MRIA’s Revised Code of Conduct and Research Neutrals Advisory Service

January 1, 2015
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MRIA CODE OF CONDUCT FOR MARKET AND SOCIAL RESEARCH

INTRODUCTION - MRIA’s Adoption of ESOMAR Principles

On January 1, 2014, Canada’s Marketing Research and Intelligence Association (MRIA) adopted the International Code on Market and Social Research (the “ESOMAR Code”) as a statement of fundamental principles upon which MRIA’s Code of Conduct for Market and Social Research (“MRIA’S Code” or “this Code”) should be based. ESOMAR is a worldwide association of research professionals. It promotes standards for research and professional ethics endorsed by members in over 130 countries who share and uphold the conviction that market research depends for its success on public confidence – that is carried out honestly, objectively and without unwelcome intrusion or disadvantage to its participants.

The intended and stated purpose of the ESOMAR Code is to foster public confidence and to demonstrate research practitioners’ recognition of their ethical and professional responsibilities in carrying out market research.

The same principles and intentions as advanced by ESOMAR are endorsed by MRIA. In order to harmonize its objectives with the international community of ethical research practitioners, MRIA’s Code, presented here, incorporates language found in the ESOMAR Code¹, modified where and to the extent necessary to reflect the applicable laws and regulations in force in Canada, and the needs and policy decisions of the MRIA Board of Directors.

Market and social research is an important means of communication between the providers and consumers of goods and services of all kinds. The channels available for such research are multiplying, with the development and use of internet-based technologies and other interactive media. Public confidence in market research depends on the integrity, objectivity and respect for participants, with which the research is carried out. The publishing of this Code is intended to foster public confidence and to demonstrate practitioners’ recognition of their ethical and professional responsibilities in carrying out market research.

¹ MRIA has sought and received permission from ESOMAR for the use by MRIA of language originating in the ESOMAR Code.
MRIA’s Code is self-regulatory and intended to reflect the standard of “best practice” in Canada, providing explicit assurance of consumer protection in how the industry interacts with and serves the Canadian public.

MRIA’s Code will come into effect and replace MRIA’s previous Code of Conduct and Good Practices (dated December, 2007) on a date to be announced by MRIA’s Board of Directors. Any differences or distinctions between MRIA’s Code and the ESOMAR Code, or any other Code, will be resolved in favour of the provisions of MRIA’s Code, subject, however, to the applicable laws and regulations in force in Canada, its provinces and territories, which in all cases will prevail.
PURPOSE OF MRIA’S CODE

This Code is intended to fulfill the following objectives within a framework for self-regulation:

- To set out the ethical rules which researchers who are members of MRIA shall follow;
- To enhance the public’s confidence in market research by emphasizing the rights and safeguards to which the public may be entitled under this Code;
- To emphasize a researcher’s special responsibility when seeking the opinions of children, young people, or people with a functional cognitive disability;
- To provide an effective procedure for receiving, processing and adjudicating complaints alleging infractions and/or violations of MRIA’s Code;
- To safeguard freedom for researchers to seek, receive and impart information as a matter of right;
- To minimize the need for governmental and/or intergovernmental legislation or regulation, with respect to industry practice and activities.

FUNDAMENTALS OF MRIA’S CODE

MRIA’S Code is based on these fundamental principles:

1. Researchers shall conform to all relevant laws applicable in and to Canada.

2. Researchers shall behave ethically and shall not knowingly act to diminish the reputation of the industry or the bodies that regulate the industry.

3. Researchers shall take special care when carrying out research among children, young people, and persons with a functional cognitive disability.

4. When the cooperation of market research respondents is being sought, the solicitation must be based on adequate, and not misleading, information about the general purpose and nature of the project, and any undertakings regarding confidentiality or limits of use of the research results shall be honoured.

5. The rights of respondents as private individuals shall be respected by researchers. Respondents shall not knowingly be harmed or adversely affected by researchers as the direct result of cooperating in a market research project.

6. Researchers shall never allow respondents’ personal data collected in the course of a market research project to be used for any other purpose, without the express permission of such respondents.

7. Researchers shall ensure that projects and activities are designed, carried out, reported
and documented accurately, transparently and objectively.

8. Researchers shall conform to generally accepted principles of fair competition.

SCOPE AND APPLICATION OF MRIA’S CODE

MRIA’s Code applies, without limitation, to all market research carried out by market research professionals who are members of MRIA, operating in Canada.

Sections of this Code are fully binding on members of MRIA where the phrasing of a particular section or sentence indicates that an MRIA member “shall” or “must” abide by the procedure or action indicated. Sections or sentences using the word “should” are not intended to be binding but to be advisory in nature and to suggest preferred courses of action.

The Code is subject to all applicable laws, regulations and guidelines in force in Canada.

INTERPRETATION

It is intended that both the spirit and the literal meaning of the language used in MRIA’s Code shall be applied when interpreting its provisions. Continued adherence to MRIA’s Code is a condition of membership of MRIA.

DEFINITIONS

a) Market research (a term used interchangeably in MRIA’s Code with the term “market and social research”) refers, without limitation, to social and opinion research, and means the systematic gathering and interpretation of information about individuals, organizations, or marketplace products and services, using the statistical and analytical methods and techniques of the applied social sciences to gain insight, provide evidence, or support decision making. It explicitly excludes, as being unethical practices which are prohibited by the Code, marketing or selling goods, products or services under the guise of market research.

b) Researcher is defined as any individual or organization carrying out, or acting as a consultant on, a market research project, including those working in client organizations.

