



# MRS Guidelines for MRS Company Partners: Qualitative Recruitment

***CONSULTATION DRAFT***

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## Introduction

Over the years, questions have been asked about whether all qualitative recruiter practices are fully in line with the legal and ethical requirements that underpin research.

This MRS Guideline brings together all the key legal requirements, process standards and MRS Code rules that relate to the practice of qualitative recruitment, to enable MRS Company Partners to understand their corporate obligations in this area. The aim being that by improving understanding, among organisations and individuals that commission qualitative recruitment, will result in more stringent controls being placed upon qualitative practices, to ensure that future recruitment will be fully in line with the legal and ethical requirements.

It should be noted that the MRS rules and standards highlighted in this guidance are those that are generally considered to be most relevant to recruitment practices. However, there are specific rules for certain sectors and disciplines, such as the BHBIA and EphMRA standards for health research recruitment, which should also be adhered to in addition to this guidance.

## The Legal Requirements: Data Protection Act 1998

The MRS Code of Conduct is drafted reflecting the legal requirements from the Data Protection Act 1998, and how these impact on the obligations of researchers. However, it is worth stating the legal framework that underpins this, reinforcing how many of the ethical requirements of the MRS Code of Conduct relating to qualitative recruitment are to ensure that recruitment is being conducted in accordance with the Data Protection Act 1998.

## Explanation of Key Terms

**Child:** a child is a person under the age of 16.

**Data Protection Act 1998:** The Data Protection Act (1998) is an Act of Parliament which defines UK law on the processing of data on identifiable living people. The Data Protection Act controls how personal information is used by organisations, businesses or the government.

**Data Controller:** A "Data Controller" is a person who (either alone or jointly in the common with other persons) determines the purposes for which and the manner in which personal data is, or are to be, processed. A Data Controller must be a "person" recognised in the law, that is to say an individual, an organisation, and other corporate and unincorporated bodies of persons.

**Data Processor:** any person (other than an employee of the data controller) who processes the data on behalf of the data controller

**Data Subject:** an individual who is the subject of personal data.

**Joint Data Controller:** A "Joint Data Controller" is where two or more "persons" (as defined above) act together to decide the purpose and manner of any data processing. The term in

common applies where two or more persons share a pool of personal data that they process independently of each other.

**Personal data:** Data which relate to a living individual who can be identified: (a) from those data; or (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

**Processing:** Obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including: a) organisation, adaptation or alteration of the information or data; b) retrieval, consultation or use of the information or data; c) disclosure of the information or data by transmission, dissemination or otherwise making available; or d) alignment, combination, blocking, erasure or destruction of the information or data.

**Recruiter:** A "Recruiter" is a person or organisation which sources and recruits participants for in market and social research activities. Recruiters are used mainly for qualitative research e.g. recruitment of participants for focus groups, depth interviews, ethnographic research, UX testing, etc.

**Third party:** Any person other than: a) the data subject; b) the data controller; or c) any data processor or other person authorised to process data for the data controller or processor.

## The Data Protection Act 1998 Principles

The eight core Principles within the Act are shown below.

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:
  - at least one of the conditions in Schedule 2\* of the Act is met, and
  - in the case of sensitive personal data, at least one of the conditions in Schedule 3\* is also met
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or other purposes
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
4. Personal data shall be accurate and, where necessary kept up to date (with every reasonable step being taken to ensure that data that are inaccurate or incomplete, having regard to the purpose(s) for which they were collected or for which they are being further processed, are erased or rectified)
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes
6. Personal data shall be processed in accordance with the rights of data subjects under this Act

7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data

8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## Key Legal Requirements

### Contracts and Notification

The guiding “construct” underpinning the 1998 Act can be summarised as that of “informed consent” which comprises two key components in terms of the fundamental rights of individuals being asked for or providing information about themselves:

**Transparency** - ensuring individuals have a very clear and unambiguous understanding of the purpose(s) for collecting the data and how it will be used;

**Consent** - at the time that the data is collected, individuals must give their consent to their data being collected, and also at this time, have the opportunity to opt out of any subsequent uses of the data.

