 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.
22. 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.



### Vulnerable People

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

**Comment:** See [MRS Best Practice Guide: Research Participant Vulnerability](#)

24. 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.



### Incentives

25. Members must ensure that client goods or services, or vouchers to purchase client goods or services, are not used as incentives for projects conducted for research purposes. Members undertaking projects for other purposes, such as direct marketing, may use client goods or services as incentives.
26. Where incentives are offered, for whatever purpose, Members must ensure that Participants are clearly informed:
  - a) who will administer the incentive;
  - b) what the incentive will be;
  - c) when the participant will receive the incentive; and
  - d) whether any conditions are attached e.g. completion of a specific task or passing of quality control checks.

**Comment:** Incentives that require participants to spend money to be redeemed, e.g. money-off vouchers, are not permitted.

For further information, Members should consult the separate [MRS Regulations Administering Incentives and Free Prize Draws](#) and [MRS Use of Incentives in Market Research and Non-research Projects](#).



## Collection and Analysis

### Data Collection

- 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](#). This includes passive data collection, see [MRS Data Collection Checklist](#).

- 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; and
  - h) that personal data is stored and transmitted by secure means and only accessible to authorised individuals.

**Comment:** Rule 28 a) would apply in circumstances where data collection methods had to be changed to address factors affecting the population as a whole, such as a pandemic.

- 29.** Members must ensure that participants are informed about any recording, monitoring or observation at recruitment and at the beginning of a data collection activity.

**Comment:** This includes surveillance activities, such as using CCTV and mystery shopping. The latter can only be recorded when undertaking own organisation mystery shopping and staff have been informed of this eventuality. See also [MRS Guideline: Conducting Mystery Shopping](#)



## Permission and Consent

**30.** Members must ensure that participants give their permission to take part in a data collection exercise, before proceeding with the activity. Permission requires the following information to be provided to participants:

- 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) an assurance that the activity is being conducted in accordance with the MRS Code of Conduct and the relevant data protection legislation which applies in the areas where activities are taking place.

**Comment:** This applies to all legal basis for processing data, including when data is collected using passive techniques. Permission is defined in Definitions used in the MRS Code of Conduct.

**31.** If consent is the legal basis for a data collection exercise, 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; whether the data collection is to be recorded and/or observed;
- f) who is likely to have access to live or recorded information;
- g) the likely length in minutes of the data collection;
- h) any costs likely to be incurred by a participant;
- i) the use of automated decision making (if used);
- j) transfer of data to a third country;
- k) retention periods or criteria used to determine retention periods;
- l) the right to complain; and

- m) an assurance that the activity is being conducted in accordance with the MRS Code of Conduct and the relevant data protection legislation which applies in the area where activities are taking place.

**Comment:** Consent is one lawful basis for processing, but there are alternatives, particularly when data is collected using passive techniques. 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](#) for more detail about alternative lawful bases.

## Participant's Rights

- 32. Members must ensure that participants are not misled when being asked to participate in a project.
- 33. 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.
- 34. Members must ensure that a participant's right to withdraw from a project at any stage is respected.
- 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).
- 36. Members must take reasonable action to ensure that data collection activities do not take place before 9am Monday to Saturday, 10am Sunday or after 9pm any day, unless by prior agreement. This includes:
  - a) In person visits to private homes
  - b) Calls to household landline numbers
  - c) Calls to mobile telephone numbers
  - d) Messages via SMS or other direct message facilities to mobile phones

**Comment:** The only exception to this is where local rules and customs differ from UK practice.

- 37. Members must ensure that participants (including employees in employee data collection projects) are not required or pressured to participate in any projects.
- 38. Members must ensure that any responses given by participants during data collection are deleted if requested by participants, where possible if the personal data is still being processed.

**Comment:** Individuals' rights to erasure can be challenged if the processing is based on the public task legal basis. The rights of individuals to request erasure should be considered unless there are overriding legal considerations. In public task cases where erasure is denied, individuals still have a right to object to the processing via the data protection regulators, e.g the ICO in the UK.



## Observers

- 39.** If Members have agreed with clients that observers are to be present, (either in person or remotely) during a data collection exercise with participants, Members must inform all observers about their legal and ethical responsibilities.

**Comment:** See [MRS Guide to Observers – Legal & Ethical Responsibilities](#).

- 40.** Members must clarify with participants the capacity in which observers are present; clients must be presented as such, even if they are also practitioners and/or Members of MRS.
- 41.** There are some situations where observers could adversely affect participants' interests and/or wellbeing, and in such instances, Members must:
- a) ensure that participants are told at an appropriate stage the identity of any observer who might be present during an exercise.
  - b) where observers may know participants, ensure that participants are informed before the start of the data collection that they are to be observed, with a warning that the observers may include clients and/or other stakeholders who already know them and given a chance to withdraw.

**Comment:** The issue of anonymity and recognition is a particular problem in business-to-business and employee projects where sample universes are smaller and as such greater care should be taken for such projects.



## Use of Data for Secondary Purposes

- 42.** Members must ensure that there is a lawful basis for the further processing of data for a secondary purpose. This may include consideration of:
- a) Links between the original and proposed new purpose/s.
  - b) The context in which the data was originally collected (in particular the relationship between participants and the original data collector).
  - c) The consequences of the proposed secondary processing.
  - d) The existence of safeguards.