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

d) Respondent is defined as any individual or organization from which information is collected for the purposes of a market research project. Provisions of this Code will apply to those approached to participate, whether or not they accept, and also, where logically reasonable, to those who may not be aware at the time that information about them is being collected.
e) **Interview** is defined as any form of contact with a respondent in order to collect information for market research purposes.

f) **Children** are defined as persons under 14 years of age. The consent of a parent, legal guardian or otherwise legally authorized adult is required before interviewing children. In the case of qualitative research, adult consent is required for persons under 16. Persons of any age with any kind of functional cognitive disability shall, for the purposes of this Code, be included in the category of “children” as herein defined.

g) **Functional cognitive disability** refers to noticeable or disclosed limits on a respondent’s ability to comply with the researcher’s instructions or to carry out research-related tasks. The term does not concern itself with medical or behavioural causes of the disability. Functional cognitive disability may reveal itself in the form of deficits or difficulties with memory, attention, reading literacy, verbal comprehension, comprehension of visual material, or comprehension of basic arithmetic tasks, among other comparable deficits or difficulties.

h) **Young people** are defined as persons between 14 and 17 years of age, inclusive. The consent of a parent, legal guardian or otherwise legally authorized adult is recommended before interviewing young people. In the case of qualitative research, adult consent is required for persons under 16.

i) **Mystery Shopping** is defined as a type of observational study where someone is sent in person into a business location to act, or someone acts by some other means or device such as by telephone or online, in the role of a customer to evaluate the performance of a business or an employee according to a structured protocol.

j) **Trier of fact** is defined as a professional appointed to oversee and render a judgment in a dispute resolution process, such as a judge, regulator, arbitrator, tribunal member or member of a complaint adjudication panel.

ARTICLES

**ARTICLE 1 - BASIC PRINCIPLES**

a) Market research shall be legal, truthful and objective and be carried out in accordance with established and appropriate scientific principles.

b) Researchers shall not knowingly act in a manner that could bring discredit to the market research profession or lead to a loss of public confidence in it.

c) Market research shall be conducted with professionalism and ethics, and conform to the generally accepted principles of fair competition.

d) Market research activities shall be clearly distinguishable and separate from non-research activities.
Examples of non-research activities include, but are not limited to, any commercial activity directed at individual respondents, such as advertising, sales promotion, direct marketing, direct selling.

ARTICLE 2 – HONESTY

a) Market research shall not abuse the trust of respondents or exploit their lack of experience or knowledge.

b) Researchers shall not make false statements about their skills, experience or activities, or about those of their organization.

c) A researcher shall not state or imply, under any circumstance, that the researcher’s views or opinions are ones endorsed by MRIA, unless explicitly authorized by MRIA’s Board of Directors or its Chief Executive Officer. Researchers shall promptly send correction notices to any media representative or organization that incorrectly presents the researcher’s views as being those of MRIA.

ARTICLE 3 – PROFESSIONAL RESPONSIBILITY

a) Respondents’ co-operation in a market research project is entirely voluntary at all stages. They shall not be misled to believe otherwise when being asked for their co-operation.

b) 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.

c) Researchers shall not, without reasonable, evidence-based justification, publicly criticize the work of other researchers.

d) Researchers shall not make false statements about the skills, experience or activities of another researcher or research organization.

ARTICLE 4 – TRANSPARENCY

a) When soliciting cooperation of respondents, researchers shall promptly identify themselves and state the purpose of the research except when the nature of the research is "mystery shopping".

b) Where applicable, respondents shall be able to check the identity and bona fides of the researcher without difficulty.

c) Researchers shall, on request, allow the client to arrange for checks on the quality of data collection and data preparation.

d) Researchers shall provide appropriate technical details of any research project to the client who has commissioned it, or to any other individual authorized by a trier of fact to verify the reliability, validity and integrity of the research methodology.
e) Researchers shall ensure that market research projects are designed, carried out, reported and documented accurately and objectively.

ARTICLE 5 – OWNERSHIP
The ownership of all market research-related materials and data, excluding only those materials and data that originate with the Client, is subject to agreement between the Researcher and its Client and is governed by the prevailing laws applicable in the jurisdiction where such proposals, quotations and activities are undertaken.

ARTICLE 6 – RECORDING AND OBSERVATION TECHNIQUES
a) Respondents shall be informed, and their consent received, before recording equipment is used or observation of the respondents is undertaken for research purposes, in any setting except where these are openly used in a public place and no personally identifiable information (PII) is collected. In the absence of a respondent’s explicit consent to be identified, respondents’ PII shall be protected. If respondents expressly request, the record or relevant section of their participation shall be destroyed or deleted.

b) Researchers shall take reasonable precautions to ensure that in a group research setting participants, including participants who represent the Researcher or the Client, do not and are not allowed to record any part of the proceedings without the prior express consent of the respondents.