1. The Data Protection Act 1998 will always apply for any qualitative recruitment exercise.
2. Participants are data subjects, information collected during a recruitment exercise is personal data, Recruiters and Company Partners will be either Data Processors or Data Controllers and will have obligations under the Act as a result.
3. When Recruiters and/or Company Partners create databases of participants or decide how or why personal data will be processed, they will be Data Controllers.
4. When Recruiters and/or Company Partners are following instructions determined by clients and have no ownership or right to subsequently use any data gathered they will be a Data Processors of the collected data.
5. Data Controllers are required to complete an annual notification to the Information Commissioner’s Office, setting out the purposes for which they process personal data. Advice on Notification is available via an [MRS Webinar](#) on this topic:
6. For Company Partner and Recruiters gaining informed consent means ensuring that participants are informed from the outset the information being collected, its purpose (e.g. for research), and, if further information is likely to be necessary.
7. Company Partners must ensure that recruitment documentation clearly states all relevant information that participants would require to make a decision as to whether to participate in a project, for example:
  - Purpose of the recruitment
  - Location, time and duration of the activity
  - Type of research activity e.g. group, depth, paired depth, on-home, etc.
  - Client (if identified)

- Monitoring, observation or recording arrangements
  - Incentives (and any terms or restrictions that might apply to incentives)
  - Any unusual and/or unexpected activities which might be asked of participants during the qualitative project e.g. pre- or post-tasks, physical activities during a group, etc.
  - Re-contact (if applicable)
8. Company Partners and Recruiters must ensure that permission for re-contact is obtained either during the initial recruitment interview or during the subsequent research. It cannot be obtained post-research.
  9. Company Partners must have recruiter monitoring processes in place to ensure that informed consent principles are being adhered to. [\[See MRS Guide to Observers' Legal & Ethical Responsibilities.\]](#)
  10. Company Partners must ensure that only accredited recruiters are used unless specific and identified circumstances or geography prevent this.
  11. Company Partners either stop using Recruiters who fail any recruiter monitoring processes and/or have any specific issues addressed before using Recruiters' services further.

*Note: Company Partners may be held responsible for illegal and/or unethical recruiter activities if inadequate steps are undertaken by the Company Partner. Appropriate steps may include briefing instructions for Recruiters, spot checks and so on.*

## **Data Use**

12. Company Partners must check the source of any data being used or supplied for recruitment. This would include data collected or supplied by Recruiters. If a Company Partner has any doubts as to whether participant names and contact details have been collected legally, they must not use the information.
13. Personal data collected from participants for a specified purpose, for example as part of recruitment for research projects, cannot be used for other purposes. This would include, for example, building participant recruitment databases. Such activities can only be conducted if participants agree for their data to be used in this way, and the activities are authorised by the terms and conditions which underpin the exercise.
14. When personal data is collected from participants for recruitment only data that is necessary for the project must be collected. To gather additional information would be excessive and in breach of the third Data Protection principle. MRS Company Partners must ensure that the data collection techniques used to recruit participants only collect information required by the research.
15. Company Partners must ensure that instructions regarding personal data collected during recruitment are being adhered to. For example ensuring that Recruiters are not retaining identifiable participant information, for future recruitment, without permission from the participants and only if in accordance with the existing terms and conditions which underpin the exercise.

*Note: In order to meet this obligation Company Partners should consider the following steps:*

- *Standards contracts/terms of engagement with Recruiters, which clearly specify what the Recruiters can and cannot do with data they received (e.g. if recruiting from client lists) or that they collect in the course of undertaking research on behalf of an organisation.*
- *Financial penalties, specified in the contract, for any Recruiters found to have used or collected data outside of contracted terms.*
- *Spot checks of participants post-projects (particularly those using client lists and/or with re-contact questions) to ascertain if they have been re-contacted by Recruiters.*

## **Data Accuracy**

16. Company Partners and Recruiters must ensure that any retained personal data provided by participants is kept accurate and up-to-date as required by the fourth data protection principle. This would include recruitment databases gathered with permission from participants.

