



# GLOBAL RESEARCH BUSINESS NETWORK

APRC • EFAMRO • ARIA

*Code Comparison*



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## **Table of Contents**

<i>Section 1 – Summary of Code rules and key differences</i>	<b>5</b>
<i>Section 2 – Definitions</i>	<b>14</b>
<i>Section 3 - The Rules</i>	<b>29</b>
<b>GENERAL RULES OF PROFESSIONAL CONDUCT</b>	
<b>Comply with the Law</b>	<b>29</b>
<b>Duty to ensure compliance with the Code</b>	<b>30</b>
<b>Honesty</b>	<b>31</b>
<b>Discredit</b>	<b>32</b>
<b>False Statements</b>	<b>33</b>
<b>Criticising other researchers</b>	<b>34</b>
<b>Use of a researcher’s name</b>	<b>35</b>
<b>Objective and scientific</b>	<b>36</b>
<b>Use of other’s work</b>	<b>37</b>
<b>Fair competition</b>	<b>38</b>
<b>RIGHTS OF, AND RESPONSIBILITIES TO, RESPONDENTS</b>	
<b>Voluntary participation of respondents and right to withdraw</b>	<b>39</b>
<b>Respondent anonymity</b>	<b>41</b>
<b>Avoiding harm to respondents</b>	<b>47</b>
<b>Observation and Recording</b>	<b>49</b>
<b>Information to be communicated to respondents</b>	<b>51</b>
<b>Children and Young people</b>	<b>53</b>

<b>Identity and bona fides</b>	<b>55</b>
<b>Re-contact and follow-up interviews</b>	<b>56</b>
<b>Lengthy Surveys</b>	<b>57</b>
<b>RELATIONSHIP WITH CLIENTS</b>	
<b>Checks on Quality</b>	<b>58</b>
<b>Client Access to technical details</b>	<b>61</b>
<b>Client publication of Findings</b>	<b>65</b>
<b>Contracts with Clients</b>	<b>68</b>
<b>Quality and Specifications</b>	<b>73</b>
<b>Syndicated projects</b>	<b>74</b>
<b>Client Observers</b>	<b>75</b>
<b>Disclosing Client Identity and duty of confidentiality to clients</b>	<b>76</b>
<b>Subcontracting</b>	<b>77</b>
<b>Conflicts of interest</b>	<b>78</b>
<b>Bribery</b>	<b>79</b>
<b>Competitive Bidding</b>	<b>80</b>
<b>THE RESEARCH PROCESS</b>	
<b>Conclusions clearly and adequately supported by data</b>	<b>81</b>
<b>Facts and Interpretation</b>	<b>83</b>
<b>Data Security</b>	<b>84</b>
<b>Non- Research Activities</b>	<b>86</b>

<b>Interview Times</b>	<b>88</b>
<b>Data collection</b>	<b>89</b>
<b>Incentives</b>	<b>91</b>
<b>Product Testing</b>	<b>92</b>
<b>Data Retention</b>	<b>93</b>
<b>Internet Research</b>	<b>94</b>
<b>Mystery Shopping</b>	<b>112</b>
<b>OTHER</b>	
<b>Implementation and redress</b>	<b>114</b>
<b>Membership Rules</b>	<b>115</b>

## ***Section 1 – Summary of Code rules and key differences***

### **GENERAL RULES OF PROFESSIONAL CONDUCT**

#### **Comply with the law**

Researcher must comply with the national and international laws applicable to a given research project.

*Go to rules*

#### **Duty to ensure compliance with the Code**

Researchers have a duty to ensure that others, including clients, do not breach or cause a breach of the Code.

*Go to rules*

#### **Honesty**

Researchers must be honest with respondents and clients.

*Go to rules*

#### **Discredit**

Researchers shall not act in any way that could bring discredit on the market research profession or lead to a loss of public confidence in it.

*Go to rules*

#### **False Statements**

Researchers must not make false claims about their skills and experience or about those of their organisation.

*Go to rules*

#### **Criticising other researchers**

Researchers must not unjustifiably criticise or disparage other Researchers.

*Go to rules*

### **Use of a researcher's name**

Researchers must not allow their names to be used in connection with any research project as an assurance that the latter has been carried out in conformity with this Code unless they are confident that the project has in all respects met the Code's requirements.

*Go to rules*

### **Objective and scientific**

Market research must always be carried out objectively and in accordance with established scientific principles.

- USA and UK – *no equivalent rules*

*Go to rules*

### **Use of other's work**

- UK - *Researchers must not knowingly take advantage of the unpublished work of another research practitioner*

*Go to rules*

### **Fair competition**

- GERMANY - *duty to conform to the principles of fair competition, as generally accepted in business.*

*Go to rules*

## **RIGHTS OF, AND RESPONSIBILITIES TO, RESPONDENTS**

### **Voluntary participation of respondents and right to withdraw**

The participation of respondents is voluntary at all times

Respondents may withdraw from a project at any time.

- CANADA - *A potential Respondent who has initially refused to take part in a study should not be contacted for the same study on more than one subsequent occasion in person or by telephone*

Respondents must not be misled when being asked to co-operate

*Go to rules*

### **Respondent anonymity**

The anonymity of Respondents must be preserved

- *Respondents may be asked for permission for identifiable information to be passed back to clients or other third parties (DOES NOT APPLY IN GERMANY)*
- *(USA ONLY) Additionally some identifiable information may be passed to client for the purposes of quality control.*
- *(UK ONLY) If Respondents request individual complaints or unresolved issues to be passed back to a Client (for example in customer satisfaction research), Members must comply with that request. The comments/issues to be passed back to a Client must be agreed with the Respondent and must not be linked back to any other data or used for any other purpose without the explicit consent of the Respondent.*

*Go to rules*

### **Avoiding harm to respondents**

Researchers shall take all reasonable precautions to ensure that respondents are not harmed or adversely affected as a result of their participation in a market research project.

*Go to rules*

### **Observation and Recording**

If there is to be any recording, monitoring or observation during an interview, Respondents must be informed about this both at recruitment and at the beginning of the interview.

*Go to rules*

## **Information to be communicated to respondents**

Researchers shall promptly identify themselves and unambiguously state the purpose of the research

- UK- *provides detailed lists of information to be communicated in quantitative and qualitative research interviews.*

*Go to rules*

## **Children and Young people**

Consent of a parent or responsible adult must be obtained before interviewing a child

- AUSTRALIA – *under 14*
- CANADA – *under 13*
- GERMANY – *under 14*
- UK – *under 16 and additional rules on :*
  - o *how consent should be obtained for self-completion postal/paper research*
  - o *how consent should be obtained for online and telephone research*
  - o *voluntary participation of the child*
  - o *prohibition on collecting data from the child about other people*
- USA – *no Code rule, but where the Child Online Privacy Protection Act (COPPA) applies it would require parental consent for under 13.*

*Go to rules*

## **Identity and bona fides**

Respondents must be able to check without difficulty the identity and bona fides of the Researcher

*Go to rules*

## **Re-contact and follow-up interviews**

- UK and CANADA – *follow up interviews must only be conducted with prior permission of the respondent*

*Go to rules*

## **Lengthy Surveys**

- USA and CANADA - *duty to avoid overly long interviews*

*Go to rules*

## **RELATIONSHIP WITH CLIENTS**

### **Checks on Quality**

Researcher must on request allow the Client to arrange for checks on the quality of fieldwork and data preparation provided that the Client pays any additional costs involved in this.

- CANADA – *sets out quality check and verification criteria*

*Go to rules*

### **Client Access to technical details**

Researchers must provide the Client with all appropriate technical details of any research project carried out for that Client

- USA and CANADA – *provide a list of the classes of information to be provided*

*Go to rules*

### **Client publication of Findings**

Researchers must check and take action to correct client statements about the research and its findings prior to publication.

- AUSTRALIA and CANADA – *Client has responsibility to ensure that published findings are not misleading*
- GERMANY – *Researcher and Client have joint responsibility to ensure that published findings are not misleading*

*Go to rules*

### **Contracts with Clients**

The rights and responsibilities of researcher and client must be set out in a written contract

- AUSTRALIA and CANADA – *set out detailed default provisions for the contract*

*Go to rules*

### **Quality and Specifications**

Researchers must design and carry out research to the design and specifications agreed with the client

*Go to rules*

### **Syndicated projects**

Researchers must inform the Client if the work to be carried out for that Client is to be combined or syndicated in the same project with work for other Clients but must not disclose the identity of such Clients.

*Go to rules*

### **Client Observers**

Clients must maintain confidentiality of information disclosed to them.

*Go to rules*

### **Disclosing Client Identity and duty of confidentiality to clients**

Researchers must not disclose the identity of the Client or any confidential information about the latter's business, to any third party without the Client's permission

- AUSTRALIA - *The Client's identity should be revealed to participants as soon as practicable in the course of the interview, except when the Researcher and the Client decide there is a valid reason*

*Go to rules*

### **Subcontracting**

- AUSTRALIA and GERMANY – *clients to be informed of sub-contracting in advance. Identity of sub-contractor to be supplied on request.*

*Go to rules*

### **Conflicts of interest**

- AUSTRALIA and UK - *duty to avoid conflicts of interest with clients.*

*Go to rules*

### **Bribery**

- USA – *specific prohibition of bribery*

*Go to rules*

### **Competitive Bidding**

- CANADA – *standards for proper competitive bidding*

*Go to rules*

## **THE RESEARCH PROCESS**

### **Conclusions clearly and adequately supported by data**

Conclusions disseminated by researchers must be clearly and adequately supported by the data.

The technical information necessary to assess the validity of any published findings must be made available on request.

*Go to rules*

### **Facts and Interpretation**

Researchers must ensure that reports and presentations clearly distinguish between facts, interpretation and recommendations.

*Go to rules*

### **Data Security**

Researchers must ensure the security of all research records in their possession

*Go to rules*

### **Non- Research Activities**

Market research shall be clearly distinguished and separated from non-research activities including any commercial activity directed at individual respondents

- AUSTRALIA and CANADA - *When acting in their capacity as Researchers the latter must not undertake any non-research activities.*
- GERMANY – *Separation of activities includes organisational separation (although this can be within the same legal entity, as long as respondents are not misled or confused)*
- UK – *Researchers may conduct non-research and mixed purpose activities, subject to additional rules*

*Go to rules*

### **Interview Times**

- US - *Interviews must take place at time convenient for respondents*
- UK – *Limits contact to 9am to 9pm Monday to Saturday, 10 am to 9pm Sunday, unless otherwise agreed in advance.*
- CANADA - *When appropriate, appointments for interviews should be made in advance when conducting interviews with representatives of organizations.*

*Go to rules*

### **Data collection**

- GERMANY and UK– *set out principles for data collection generally (eg questionnaire design)*

*Go to rules*

### **Incentives**

- UK – *Client goods or services, or vouchers to purchase client goods or services, must not be used as incentives in a research project.*

*Go to rules*

### **Product Testing**

- CANADA – *additional rules applying principles of voluntary participation and avoidance of harm*

*Go to rules*

### **Data Retention**

- AUSTRALIA – *keeping of records and provision of duplicate copies to clients*

*Go to rules*

### **Internet Research**

- CANADA and USA - *provide detailed additional rules for this area*

*Go to rules*

### **Mystery Shopping**

- UK – *additional rules on mystery shopping based on data protection law and voluntary participation*

*Go to rules*

### **OTHER**

#### **Implementation and redress**

- GERMANY – *additional rules relation to implementation of Code and redress*

*Go to rules*

#### **Membership Rules**

- CANADA and UK– *additional rules relating to membership designations and representing the association*

*Go to rules*

## **Section 2**

### **Definitions**

*NB – CASRO Code of Standards does not contain a section on definitions*

#### **Definition of Agency**

##### AMSRS

-not defined-

##### MRS

**Agency** includes any individual, organisation, department or division, including any belonging to the same organisation as the Client which is responsible for, or acts as, a supplier.

##### MRIA

-not defined-

##### ADM/ICC-ESOMAR

-not defined-

#### **Definition of Child/Children/Young Person**

##### AMSRS

**Children** are defined as being 'under 14 years' (note to rule 6)

##### MRS

**Children** are defined as those aged under 16. See Section B for full details about children.

##### MRIA

For the purpose of the Code, children are defined as under 13 and young people are defined as those aged 13 to 17.

##### ADM/ICC-ESOMAR

-not defined-

*ADM Guidelines:*

Under German law any child or adolescent under the age of 18 is a minor.

### **Definition of Client**

AMSRS

**Client** is defined as any individual, organisation, department or division (including one which belongs to the same organisation as the Researcher) which requests, commissions, sponsors or subscribes to all or any part of a market research project.

MRS

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

MRIA

**Client** Any individual, organization, institution, department or division, including any belonging to the same organization as the practitioner, responsible for commissioning a research project.

ADM/ICC-ESOMAR

**Client** is defined as any individual or organisation that requests, commissions or subscribes to all or any part of a market research project.

### **Definition of Consultant:**

AMSRS

-not defined-

MRS

**Consultant** Any individual or organisation that provides research services. Consultants can also be a sub-contractor in the research relationship.

MRIA

-not defined-

ADM/ICC-ESOMAR

-not defined-

### **Definition of data collection process**

AMSRS

-not defined-

MRS

A **data collection process** is any process used to obtain information from or about Respondents. It includes, but is not limited to, interviews, questionnaires, discussion guides, and stimulus materials.

MRIA

-not defined-

ADM/ICC-ESOMAR

-not defined-

### **Definition of Identity:**

AMSRS

-not defined-

MRS

The identity of a Respondent includes, as well as his/her name and/or address, any other information which offers a reasonable chance that he/she can be identified by anyone who has access to the information.