ARTICLE 7 – DATA PROTECTION AND PRIVACY
a) Privacy Policy
Researchers shall have a privacy policy about which respondents shall be fully informed prior to the researcher’s collection of data from the respondents. The terms of the privacy policy must, at a minimum, conform to applicable, prevailing Canadian laws and regulations.

b) Collection of Data
When collecting PII from respondents, that is any and all information and data directly or indirectly relating to their personal identity, researchers shall ensure that:
- Respondents are made aware of the purpose of the collection
- Respondents are made aware of any permissible terms for re-contact by their researchers
- Assurance is given to the respondents that their PII shall not be used for any follow-up for the purpose of marketing or attempting to make sales.

c) Use of Data
PII 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.
Researchers shall ensure that respondents' personal identity is withheld from the client. Subject to the foregoing, a researcher may communicate to the client the respondent's PII, except to the extent that applicable Canadian laws and regulations prohibit such disclosure, if

(i) the respondent has explicitly expressed in writing a wish or consent to the disclosure of his/her PII, subject to any limits imposed by the respondent on such disclosure, and

(ii) such PII will not be used to enable a third-party to contact the respondent for commercial activity (as exemplified in Article 1d)

d) Security of Processing
Researchers shall ensure that reliable security measures are employed in order to prevent unauthorized access to, manipulation of or disclosure of the personal data.

No PII may be transferred to a third-party without prior permission of the respondent.

e) Rights of the Respondent
Except for observational and mystery shopping studies, 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 a 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 that relate to them.

f) Transborder Transactions
Reasonable security measures shall be consistently 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 a country other than Canada, all reasonable steps shall be taken to ensure that adequate security measures are observed in that other country and that the data protection principles expressed and standards in this Code are fulfilled.

ARTICLE 8 – CHILDREN, YOUNG PEOPLE AND PEOPLE WITH FUNCTIONAL COGNITIVE DISABILITIES

Researchers shall take an inordinate degree of care when interviewing children, young people and people with functional cognitive disabilities. The consent of the parent, legal guardian or otherwise legally authorized adult shall first be obtained before interviewing children or people with functional cognitive disabilities.
ARTICLE 9 – SHARED INTERVIEWS

Without breaching their obligation under this Code to maintain in confidence the identify of their clients, 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.

ARTICLE 10 – SUBCONTRACTING

Researchers shall inform clients, prior to work commencing, when any part of the work for them is to be subcontracted outside the researchers’ own organization (including the use of any outside consultants). If clients request, they shall be told the identity of any such subcontractor.

ARTICLE 11 – PUBLISHING FINDINGS

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 by the researcher based on the findings.

b) Where the client wishes to publish the researcher's findings of a research project, the client must consult with the researcher as to the form and content of publication of the findings. Each of the researcher and his/her client has a responsibility to ensure that published results are not misleading; however the liability of a party who makes, permits or authorizes any misleading communication is not diminished by this statement concerning responsibility.

c) Researchers shall always be prepared to make available, when reasonably requested to do so, the technical information necessary to assess the validity and reliability of any published findings.

d) Researchers shall not knowingly permit their name to be associated with the dissemination of conclusions from a market research project unless the conclusions are adequately supported by the data.

ARTICLE 12 – RESPONSIBILITY

Researchers have overall responsibility for ensuring that their research is carried out in accordance with this Code, and for taking all reasonable measures to ensure that clients and other parties to the research agree to comply with the applicable requirements of this Code.

ARTICLE 13 – EFFECT OF SUBSEQUENT REDRESS FOR CONTRAVENTION

Subsequent correction and/or appropriate redress by the party responsible for a contravention of the Code may mitigate, but does not excuse or negate, the contravention. Such corrective and/or redressive actions may be considered by MRIA when complaints alleging contraventions of this Code are adjudicated pursuant to MRIA’s Procedure in Relation to Complaints Alleging Violation by a MRIA Member of MRIA’s Code of Conduct and Good Practices (MRIA’s
Complaints Resolution Procedure), which is attached to and forms part of this Code as Appendix “A”.

ARTICLE 14 – COMPLAINTS ALLEGING CONTRAVENTION OF MRIA’S CODE

a) This Code and the principles elucidated in it warrant serious and careful consideration by all members of the market research industry in Canada, both members of MRIA and non-members alike, notwithstanding that complaints alleging Code violations will be considered by MRIA for acceptance and adjudication only if the alleged violations are by members of MRIA or by individuals who are employed or retained by a member of MRIA to function as researchers whether or not one or more such individuals is herself or himself a member of MRIA.

b) Regarding breaches of this Code or other Code-related offences that are reviewable hereunder by MRIA leading, potentially, to disciplinary action in certain cases, see Appendix “A”, MRIA’s Complaints Resolution Procedure.

ARTICLE 15 – APPENDICES AND AMENDMENTS TO MRIA’S CODE

a) Appendices to this Code are identified and described under Article 16 below. Individually and collectively, each Appendix is fundamental to and forms part of this Code.

- From time-to-time, acting on a resolution of MRIA’s Board of Directors, and without affecting the viability or enforceability of this Code, this Code, and the Appendices to this Code, may be amended, supplemented or otherwise varied, in whole or part.