## **Data Security, Retention and Destruction**

17. Any personal data held by a Company Partner and Recruiters (including paper, digital, audio/visual recordings) must be kept secure and only those with appropriate authority should be able to access personal data. For Company Partners these obligations apply to all personal data, whether held by the Company Partner or by subcontractors, workers or third parties working on their behalf.
18. Company Partners and Recruiters must not keep personal data for longer than is required to fulfil its research purpose.
19. Company Partners and Recruiters must have data security, retention and destruction policies/protocols in place and being adhered to, to ensure that excessive data is not being retained and all contractual obligations are being met (this may include clients' post-research data requirements). This includes any personal data that might be held with data processors, subcontractors, freelancers, Recruiters, etc. that have retained personal data for the completion of a project.

*Note: Company Partners should consider what checks they can undertake to ensure adherence to these requirements. For example:*

- *Spot checks of Recruiters procedures.*
  - *Include mystery shopper contacts in data sets supplied to Recruiters to see if Recruiters are correctly following corporate procedures and protocols. For example if procedures are not being followed mystery shoppers may be contacted after a sample should have been destroyed following a recruitment process.*
  - *Obtain documentary evidence of the destruction of manual files, etc. from Recruiters (e.g. confidential shredding invoices).*
20. Company Partners must ensure that Recruiters meet any requests for the deletion of participant data including responses obtained during recruitment.

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*Note: This might be achieved by asking for confirmation and/or evidence of deletion, obtaining a signed statement from the recruiter that information has been deleted, etc.*

## **Data Access**

21. Data Subjects e.g. participants, have the right to access any personal data held about them. The right of subject access applies to all personal data files including digital files, recordings from groups and potentially paper/manual recruitment documentation. Company Partners and Recruiters must respond to any subject access requests received.

## **Key Ethical Requirements**

The MRS Code of Conduct mirrors the legal requirements already identified. However, there are additional requirements, specific to the MRS Code of Conduct.

### **Honesty**

1. Company Partners and Recruiters must act honestly in their professional activities.
2. When Company Partners retain Recruiters to undertake work on their behalf, Company Partners must ensure that Recruiters are being honest (i.e. are not intentionally deceiving participants) in their working activities. If there is any doubt about the veracity of Recruiters' practices these must be honestly disclosed with relevant parties e.g. clients, MRS.
3. Company Partners must also be honest in their dealings with clients, recruiters, participants, etc.
4. Company Partners must honour any assurances made, such payment of incentives including assurances as to when payment will be made, and must not pass this burden onto Recruiters.
5. Company Partners and Recruiters must conduct research recruitment honestly without misleading either those that retain their services or those they approach for research or interview purposes.
6. Company Partners must ensure that participants are able to confirm the bona fides of any Recruiters used by them, including relevant contact details.

*Note: This could include for example, providing Recruiters with IID cards (MRS or other), to be used when working on behalf of a Company Partner.*

7. Company Partners that use Recruiters, have an obligation to check that Recruiters are undertaking recruitment legally and ethically. Company Partners must monitor and check processes and procedures using a systematic, structured formal process to ensure Recruiters are operating appropriately.

## Harm

8. Company Partners and Recruiters must take all reasonable precautions to ensure that participants are not harmed or adversely affected by their professional activities.

*Note: Harm is a broad concept and could, for example, include financial, legal, physical or emotional harm.*

*Increasingly, Company Partners are requesting participants prove their credentials when participating in research, to ensure that specification requirements are being met, and to alleviate 'fraudulent participants'. If participants are recruited poorly it is possible that harm could result i.e. if an individual has unknowingly (as opposed to knowingly i.e. fraudulently) been misrecruited. The harm might be embarrassment, loss of incentive, cost of attending the group, etc.*

9. Company Partners should ask key questions to determine whether research activities might cause/d harm to participants.