MRIA

-not defined-

ADM/ICC-ESOMAR

-not defined-

**Definition of Incentive:**

AMSRS

-not defined-

MRS

Any benefit offered to respondents to encourage participation in a project.

MRIA

-not defined-

ADM/ICC-ESOMAR

-not defined-

**Definition of Interview**

AMSRS

**Interview** is defined as any form of direct or indirect contact (using any of the methods referred to in the definitions above) with Respondents where the objective is to acquire data or information that could be used in whole or in part for the purposes of a market research project.

MRS

An **interview** is any form of contact intended to obtain information from or about a Respondent or group of Respondents. This can involve passive as well as direct contact.

MRIA

**Interview** Any form of contact intended to generate information from a respondent.

ADM/ICC-ESOMAR

Interview is defined as any form of contact with a respondent in order to collect information for market research purposes.

**Definition of Focus Group**

AMSRS

-not defined-

MRS

-not defined-

MRIA

An informal discussion with a small number of selected participants conducted by a skilled moderator.

ADM/ICC-ESOMAR

-not defined-

**Definition of Interviewer:**

AMSRS

-not defined-

MRS

Person involved in the collection of data.

MRIA

-not defined-

ADM/ICC-ESOMAR

-not defined-

**Definition of Moderator**

AMSRS

-not defined-

MRS

-not defined-

MRIA

An individual responsible for facilitating the interaction of the members of a qualitative research study

ADM/ICC-ESOMAR

-not defined-

**Definition of Monitoring**

AMSRS

-not defined-

MRS

-not defined-

MRIA

The process of a supervisor listening to an interviewer interview a respondent.

ADM/ICC-ESOMAR

-not defined-

### **Definition of Mystery Shopping:**

#### AMSRS

-not defined-

#### MRS

Mystery shopping or Mystery customer research are the same activity and 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.

#### MRIA

-not defined-

#### ADM/ICC-ESOMAR

-not defined-

### **Definition of overly long questionnaire**

#### AMSRS

-not defined-

#### MRS

-not defined-

#### MRIA

Questionnaires vary in length of time depending on variables such as subject matter, the number of open-ended questions, and the frequency of use of complex scales. As a general guideline, the following are generally considered 'overly' long:

! A personal interview in-home - over 60 minutes

! A telephone interview - over 30 minutes

! An Internet-based interview.....- over 30 minutes

! A mall intercept interview - over 30 minutes

**Definition of The Profession:**

AMSRS

-not defined-

MRS

The profession is the body of research practitioners and others engaged in (or interested in) marketing, social and opinion research or the application of its techniques.

MRIA

-not defined-

ADM/ICC-ESOMAR

-not defined-

**Definition of Professional body:**

AMSRS

-not defined-

MRS

Professional body refers to MRS.

MRIA

-not defined-

ADM/ICC-ESOMAR

-not defined-

### **Definition of Proposal**

#### AMSRS

-not defined-

#### MRS

-not defined-

#### MRIA

Submission by a practitioner that provides recommendations as to technique, sampling or other design facets, as well as a cost estimate

#### ADM/ICC-ESOMAR

-not defined-

### **Definition of Publication:**

#### AMSRS

-not defined-

#### MRS

The communication of information to the public.

#### MRIA

-not defined-

#### ADM/ICC-ESOMAR

-not defined-

### **Definition of Record**

## AMSRS

Record is defined as any brief, proposal, questionnaire, Respondent list, Respondent identification, check list, record sheet, audio or audio-visual recording or film, tabulation or computer printout, EDP disc or other storage medium, formula, diagram, report etc. in respect of any market research project, whether in whole or in part. It covers records produced by the Client as well as by the Researcher.

## MRS

The term **records** includes anything containing information relating to a research project and covers all data collection and data processing documents, audio and visual recordings.

Primary records are the most comprehensive record of information on which a project is based; they include not only the original data records themselves, but also anything needed to evaluate those records, such as quality control documents. Secondary records are any other records about the Respondent and the research results.

## MRIA

**Primary Records** The most comprehensive record of information on which a research project is based (e.g. field instruments, completed questionnaire, taped recordings of interviews, etc).

**Secondary Records** Any record of information on which a research project is based apart from primary records (e.g., computer input, coding and editing instructions, etc).

## ADM/ICC-ESOMAR

-not defined-

## **Definition of Recruiter:**

### AMSRS

-not defined-

### MRS

Person who identifies and invites Respondents to participate in projects.

#### MRIA

A person who identifies and invites respondents to participate in a research project

#### ADM/ICC-ESOMAR

-not defined-

### **Definition of Research or Market Research**

#### AMSRS

**Market research** is a key element within the total field of marketing information. It links the consumer, customer and public to the marketer through information which is used to identify and define marketing opportunities and problems; generate, refine and evaluate marketing actions; improve understanding of marketing as a process and of the ways in which specific marketing activities can be made more effective.

Market research specifies the information required to address these issues; designs the method for collecting information; manages and implements the data collection process; analyses the results; and communicates the findings and their implications.

Market research includes such activities as quantitative surveys; qualitative research; media and advertising research; business-to-business and industrial research; research among minority and special groups; public opinion surveys; and desk research.

In the context of this Code the term market research also covers social research where this uses similar approaches and techniques to study issues not concerned with the marketing of goods and service. The applied social sciences equally depend on such methods of empirical research to develop and test their underlying hypotheses; and to understand, predict and provide guidance on developments within society for governmental, academic and other purposes.

Market research differs from other forms of information gathering in that the identity of the provider of information is not disclosed. Database marketing and any other activity where the names and addresses of the people contacted are to be used for individual selling, promotional, fundraising or other non-research purposes can under no

circumstances be regarded as market research since the latter is based on preserving the complete anonymity of the Respondent.

#### MRS

**Research** is the collection and analysis of data from a sample or census of individuals or organisations relating to their characteristics, behaviour, attitudes, opinions or possessions. It includes all forms of market, opinion and social research such as consumer and industrial surveys, psychological investigations, qualitative interviews and group discussions, observational, ethnographic, and panel studies.

#### MRIA

**Research** is the collection and analysis of data from a sample of individuals or organizations relating to their characteristics, behaviour, attitudes, opinions or possessions. All forms of marketing and social research are included such as consumer and business, qualitative and observational studies, competitor intelligence, sociological and psychological investigations.

#### ADM/ ICC-ESOMAR

**Market research**, which includes social and opinion research, is the systematic gathering and interpretation of information about individuals or organisations using the statistical and analytical methods and techniques of the applied social sciences to gain insight or support decision making. The identity of respondents will not be revealed to the user of the information without explicit consent and no sales approach will be made to them as a direct result of their having provided information.

### **Definition of Researcher**

#### AMSRS

**Researcher** is defined as any individual, research agency, organisation, department or division that carries out or acts as a consultant on a market research project or offers their services to do so.

The term includes any department, etc. that belongs to the same organisation as that of the client. A Researcher linked to the Client in this way has the same responsibilities

under this Code, vis-à-vis other sections of the Client organisation, as does one who is completely independent of the latter.

The term also covers responsibility for the procedures followed by any subcontractor from whom the Researcher commissions any work (data collection or analysis, Respondent recruitment, supply of Respondent lists, printing, professional consultancy etc.) that forms any part of the research project. In such cases the Researcher must ensure that any such subcontractor fully conforms to the provisions of this Code.

#### MRS

-not defined-

*Rules apply to **Members**:*

A Member is an individual who has been admitted to membership of the MRS in one of the four categories set out in Article 3 of the Articles of Association (i.e. Nominated Members, Full Members, Associate Members, and Affiliate Members).

#### MRIA

**Practitioner/ Researcher** Any individual, organization, department or divisions, including any belonging to the same organization as the 'client', responsible for or acting as a consultant on all or part of a research project.

#### ADM/ICC-ESOMAR

**Researcher** is defined as any individual or organisation carrying out, or acting as a consultant on, a market research project, including those working in client organisations.

#### **Definition of Respondent**

#### AMSRS

**Respondent** is defined as any individual or organisation from whom any information is sought by the Researcher for the purposes of a marketing project. The term covers cases where information is to be obtained by verbal interviewing techniques, postal and other self-completion questionnaires, mechanical or electronic equipment, observation

and any other method where the identity of the provider of the information may be recorded or otherwise traceable.

#### MRS

A **Respondent** is any individual or organisation from or about whom data are collected or who is approached for interview.

#### MRIA

A **respondent** is any individual or organization from whom any information is sought by the researcher for the purpose of a marketing or social research project outlined above. This includes those approached for research purposes whether or not substantive information is obtained from them and includes those who decline to participate or withdraw at any stage from the research.

#### ADM/ICC-ESOMAR

**Respondent** is defined as any individual or organisation from which information is collected for the purposes of a market research project, whether they are aware of it or not, or is approached for interview.

### **Definition of Responsible Adult:**

#### AMSRS

-not defined-

#### MRS

An individual who has personal accountability for the well-being of a child, for example a parent, guardian, teacher, nanny or grandparent. See Section B for full details about children.

#### MRI

-not defined-

#### ADM/ICC-ESOMAR

-not defined-

**Definition of Sub-contractor:**

AMSRS

-not defined-

MRS

Any individual or organisation that undertakes a part of a project.

MRIA

Another firm or research organization retained by the original research company to conduct certain portions of a research project

ADM/ICC-ESOMAR

-not defined-

### *Section 3 - The Rules*

## **GENERAL RULES OF PROFESSIONAL CONDUCT**

### **Comply with the law**

*Go to Summary*



**AMSRS 2.** Market research must always conform to the national and international legislation which applies in those countries involved in a given research project.

**MRS A1.** Research must conform to the national and international legislation relevant to a given project including in particular the Data Protection Act 1998 or other comparable legislation applicable outside the UK.

**ADM/ESOMAR 1a.** Market research shall be legal, honest, truthful and objective and be carried out in accordance with appropriate scientific principles.

**MRIA 4.** Marketing research must always conform to the national and international legislation which applies in those countries involved in a given research project.

See also **CASRO internet rules 4** Privacy Laws and Regulations

## Duty to ensure compliance with the Code

*Go to Summary*



**AMSRS 29.** Researchers must ensure that Clients are aware of the existence of this Code and of the need to comply with its requirements.

**MRS A7.** Members must take reasonable steps to ensure that others do not breach or cause a breach of this Code.

**ADM ESOMAR 12** Researchers have overall responsibility for ensuring that research is carried out in accordance with this Code, and for ensuring that clients and other parties to the research agree to comply with its requirements.

**CASRO IV A.** Research Organizations will not ask any Outside Contractor or Interviewer to engage in any activity which is not acceptable as defined in other sections of this *Code of Standards and Ethics for Survey Research* or related CASRO® publications.

**MRIA 5.** Members must ensure that employees, including part-time and temporary workers and subcontractors, are familiar with and abide by these Rules of Conduct and Good Practice.

**MRIA 23.** The Researcher must ensure that Clients are aware of the existence of this Code and of the need to comply with its requirements.

## Honesty

*Go to Summary*



**MRS A3** Members must act honestly in dealings with Respondents, Clients (actual or potential), employers, employees, sub-contractors and the general public.

**ADM/ESOMAR 2a.** Market research shall not abuse the trust of respondents or exploit their lack of experience or knowledge.

**CASRO I B 2b.** Deceptive practices and misrepresentation, such as using research as a guise for sales or solicitation purposes, are expressly prohibited.

**CASRO II A.** Relationships between a Survey Research Organization and Clients for whom the surveys are conducted should be of such a nature that they foster confidence and mutual respect. They must be characterized by honesty and confidentiality.

**MRIA 19(a)** Interviewing must not be used as a disguise for selling or developing sales leads, nor for deliberately influencing the opinions of those interviewed. Client products must not be given to Respondents to develop sales leads.

## Discredit

*Go to Summary*



**AMSRS 9.** Researchers must not, whether knowingly or negligently, act in any way that could bring discredit on the market research profession or lead to a loss of public confidence in it.

**MRS A8.** Members must not act in a way which might bring discredit on the profession, MRS or its Members.

**ADM/ESOMAR 1b.** Researchers shall not act in any way that could bring discredit on the market research profession or lead to a loss of public confidence in it.

**MRIA 1.** Researchers must not, whether knowingly or negligently, act in any way which could bring discredit on the marketing research profession or lead to a loss of public confidence in it.

## False Statements

*Go to Summary*



**AMSRS 10.** Researchers must not make false claims about their skills and experience or about those of their organisation.

**MRS A6** Members must not make false claims about their skills and experience or those of their organisation.

**ADM/ESOMAR 2b.** Researchers shall not make false statements about their skills, experience or activities, or about those of their organisation.

## Criticising other researchers

*Go to Summary*



**AMSRS 11.** Researchers must not unjustifiably criticise or disparage other Researchers.

**MRS A9** Members must not disparage or unjustifiably criticise other Members or other non-member researchers.

**ADM/ESOMAR 3c.** Researchers shall not unjustifiably criticise other researchers.

**MRIA 3.** Researchers must not unjustifiably criticize or disparage other Researchers.

## Use of a researcher's name

*Go to Summary*



**AMSRS 28.** Researchers must not allow their names to be used in connection with any research project as an assurance that the latter has been carried out in conformity with this Code unless they are confident that the project has in all respects met the Code's requirements.

**MRS B51** 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.

**ADM/ESOMAR 11d.** Researchers shall not allow their name to be associated with the dissemination of conclusions from a market research project unless they are adequately supported by the data.

**MRIA 2.** Researchers must not allow their names to be used in connection with any research project as an assurance that the latter has been carried out in conformity with this Code unless they are confident that the project has in all respects met the Code's requirements.

## Objective and scientific

*Go to Summary*



**AMSRS 1.** Market research must always be carried out objectively and in accordance with established scientific principles.