## Re-contacting Participants

- 43.** Members must ensure that re-contact with a participant is carried out only if the participant's permission has been obtained during the initial data collection. The only exception to this is re-contact for quality control purposes.

**Comment:** Any re-contact question should be agreed at the design stage with the client to cover any planned or possible consequential projects.

- 44.** Members must ensure that any re-contact matches the assurances given to participants at the time that permission was gained e.g. when re-contact was to occur, the purpose and by whom.

## General Rules of Data Accountability



### Data Security

- 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.



### Participant Anonymity

- 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 digital, audio or visual footage or photographs of identifiable participants which is classed as personal data.

- 50. 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 ICO's Anonymisation, Pseudonymisation and Privacy Enhancing Technologies guidance for further detail.

- 51. Members should be particularly careful that they do not inadvertently identify participants. For example, this may arise:
  - a) where sample sizes are very small (such as business and employee projects);
  - b) where data contains sufficient contextual information to permit identification (such as attributes or descriptions of participants);
  - c) where data can be matched with publicly available information (such as social media profiles); and/or
  - d) where data can be matched with other sources (such as transaction histories held by clients).

- 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 these requests. 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.

- 53.** Members must ensure that identifiable participant details are not passed on to a third party without the prior consent of the participant.

**Comment:** Data processors are not third parties. Data controllers may change data processors without the consent of data subjects, e.g., the owner of a panel may change platform providers without seeking the agreement of panel members, although the panel members must be notified.



## Reporting

- 54.** Members must comply with reasonable requests to make available to anyone the information necessary to assess the validity of any published findings from a project.
- 55.** Members must ensure that their names, or those of their employer, are only used in connection with any project as an assurance that the latter has been carried out in conformity with the Code if they are satisfied on reasonable grounds that the project has in all respects met the Code's requirements.
- 56.** Members must allow clients to arrange checks on the quality of the data collection and data preparation provided that clients pay any additional costs involved in this.
- 57.** Members must provide clients with sufficient information to enable clients to assess the validity of results of projects carried out on their behalf.
- 58.** Members must ensure that data include sufficient technical information to enable reasonable assessment of the validity of results.

**Comment:** Sufficient technical information, in the context of reporting inclusive data, would include reporting sampling characteristics and parameters used when defining samples as representative of segments of the population, such as when reporting Nationally Representative ('Nat Rep') or City Representative ('City Rep') samples.

See the four [MRS Best Practice Guides on Collecting Sample Data](#) which cover collecting data on ethnicity, sexual orientation, sex and gender and physical disabilities and/or mental health conditions for more detail.

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

**Comment:** Sufficient information in reports, in the context of reporting inclusive data, would include reporting sampling characteristics and parameters used when defining samples as representative of segments of the population, such as when reporting Nationally Representative ('Nat Rep') or City Representative ('City Rep') samples.

See the four [MRS Best Practice Guides on Collecting Sample Data](#) which cover collecting data on ethnicity, sexual orientation, sex and gender and physical disabilities and/or mental health conditions for more detail.

- 60.** Members must ensure that outputs and presentations clearly distinguish between facts, opinion, and interpretation.
- 61.** Members must ensure that findings disseminated by them are clearly and adequately supported by the data.
- 62.** Members must take reasonable action to ensure that findings from a project, circulated and/or published by themselves or in their employer's name, are not incorrectly or misleadingly presented.
- 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 action 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).

- 64.** If members are aware, or ought reasonably to be aware, that findings from a project have been incorrectly or misleadingly reported by a client they must at the earliest opportunity:
- a) refuse permission for the client to use the Member's name further in connection with the incorrect or misleading published findings; and
  - b) publish in an appropriate forum (e.g. their website) the relevant technical details of the project to correct any incorrect or misleading reporting.

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# Appendix

The MRS Code of Conduct applies to all MRS Members and Company Partners regardless of location. However, Members and Company Partners should be aware of other relevant codes that may apply to the activities they undertake. A short selection of codes is listed here for reference. These codes are based on common principles and heritage but reflect legal and cultural differences between countries.

## **Australia**

The Research Society

<https://researchsociety.com.au/>

## **Germany**

Declaration for the Territory of the Federal Republic of Germany concerning the ICC/ESOMAR International Code on Market and Social Research

[www.adm-ev.de](http://www.adm-ev.de)

## **Italy**

ASSIRM Code of Professional Ethics

[www.assirm.it](http://www.assirm.it)

## **Japan**

JMRA Code of Marketing Research

[www.jmra-net.or.jp](http://www.jmra-net.or.jp)

## **Russia**

OIROM Code of Conduct

[www.oirom.ru](http://www.oirom.ru)

## **United States**

Insight Association Code of Standards & Ethics

[www.insightassociation.org](http://www.insightassociation.org)

## **Global Research Business Network**

Codes of Conduct

[www.grbn.org](http://www.grbn.org)

## **ICC and ESOMAR**

ICC/ESOMAR International Code on Market and Social Research and Data Analytics

[www.esomar.org](http://www.esomar.org)

[www.iccwbo.org](http://www.iccwbo.org)