*Note: For example, if you had a participant who arrived late for a group – should an incentive be paid? Some questions you could ask to determine the answer:*

- *Did the participant incur any financial costs to travel to the group location?*
- *Did the participant have to travel a long distance to attend the group?*
- *Did the participant have to travel a long time to attend the group?*
- *Were there external factors that limited the participants ability to arrive on time e.g. travel disruption, tube strike?*

*If the answer to the above questions is yes then some form of financial harm would result from no financial reimbursement. Company Partners should set out prior to recruitment any conditions which might limit payment of incentives e.g. late arrival, so participants understand the terms for their participation and misunderstanding are less likely to occur.*

10. Company Partners must not use contracts or other forms of quasi formal agreements with participants to absolve Company Partners or those working on their behalf, including recruiters, from harm to participants.
11. Company Partners and Recruiters must communicate clearly to participants the consequences of agreeing to participate in a research exercise, for example, confirmation of participant identities, if physical activities are part of a group activity or observers are to be present. Company Partners must ensure that such relevant information is clearly detailed in any instructions to Recruiters and Recruiters must ensure that this information is relayed to participants during recruitment.

*Note: There are a variety of methods for confirming identities. The evidence used must be creditable third party evidence such as passport, drivers licence, CitizenCard, and other photo IDs (e.g. Validate UK and other such schemes). In rare cases it may not be appropriate to check ID documentation, if this is the case detailed reasoning must be documented including other methods used to confirm participant identities.*

## Recruitment of Children



12. Recruitment of children for qualitative research is a specialist area, and Company Partners should only use Recruiters who have appropriate knowledge and experience to do this type of research.
13. Company Partners must provide detailed instructions to Recruiters to ensure any recruitment of children is conducted in accordance with the MRS Code rules.

## Key Process Requirements - ISO 20252:2012 and IQCS

The IQCS standards are a sub-set of the Data Collection rules (Section 5) of the ISO 20252:2012 for Market, Opinion and Social Research standard.

The following information has been extracted from the ISO standard, but applies whether organisations are IQCS or ISO 20252:2012 certified.

Unlike Sections 1 and 2, the following requirements **must** only be followed by Company Partners that are also either IQCS or ISO 20252:2012 certified. However, all Company Partners are obliged to adhere to the MRS Quality Commitment, which places obligations on Company Partners to have adequate quality procedures to meet their legal and ethical requirements. As such the following procedures will be relevant for all MRS Company Partners.

### ISO 20252:2012 Definitions

**Fieldworker:** person involved in the collection of data for market, opinion and social research, excluding management and research staff.

*NOTE: Fieldworkers include, but are not limited to, face to face and telephone interviewers, **Recruiters for qualitative or other research**, "mystery shoppers" and others carrying out data collection by observation and "auditors" collecting data from retail outlets.*

**Recruiter:** person who identifies and invites potential respondents to participate in a research project.

*Note: Self-employed individual fieldworkers are not defined as subcontractors for the purposes of this International Standard.*

Based upon the above definition, **all** fieldworker requirements within the ISO standard would also apply to Recruiters. However, in practice this has not been the case and only those elements which specifically identify "Recruiters" are applied.

This guidance will only look at the mandatory requirements (in grey boxes), not the wider requirements regarding interviewers. It should be noted however, that to be in strict accordance with the definition set out in ISO 20252, the following additional sections and their requirements could also apply to Recruiters:

- 4.4.4 Project-related briefing and training of interviewers and moderators
- 5.2.1 Data collection management staff
- 5.2.2 Fieldworker recruitment
- 5.2.3 Basic training for new fieldworkers
  - 5.2.3.1 General
  - 5.2.3.2 Content
  - 5.2.3.3 Duration
  - 5.2.3.4 Training documentation
- 5.2.4 Fieldworker organizational training
- 5.2.5 Continuing training and appraisal of fieldworkers
- 5.3.4 Project briefing

## **Recruiter Identification**

### **Fieldworker identity document (ID) – clause 5.3.1**

Fieldworkers, except those only working by telephone, shall be issued by the research service provider with an ID, preferably including a photograph. The ID shall include the validity period (e.g. the date of issue and the expiry date, or year during which the ID is valid), and the name and contact details of the research service provider to whom it belongs. Records shall be kept showing to whom IDs have been issued and their validity period.

1. It is good practice for Company Partners to ensure that Recruiters working on their behalf have some form of identification, which could be, for example, an MRS ID card.