**ADM/ESOMAR 1a.** Market research shall be legal, honest, truthful and objective and be carried out in accordance with appropriate scientific principles.

**ADM-ESOMAR 4(e)** Researchers shall ensure that market research projects are designed, carried out, reported and documented accurately, transparently and objectively.

**MRIA 7.** a) Marketing research must always be carried out objectively and in accordance with established scientific principles.

b) Members must ensure the reliability and validity of research data as far as reasonably possible when designing research methodologies and instruments and in the collection, processing and analysis of research data.

## **Use of other's work**

*Go to Summary*



**MRS B1.** Members must not knowingly take advantage, without permission, of the unpublished work of another research practitioner, which is the property of that other research practitioner.

## **Fair competition**

*Go to Summary*



ADM/ESOMAR 1c Market research shall be conducted with professional responsibility and conform to the principles of fair competition, as generally accepted in business.

## RIGHTS OF, AND RESPONSIBILITIES TO, RESPONDENTS

### Voluntary participation of respondents and right to withdraw

*Go to Summary*



**AMSRS 3.** Respondents' co-operation in a market research project is entirely voluntary at all stages. They must not be misled when being asked for their co-operation.

**MRS B17.** Respondents must not be misled when being asked for cooperation to participate.

**MRS B18.** A Respondent's right to withdraw from a project at any stage must be respected.

**MRS B22.** Respondents (including employees in employee research) must not be unduly pressurised to participate.

**MRS B23.** Members must delete any responses given by the Respondent, if requested, and if this is reasonable and practicable.

**ADM/ESOMAR 3a.** Respondents' co-operation in a market research project is entirely voluntary at all stages. They shall not be misled when being asked for their co-operation.

**ADM/ESOMAR 7e** Appropriate measures shall be taken to ensure that respondents understand and can exercise their rights

- not to participate in a market research project;
- to withdraw from the market research interview at any time;
- to require that their personal data are not made available to others; and
- to delete or to rectify incorrect personal data which are held on them.

**CASRO I B 1b.** The voluntary character of the Interviewer-Respondent contact should be stated explicitly where the Respondent might have reason to believe that cooperation is not voluntary.

**CASRO I B 2c.** Survey Research Organizations must respect the right of individuals to refuse to be interviewed or to terminate an interview in progress. Techniques that infringe on these rights should not be employed, but Survey Research Organizations may make reasonable efforts to obtain an interview including: (1) explaining the purpose of the research project; (2) providing a gift or monetary incentive adequate to elicit cooperation; and (3) re-contacting an individual at a different time if the individual is unwilling or unable to participate during the initial contact.

**MRIA 11.** Members must uphold the MRIA Charter of Respondent Rights.

**MRIA 12.** Respondents' co-operation in a marketing research project is entirely voluntary at all stages. They must not be misled when being asked for cooperation.

**MRIA17.** A potential Respondent who has initially refused to take part in a study should not be contacted for the same study on more than one subsequent occasion in person or by telephone. Any second call should be conducted by a specially trained interviewer or (field) supervisor (i.e. not the original interviewer).

## Respondent anonymity

*Go to Summary*



**AMSRS 4.** Respondents' anonymity must be strictly preserved. If the Respondent on request from the Researcher has given permission for data to be passed on in a form which allows that Respondent to be personally identified:

- a) the Respondent must first have been told to whom the information would be supplied and the purposes for which it will be used, and also
- b) the Researcher must ensure that the information will not be used for any non-research purpose and that the recipient of the information has agreed to conform to the requirements of this Code.

**MRS B8** The anonymity of Respondents must be preserved unless they have given their informed consent for their details to be revealed or for attributable comments to be passed on.

**MRS B9** If Respondents have given consent for data to be passed on in a form which allows them to be personally identified, Members must:

- demonstrate that they have taken all reasonable steps to ensure that the data will only be used for the purpose for which the data were collected and
- fully inform Respondents as to what will be revealed, to whom and for what purpose.

**MRS B10** If Respondents request individual complaints or unresolved issues to be passed back to a Client (for example in customer satisfaction research), Members must comply with that request. The comments/issues to be passed back to a Client must be agreed with the Respondent and must not be linked back to any other data or used for any other purpose without the explicit consent of the Respondent.

**MRS B35** Members must ensure that completed recruitment questionnaires, incentive and attendance lists, transmissions or recordings or any other information or outputs

which identify Respondents are not passed to or accessed by Clients or other third parties without the explicit permission of the Respondents; and Members must take reasonable steps to ensure that the information or outputs are used only for the purpose agreed at the time of data collection.

**MRS B42** Members must ensure that any material handed to Clients or included in reports, without consent from Respondents, is anonymised e.g. transcripts containing verbatim comments and projective material. MRS B24 Recruiters/ interviewers must not reveal to any other Respondents the detailed answers provided by any Respondent or the identity of any other Respondent interviewed.

### **ADM-ESOMAR 7c**

...

Researchers shall ensure that respondents' personal identity is withheld from the client.

*The researcher may, communicate the respondent's identifiable personal information to the client, unless national provisions require stricter regulations, under the following conditions:*

*i) the respondent has explicitly expressed this wish and/or*

*ii) the respondent has given their explicit consent and*

*iii) on the understanding that no commercial activity (as defined in Article 1d) will be directed at them as a direct result of their having provided information.*

#### **DECLARATION 4. Rule of anonymisation and transmission**

Data collected about natural or legal persons by interview, observation, recording or otherwise may be transmitted to the client or another third party (including internal departments) only in a way which does not reveal or make identifiable the participants of the study. With this strict rule of anonymisation corresponds that the collected data may be used exclusively in an anonymised form.

The rule of anonymisation cannot be waived by the persons concerned giving their consent to the transmission and usage of the collected data in a non anonymised form. Because of this priority of anonymisation such consent may not be sought in market, opinion and social research.

Even if individual participants of a study explicitly express the request that their data are transmitted to the client also in a non anonymised form one may not comply with this. In this case a contact address of the client only may be given to the participants. It is crucial for the permissibility of this procedure that the participants express the request concerning transmission of the collected data in a non anonymised form by themselves spontaneously without participation of the interviewer in any way or without information concerning the transmission of the collected data in a non anonymised form given by the research institute in the research documents (e.g. questionnaire, accompanying letter). The transmission of the collected data in a non anonymised form is permissible only between research institutes and exclusively for usage for scientific research. It shall be settled in advance by contract between the involved research institutes. The persons concerned shall be informed about the transmission and usage of their non anonymised data by considering methodological aspects and shall consent in it.

#### **CASRO I A. Confidentiality**

**1.** Since individuals who are interviewed are the lifeblood of the Survey Research Industry, it is essential that Survey Research Organizations be responsible for protecting from disclosure to third parties--including Clients and members of the Public--the identity of individual Respondents as well as Respondent-identifiable information, unless the Respondent expressly requests or permits such disclosure.

**2.** This principle of confidentiality is qualified by the following exceptions:

**a.** A minimal amount of Respondent-identifiable information will be disclosed to the Client to permit the Client: (1) to validate interviews and/or (2) to determine an additional fact of analytical importance to the study (including the practice of appending Client-owned database information to the Survey Research Organization's data file as an analytic aid). Where additional inquiry is indicated, Respondents must be given a sound reason for the re-inquiry; a refusal by Respondent to continue must be respected.

Before disclosing Respondent-identifiable information to a Client for purposes of interview validation or re-inquiry, the Survey Research Organization must take whatever steps are needed to ensure that the Client will conduct the validation or recontact in a fully professional manner. This includes the avoidance of multiple validation contacts or other conduct that would harass or could embarrass Respondents. It also includes avoidance of any use of the information (e.g., lead generation) for other than legitimate

and ethical Survey Research purposes or to respond to Customer/Respondent complaints. Assurance that the Client will respect such limitations and maintain Respondent confidentiality should be confirmed in writing before any confidential information is disclosed.

Where Respondent-identifiable data is disclosed to clients so that the Survey Research Organization may analyze survey data in combination with other respondent-level data such as internal customer data, respondent-level data from another survey, etc., it is understood that the information will be used for model building, internal (Survey Research Organization) analysis, or the like and not for individual marketing efforts and that no action can be taken toward an individual respondent simply because of his or her participation in the survey. To assure Client compliance, the Survey Research Organization must obtain written confirmation from the Client before releasing any data. (A suggested CASRO® Client agreement clause is available.)

Further, with respect to such research uses as Database Segmentation and/or Modeling (see preceding paragraph), specific action(s) may not be taken toward an individual Respondent as a result of his/her survey information and participation beyond those actions taken toward the entire database population group the Respondent by chance has been selected to represent. In order for such specific action, the following two elements must be met:

The Respondent has first given his/her permission to do so, having been told the general purpose and limitations of such use; and

The research firm has obtained a written agreement from the Client assuring that no other use will be made of Respondent-identifiable information.

Predictive equations which integrate a segmentation scheme into a Client database may be applied so long as no action is taken toward an individual Respondent simply because of his or her participation in the survey. Respondents must be treated like all other individuals in the database according to the segment(s) to which they belong or have been assigned.

**b.** The identity of individual Respondents and Respondent-identifiable information may be disclosed to other Survey Research Organizations whenever such organizations are conducting different phases of a multi-stage study (e.g., a trend study). The initial Research Company should confirm in writing that Respondent confidentiality will be maintained in accordance with the Code.

**c.** In the case of research in which representatives of the Client or others are present, such Client representatives and others should be asked not to disclose to anyone not present the identity of individual Participants or other Participant-identifying information except as needed to respond, with the Participant's prior specific approval, to any complaint by one or more of the Participants concerning a product or service supplied by the Client.

**3.** The principle of Respondent confidentiality includes the following specific applications or safeguards:

**a.** Survey Research Organizations' staff or personnel should not use or discuss Respondent-identifiable data or information for other than legitimate internal research purposes.

**b.** The Survey Research Organization has the responsibility for insuring that Subcontractors (Interviewers, Interviewing Services and Validation, Coding, and Tabulation Organizations) and Consultants are aware of and agree to maintain and respect Respondent confidentiality whenever the identity of Respondents or Respondent-identifiable information is disclosed to such entities.

**c.** Before permitting Clients or others to have access to completed questionnaires in circumstances other than those described above, Respondent names and other Respondent-identifying information (e.g., telephone numbers) should be deleted.

**d.** Invisible identifiers on mail questionnaires that connect Respondent answers to particular Respondents should not be used. Visible identification numbers may be used but should be accompanied by an explanation that such identifiers are for control purposes only and that Respondent confidentiality will not be compromised.

**e.** Any Survey Research Organization that receives from a Client or other entity information that it knows or reasonably believes to be confidential, Respondent-identifiable information should only use such information in accordance with the principles and procedures described in this Code.

**f.** The use of survey results in a legal proceeding does not relieve the Survey Research Organization of its ethical obligation to maintain in confidence all Respondent-identifiable information or lessen the importance of Respondent anonymity. Consequently, Survey Research firms confronted with a subpoena or other legal process requesting the disclosure of Respondent-identifiable information should take all reasonable steps to oppose such requests, including informing the court or other decision-maker involved of

the factors justifying confidentiality and Respondent anonymity and interposing all appropriate defenses to the request for disclosure.

**MRIA 18.(a)** Respondents' anonymity must be strictly preserved. If the Respondent on request from the Researcher has given permission for data to be passed on in a form which allows that Respondent to be identified personally:

I. The Respondent must first have been told to whom the information would be supplied and the purposes for which it will be used, and also

II. The Researcher must ensure that the information will be used for research or customer service purposes only and that the recipient of the information has agreed to conform to the requirements of the Code.

(b) Respondents must be told prior to commencement of the interview if observation techniques or recording equipment are used, except where these are used in a public place. If the Respondent withdraws from the interview, he or she may request that the recording be erased. The Researcher has an obligation to honour such requests where it is possible to do so, such as recordings of individual interviews

## Avoiding harm to respondents

*Go to Summary*



**AMSRS 5.** The Researcher must take all reasonable precautions to ensure that Respondents are in no way directly harmed or adversely affected as a result of their participation in a market research project.

**MRS A10.** Members must take all reasonable precautions to ensure that Respondents are not harmed or adversely affected by their professional activities.

**ADM/ESOMAR 3c.** Researchers shall take all reasonable precautions to ensure that respondents are in no way harmed or adversely affected as a direct result of their participation in a market research project.

**CASRO I B 1.** Survey Research Organizations have a responsibility to strike a proper balance between the needs for research in contemporary American life and the privacy of individuals who become the Respondents in the research. To achieve this balance:

- a.** Respondents will be protected from unnecessary and unwanted intrusions and/or any form of personal harassment.
- b.** The voluntary character of the Interviewer-Respondent contact should be stated explicitly where the Respondent might have reason to believe that cooperation is not voluntary.

**CASRO I B 2f.** Research Organizations are responsible for developing techniques to minimize the discomfort or apprehension of Respondents and Interviewers when dealing with sensitive subject matter.

**MRIA 20(a)** The Researcher must take all reasonable precautions to ensure that Respondents are in no way directly harmed or adversely affected as a result of their participation in a marketing research project.

## Observation and Recording

*Go to Summary*



**AMSRs 7.** Respondents must be told at the beginning of the research if observation techniques or recording equipment are being used, except where these are used in a public place. If a Respondent so wishes, the record or relevant section of it should be destroyed or deleted. Respondents' anonymity must not be infringed by the use of such methods.

**MRS B15.** If there is to be any recording, monitoring or observation during an interview, Respondents must be informed about this both at recruitment and at the beginning of the interview.

**MRS B39.** Members must ensure that, in instances where observers may know Respondents (as may occur in business-to-business research), Respondents are informed before the start that their interviews are to be observed, with a warning that the observer may include Clients who already know them.

