



MRS Guideline: Conducting Mystery Shopping

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Introduction

These Guidelines interpret the MRS Code of Conduct (2019) and provide additional best practice advice. Unless otherwise stated, Guidelines are not binding.

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

Definition of Mystery Shopping

Mystery shopping can be defined as the use of individuals trained to experience and measure any customer service process, by acting as potential customers and in some way reporting back on their experiences in a detailed and objective way. It differs from other research techniques in that the evaluator does not declare his/her presence and the participant is unaware at the time of the interaction that it is in any way different from a normal customer contact. Ideally results from this technique should be used more for directing training and for rewards schemes rather than for disciplinary purposes.

Participants in Mystery Shopping

Under the MRS Code of Conduct a Participant is any individual or organisation from or about whom data is collected or is approached for interview. In mystery shopping, information may be collected about individual employees, subject to the restrictions laid down in the Code and in the Data Protection Act 2018. They should therefore be considered to be Participants when interpreting the rules of the Code.

Interpreting the Code in Mystery Shopping

Special care should be taken in interpreting the code in the context of mystery shopping as an interaction will not usually mirror a traditional research interview. Where it is necessary to inform participants of collection of personal data for example this will have to be done well in advance of the mystery shopping exercise, as opposed to the beginning of the interaction. Please refer to the guidelines that follow for further information. When researchers use the mystery shopping technique for non-research activities (e.g. investigatory journalism) researchers should also refer to the separate binding regulations Using Research Techniques for Non-Research Purposes.

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.

1: Planning the mystery shopping exercise

The Rules

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

Comment: See MRS Guidance on Data Protection & Research (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.**
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 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

1. To be ethical, and to accord with rule 49, informed consent means that the client's own staff must have been advised that their service delivery may be checked from time to time through mystery shopping. Where regulatory bodies or subcontractors intend to use such projects to examine service levels provided, they must ensure that the contracted

party understands that this method of appraisal will be used and advise its staff accordingly. This could be in the form of a newsletter or on the company website. With competitor organisations such information cannot be conveyed and so personal information about employees cannot be collected. Additionally, the competitor staff or organisation must not suffer any detrimental effect as a result of a mystery shopping exercise.

2. To be relevant, the scenario must be designed to test the specific sales or service behaviour that is the topic of study. Think of the training or instruction that staff have been given on how to deal with a situation and come up with a scenario that, when delivered credibly, should result in staff delivering those desired actions. The study can then test the extent to which this is the case.
3. To be credible, the scenario should be realistic, in that it mimics natural customer behaviour in the market concerned and can be enacted convincingly by the mystery shopper. While mystery shoppers must be thoroughly briefed, they must not appear too slick or over-rehearsed. Overly sophisticated scenarios can result in the staff guessing that the mystery shopper is not a real customer, compromising the value of the study. As a general rule, the scenario itself should be straightforward, so the mystery shopper can easily grasp it, with the detailed briefing focusing on how to handle follow-up questions, so providing convincing 'depth' to the role. In addition, mystery shoppers should fit the profile of appropriate customers, and have a level of familiarity with the product field that is appropriate to the role they are playing.
4. It is important to ensure that visits and/or telephone calls are made at an appropriate spread of different times and locations, or that visits and/or telephone calls are made at the same time if the project methodology so requires (such as for bench marking). It could be expected that the time taken to speak to a member of staff, and possibly the service received, might be affected by the time of day, week or season when the research scenario takes place.
5. To be practical from the evaluation viewpoint, simplicity, brevity, and keeping the assignment appropriate ensures experiences are correctly reported. It should be borne in mind that mystery shoppers may have to remember their answers until they are out of sight of staff, and the research should therefore be limited in length and complexity to allow for this fact.

6. Whatever scenarios are used for mystery shopping, they must be safe in that the mystery shoppers are not asked to do anything illegal or that puts them under any physical risk or threatens their personal safety e.g. locality, disability, gender, ethnicity. Care must be taken to protect mystery shoppers from any adverse implications of carrying out an evaluation e.g. personal safety, effect on credit references.