ARTICLE 16 – IMPLEMENTATION

a) The Code and the principles enshrined in it are adopted by MRIA as a self-regulatory body for the market research industry in Canada.

b) Marketers, researchers and clients should be familiar with the Code and with other relevant local self-regulatory documents on market research, and should familiarize 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 MRIA Standards Committee.

c) The following companion documents are understood to form part of the Code or to constitute interpretation of its provisions:

- Appendix “A” – MRIA’s Complaints Resolution Procedure
- Appendix “B” – Guideline for Conducting Mobile Market Research
- Appendix “C” – Guideline on Social Media
- Appendix “D” – Assuring ‘Scientific Integrity’ and ‘Completeness of Reporting’
- Appendix “E” – Guideline on Qualitative Research
- Appendix “F” – Guideline on Passive Data Collection
- Appendix “G” – Guideline on Commissioning Research
• Appendix “H” – Guideline on Mystery Shopping
• Appendix “I” – Guideline on Online Research
• Appendix “J” – Guideline on Distinguishing Market Research from other Data Collection Activities
• Appendix “K” – Interviewing Children, Young People and Persons with Functional Cognitive Disabilities
• Appendix “L” – Guideline on Opinion Polls and Published Surveys
• Appendix “M” – Guideline on the Mutual Rights and Responsibilities of Researchers and Clients
• Appendix “N” – Guideline on Preparation and Delivery of Expert Evidence
MRIA CODE OF CONDUCT FOR MARKET AND SOCIAL MEDIA RESEARCH

Appendix “A”

COMPLAINTS ADJUDICATION PROCEDURE (“PROCEDURE” OR “MRIA’S PROCEDURE”)
1. **Definitions:**

1.1. The Parties to the Procedure may sometimes be referred to collectively as “Parties” and individually as a “Party”.

1.2. The complaining Party may also be referred to as the “Complainant”.

1.3. The MRIA member about whom the Complaint (defined in paragraph 2.2 below) is lodged may also be referred to as the “Respondent”.

2. **Complaint:**

2.1. Alleged infractions and/or violations of MRIA’s “Code of Conduct for Market and Social Research” (“Code”) must be clearly detailed in writing addressed to MRIA to the attention of MRIA’s Chief Executive Officer (the “Complaint”).

2.2. The Complaint must pertain to the professional actions of members of the Association (or failure to act) alleging, with example(s), one or more violation(s) of the Association’s Code.

2.3. MRIA members and non-members alike may file a Complaint under the Procedure against a member of MRIA, but not against a non-member.

3. **Who May Make a Complaint:**

3.1. A Complaint under this Procedure may be made by any of the following:

   3.1.1. a person or commercial or corporate entity;

   3.1.2. an association including MRIA; or

   3.1.3. one or more of MRIA members or non-members.

4. **Initial Disposition of Complaints:**

4.1. MRIA will consider accepting Complaints, when received by MRIA, for further processing under the Procedure outlined below.

4.2. MRIA will not accept a Complaint that is filed with MRIA more than twelve (12) months after the subject matter of the Complaint occurred unless, in the unanimous opinion of the “Acceptance Panel” (defined in paragraph 4.5 below), exceptional circumstances warrant an extension of time within which the Complaint may be filed with and accepted by MRIA.

4.3. When received at MRIA, the Complaint will be examined and considered by a two-person acceptance Panel (“Acceptance Panel”) comprised of:
4.3.1. MRIA’s Chief Executive Officer (“CEO”); and

4.3.2. the Chair of MRIA’s Standards Committee (“Chair”).

The Chair will excuse him/herself if the CEO and Chair agree there is, or may reasonably be perceived to be a conflict of interest between the Chair and the Complainant, or the Respondent, or with the subject matter of the Complaint. In that event, the CEO will select one member of the “Research Neutrals Roster” (referred to under paragraph 6.6 below) to function as a substitute for the Chair on the Acceptance Panel (“Substitute Chair”).

4.4. If the Acceptance Panel finds that the Complaint is frivolous, or that there is no evidence provided in the Complaint that reasonably supports the alleged violation(s), MRIA will, by written reply to the Complainant, signed jointly by the CEO and Chair (or Substitute Chair, as the case may be), decline to accept the Complaint. In that reply, MRIA will explain why the Complaint was not accepted for further consideration. If the Acceptance Panel agrees, MRIA may also make recommendations to the Complainant of alternative means for resolving the Complaint other than under the provisions of the Procedure.

4.5. If the Acceptance Panel does not find that the Complaint is frivolous and finds a prima facie case of violation(s) has been made in the Complaint to the reasonable satisfaction of the Acceptance Panel, MRIA will forward the Complaint to a three-person adjudication panel who will adjudicate the Complaint (“Adjudication Panel”), appointing one of them to function as Chair of the Adjudication Panel. (See also under Section 5 below).

4.6. Notification of MRIA’s acceptance of a Complaint will be communicated by the Chair (or Substitute Chair) of the Acceptance Panel to the Parties within ten (10) business days of MRIA’s receipt of the filed Complaint.

5. MRIA’s Confidential Complaint Adjudication Procedure:

5.1. When reading this Procedure, the Parties are encouraged to refer simultaneously to Schedule “2” hereto in which the Procedure is briefly summarized, step-by-step and in chronological order.

5.2. Following acceptance of a Complaint by the Acceptance Panel, a three-person, non-conflicted Adjudication Panel will be selected by the CEO after consulting with the Chair (or the Substitute Chair, as the case may be) from a standing roster of not fewer than twelve (12) qualified members of MRIA (the “Research Neutrals Roster”). Appointment to the Research Neutrals Roster will be made pursuant to a merit-based application process, with selection criteria and terms of office approved and set from time-to-time by the Board of Directors (“Board”).
5.3. Assisting all Adjudication Panels (and all other Panels involved in the Complaints Procedure) will be a staff member of MRIA who will function as Secretary/Administrator of the first-stage adjudicative process. He/she will also be responsible for editing and formatting the Adjudication Panel’s decision in each case in a manner suitable to formal adjudication decisions, and to communicating the outcome to the Parties.