**MRS B41.** Members must ensure that Respondents on attendance at a venue are informed about the nature of any observation, monitoring or recording and Respondents are given the option of withdrawing from the exercise.

**MRS B47.** Members must ensure that all of the following are undertaken when observation equipment is being used:

- Clear and legible signs must be placed in areas where surveillance is taking place.
- Cameras must be sited so that they monitor only the areas intended for surveillance.
- Signs must state the individual/organisation responsible for the surveillance, including contact information and the purpose of the observation.

**ADM-ESOMAR 6.** Respondents shall be informed before observation techniques or recording equipment are used for research purposes, except where these are openly used in a public place and no personal data are collected. If respondents so wish, the record or relevant section of it shall be destroyed or deleted. In the absence of explicit consent respondents' personal identity shall be protected.

**CASRO I B 2g.** Electronic equipment (taping, recording, photographing) and one-way viewing rooms may be used only with the full knowledge of Respondents.

## Information to be communicated to respondents

*Go to Summary*



**MRS B21** Members must ensure that all of the following are clearly communicated to the Respondent:

- the name of the interviewer (an Interviewer's Identity Card must be shown if face to face);
- an assurance that the interview will be carried out according to the MRS Code of Conduct;
- the general subject of the interview;
- the purpose of the interview;
- if asked, the likely length of the interview;
- any costs likely to be incurred by the Respondent.

**MRS B34** At the time of recruitment (or before the exercise takes place if details change after recruitment), Members must ensure that Respondents are told all relevant information as per rule B21 and:

- the location of the exercise and if it is to take place in a viewing facility; and
- whether observers are likely to be present; and
- when and how the exercise is to be recorded; and
- the likely length of the exercise including the start and finish time; and
- the Member, moderator and/or agency that will be conducting the exercise;

**ADM/ESOMAR 4a** Researchers shall promptly identify themselves and unambiguously state the purpose of the research.

**ADM-ESOMAR 7b** When collecting personal information from respondents researchers shall ensure that:

- respondents are aware of the purpose of the collection; and
- respondents are aware of any quality control activity involving re-contact.

**CASRO I B 2a** The Research Organization, Subcontractors and Interviewers shall make every reasonable effort to ensure that the Respondent understands the purpose of the Interviewer/Respondent contact.

(1) The Interviewer/Research Company representative must provide prompt and honest identification of his/her research firm affiliation.

(2) Respondent questions should be answered in a forthright and non-deceptive manner.

**MRIA 21(b)** Interviewers must carry with them visible identification from the organization they represent for all face-to-face interviewing. Interviewers must identify themselves by name and organization in an introductory statement on all interviews. If requested by the Respondent, the Interviewer must provide the name, address and/or telephone number of the organization they represent. This information must be clearly indicated on any questionnaire handed out to Respondents.

## Children and Young people

*Go to Summary*



**AMSRS 6.** The Researcher must take special care when interviewing children and young people. The informed consent of the parent or responsible adult must first be obtained for interviews with children.

**MRS B27.** Consent of a parent or responsible adult (acting in loco parentis) must be obtained before interviewing a child under 16.

**MRS B28.** Where the consent of a parent or responsible adult is required Members must ensure that the adult is given sufficient information about the nature of the project to enable them to provide informed consent.

**MRS B29.** Members must ensure that the parent or responsible adult giving consent is recorded (by name, relationship or role).

**MRS B30.** For self-completion postal/paper data collection, Members must ensure that:

- when it is known, (or ought reasonably to be known) that all or a majority of Respondents are likely to be under 16, these are addressed to the parent or responsible adult; and
- when it is known, (or ought reasonably to be known) that all or a majority of Respondents are likely to be under 16, that all questionnaires carry a note or notice explaining that consent is required for all children to participate.

**MRS B31.** For projects administered using an electronic communications network or service, where it is known (or ought reasonably be known that) some Respondents are likely to be under the age of 16, Members must ensure that Respondents are asked to give 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 consent from a parent or responsible adult has been obtained and verified.

**MRS B32** In all cases, Members must ensure that a child has an opportunity to decline to take part, even though a parent or a responsible adult has given consent on their behalf. This remains the case if the project takes place in school.

**MRS B33** Personal information relating to other people must not be collected from children unless for the purposes of gaining consent from a parent or a responsible adult.

**ADM ESOMAR 8.** Researchers shall take special care when interviewing children and young people. The consent of the parent or responsible adult shall first be obtained before interviewing children.

**MRIA 22.** The Researcher must take special care when interviewing children and young people. The informed consent of the parent or responsible adult must first be obtained for interviews with children.

**See also CASRO and MRIA rules on Internet Research**

## Identity and bona fides

*Go to Summary*



**AMSRS 8.** Respondents must be enabled to check without difficulty the identity and bona fides of the Researcher.

**MRS B19** Members must ensure that Respondents 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).

**ADM/ESOMAR 4b.** Respondents shall be able to check the identity and bona fides of the researcher without difficulty.

**MRIA 21(a)** Respondents must be enabled to check without difficulty the identity and bona fides of the Researcher.

## Re-contact and follow-up interviews

*Go to Summary*



**MSR B11** A follow up interview with a Respondent can be carried out only if the Respondent 's permission has been obtained at the previous interview. The only exception to this is re-contact for quality control purposes.

**MRS B12** Any re-contact must match the assurances given to Respondents at the time that permission was gained e.g. when re- contact was to occur, the purpose and by whom.

**MRS B13** Respondent details must not be passed on to another third party for research or any other purposes without the prior consent of the Respondent . The only exception to this is if the Client is the Data Controller of the Respondent data.

**MRIA 16.** When a Respondent is interviewed as part of a study, the Practitioner should not deliberately seek an additional interview with this specific Respondent unless the Respondent's permission to recontact was obtained during the initial interview.

## Lengthy Surveys

*Go to Summary*



**CASRO I B 2e.** Lengthy interviews can be a burden. Research Organizations are responsible for weighing the research need against the length of the interview and Respondents must not be enticed into an interview by a misrepresentation of the length of the interview.

**MRIA 13.** Overly long questionnaires should be avoided at all costs except where permission has been obtained in advance from the respondent and/or special arrangements have been made.

**MRIA 14.** The approximate duration of interviews must be disclosed to Respondents when the questionnaire is overly long, as defined in this Code. When the interview length is not considered overly long, Respondents are entitled to know the approximate duration of the interview upon request.

## RELATIONSHIP WITH CLIENTS

### Checks on Quality

*Go to Summary*



**AMSRS 24.** The Researcher must on request allow the Client to arrange for checks on the quality of fieldwork and data preparation provided that the Client pays any additional costs involved in this. Any such checks must conform to the requirements of Rule 4.

**MRS B52** Members must allow Clients to arrange checks on the quality of fieldwork and data preparation provided that the Client pays any additional costs involved in this.

**ADM-ESOMAR 4(c)** Researchers shall on request allow the client to arrange for checks on the quality of data collection and data preparation.

**CASRO II B 3.** A Research Organization has an obligation to allow its Clients to verify that work performed meets all contracted specifications and to examine all operations of the Research Organization that are relevant to the proper execution of the project in the manner set forth. While Clients are encouraged to examine questionnaires or other records to maintain open access to the research process, the Survey Research Organization must continue to protect the confidentiality and privacy of survey Respondents.

**MRIA 27** (a) The Researcher must, on request, allow the Client to arrange for checks on the quality of fieldwork and data preparation provided that the Client pays any additional costs involved in this undertaking. Any such checks must conform to the following requirements:

1) The Researcher must ensure that any information which might identify Respondents is stored securely and separately from the other information they have provided, and that access to such material is restricted to authorized research personnel within the

Researcher's own organization for specific research purposes (e.g. field administration, data processing, panel or longitudinal studies or other forms of research involving recall interviews).

2) To preserve Respondents' anonymity, not only must their names and contact information be safeguarded, but also any other information provided or about them which could in practice identify them (e.g. the name of the organization that employs them and their job title).

3) These anonymity requirements may be relaxed only under the following safeguards:

i) where the Respondent has given consent

ii) where disclosure of names and other identifying information to a third party is essential for any research purpose, such as data processing or further interviews (e.g. an independent fieldwork quality check) or for further follow-up research. The original Researcher is responsible for ensuring that any such third party agrees, in writing, to observe the requirements of this Code, if the third party has not already formally subscribed to it.

(b) The Practitioner must monitor or verify a percentage of each Interviewer's work. When monitoring, a minimum of 5% of each Interviewer's completed interviews must be monitored. In order to ensure adequate quality checks, 75% of the whole interview must be monitored to count towards the 5% monitoring requirement. When verifying, a minimum of 10% of each Interviewer's completed interviews must be verified.

(c) In exceptional cases it can be organizationally impossible to carry out re-contact or monitoring to the required level, or at all, or it may be considered contrary to Respondents' interest. In such cases project records shall explain why this is the case and what other steps (e.g. checking data records) have been taken to validate data collection.

(d) The Client has the right to be informed, prior to commencement of the study, of the proposed nature of the verification or monitoring including the proportion of each Interviewer's interviews to be covered. Upon request from the Client, the Practitioner is obliged to disclose the results of the verification. Where verification identifies discrepancies or problems, 100% of an interviewer's interviews shall be validated and all invalid and non-validated interviews shall be rejected. If the problem identified through validation affects data that have been or will be delivered to the Client, the Client shall be informed immediately upon discovery of the problem.

**MRIA 28.** A Practitioner is obliged to allow Clients to verify that work performed meets all contracted specifications and to be present at those operations of the Practitioner's or subcontracted organization relevant to the execution of the study.

## Client Access to technical details

*Go to Summary*



**AMSRS 25.** The Researcher must provide the Client with all appropriate technical details of any research project carried out for that Client.

**MRS B53** Members must provide Clients with sufficient technical details to enable Clients to assess the validity of results of projects carried out on their behalf.

**ADM-ESOMAR 4 (d)** Researchers shall provide their clients with appropriate technical details of any research project carried out for the clients.

**CASRO III B.** A Research Organization's report to a Client or the Public should contain, or the Research Organization should be ready to supply to a Client or the Public on short notice, the following information about the survey:

1. The name of the organization for which the study was conducted and the name of the organization conducting it.
2. The purpose of the study, including the specific objectives.
3. The dates on or between which the data collection was done.
4. A definition of the universe that the survey is intended to represent and a description of the population frame(s) that was actually sampled.
5. A description of the sample design, including the method of selecting sample elements, method of interview, cluster size, number of callbacks, Respondent eligibility or screening criteria, and other pertinent information.
6. A description of results of sample implementation including (a) a total number of sample elements contacted, (b) the number not reached, (c) the number of refusals, (d)

the number of terminations, (e) the number of non-eligibles, (f) the number of completed interviews.

7. The basis for any specific "completion rate" percentages should be fully documented and described.

8. The questionnaire or exact wording of the questions used, including Interviewer directions and visual exhibits.

9. A description of any weighting or estimating procedures used.

10. A description of any special scoring, data adjustment or indexing procedures used. (Where the Research Organization uses proprietary techniques, these should be described in general and the Research Organization should be prepared to provide technical information on demand from qualified and technically competent persons who have agreed to honor the confidentiality of such information).

11. Estimates of the sampling error and of data should be shown when appropriate, but when shown they should include reference to other possible sources of error so that a misleading impression of accuracy or precision is not conveyed.

12. Statistical tables clearly labeled and identified as to questionnaire source, including the number of raw cases forming the base for each cross-tabulation.

13. Copies of Interviewer instructions, validation results, code books, and other important working papers.

**MRIA 26.**(a) The Researcher must provide the Client with all appropriate technical details of any research project carried out for that Client.

(b) Members must describe their methods and findings accurately and in appropriate detail in all research reports, adhering to the standards for minimal disclosure specified below.

The Client is entitled to the following information about any marketing research project to which the Client has subscribed.

a) Background

1) for whom the study was conducted

- 2) the purpose of the study
- 3) names of subcontractors and consultants to perform any substantial part of the work

b) Sample

- 1) a description of the intended and actual universe covered
- 2) the size, nature and geographical distribution of the sample (both planned and achieved)
- 3) where relevant, the extent to which any of the data collected were obtained from only part of the sample
- 4) details of the sampling method and any weighting methods used
- 5) where technically relevant, a statement of response rates and a discussion of any possible bias due to non-response

c) Data Collection

- 1) a description of the method by which the information was collected<sup>13</sup>
- 2) a description of the field staff, briefing and field quality control methods used
- 3) a description of verification and monitoring procedures
- 4) the method of recruiting Respondents; and the general nature of any incentives offered to secure their co-operation
- 5) when the fieldwork was carried out
  - (a) (in the case of 'desk research') a clear statement of the sources of the information and their likely reliability
  - (b) the contact record based on last attempt
  - (c) description of response rates and method of calculation

d) Presentation of Results

- 1) The relevant factual findings obtained
- 2) Bases of percentages (both weighted and unweighted)

3) General indications of the statistical margins of sampling error to be attached to the main findings in the case of probability samples, and of the levels of statistical significance of differences between key figures

4) the questionnaire and other relevant documents and materials used (or, in the case of a shared project, that portion relating to the matter reported on).

The Report on a project should normally cover the above points or provide a reference to a readily available separate document which contains the information.

## Client publication of Findings

*Go to Summary*



**AMSRS 27.** Where any of the findings of a research project are published by a Client the latter has a responsibility to ensure that these are not misleading. The Researcher must be consulted and agree in advance the form and content of publication, and must take action to correct any misleading statements about the research and its findings.

**MRS B59** Members must take reasonable steps 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.

**MRS B60** Members must take reasonable steps to ensure that findings from a project, published by themselves or in their employer's name, are not incorrectly or misleadingly presented.