7. The questionnaire, evaluation forms or similar that the mystery shopper completes should be objective, with the majority of questions focusing on factual information. The primary aim is to document precisely what happened at the point of contact, rather than how the mystery shopper feels. Objectivity will also help ensure consistency across all of the evaluations conducted. However, some subjective 12 of 22 ratings, such as the perceived confidence of staff and the mystery shoppers overall satisfaction with the way their enquiry was handled, may be useful when interpreting the results.

2: Types of Mystery Shopping

A: Own Organisation

The Rules

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. Members must ensure that participants give their informed consent.

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.

Guidance

1. Staff may be notified of mystery shopping exercises in advance in employee contracts, staff handbooks, bespoke communications, circulars or newsletters. Details need not be given on when exactly the review will take place, exact details of aspects to be covered, or the types of mystery shoppers to be used. Employees must be informed at this time if any form of recording will be used.
2. Employees should be informed of the types of elements to be covered, reporting formats and channels of communication, and basis of mystery shopper recruitment and training.
3. Names of staff members or identifiers through visual or sound recordings etc can be revealed as long as appropriate communication as to this effect has been given.

4. In accordance with the Data Protection Act 2018, where visual or sound recordings of individuals are held, as much information as possible about the future use of the data must be given, in particular:
 - When they are to be used
 - To whom they are likely to be shown
 - For what purposes they are likely to be used
5. To protect the individuals, and in accordance with the Data Protection Act 2018, restrictions on the future use of the data must be included in either the terms and conditions, or the contract between the researcher and the client.
6. Procedures may need to be put in place to ensure that mystery shoppers are not harassed.
7. The organisation should show employees the benefits of the technique and how to use the results to encourage acceptance of, and engagement with, the process.
8. When evaluating staff whose income is commission-based consideration should be given to the length of time the mystery shopper will spend with the member of staff.

B: Competitor Organisations

Guidance

1. The length of time spent with a staff member should reflect the market and the type of enquiry. The time should be kept as short as possible and should not be seen to waste the competitor's resources.
2. The frequency of assessment of any one outlet/centre should be considered in relation to the whole organisation and particular individuals must not be targeted such that it disrupts or slows normal business.
3. Data must be reported at an aggregated level and not at individual contact level.
4. The preparation of any follow-up paperwork by the competitor organisation should be kept to a minimum and reflect a normal transaction.
5. The evaluation should not specifically require a follow-up call to the mystery shopper, unless this is a normal part of the transaction that is the subject of the research.
6. Ideally the mystery shopper should make a purchase that reflects the type of business of any given outlet.

C: Regulatory and Other Bodies

Guidance

1. Where regulatory bodies or sub-contractors intend to use such projects to examine service levels, they must ensure that the contracted party understands that this method of appraisal will be used, and inform staff that they might be identified during the course of the exercise. If these actions have not been undertaken the study must be conducted as if on a competitor organisation.
2. If the contract between the two parties states that mystery shopping will be used by way of evaluation, staff within the organisation must be informed of this fact.

3: Quality Control

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.

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.

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

Comment: Refer to MRS Guidance on Data Controllers and Data Processors for further information.

Guidance

1. Mystery shoppers should be given the amount of training and briefing required by each project.

2. The client and the agency should agree the following:

- Profile of mystery shopper team
- Training and briefing requirements
- Field monitoring processes
- Quality control

4: Agency Responsibilities to 'shoppers'

Guidance

1. It is the responsibility of the agency to ensure that mystery shoppers are aware that they may be identified during the project, for example:
 - Mystery shoppers should be made aware that their identification could be revealed if the telephone receiver has caller identification technology.
 - Mystery shoppers should be aware that their identity may be revealed if personal credit or debit cards are used to make online purchases.
 - Mystery shoppers making multiple visits to a website should ensure that they delete any cookies before connecting to the website.

2. It is the responsibility of the agency to ensure that a mystery shopper is paid promptly for all purchases made for any project.



MRS
The Old Trading House
15 Northburgh Street
London EC1V 0JR

Telephone: +44 (0)20 7490 4911

Fax: +44 (0)20 7490 0608

Email: codeline@mrs.org.uk

Website: www.mrs.org.uk

Company limited by guarantee. Registered in England No 518686. Registered office as above.