5.4. After consulting with both Parties, and the other members of the Adjudication Panel, as to their availability to attend at and participate in a hearing of the Complaint, the Chair of the Adjudication Panel will call for a full hearing of the Complaint on not less than twelve (12) working days’ notice (“Complaint Hearing”).

5.5. All members of the Adjudication Panel will be identified in such notice to the Parties of the Complaint Hearing.

6. **Conduct and Rules of the Complaint Hearing:**

6.1. Each Party will, at its own expense, attend the Complaint Hearing at the same time, and may be accompanied at the Complaint Hearing by such Party’s legal counsel, and/or other representatives of, and witnesses for such Party, all of whom may actively participate on their client’s behalf at the Complaint Hearing. For the purpose of paragraph 6.2 below, all of such persons, collectively, are included in the term “Party”.

6.2. Oral submissions to the Adjudication Panel will be time limited to not more than a total of forty-five (45) minutes per Party including that Party’s Evidence and Arguments (see paragraph 6.3 below) presented orally in person and through witnesses, and including closing summary statements, but excluding the time taken by the Adjudication Panel for the Adjudication Panel’s questions and each Party’s answers.

6.3. **Participation by Electronic Means at Complaint and Appeal Hearings:**

6.3.1. MRIA will make available a telephonic, electronic, or other communication facility that permits all authorized participants to communicate adequately with each other during a Complaint Hearing and, if one is granted, an Appeal Hearing. Any person so entitled to attend such Hearing may participate in the meeting by means of such telephonic, electronic or other communication facility.

6.3.2. A person participating in any such Hearing by such means is deemed to be present at that Hearing.

6.4. **Evidence and Arguments:**

6.4.1. Each Party must file with MRIA, in writing, all the pertinent evidence and arguments on which that Party intends to rely at the Complaint Hearing.
6.4.2. The Evidence and Arguments must be filed with MRIA, copying the Chair of the Adjudication Panel, and the other Party, by not later than five (5) business days prior to the Complaint Hearing.

6.4.3. Members of the Adjudication Panel shall neither review nor consider, in the course of their deliberations, any evidence or argument from either Party other than that which is filed pursuant to paragraph 6.4 of this Procedure.

6.5. Confidentiality:

6.5.1. Each Party to the Complaint, each of the Party's witnesses, representatives and experts, each member of the Acceptance Panel, the Adjudication Panel and, if applicable, the Appeal Panel (discussed and described under paragraph 6.7 below), and MRIA's CEO, will execute MRIA's form of “Confidentiality and Non-Disclosure Agreement” (the “Confidentiality Agreement”), agreeing in advance that they will, subject to paragraph 6.5.2 below, maintain confidentiality of the entire proceedings including, without limitation or exception, the filing of the Complaint, and all information that is exchanged or made available throughout the Complaint process including, but not limited to, all proprietary information, trade or business secrets, or personal information (also referred to individually and collectively in this paragraph 6.5.1 as “Confidential Information”), declared by any of the Parties to the Complaint, or by their authorized representatives, as being their Confidential Information.

6.5.2. Notwithstanding anything stated or implied in this Complaint Adjudication Procedure, the Confidentiality Agreement shall not apply to, and none of the persons or entities who have executed the Confidentiality Agreement is bound to maintain confidentiality or proceed with respect to:
   • the actual contents of a decision by the Adjudication Panel to uphold the Complaint in whole or part, or
   • if there is an Appeal, to the actual contents of a decision by the Appeal Panel to uphold the Complaint in whole or part, nor to
   • the form or content of the actual sanctions imposed by MRIA pursuant to paragraphs 6.5.7 or 6.5.8 below.

6.5.3. Attached as Schedule “1” hereto is the Confidentiality and Non-Disclosure Agreement that will be used in all cases.

6.5.4. The Confidentiality and Non-Disclosure Agreement will be strictly enforced by MRIA.

6.5.5. A true copy of each of (i) the Confidentiality and Non-Disclosure Agreement and (ii) this Complaint Adjudication Procedure must be signed and returned to MRIA (attention: MRIA’s CEO) by each Party within seven (7) business days of its receipt.
from MRIA by the Party in question. Execution and return to MRIA of the Confidentiality and Non-Disclosure Agreement and the Complaint Adjudication Procedure by each Party, signed in counterpart, is acceptable.

6.5.6. The Complaint will not proceed if either Party declines to sign and return to MRIA both the Confidentiality and Non-Disclosure Agreement and a copy of the Complaint Adjudication Procedure.

6.5.7. If the declining Party is the Respondent, MRIA may on its own volition and at its sole discretion take the added step of sanctioning that Party. In determining the appropriate sanction to impose, MRIA will be guided by those of the provisions of Schedule “3” hereto that MRIA, in its sole discretion, deems to be applicable and appropriate.

6.5.8. Any breach of the Confidentiality and Non-Disclosure Agreement or the Complaint Adjudication Procedure after it/they is/are executed by both Parties will empower MRIA to take such action against the breaching Party as MRIA’s Board, in its sole discretion, deems appropriate in the circumstance including, without limitation, imposing one or more of the sanctions provided for in Schedule “3” hereto.

6.6. Decision of Adjudication Panel:

6.6.1. Written notice of the Adjudication Panel’s Decision and the reasons for Decision will be transmitted simultaneously by the Chair of the Adjudication Panel to both Parties within twelve (12) business days after the Complaint Hearing.