**MRS B61** If Members are aware, or ought reasonably to be aware, that findings from a project have been incorrectly or misleadingly reported by a Client he/she must at the earliest opportunity:

- refuse permission for the Client to use their name further in connection with the incorrect or misleading published findings; and
- publish in an appropriate forum the relevant technical details of the project to correct any incorrect or misleading reporting

**ADM/ESOMAR 11b** Where any of the findings of a research project are published by the client, the latter shall be asked to consult with the researcher as to the form and content of publication of the findings. Both the client and the researcher have a responsibility to ensure that published results are not misleading.

**CASRO III D.** A Survey Research Organization will seek agreements from Clients so that citations of survey findings will be presented to the Research Organization for review and clearance as to accuracy and proper interpretation prior to public release. A Research Organization will advise Clients that if the survey findings publicly disclosed are incorrect, distorted, or incomplete, in the Research Organization's opinion, the Research Organization reserves the right to make its own release of any or all survey findings necessary to make clarification.

**MRIA 37.** a) Where any of the findings of a research project are published by the Client, the Client has a responsibility to ensure that these are not misleading. The Researcher must be consulted and agree in advance to the form and content of publication. If the Client does not consult with the Researcher in advance and the former makes misleading statements about the research and its findings, the latter has the right to correct the misleading statements publicly.

b) Reports provided by a Practitioner are the property of the Client and are normally for use within the Client company or associated companies (including the Client's agents). If a wider circulation of the results of the study is intended, either in whole or in part, the following minimum standards of disclosure should be adhered to so there will be an adequate basis for judging the reliability and validity of the results reported.

I. If a Practitioner's name is to be used, the Practitioner must be consulted prior to dissemination of findings and is entitled to refuse permission for his/her or its name to be used in connection with the study until the Practitioner has approved the exact form and contents of the dissemination.

II. For all reports of survey findings the Client has released to the public, the Client must be prepared to release the following details on request: sponsorship of the survey; dates of interviewing; methods of obtaining the interviews (telephone, Internet, mail or in-person); population that was sampled; size description and nature of sample; size of the sample upon which the report is being released; exact wording of questions upon which the release is based; and an indication of what allowance should be made for sampling error.

III. In the case of research commissioned by the media for publication or broadcasting, all of the preceding information must be reported on the media organization's website or, failing that, the research organization's website to which the media organization's

website should have a hyperlink. Where the media organization does not have a website, its news reporting must include mention of the research organization that carried out the study, whose website must carry the requisite information.

**MRIA 38.** Unless relinquished in a written agreement between the Researcher's organization and the Client, no data should be analyzed within or outside the Client organization without clear acknowledgement of the marketing research supplier. Where reasonable, the Client shall not disseminate internally or externally any report, component of a report or findings without the clear acknowledgement of the identity of the research organization that provided the said report

## Contracts with Clients

*Go to Summary*



**AMSRS 16.** These rights and responsibilities will normally be governed by a written contract between the Researcher and the Client. The parties may amend the provisions of Rules 19-23 below if they have agreed to this in writing beforehand; but the other requirements of this Code may not be altered in this way. Market research must always also be conducted according to the principles of fair competition, as generally understood and accepted.

**AMSRS 20.** The following records must remain the property of the Client and must not be disclosed by the Researcher to any third party without the Client's permission:

- a) market research briefs, specifications and other information provided by the Client.
- b) the research data and findings from a market research project (except in the case of syndicated or multi-client projects or services where the same data are available to more than one Client).

The Client has however no right to know the names and addresses of Respondents unless the latter's explicit permission for this has first been obtained by the Researcher (this particular requirement cannot be altered under Rule 16) or:

- a) the information relates solely to the individual's research status and cannot be linked in any way to an individual's research data or enable identification; or
- b) use of the data is restricted to managing frequency of research contact.

**AMSRS 21.** Unless it is specifically agreed to the contrary, the following records remain the property of the Researcher:

- a) market research proposals and cost quotations (unless these have been paid for by the Client). They must not be disclosed by the Client to any third party,

other than to a consultant working for the Client on that project (with the exception of any consultant working also for a competitor of the Researcher). In particular, they must not be used by the Client to influence research proposals or cost quotations from other Researchers.

- b) The contents of a report in the case of syndicated and/or multi-client projects or services where the same data are available to more than one Client and where it is clearly understood that the resulting reports are available for general purchase or subscription. The Client may not disclose the findings of such research to any third party (other than to his/her own consultants and advisers for use in connection with his/her business) without the permission of the Researcher.
- c) All other research records prepared by the Researcher (with the exception in the case of non-syndicated projects of the report to the Client, and also the research design and questionnaire where the costs of developing these are covered by the charges paid by the Client).

**MRS B2** All written or oral assurances made by any Member involved in commissioning or conducting projects must be factually correct and honoured by the Member.

**MRS B5** Members must take reasonable steps to ensure that the rights and responsibilities of themselves and Clients are governed by a written contract and/or internal commissioning contract.

**ADM-ESOMAR 5** Market research proposals and cost quotations are the property of the organisation or individual who developed them unless otherwise agreed.

**MRIA 25.**

(a) The Researcher must inform the Client if the work to be carried out for that Client is to be combined or syndicated in the same project with work for other Clients but must not disclose the identity of such Clients without their permission.

(b) The Researcher must inform the Client as soon as possible in advance when any part of the work for that Client is to be subcontracted outside the Researcher's own organization (including the use of any outside consultants).

On request, the Client must be told the identity of any such Subcontractor.

(c) A Practitioner must conduct a study in the manner agreed upon. However, if it becomes apparent in the course of a study that changes in the plan should be made, the Practitioner is obliged to make his or her views (including cost estimates) known to the Client immediately.

**MRIA 29.**(a) The following records remain the property of the Client and must not be disclosed by the Researcher to any third party without the Client's permission:

I. Marketing research briefs, specifications and other information provided by the Client.

II. The research data and findings from a marketing research project (except in the case of syndicated or multi-client projects or services where the same data are available to more than one Client).

(b) Research specifications, such as background, objectives and technical approaches or ideas provided by a Client or potential Client, remain the property of the Client and the contents must not be revealed to third parties without the Client's permission.

(c) Client supplied lists provided for specific projects must not be used for any other projects or for adding names to the Researcher's databases. Those lists should be returned to the Client or destroyed upon completion of the project.

**MRIA 31.**(a) General billing procedures require that a percentage of the estimated total amount of the project be invoiced upon approval to proceed with the project. Dependent upon the size of the project, the nature of disbursements made by the Researcher on behalf of the Client, and/or the duration of the project, subsequent amounts may be invoiced in one or a series of interim billing amounts triggered by significant dates or milestones met in the course of the project. The final invoice should be clearly indicated as such and not be issued until the last deliverable has been received by the Client. The final invoice is generally not less than 10% of the total project budget.

(b) Researchers should unambiguously inform the Client of the billing schedule and terms of payment prior to the initiation of the project.

(c) The  $\pm\%$  contingency range on cost estimates is recognition of the reality of research work. Almost all studies are unique in some respect and estimating project costs is, in part, an art as well as a science. Clients should not assume that the purpose of the  $\pm\%$  contingency range on cost estimates is to permit them to make changes in research specifications after estimates, based on the original specifications, are submitted. Changes in the specifications after estimates are submitted should be noted, and may be justification for a revised estimate at the discretion of the Researcher. It is the responsibility of the Researcher to inform the Client of these fee changes before acting on the basis of the amended specifications.

**MRIA 32.** Unless it is specifically agreed to the contrary, upon receiving prompt notice from a Client that any of the Researcher's services or deliverables is defective or incomplete, the Researcher must re-perform the work to the extent that it is defective or incomplete. The Researcher will have no liability for any business losses of the Client (including without limitation loss of revenue, profit or goodwill), or for any other indirect, incidental, special or consequential damages, whether attributable to defective or incomplete work or otherwise, and whether arising out of contract, tort or otherwise, even if the Researcher had been advised of the possibility of such losses.

In any event, the Researcher's maximum monetary liability in connection with the performance of the work or any other matter relating to the Researcher's undertakings with the Client will be the return to the Client of sums previously paid to the Researcher by the Client on the project out of which the Client's claim arose; provided, that, in multi-year tracking studies, the term "project" refers only to the calendar year of the study with respect to which the claim arose.<sup>17</sup>

**MRIA 33.** The Client does not have the right, without prior agreement between the parties involved, to exclusive use of the Researcher's services or those of his organization, whether in whole or in part in carrying out work for different Clients. However, the Researcher must endeavour to avoid possible clashes of interest between the services provided to those Clients.

**MRIA 34.** a) Unless otherwise agreed and provided that the practitioner has followed the stipulated procedures and all reasonable precautions have been taken, the Client is responsible for any damages sought by the public as a result of using any product or material supplied by the Client.

b) Additionally, when testing products or materials, proper usage instructions must be provided by the Client and any cautions necessary must be highlighted (e.g. possible

allergic reactions) and a listing of ingredients must be provided by the Client to the Practitioner.

**MRIA 35.** a) No direct communication between the Client and Subcontractor should take place unless prior agreement between the Client and the original Practitioner has taken place.

b) Subcontractors asked to bid on the same project by different research consultants must disclose this fact, but not necessarily the identities of the other consultants. Subcontractors may not reveal any design or technical data to other bidders.

36. a) Unless it is specifically agreed to the contrary, the following records remain the property of the Researcher:

I. Marketing research proposals and cost quotations (unless these have been paid for by the Client). They must not be disclosed by the Client to any third party, other than to a consultant working for the Client on that project (with the exception of any consultant working also for a competitor of the Researcher). In particular, they must not be used by the Client to influence research proposals or cost quotations from other Researchers.

II. The Researcher's proprietary techniques, software and technologies. They may not be copied or duplicated, in whole or in part, by the Client, nor disclosed to any third party.

III. The contents of a report in the case of syndicated research and/or multiClient projects or services where the same data are available to more than one Client and where it is clearly understood that the resulting reports are available for general purchase or subscription. The Client may not disclose the findings of such research to any third party (other than his own consultants and advisors for use in connection with his business) without the permission of the Researcher.

b) All other research records prepared by the Researcher (with the exception in the case of non-syndicated projects of the report to the Client and also the research design and questionnaire where the costs of developing these are covered by the charges paid by the Client).

## Quality and Specifications

*Go to Summary*



**AMSRS 12.** Researchers must always strive to design research that is cost efficient and of adequate quality, and then to carry this out to the specifications agreed with the client.

**MRS B3** Members must take reasonable steps to design research to the specification agreed with the Client.

**MRS B4** Members must take reasonable steps to design research which meets the quality standards agreed with the Client.

**CASRO II B 1.** A Survey Research Organization must assist its Clients in the design of effective and efficient studies that are to be carried out by the Research Company. If the Survey Research Organization questions whether a study design will provide the information necessary to serve the Client's purposes, it must make its reservations known.

**MRIA 10.** Researchers must always strive to design research which is cost-efficient and of adequate quality and then to carry this out to the specification agreed with the Client

## Syndicated projects

*Go to Summary*



**AMSRs 17.** The Researcher must inform the Client if the work to be carried out for that Client is to be combined or syndicated in the same project with work for other Clients but must not disclose the identity of such Clients.

**ADM ESOMAR 9** Researchers shall inform clients if the work to be carried out for them is to be combined or syndicated in the same project with work for other clients, without disclosing the identity of such clients without their permission.

**CASRO II B 4.** When more than one Client contributes to the cost of a project specially commissioned with the Research Organization, each Client concerned shall be informed that there are other Participants (but not necessarily their identity).

## Obligations of Client Observers

*Go to Summary*



**MRS B36** If Members have agreed with Clients that observers are to be present, Members must inform all observers fully about their legal and ethical responsibilities.

**MRS B37** Members must make clear to Respondents the capacity in which observers are present; Clients must be presented as such, even if they are also Researchers and/or Members of MRS.

**MRS B38** There are some situations where observers could adversely affect Respondents interests and/or wellbeing, and in such instances, Members must ensure that Respondents are told at an appropriate stage the identity of any observer who might be present during the exercise.

**MRS B40** The issue of anonymity and recognition is a particular problem in business and employee research. If guarantees cannot be given then Members must ensure that observers are fully introduced before the group/interview begins and Respondents given a chance to withdraw.

**CASRO I A 2 c.** In the case of research in which representatives of the Client or others are present, such Client representatives and others should be asked not to disclose to anyone not present the identity of individual Participants or other Participant-identifying information except as needed to respond, with the Participant's prior specific approval, to any complaint by one or more of the Participants concerning a product or service supplied by the Client.

## Disclosing Client Identity and duty of confidentiality to clients

### Go to Summary



**AMSRS 23.** The Client's identity should be revealed to participants as soon as practicable in the course of the interview, except when the Researcher and the Client decide there is a valid reason (e.g. methodological, legal) not to do so

The Researcher must not disclose any confidential information about the Client's business to any third party without the Client's permission.

**MRS B6** Members must not disclose the identity of Clients or any confidential information about Clients without the Client's permission unless there is a legal obligation to do so.

**MRS B7** Where lists of named individuals are used e.g. Client databases, the list source must be revealed at an appropriate point in the interview, if requested. This overrides the right to Client anonymity.

**CASRO II B 5.** Research Organizations will hold confidential all information that they obtain about a Client's general business operations, and about matters connected with research projects that they conduct for a Client.

**CASRO II B 6.** For research findings obtained by the agency that are the property of the Client, the Research Organization may make no public release or revelation of findings without expressed, prior approval from the Client.

**MRIA 24.** The Researcher must not disclose the identity of the Client (provided there is no legal obligation to do so) or any confidential information about the latter's business, to any third party without the Client's permission.