## **Respondent Recruitment and Validation**

### **Respondent recruitment – clause 5.5.2**

Details of respondents and how they were recruited and from what sources (random, recruiter databases, access panels, etc.) shall be recorded on recruitment questionnaires or equivalent records and these shall be made available to moderators and retained as project records subject to respondent confidentiality (see 5.1).

**NOTE** Recruitment of respondents for qualitative research is commonly a separate stage from qualitative moderation of groups or depth interviews. Recruitment is commonly carried out by fieldworkers (e.g. by face to face or telephone contact) or the online panel or hosting organization rather than by the research staff involved at the moderation stage.

2. Company Partners must ensure that correct information is stated on recruitment documentation as to the sources of participant recruitment. If there are doubts as to the legitimacy of how participants have been recruited, for example from a recruiter database that has been compiled illegally, Company Partners must not use the participant information nor any resulting research outputs.

### **Respondent recruitment validation (Clause 5.5.2)**

The primary aim of validation of respondent recruitment shall be to confirm the demographic and other recruitment criteria of respondents and the work of fieldworkers.

Where respondents are recruited by fieldworkers (face to face or by telephone) their work shall be validated as per 5.4 including the required validation levels specified in 5.4.3. Validation methods may include re-contact or monitoring (e.g. for telephone recruitment from a central location). Such validation may be carried out before, during or after the qualitative data collection. The need for action to be taken where discrepancies are found applies as per 5.4.1. Validation records shall be prepared in accordance with 5.4.4.

NOTE: Validation by re-contact can be conducted during qualitative data collection. In this case a self-completion or administered validation questionnaire can be used but should be administered by someone other than the original recruiter.

NOTE: In some cases the only criterion for recruitment can be that the respondent is included in a list from which respondents are to be recruited (e.g. a customer list). In this case validation need be no more than ensuring recruited respondents were on the list and re-contact or monitoring can be considered unnecessary.

3. Recruitment validation is a useful and necessary procedure for confirming participant contact and details. Company Partners should also consider how this process might be used to address other obligations such as assessing recruiter behaviour and practices during participants' recruitment, etc.

## Data Collection Records

### Data collection records (Clause 5.9)

Complete records (including electronic files) shall be made of the data collection stage, including what was planned and what was actually achieved.

NOTE It is not necessary to keep these records separately from other records of the project, i.e. they do not need to be kept specifically by the data collection department. At least some data collection records will include the details required to replicate research as per 4.8.3.

Where relevant to the project, records, including those held by subcontractors, shall include:

- copies of all data collection materials used in the project, including questionnaires, discussion guides and stimulus material (or a listing of this material when it cannot be retained), fieldworker briefing material, interview quota sheets, etc.;
- the sampling methods used including sampling frames and other sources, selection, quotas, etc.;
- the identity of all fieldworkers or moderators, the volume of work (e.g. number of interviews) and the type of work (e.g. face to face interviews, telephone interviews, quantitative or qualitative, individual or group) allocated to and achieved by them;
- full records of data collection validation and of any corrective action taken (see also 5.4.1, 5.5.3 and 5.6.5);
- response rates and penetration levels or equivalent measure;
- a summary of variations between the planned data collection process and what was actually completed including sample sizes in total and by significant subgroups (these variations and their implications may need to be reported to the client);

- in the case of interviews or group discussions that are recorded, clear labelling of recordings with the date and project identification (the duration shall be clear from the recording);
  - the identity of data collection management staff involved in the project;
  - any other project records specifically required in clause 5 including as specified for self-completion data collection (5.6) and observational research (5.7);
  - a statement as to whether all or some data collection processes have been subcontracted and the identity of any subcontractors concerned.
4. Company Partners must ensure that they have adequate recruiter procedures and protocols in place to ensure that relevant records are retained and retrievable for all research projects undertaken.
  5. Company Partners must ensure that when subcontractors are used for qualitative recruitment this information is recorded against the project file.
  6. Company Partners must balance the data collection requirements of ISO 20252:2012 with the broader requirements of the MRS Code and the Data Protection Act regarding retention, security and destruction of data. Only research information necessary to meet clause 5.9 of the ISO 20252:2012 is required. Personal data once used, and which is no longer required for client, audit or certification purposes must be destroyed as soon as it is feasibly possible.