6.6.2. A Decision against the Respondent will include the sanction(s) recommended by the Adjudication Panel, or by the Appeal Panel in the case of an Appeal, selected from among the options prescribed in the Code and/or set forth in Schedule “3” hereto.

6.6.3. Decisions of the Adjudication Panel will be by majority vote.

6.7. Appeal:

6.7.1. Either Party may, on “acceptable grounds”, and by Notice of Request for Appeal, request an Appeal from the Adjudication Panel’s Decision.

6.7.2. The Party requesting the Appeal may also be referred to as the “Appellant”.

6.7.3. Notice of a Request for Appeal must be made, if at all, within three (3) business days of the Appellant receiving the Decision of the Adjudication Panel. It must be made in writing, addressed to MRIA’s CEO, copying the other Party and the Chair of the Adjudication Panel (or the Substitute Chair, as the case may be).
6.7.4. Requests for Appeal will be heard by a Review Panel of three (3) non-conflicted members of the Research Neutrals Roster appointed by the CEO after consulting with the Chair (or the Substitute Chair, as the case may be).

6.7.5. The “acceptable grounds” for appeal are limited to the Appellant’s claim, supported by details and rationale in the Notice of a Request for Appeal, that:

- the Adjudication Panel erred in the interpretation of the Code; or
- the Adjudication Panel erred in the application of this Procedure; or
- the Adjudication Panel misconstrued and/or misapplied the Evidence and Arguments submitted by either of the Parties; or
- the Adjudication Panel reached conclusions that were not reasonably supported by the Evidence and Arguments as-filed and heard by the Adjudication Panel; or that
- supported by the Appellant’s attestation, there exists reliable evidence (summarized in the Notice of Request for Appeal) that one or more of the members of the Adjudication Panel should have been recused from participating as a member of the Adjudication Panel due to the existence of an actual conflict of interest between such member and one of the Parties or with the subject matter of the Complaint that was not alleged by the Appellant prior to Notice of Request for Appeal being received by MRIA.

6.7.6. If the Review Panel does not grant the Request for Appeal, the Decision of the Adjudication Panel will be affirmed and the Parties notified accordingly.

6.7.7. If the Review Panel approves the Request for Appeal, the Complaint will be treated and adjudicated as a new Complaint by a non-conflicted Panel (the “Appeal Panel”) of three persons selected from the Research Neutrals Roster by the CEO, after consultation with the Chair (or the Substitute Chair, as the case may be).

6.7.8. The Appeal Panel will meet to adjudicate the Appeal (“Appeal Hearing”) on not less than twelve (12) working days’ notice to the Parties.

6.7.9. No member of the Review Panel may have participated in the Adjudication Panel; and no member of the Appeal Panel may have participated in the Adjudication Panel or the Review Panel.

6.7.10. No new evidence, or any evidence or argument other than was presented to the Adjudication Panel may be considered by the Appeal Panel.

6.7.11. Decisions of the Appeal Panel will be by majority vote.

6.7.12. There is no right of appeal from decisions of an Appeal Panel.
7. **General Provisions:**

7.1. For complicated cases and issues, the Adjudication Panel may retain a qualified, non-conflicted expert/consultant to advise the Adjudication Panel about matters related to the Complaint. Such expert/consultant, if retained by the Adjudication Panel (i) will be required to execute and comply with MRIA’s Confidentiality and Non-Disclosure Agreement; and (ii) will have no decision-making authority in respect of any matter under consideration by the Adjudication Panel. Any costs associated with such a retainer will be shared equally by both Parties to the Complaint.

7.2. **Notice:**

7.2.1. Where any Party is required to give notice by this Procedure, notice shall be sufficiently given if:

- delivered personally to the person to whom it is to be given, or delivered to his/her recorded address (for the purpose of this sub-paragraph 7.2.1, the person’s recorded address shall be the address maintained for the person or MRIA’s membership records). A notice so delivered shall be deemed to have been given when it is delivered personally, or to the recorded address.

- mailed to him/her at his/her recorded address with confirmation of delivery by Canada Post. A notice so mailed shall be deemed to have been given on the third (3rd) day after the recorded date of mailing; or

- transmitted by telephone, e-mail or facsimile. Evidence of delivery of email or facsimile transmission should be maintained. A notice so transmitted shall be deemed given and received on the first (1st) day after dispatch that is not a Saturday or Sunday or any other day which is a statutory or bank holiday in Toronto, Ontario.

7.3. **Release and Limitation of Liability:**

7.3.1. In consideration for a person’s (the “Releasor”) membership in MRIA (which term shall include, for the purpose of this sub-paragraph 7.3.1, MRIA, its directors, officers, employees, agents, members and their respective successors, heirs, executors, administrators, personal representatives and assigns) and the Releasor’s participation in the Complaint, the Releasor (which term shall include, for the purpose of this sub-paragraph 7.3.1, the Releasor and its, his or her successors, heirs, executors, administrators, personal representatives and assigns, as the context may require) hereby agrees:
• MRIA shall not be liable to the Releasor for any damages, including consequential or special damages, arising directly or indirectly from:
  • any breach of this Procedure, fundamental or otherwise; or
  • any negligence, acts or omissions of MRIA; or
  • any provision, duty or requirement of any statute, including, but not limited to, the *Libel and Slander Act*, R.S.O. 1990, c. L. 12; or
  • any duty at law or in equity.