## **Subcontracting**

*Go to Summary*



AMSRS 18. The Researcher must inform the Client as soon as possible in advance when any part of the work for that Client is to be subcontracted outside the Researcher's own organisation (including the use of any outside consultants). On request, the Client must be told the identity of any such subcontractor.

ADM ESOMAR 9 Researchers shall inform clients, prior to work commencing, when any part of the work for them is to be subcontracted outside the researchers' own organisation (including the use of any outside consultants). On request clients shall be told the identity of any such subcontractor.

## Conflicts of interest

*Go to Summary*



**AMSRS 19.** The Client does not have the right, without prior agreement between the parties involved, to exclusive use of the Researcher's services or those of his/her organisation, whether in whole or in part. In carrying out the work for different Clients, however, the Researcher must endeavour to avoid possible clashes of interest between the services provided to those Clients.

**MRS A2** Members must take reasonable steps to avoid conflicts of interest with Client s or employers and must make prior voluntary and full disclosure to all parties concerned of all matters that might give rise to such conflict.

## **Bribery**

*Go to Summary*



**CASRO II C.** Bribery in any form and in any amount is unacceptable and is a violation of a Research Organization's fundamental, ethical obligations. A Research Organization and/or its principals, officers and employees should never give gifts to Clients in the form of cash. To the extent permitted by applicable laws and regulations, a Research Organization may provide nominal gifts to Clients and may entertain Clients, as long as the cost of such entertainment is modest in amount and incidental in *nature*.

## Competitive Bidding

*Go to Summary*



**MRIA 39.** a) In some instances, potential Clients ask for competitive bids from two or more Practitioners and, when properly done, such practice is completely within the Code of Conduct. However, certain conditions are essential to meet the standards of proper practice. These include:

I. Whenever a Client asks more than one Practitioner for a proposal or cost estimate, this fact and the number of proposals or cost estimates being requested should be communicated to the Practitioners concerned. If this information is not disclosed voluntarily, Clients should provide it upon request. Clients should only request up to four competitive proposals or cost estimates on any given project; however, these limits do not apply to certain public sector contracts which may require an open bidding process under NAFTA and other trade agreements. For any study, the Practitioner is entitled to indicate in advance whether or not the Practitioner will request payment for the cost of preparing such a proposal or cost estimate.

II. During and following the proposal or cost estimate process, both the Client and the Practitioner must respect the confidentiality of each party's technical input or ideas. Specifically, no unique technique or idea included in a Practitioner's proposal may be used by the prospective Client in conjunction with another Practitioner unless permission has been obtained from the original Practitioner.

b) Additionally, all unaccepted proposals, in whole or in part, remain exclusively the property of the originating Practitioner unless an agreement has been reached. Conversely, no unique technique or idea included in a prospective Client's specifications during the proposal or cost estimate process may be offered to other prospective Clients by the Practitioner without the originating Client's approval.

## THE RESEARCH PROCESS

### Conclusions clearly and adequately supported by data

*Go to Summary*



**AMSRS 14.** Researchers must not knowingly allow the dissemination of conclusions from a market research project that are not adequately supported by the data. They must always be prepared to make available the technical information necessary to assess the validity of any published findings.

**MRS B49** Members must ensure that conclusions disseminated by them are clearly and adequately supported by the data.

**MRS B50** Members must comply with reasonable requests to make available to anyone the technical information necessary to assess the validity of any published findings from a project.

**MRS B54** Members must ensure that data tables include sufficient technical information to enable reasonable interpretation of the validity of the results.

**MRS B55** Members must ensure that reports include sufficient information to enable reasonable interpretation of the validity of the results.

**ADM ESOMAR 11(c)** Researchers shall always be prepared to make available the technical information necessary to assess the validity of any published findings.

**CASRO III A.** When reports are being prepared for Client confidential or public release purposes, it is the obligation of the Research Organization to insure that the findings they release are an accurate portrayal of the survey data, and careful checks on the accuracy of all figures are mandatory.

**MRIA 9.** a) Researchers must not knowingly allow the dissemination of conclusions from a marketing research project which are not adequately supported by the data. They must always be prepared to make available the technical information necessary to assess the validity of any published findings:

b) This entails that:

1) Members must recommend those techniques and methodologies which are appropriate to the objectives of the research, avoiding those which they believe may give misleading results.

2) Members must not provide, or allow without protest, interpretations of the research that are inconsistent with the data.

3) Members must not present research results with greater confidence than the data warrant. Instead, as responsible professionals, members must point out the relevant limitations of the research. This includes but is not limited to the following guidelines:

i) Disclosing relevant potential sources of error, both sampling and non sampling (e.g. response, non-response, measurement, coverage, etc.).

ii) Being cautious and explicit about the assumptions made about data accuracy when employing quota or stratification methods with probability samples.

iii) Refraining from making statements about margins of sampling error on population estimates when probability samples are not used.

## Facts and Interpretation

*Go to Summary*



**AMSRS 26.** When reporting on the results of a market research project the Researcher must make a clear distinction between the findings as such, the Researcher's interpretation of these, and any recommendations based on them.

**MRS B56** Members must ensure that reports and presentations clearly distinguish between facts and interpretation.

**MRS B58** Members must ensure that qualitative reports and presentations accurately reflect the findings of the project in addition to the interpretations and conclusions.

**ADM/ESOMAR 11(a)** When reporting on the results of a market research project, researchers shall make a clear distinction between the findings, the researchers' interpretation of these findings, and any recommendations based on them.

**MRIA 8.** When reporting on the results of a marketing research project, the Researcher must make a clear distinction between the findings as such, the Researcher's interpretation of these and any recommendations based on them.

## Data Security

*Go to Summary*



**AMSRS 13.** Researchers must ensure the security of all research records in their possession.

**MRS B62** Members must take reasonable steps to ensure that all hard copy and electronic lists containing personal data are held, transferred and processed securely in accordance with the relevant data retention policies and/or contractual obligations.

**MRS B63** Members must take reasonable steps to ensure that all parties involved in the project are aware of their obligations regarding security of data.

**MRS B64** Members must take reasonable steps 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.

**ADM-ESOMAR 7d** Researchers shall ensure that adequate security measures are employed in order to prevent unauthorised access, manipulation to or disclosure of the personal data.

If personal data are transferred to third parties, it shall be established that they employ at least an equivalent level of security measures.

**ADM-ESOMAR 7f** Particular care shall be taken to maintain the data protection rights of individuals when personal data are transferred from the country in which they are collected to another country.

When data processing is conducted in another country, all reasonable steps shall be taken to ensure that adequate security measures are observed and that the data protection principles of this Code are respected.

**MRIA 30.**

(a) Researchers must ensure the security of all research records in their possession.

(b) The Researcher must conform to current agreed professional practice relating to the keeping of such records for an appropriate period of time, as defined in points (c) and (d) below, after the end of the project. On request, the Researcher must supply the Client with duplicate copies of such records provided that such duplicates do not breach anonymity and confidentiality requirements; that the request is made within the agreed time limit for keeping the Records; and that the Client pays the reasonable costs of providing the duplicates.

(c) Technical data must be maintained on all studies for a period of three years, so that if requested, the study can be replicated.

(d) Primary and secondary records are the property of the Practitioner. The Practitioner is entitled to destroy primary records one year from the end of the fieldwork (providing secondary records are adequate to enable reconstruction of the results) and to destroy secondary records two years from the end of the fieldwork without reference to the Client. If the Client wishes, exceptions to this, the Client must make special arrangements, in writing with the Practitioner. The method of destruction must maintain Client confidentiality and Respondent anonymity. The Practitioner must provide reasonable access for the Client, on non-syndicated studies, to the completed questionnaires or data forms and to any tapes/discs, provided the Client bears the reasonable cost of preparing any duplicates and masking the identity of Respondents.

**See also additional CASRO rules on Internet Research**

## Non-Research Activities

*Go to Summary*



**AMSRS 15.** When acting in their capacity as Researchers the latter must not undertake any non-research activities, for example database marketing, involving data about individuals which will be used for direct marketing and promotional activities. Any such non-research activities must always, in the way they are organised and carried out, be clearly differentiated from market research activities.

**MRS B48** Members must adhere to the rules in the separate regulations, *Using Research Techniques for Non-Research Purposes*, when conducting exercises which are for purposes in addition to, or other than, research.

**ADM /ESOMAR 1b** Market research shall be clearly distinguished and separated from non-research activities including any commercial activity directed at individual respondents (e.g. advertising, sales promotion, direct marketing, direct selling etc.).

**ADM Declaration 5:** Scientific studies in market, opinion and social research shall be differentiated from other activities with regard to organisational and technical aspects and clearly recognizable. They may not be combined with activities which are not scientific research. The necessity of this differentiation is relevant in particular towards all activities of direct marketing, advertising and sales promotion.

Only such activities may be designated as market, opinion and social research which Declaration for the Territory of the Federal Republic of Germany concerning the ICC/ESOMAR International Code of Market and Social Research demonstrably meet the requirements on scientific research – including applied scientific research – in order to avoid a misleading.

**MRIA 19 (b)** Marketing research must not be used to solicit money, to sell products under any circumstances, or to compile mailing lists. Marketing research companies

may not conduct telemarketing or other sales activities using their marketing research name.

(c) When acting in their capacity as Researchers, Researchers must not undertake any non-research activities, for example, database marketing involving data about individuals which will be used to direct marketing and promotional activities. Any such non-research activities must always, in the way they are organized and carried out, be clearly differentiated from marketing research activities.

## Interview Times

*Go to Summary*



**MRS B20** Calls for face to face in home interviews and calls to household landline telephone numbers or mobile telephone numbers (including text messages) must not be made before 9am Monday to Saturday, 10am Sunday or after 9pm any day, unless by appointment.

**CASRO I B 2d.** Research Organizations are responsible for arranging interviewing times that are convenient for respondents.

**MRIA 15.** When appropriate, appointments for interviews should be made in advance when conducting interviews with representatives of organizations.

## Data collection

*Go to Summary*



**MRS B14** Members must take reasonable steps to ensure all of the following:

- that the data collection process is fit for purpose and Clients have been advised accordingly
- that the design and content of the data collection process or instrument is appropriate for the audience being researched;
- that Respondents are able to provide information in a way that reflects the view they want to express, including don't know/ prefer not to say where appropriate;
- that Respondents are not led towards a particular point of view;
- that responses are capable of being interpreted in an unambiguous way;
- that personal data collected are relevant and not excessive.

**MRS B16** Members must not knowingly make use of personal data collected illegally.

**ADM-ESOMAR 7c** Personal information collected and held in accordance with this Code shall be:

- - collected for specified research purposes and not used in any manner incompatible with these purposes;
- - adequate, relevant and not excessive in relation to the purpose of the research for which they are collected and/or further processed; and
- - preserved no longer than is required for the purpose for which the information was collected or further processed.

...

**ADM-ESOMAR 7(a)** Researchers shall have a privacy policy which is readily accessible to respondents from whom they are collecting data.

## Incentives

*Go to Summary*



**MRS B25** Where incentives are offered, Members must clearly inform the Respondent who will administer the incentive.

MRS B26 Client goods or services, or vouchers to purchase client goods or services, must not be used as incentives in a research project.

## Product testing

*Go to Summary*



**MRIA 20(b)** No Respondent should be pressured into testing products which he or she does not want to try. Product information such as ingredient lists and instructions including a company name and telephone number must be available to Respondents. If applicable, Respondents must be screened prior to the research for any conditions, including allergies, which would preclude their participation.

(c) For product evaluations involving the consumption of alcoholic beverages, Researchers must comply with the ASTM Standard Guide for Sensory Evaluation of Beverages Containing Alcohol (E1879).

## Data Retention

*Go to Summary*



**AMSRS 22.** The Researcher must conform to currently agreed professional practice relating to the keeping of such records for an appropriate period of time after the end of the project. On request the Researcher must supply the Client with duplicate copies of such records provided that such duplicates do not breach anonymity and confidentiality requirements (Rule 4); that the request is made within the agreed time limit for keeping the records; and the Client pays the reasonable costs of providing the duplicates.

**See also Data Security**

## Internet Research

*Go to Summary*



### **CASRO I 3.** Internet Research

The unique characteristics of Internet research require specific notice that the principle of respondent privacy applies to this new technology and data collection methodology. The general principle of this section of the Code is that survey Research Organizations will not use unsolicited emails to recruit survey respondents or engage in surreptitious data collection methods. This section is organized into three parts: (A) email solicitations, (B) active agent technologies, and (C) panel/sample source considerations.

#### **a.** Email Solicitation

(1) Research Organizations are required to verify that individuals contacted for research by email have a reasonable expectation that they will receive email contact for research. Such agreement can be assumed when ALL of the following conditions exist:

- a. A substantive pre-existing relationship exists between the individuals contacted and the Research Organization, the Client supplying email addresses, or the Internet Sample Providers supplying the email addresses (the latter being so identified in the email invitation);
- b. Survey email invitees have a reasonable expectation, based on the pre-existing relationship where survey email invitees have specifically opted in for Internet research with the research company or Sample Provider, or in the case of Client-supplied lists that they may be contacted for research and invitees have not opted out of email communications;
- c. Survey email invitations clearly communicate the name of the sample provider, the relationship of the individual to that provider, and clearly offer the choice to be removed from future email contact.
- d. The email sample list excludes all individuals who have previously requested removal from future email contact in an appropriate and timely manner.
- e. Participants in the email sample were not recruited via unsolicited email invitations.

(2) Research Organizations are prohibited from using any subterfuge in obtaining email addresses of potential respondents, such as collecting email addresses from public domains, using technologies or techniques to collect email addresses without individuals' awareness, and collecting email addresses under the guise of some other activity.

(3) Research Organizations are prohibited from using false or misleading return email addresses or any other false and misleading information when recruiting respondents. As stated later in this Code, Research Organizations must comply with all federal regulations that govern survey research activities. In addition, Research Organizations should use their best efforts to comply with other federal regulations that govern unsolicited email contacts, even though they do not apply to survey research.

(4) When receiving email lists from Clients or Sample Providers, Research Organizations are required to have the Client or Sample Provider verify that individuals listed have a reasonable expectation that they will receive email contact, as defined, in (1) above.

(5) The practice of "blind studies" (for sample sources where the sponsor of the study is not cited in the email solicitation) is permitted if disclosure is offered to the respondent during or after the interview. The respondent must also be offered the opportunity to "opt-out" for future research use of the sample source that was used for the email solicitation.

(6) Information about the CASRO Code of Standards and Ethics for Survey Research should be made available to respondents.

#### **b. Active Agent Technology**

(1) Active agent technology is defined as any software or hardware device that captures the behavioral data about data subjects in a background mode, typically running concurrently with other activities. This category includes tracking software that allows Research Organizations to capture a wide array of information about data subjects as they browse the Internet. Such technology needs to be carefully managed by the research industry via the application of research best practices.

Active agent technology also includes direct to desktop software downloaded to a user's computer that is used solely for the purpose of alerting potential survey respondents, downloading survey content or asking survey questions. A direct to desktop tool does not track data subjects as they browse the Internet and all data collected is provided directly from user input.

Data collection typically requires an application to download onto the subjects' desktop, laptop or PDA (including personal wireless devices). Once downloaded, tracking software has the capability of capturing the data subject's actual experiences when using the Internet such as Web page hits, web pages visited, online transactions completed, online forms completed, advertising click-through rates or impressions, and online purchases.

Beyond the collection of information about a user's Internet experience, the software has the ability to capture information from the data subject's email and other documents stored on a computer device such as a hard disk. Some of this technology has been labeled "spyware," especially because the download or installation occurs without the data subject's full knowledge and specific consent. The use of spyware by a member of CASRO is strictly prohibited.

A cookie (defined as a small amount of data that is sent to a computer's browser from a web server and stored on the computer's hard drive) is not an active agent. The use of cookies is permitted if a description of the data collected and its use is fully disclosed in a Research Organizations' privacy policy.

(2) Following is a list of unacceptable practices that Research Organizations should strictly forbid or prevent. A Research Organization is considered to be using spyware when it fails to adopt all of the practices in set forth in Section 3 below or engages in any in the following practices:

- a. Downloading software without obtaining the data subject's informed consent.
- b. Downloading software without providing full notice and disclosure about the types of information that will be collected about the data subject, and how this information may be used. This notice needs to be conspicuous and clearly written.
- c. Collecting information that identifies the data subject without obtaining affirmed consent.
- d. Using keystroke loggers without obtaining the data subject's affirmed consent.
- e. Installing software that modifies the data subject's computer settings beyond that which is necessary to conduct research providing that the software doesn't make other installed software behave erratically or in unexpected ways.
- f. Installing software that turns off anti-spyware, anti-virus, or anti-spam software.
- g. Installing software that seizes control or hijacks the data subject's computer.
- h. Failing to make commercially reasonable efforts to ensure that the software does not cause any conflicts with major operating systems and does not cause other installed software to behave erratically or in unexpected ways.
- i. Installing software that is hidden within other software that may be downloaded.

- j. Installing software that is difficult to uninstall.
- k. Installing software that delivers advertising content, with the exception of software for the purpose of ad testing.
- l. Installing upgrades to software without notifying users
- m. Changing the nature of the active agent program without notifying user
- n. Failing to notify the user of privacy practice changes relating to upgrades to the software

(3) Following are practices Research Organizations that deploy active agent technologies should adopt. Research Organizations that adopt these practices and do not engage in any of the practices set forth in Section 2 above will not be considered users of spyware.

a. Transparency to the data subject is critical. Research companies must disclose information about active agents and other software in a timely and open manner with each data subject. This communication must provide details on how the Research Organization uses and shares the data subject's information.

i. Only after receiving an affirmed consent or permission from the data subject or parent's permission for children under the age of 18, should any research software be downloaded onto the individual's computer or PDA.

ii. Clearly communicate to the data subject the types of data if any, that is being collected and stored by an active agent technology.

iii. Disclosure is also needed to allow the data subject to easily uninstall research software without prejudice or harm to them or their computer systems.

iv. Personal information about the subject should not be used for secondary purposes or shared with third parties without the data subject's consent.

v. Research Organizations are obligated to ensure that participation is a conscious and voluntary activity. Accordingly, incentives must never be used to hide or obfuscate the acceptance of active agent technologies.

vi. Research Organizations that deploy active agent technologies should have a method to receive queries from end-users who have questions or concerns. A redress process is essential for companies if they want to gauge audience reaction to participation on the network.

vii. On a routine and ongoing basis, consistent with the stated policies of the Research Organization, data subjects who participate in the research network should receive clear periodic notification that they are actively recorded as participants, so as to insure that their participation is voluntary. This notice should provide a clearly defined method to uninstall the Research Organization's tracking software without causing harm to the data subject.

b. Stewardship of the data subject is critical. Research companies must take steps to protect information collected from data subjects.

i. Personal or sensitive data (as described in the [Personal Data Classification Appendix](#)) should not be collected. If collection is unavoidable, the data should be destroyed immediately. If destruction is not immediately possible, it: (a) should receive the highest level of data security and (b) should not be accessed or used for any purpose.

ii. Research Organizations have an obligation to establish safeguards that minimize the risk of data security and privacy threats to the data subject.

iii. It is important for Research Organizations to understand the impact of their technology on end-users, especially when their software downloads in a bundle with other comparable software products.

iv. Stewardship also requires the Research Organization to make commercially reasonable efforts to ensure that these "free" products are also safe, secure and do not cause undue privacy or data security risks.

v. Stewardship also requires a Research Organization that deploys active agent technologies to be proactive in managing its distribution of the software. Accordingly, companies must vigorously monitor their distribution channel and look for signs that suggest unusual events such as high churn rates.

vi. If unethical practices are revealed, responsible research companies should strictly terminate all future dealings with this distribution partner.

**c. Panel/Sample Source Considerations**

The following applies to all Research Organizations that utilize the Internet and related technologies to conduct research.

(1) The Research Organization must:

- a. Disclose to panel members that they are part of panel.
- b. Obtain panelist's permission to collect and store information about the panelist.
- c. Collect and keep appropriate records of panel member recruitment, including the source through which the panel member was recruited.
- d. Collect and maintain records of panel member activity.

(2) Upon Client request, the Research Organization must disclose:

- a. Panel composition information (including panel size, populations covered, and the definition of an active panelist).
- b. Panel recruitment practice information.
- c. Panel member activity.
- d. Panel incentive plans.
- e. Panel validation practices.
- f. Panel quality practices.
- g. Aggregate panel and study sample information (this information could include response rate information, panelist participation in other research by type and timeframe, see Responsibilities in Reporting to Clients and the Public).
- h. Study related information such as email invitation(s), screener wording, dates of email invitations and reminders, and dates of fieldwork.

(3) Stewardship of the data collected from panelists is critical:

- a. Panels must be managed in accordance with applicable data protection laws and regulations.
- b. Personal or sensitive data should be collected and treated as specified in the Personal Data Classification Appendix.
- c. Upon panelist request, the panelist must be informed about all personal data (relating to the panelist that is provided by the panelist, collected by an active agent, or otherwise obtained by an acceptable method specified in a Research Organization's privacy policy) maintained by the Research Organization. Any personal data that is indicated by panel member as not correct or obsolete must be corrected or deleted as soon as practicable.

(4) Panel members must be given a straightforward method for being removed from the panel if they choose. A request for removal must be completed as soon as practicable and the panelist must not be selected for future research studies.

(5) A privacy policy relating to use of data collected from or relating to the panel member must be in place and posted online. The privacy policy must be easy to find and

use and must be regularly communicated to panelists. Any changes to the privacy policy must be communicated to panelists as soon as possible.

(6) Research Organizations should take steps to limit the number of survey invitations sent to targeted respondents by email solicitations or other methods over the Internet so as to avoid harassment and response bias caused by the repeated recruitment and participation by a given pool (or panel) of data subjects.

(7) Research Organizations should carefully select sample sources that appropriately fit research objectives and Client requirements. All sample sources must satisfy the requirement that survey participants have either opted-in for research or have a reasonable expectation that they will be contacted for research.

(8) Research Organizations should manage panels to achieve the highest possible research quality. This includes managing panel churn and promptly removing inactive panelists.

(9) Research Organizations must maintain survey identities and email domains that are used exclusively for research activities.

(10) If a Research Organization uses a sample source (including a panel owned by the Research Organization or a subcontractor) that is used for both survey research and direct marketing activities, the Research Organization has an obligation to disclose the nature of the marketing campaigns conducted with that sample source to Clients so that they can assess the potential for bias.

(11) All data collected on behalf of a Client must be kept confidential and not shared or used on behalf of another Client (see also Responsibilities to Clients).

#### (4) Privacy Laws and Regulations

a. Research Organizations must comply with existing state, federal, and international statutes and regulations governing privacy, data security, and the disclosure, receipt and use of personally-identifiable information (collectively "Privacy Laws"). Some of the Privacy Laws affecting Survey Research are limited to specific industries (e.g., financial and health care industries), respondent source (e.g., children), and/or international venues.

b. In instances in which privacy laws apply to Survey Research operations for specific industries or respondent source, Research Organizations will:

(1) Always enter into a confidentiality or “chain of trust” agreement when receiving and using legally-protected, personally-identifiable information from a source other than the data subject, insuring that the Research Organization will protect the information and only use it for the purposes specified in the agreement;

(2) Always require subcontractors and other third parties to whom they disclose personally-identifiable information to enter into confidentiality or “chain of trust” agreements that require such party(ies) to provide the same level of security and limitations of use and disclosure as the Research Organization;

(3) Always store or maintain personally-identifiable information in a verifiably secure location;

(4) Always control and limit accessibility to personally-identifiable information;

(5) Always use reasonable efforts to destroy personally-identifiable information once the survey is complete and validation has been conducted, unless the personally-identifiable information relates to Respondents in panels, to ongoing studies, or for some other critical research reason, or the research Client is legally or contractually obligated to require its service providers to maintain such information for a certain period of time and contractually imposes this requirement on the Research Organization;

(6) Never knowingly receive, use or disclose personally-identifiable information in a way that will cause the Research Organization or another party to violate any Privacy Law or agreement.

c. In order to conduct international research that requires either transmitting or receiving personally-identifiable information of Respondents, Research Organizations must comply in all material respects with international privacy laws and regulations, by, in the case of data transfers with a person or entity in the European Union, either (i) certifying their compliance with the privacy provisions described in the United States Safe Harbor Principles of the European Union Directive on Data Protection or (ii) satisfying an alternative method of complying in all material respects with the Directive. The EU Safe Harbor privacy principles are contained in the CASRO Model Privacy Policy and are as follows:

(1) Notice: A description of what information is collected, how it is collected, its purpose, and its disclosure to third parties.

(2) Choice: A statement of and procedures for allowing individuals to choose not to participate in the research and/or to have their personal information used or disclosed to a third party.

(3) Onward Transfer: A statement that personal information will be transferred only to third parties who are also in compliance with the Safe Harbor Principles.

(4) Access: Procedures to provide individuals with access to their personal information in order to correct, amend, or delete that information where it is inaccurate.

(5) Security: A description of the reasonable precautions taken to protect personal information from loss, misuse and unauthorized access, disclosure, alteration, and destruction.

(6) Data Integrity: A statement that information will be used consistent with the purpose for which it was collected.

(7) Enforcement: A description of internal and external mechanisms for assuring compliance, and addressing and resolving disputes and complaints.

d. Research Organizations will, to the extent required by law or as necessary to fully and completely comply with the principles set forth in the section of this Code entitled Responsibilities to Respondents, adopt effective and comprehensive legal and operational policies, such as those set forth in CASRO's Privacy Protection Program, which will be updated as necessary to conform with additions to and changes in Privacy Laws.

## **MRIA**

1. Respondent cooperation must be a voluntary and informed choice

### Voluntary Participation

1.1 Survey Respondents' co-operation must at all times be voluntary. Personal information must not be sought from, or about, Respondents without their prior knowledge and agreement.

### Misleading and Deceptive Statements

1.2 In obtaining the necessary agreement from Respondents, the Researcher must not mislead them about the nature of the research or the uses which will be made of the

findings. In particular, the Researcher must avoid deceptive statements that would be harmful or create a nuisance to the Respondent.

#### Use of Survey Information

1.3 Survey introductions or a survey description to which a link has been provided must assure Respondents that data will be collected only for research purposes. Any other purpose, such as rectifying a specific customer complaint, must have the proven express consent of the respondent. Researchers must not under any circumstances use personal information for direct marketing or other sales approaches to the respondent.

#### Duration of the Online Survey

1.4 For surveys completed on-line, respondents should be informed, at the beginning of the survey, about the length of time the questionnaire is likely to take to complete under normal circumstances.

#### E-mail Invitations to Respond

1.5 Researchers should reduce any inconvenience or irritation their e-mail invitations might cause the recipient by clearly stating its purpose in the first sentence and keeping the total message as brief as possible.

#### Links to Privacy and Cookie Policies

1.6 Any links to data protection, privacy policy or cookie policy statements should be given at the start of the questionnaire.

## 2. Researcher's identity and list sources must be disclosed

#### Disclosure of the Identity of the Researcher

2.1 Respondents must be told the identity of the Researcher carrying out the project and given contact information so that they can, without difficulty, recontact the Researcher should they wish to do so.