• to release, remise, acquit and discharge MRIA from any claims, actions, demands, costs and expenses of any kind whatsoever, whether in contract, negligence or tort, at law or in equity, or by statute or otherwise, including, without limitation, the *Libel and Slander Act*, R.S.O. 1990, c. L. 12, with respect to injury, loss or damage to the person or property of the Releasor, howsoever caused, in any way arising out of or related to a Complaint; and

• to indemnify, save and hold harmless MRIA from and against any claims, actions, demands, judgments, awards, declarations, orders, settlements, damages (including general, special, punitive, aggravated or exemplary damages), liabilities, losses, costs, charges, interest and expenses, or proceedings of any kind whatsoever which may be initiated or presented by any other persons, individuals or other legal entities, and which arise directly or indirectly from any acts or omissions of the Releasor. Without limiting the generality of the foregoing, the Releasor hereby agrees to pay all costs, fees and expenses, on a solicitor and own client basis, which may be incurred by MRIA, relating to any acts or omissions of the Releasor.

7.4. Without having the effect of invalidating the outcome of a Complaint Hearing or an Appeal Panel Hearing, MRIA may, acting on its own initiative, and for reasons of efficiency and practicality, modify the Procedure that MRIA applies to the Complaint that results in the Complaint Hearing, and, if applicable, the Appeal Panel Hearing.

8. **Timeline for Procedure from start to finish**: see Schedule “2” hereto.

9. **This Procedure Takes Priority**: This Procedure, including, without limitation, the Appendices to the Procedure, cancels and replaces MRIA’s Disciplinary Procedures dated December 2007, and revised November, 2010.

10. **Acceptance of Procedure by Both Parties**: The foregoing is accepted by the Parties as evidenced by their signatures below.

By ___________________________________________________________________________

Complainant
per: _____________________________________________

I have authority from the Complainant to sign this document on its behalf

Dated: , 20••

By __________________________________________________

Respondent

per: __________________________________________________

I have authority from the Respondent to sign this document on its behalf

Dated: , 20••
1. Recital

10.1. Sub-paragraph 6.5.1 of MRIA’s Procedure reads as follows:

“Each Party to the Complaint, each of the Party’s witnesses, representatives and experts, each member of the Acceptance Panel, the Adjudication Panel and, if applicable, the Appeal Panel (discussed and described under paragraph 6.7 below), and MRIA’s CEO, will execute MRIA’s form of “Confidentiality and Non-Disclosure Agreement” (the “Confidentiality Agreement”), agreeing in advance that they will, subject to paragraph 6.5.2 below, maintain confidentiality of the entire proceedings including, without limitation or exception, the filing of the Complaint, and all information that is exchanged or made available throughout the Complaint process including, but not limited to, all proprietary information, trade or business secrets, or personal information (also referred to individually and collectively in this paragraph 6.5.1 as “Confidential Information”), declared by any of the Parties to the Complaint, or by their authorized representatives, as being their Confidential Information.”

10.2. Sub-paragraph 6.5.2 of MRIA’s Procedure reads as follows:

Notwithstanding anything stated or implied in this Complaint Adjudication Procedure, the Confidentiality Agreement shall not apply to, and none of the persons or entities who have executed the Confidentiality Agreement is bound to maintain confidentiality or proceed with respect to:

- the actual contents of a decision by the Adjudication Panel to uphold the Complaint in whole or part, or
- if there is an Appeal, to the actual contents of a decision by the Appeal Panel to uphold the Complaint in whole or part, nor to
- the form or content of the actual sanctions imposed by MRIA pursuant to paragraphs 6.5.7 or 6.5.8 below.

10.3. Sub-paragraphs 6.5.1 and 6.5.2 apply equally to every person who represents, or acts on behalf of, a party to a Complaint under MRIA’s Procedure.
2. Agreement

2.1. It is hereby agreed that:

2.1.1. This document constitutes the Confidentiality and Non-Disclosure Agreement referred to in paragraph 6.5 (and in sub-paragraphs thereunder) of the Procedure; and

2.1.2. The undersigned is one of the persons obliged to agree to maintain confidentiality as described in sub-paragraphs 6.5.1 and 6.5.2.

2.2. The undersigned hereby reaffirms his/her understanding and acceptance of, and agreement with, the provisions of paragraph 6.5, and in the sub-paragraphs thereunder, of the Procedure of which this Confidentiality and Non-Disclosure Agreement forms part, both of which sub-paragraphs are hereby incorporated by reference and without change into this Confidentiality and Non-Disclosure Agreement.

2.3. “Injunctive Relief”: The undersigned acknowledges and agrees that due to the unique nature of the matters more particularly referred to in sub-paragraphs 6.5.1 6.5.2 of the Procedure of which this Confidentiality and Non-Disclosure Agreement forms part (all and each of which matters are/is regarded by the undersigned as being confidential), there can be no adequate remedy at law for any breach of this Confidentiality and Non-Disclosure Agreement; and that in the event of any actual or threatened breach of the provisions hereof, the non-breaching Party and MRIA shall be jointly and severally entitled to immediate injunctive and other equitable relief, without bond and without necessity of showing actual money damages.

2.4. The undersigned agrees that by signing this document, he/she affirms his/her agreement to maintain confidentiality as recited in the said sub-paragraphs 6.5.1 and 6.5.2 (quoted above) of MRIA’s Procedure.