#### Providing Information about Research Agency/Sponsor

2.2 Respondents must be given the opportunity to find out more about the research agency or sponsor carrying out the study, by giving them the name of the organization together with contact information (postal address, telephone number, agency's website or e-mail address) or a registration number and the MRIA's toll-free telephone number

for any research registered in the MRIA's Research Registration System. A corresponding hyperlink is recommended for this purpose.

#### Disclosure of Client

2.3 For customer database surveys, the identity of the Client must be revealed.

#### Disclosure of List Sources

2.4 Where lists are used for sample selection, the source of the list must be disclosed. Researchers should ensure that lists are permission-based for research purposes and that the data are current.

3. Respondent's anonymity must be protected

#### Protection of Respondent Anonymity and Use of Information

3.1 The anonymity of Respondents in consumer research must always be preserved unless they have given their informed and express consent to the contrary. If these Respondents have given permission for data to be passed on in a form which allows them to be personally identified, the Researcher must ensure that the information will be used for research purposes only, OR, if requested, to rectify a customer complaint. Such personally identified information must not be used for subsequent nonresearch purposes such as direct marketing, list-building, credit rating, fund-raising or other marketing activities relating to those individual Respondents.

4. The use of unsolicited email for consumer research is prohibited

#### Unsolicited E-mail

4.1 Researchers must not use unsolicited e-mail to invite consumers to participate in research. Researchers must verify that consumers contacted for research by email have a reasonable expectation that they will receive email contact for research, irrespective of the source of the list (i.e. Client, list owner, etc.). Such agreement can be assumed when the following conditions exist:

1. A substantive pre-existing relationship exists between the individuals contacted and the research organization, the Client, or the list owners contracting the research (the latter being so identified);

2. Individuals have a reasonable expectation, based on the pre-existing relationship, that they may be contacted for research;

3. Individuals are offered the choice to be removed from future email contact in each invitation; and,

4. The invitation list excludes all individuals who have previously taken the appropriate and timely steps to request the list owner to remove them.

#### Business-to-Business Research

4.2 Unsolicited survey invitation emails may be sent to business-to-business research Respondents provided that Researchers comply with points 3 and 4 in clause 4.1 above, as well as the anti-spam policies of their Internet service providers and email service providers.

#### Collection of E-mail Addresses

4.3 Research organizations are prohibited from using any subterfuge in obtaining email addresses of potential respondents, such as collecting email addresses from public domains, using technologies or techniques to collect email addresses without individuals' awareness, and collecting email addresses under the guise of some other activity. 27

#### Data Collection and Recruitment Techniques

4.4 Researchers must not make use of surreptitious, misleading or unsolicited data collection or recruitment techniques – including using agents that collect personal information without the Respondent's explicit awareness, spamming, scamming or baiting Respondents.

#### Misleading E-mail Return Addresses

4.5 Research organizations are prohibited from using false or misleading return email addresses, including spoofing the 'from' label of email messages, when recruiting Respondents over the Internet.

#### Opt-out

4.6 A Respondent must be able to refuse participation in the survey via a suitable option, and to refuse further contact by email in connection with the survey.

#### 5. Online panel and website recruitment practices

## Online Panels

5.1 When recruiting members for an online panel, it must be expressly pointed out to them that their personal contact information, as well as various selection criteria, will be stored by the research agency for the purpose of further surveys.

Furthermore it must be pointed out that members can discontinue participation at any time and can ask that these data be deleted.

## Website Recruitment of Respondents

5.2 Where visitors to a particular website are asked to take part in a survey, care should be taken to ensure that visitors who do not wish to take part are not inconvenienced (e.g. through a pop-up window that interrupts a task).

## 6. Privacy Disclosure of Privacy Policies

6.1 Canadian organizations that collect personal information are required by law to have a privacy policy. Marketing Research and Intelligence Association members carrying out research on the Internet should post their privacy policy on their website, with a Privacy hyperlink from every page of the website. The order and wording of the published privacy statement is a matter for each member to decide according to its specific circumstances. The MRIA Privacy Protection Handbook includes a sample corporate privacy policy. An example of a privacy statement for Internet research is given in Appendix A.

### Respondent's E-mail address is Personal Information

6.2 A Respondent's email address is personal information and must be protected in the same way as other identifiers.

### Disclosure of the Use of Cookies, Log Files or Software

6.3 Researchers must have a readily accessible policy statement concerning the use of cookies, log files and, if applicable, software. This statement may be either included in their privacy policy or it may appear in a separate document. Software must not be installed on Respondents' computers without their knowledge or consent. In addition, Respondents must be able to remove the Researcher's software easily from their machines (e.g. for Windows users, the software must appear in the Add/Remove Programs folder in their Control Panel).

## Deletion of Respondent's Record

6.4 Respondents are entitled to ask that part or all of the record of their interview be destroyed or deleted and the Researcher should conform to any such request where reasonable.

## 7. Data security

### Protection of Data

7.1 Researchers must use up-to-date technologies to protect the personal data collected or stored on websites or servers. In particular, panel registration pages, and online surveys that collect sensitive personal information, must use Secure Socket Layer (SSL) or an equivalent level of protection.

### Temporary Storage of Data on Servers

7.2 If the temporary storage of the data collected takes place on a server that is operated by a provider, the research agency must place the provider under the obligation to take the necessary technical precautions to ensure that third parties cannot access the data on the server or during data transfer. Temporary storage of the collected data on the server must be terminated at the earliest possible time.

### Transmission of Data Internationally

7.3 Before data is sent over the Internet to another country, Researchers must check with competent authorities that the data transfer is permissible. The recipient may need to provide safeguards necessary for the protection of the data.

### Disclosure of Respondents' Emails in Batch Transfers

7.4 Researchers must have adequate safeguards in place to ensure that when emails are sent in batches, the addresses of the respondents are not revealed.

## 8. Interviewing Children and Young People

Children may be familiar with using the Internet but research has found them to be naïve and trusting, happily disclosing information about themselves or their households without realizing the implications of doing so. Parent groups, consumer groups and legislators are particularly concerned about potential exploitation of children on the

Internet and it is for this reason that guidelines place greater burdens on Researchers than would be the case in adult research.

NOTE TO PROPOSED GUIDELINES: THESE GUIDELINES PROPOSE RAISING THE AGE OF

CHILDREN WHO CAN BE INTERVIEWED WITHOUT PARENTAL CONSENT FROM 12 YEARS

(CURRENTLY REFLECTED IN THE PMRS AND CAMRO GUIDELINES) TO 13 YEARS. THIS

INCREASE IN AGE BRINGS THE PROPOSED GUIDELINES IN LINE WITH THE COPPA

(CHILDREN'S

ONLINE PRIVACY PROTECTION ACT) IN THE US. IN ORDER TO RECOGNIZE THE

INVESTMENT

AND EFFORT SOME RESEARCH ORGANIZATIONS HAVE MADE IN RECRUITING CHILDREN

AGED

UNDER 13 YEARS INTO THEIR PANELS, WE PROPOSE THAT THIS MINIMUM AGE

GUIDELINE

SHOULD BECOME EFFECTIVE ONE YEAR AFTER THE BALANCE OF THE GUIDELINES HAVE

BEEN ENACTED. (THE NET EFFECT BEING THAT ALL PANELISTS AGED 12 YEARS

WOULD THEN

BE AGED 13 YEARS).

Observation of Laws and National Codes

8.1 Researchers must observe all relevant laws and national codes specifically relating to children and young people although it is recognized that the identification of children and young people is not possible with certainty on the Internet at this time.

Conformance to Industry Guidelines

8.2 Researchers must use their best endeavours to ensure that they conform to the requirements of this guideline, for example by introducing special contacting procedures to secure the permission of a parent, legal guardian, or other responsible adult before carrying out an interview with children under 13. Where necessary Researchers should consult the MRIA for advice.

## Adult Consent

8.3 Permission of a responsible adult must be obtained before interviewing children under the age of 13 years.

## Consent

8.4 Researchers must ensure that the principle of consent is met, so if Internet research is conducted, special measures must be taken to ensure verifiable and explicit consent.

## Process for Obtaining Consent: Online Panels or Other Approved Lists

8.5 In cases where interviews with children of adult online panelists or children of other online list members are desired, the following measures must be implemented:

1. The e-mail invitation to the adult panelist or list member must contain the following:
  - a. A notice stipulating that the online survey is intended for the child within the household.
  - b. Name and contact details of the agency/agencies.
  - c. The nature of the data to be collected from the child.
  - d. An explanation of how the data will be used.

## Process for Obtaining Consent: Recruiting Children from Websites

8.6 In cases where children are being recruited from websites, the following measures must be implemented:

1. For websites aimed at children, a notice to children, informing them of the requirement for adult consent must be shown at the beginning of the survey. This notice should be clear and prominent and must include an explanation of the subject matter and nature of the research and details of the agency undertaking it, with contact information. To obtain consent, the notice must request the adult's contact information (e.g. email address). It must also refer to the fact that consent will be verified.
2. Questionnaires on websites aimed at children must require a child to give their age before any other information is requested. If the age given is less than 13 years, the

child must be excluded from giving further information until the appropriate consent has been obtained.

3. For websites aimed at adults, a notice to parent or guardian, seeking their consent for their child to be asked to participate in the research, must be posted on the website.

This notice must include:

- a. A heading explaining that this is a notice for parents.
- b. Name and contact details of the agency/agencies and the name of the Client (if the Client agrees).
- c. The nature of the data to be collected from the child.
- d. An explanation of how the data will be used.
- e. A description of the procedure for giving and verifying consent.
- f. A request for a parent's contact e-mail address, address or phone number for verification of consent.

#### Parent Contact Details

8.7 It is permissible to ask children to provide contact details for their parents in order for consent to be sought as long as this purpose is made clear in the request for information.

#### Acceptable Forms of Consent for Classic Research

8.8 Where personal information collected from children will only be used for classic research purposes and no personal data will be passed on for any other purpose, a return e-mail from parent or guardian giving their consent is acceptable, as long as additional steps are taken to ensure that the consent actually came from a parent — for example, following up with an e-mail, letter or phone call.

#### Situations When Parental Consent Is NOT Required

8.9 Prior parental consent will not be required to:

1. Collect a child's or parent's e-mail address solely to provide notice of data collection and request consent.

2. Collect a child's age for screening and exclusion purposes. If this screening leads to the decision that a child does qualify for interview, parental consent must then be sought to continue with the interview.

#### E-mails to Children

8.10 E-mail communications must not be addressed to children without verifiable and explicit prior consent.

#### Types of Information Collected

8.11 Personal information relating to other people (for example, parents) must not be collected from children.

#### Sensitive Questions

8.12 Asking questions on topics generally regarded as sensitive should be avoided wherever possible and in any case handled with extreme care.

#### Policies Must Be Understandable

8.13 All data protection, privacy policy, consent and other notices must be capable of being understood by children.

## Mystery Shopping

*Go to Summary*



**MRS B43** For mystery shopping of a Client's own organisation, Members must take reasonable steps to ensure that:

- the Client's employees have been advised by their employer that their service delivery may be checked through mystery shopping; and
- the objectives and intended uses of the results have been made clear by the employer to staff (including the level of reporting if at branch/store or individual level); and
- if mystery shopping is to be used in relation to any employment terms and conditions, that this has been made clear by the employer.

**MRS B44** Since competitors' employees cannot be advised that they may be mystery shopped, Members must ensure that their identities are not revealed. Members must ensure that employees are not recorded (e.g. by using audio, photographic or video equipment). This applies in all instances where employees cannot or have not been advised that they could be mystery shopped.

**MRS B45** Where there is mystery shopping of Client's agents or authorised distributors (as well as any organisations which are responsible to a compliance authority), Members must ensure that:

- the employees to be mystery shopped have been advised by their employer and/or/regulator that their service delivery and/or regulatory compliance may be checked by mystery shopping; and
- the objectives and intended uses of the results have been made clear by the employer and/or regulator (including the level of reporting if at branch/store or individual level); and
- if mystery shopping is to be used in relation to any employment/contractual/regulatory terms and conditions this has been made clear by the employer and/or regulator.

**MRS B46** Members must take reasonable steps to ensure that mystery shoppers are fully informed of the implications and protected from any adverse implications of conducting a mystery shopping exercise.

## OTHER

### Implementation and redress

*Go to Summary*



**ADM ESOMAR 13** Subsequent correction and/or appropriate redress for a contravention of the Code, by the party responsible, is desirable but does not excuse the contravention.

**ADM ESOMAR 14** (a) The Code and the principles enshrined in it, should be adopted and implemented, nationally and internationally, by the relevant local, national or regional self regulatory bodies. The Code should also be applied, where appropriate, by all organisations, companies and individuals involved and at all stages in a market research project.

**ADM ESOMAR 14** (b) Marketers, researchers and clients should be familiar with the Code and with other relevant local self-regulatory documents on market research, and should familiarise themselves with decisions taken by the appropriate self-regulatory body. Requests for interpretation of the principles contained in this Code may be submitted to the ICC Code Interpretation Panel or to the ESOMAR Professional Standards Committee.

## Membership rules

*Go to Summary*



**MRS A4** The use of letters after an individual's name to indicate membership of MRS is permitted only in the case of Fellows (FMRS), Full Members (MMRS) and Associate Members (AMRS). These letters must not be used by any individual not admitted in any of these MRS categories of membership.

**MRS A5** Members must not speak or imply that they speak on behalf of MRS unless they have the written authority of Council or of some duly delegated individual or committee.

**MRIA 6.** Unless authorized by the Executive Director, when talking to the press or media representatives, members should request that their membership in MRIA not be included in any subsequent articles or media reports to avoid their personal views or opinions being confused with those of MRIA.