_______________________                                                                 __________________________
Date                                                                                             Signature

_______________________
Name (print or type)

_______________________
Indicate affiliation with
Complainant/Respondent
Schedule “2” to Appendix “A”
Complaint Adjudication Procedure (“Procedure” or “MRIA’s Procedure”)
Timeline
(see paragraph 5.1 of the Procedure)

Note: all references below to a “day” mean a business day.

a. **Day One:** Complaint is filed by the Complainant.

b. **By End of Day Eleven:** MRIA advises both the Complainant and Respondent whether or not Complaint is accepted for processing under MRIA’s Procedure. Attached to MRIA’s notification of acceptance is MRIA’s Confidentiality and Non-Disclosure Agreement, also found in Schedule 1 to the Procedure.

c. **By End of Day Eighteen:** MRIA (to the attention of: Chair of Acceptance Panel) must receive from each Party (i) its signed Confidentiality and Non-Disclosure Agreement; and (ii) its signed, true copy of the Procedure. Otherwise, the Complaint will not proceed.

d. **By End of Day Eighteen:** If signed Agreement and Procedure are received by MRIA, the Complaint will proceed. If Complaint is accepted and proceeds, Chair (or Substitute Chair) of Acceptance Panel gives both Parties not less than twelve (12) business days’ notice of Complaint Hearing.

e. **By End of Day Eighteen:** If both Parties do not sign and return to the Chair (or Substitute Chair) of the Acceptance Panel, the Confidentiality and Non-Disclosure Agreement and the Procedure, then the Complaint will not proceed and the Chair (or Substitute Chair) of the Acceptance Panel will so inform both Parties and MRIA without unreasonable delay.

f. **On or about End of Day Thirty-One:** Complaint Hearing is held.

g. **On or about End of Day Forty-Three:** Decision of the Adjudication Hearing Panel is released to the Parties.

h. **On or about End of Day Forty-Six:** Either Party may Appeal the Decision of the Adjudication Panel on notice to MRIA (attention: Chief Executive Officer), the other Party, and the Chair (or Substitute Chair) of the Adjudication Panel:

   o Appeal will be heard on date/time/place acceptable to both Parties and to MRIA.

   o Appeal Panel’s Decision released within twelve (12) business days after Appeal Hearing.
1. Definitions

1.1. **Censure** has the meaning given to that term in Section 2.5 below.

1.2. **Complaint** has the meaning given to that term in paragraph 1.2 of the Procedure.

1.3. **Confidential Information** means and includes all proprietary information, trade or business secrets, or personal information declared by any of the Parties to a Complaint, or by their authorized representatives, as being their Confidential Information.

1.4. **Fact Finder** means and includes any one or more of the following Panels:

   1.4.1. Acceptance Panel (see Section 4 and paragraphs 4.2-4.5, inclusive, of the Procedure);

   1.4.2. Adjudication Panel (see Section 6 of the Procedure);

   1.4.3. Review Panel (see paragraphs 6.6 and, in particular, sub-paragraph 6.7.4 of the Procedure);

   1.4.4. Appeal Panel (see paragraph 6.7 and, in particular, sub-paragraph 6.7.7 of the Procedure).

1.5. **Respondent** has the meaning given to that term in paragraph 1.3 of the Procedure.

1.6. **Sanction** means and includes one or more of the sanctions provided for and described in this Schedule “3” under Section 2 below.

2. Sanctions and Other Remedial Actions, depending on Fact Finder’s decision

2.1. No Code violation

   2.1.1. **Fact Finder’s decision:**
   
   No Code violation.

   2.1.2. **Leads to:**
   
   As provided in the Procedure, Complainant and Respondent are notified by Fact Finder of (a) decision and (b) reasons for decision.
2.1.3. Administrative action that must be taken (i.e. mandatory):
Complaint file is closed.

2.1.4. Administrative action that may be taken (i.e. optional):
n/a.

2.1.5. Confidentiality (maintained or lifted):
Maintained.

2.2. Code Violation but Sanction not warranted
2.2.1. Fact Finder’s decision:
Violation does not warrant Sanction.

2.2.2. Leads to:
Complainant and Respondent notified by Chair of Standards Committee of (a) decision and (b) reasons for decision.

2.2.3. Administrative action that must be taken (i.e. mandatory)
(a) Guidance given by Chair of Standards Committee to Respondent on how to avoid a repeat offence.

(b) Chair of Standards Committee requests from Respondent written assurances (in form and content acceptable to the Chair) that the violation (of the Code) will not be repeated.

(c) Upon completion of (a) and (b) above, Complaint file is closed.

2.2.4. Administrative action that may be taken (i.e. optional)
Fact Finder may recommend to Chair of Standards Committee that before the Respondent’s membership is renewed for the next membership year, the Respondent be required to complete remedial education on MRIA Standards and Ethics.

2.2.5. Confidentiality (maintained or lifted):
Maintained.

2.3. Code Violation warrants Sanction(s)

2.3.1. Fact Finder’s decision:
Violation warrants Sanction(s) because:
(a) The particularized breach of the Code brings discredit to the research industry and/or to MRIA; and/or

(b) Respondent refused to cooperate in investigation of the Complaint.

2.3.2. **Leads to:**

(a) Complainant and Respondent notified by Fact Finder of (a) decision and (b) reasons for decision.

(b) Fact Finder will also recommend to Chair of Standards Committee the Sanction(s) to be imposed. The list of Sanctions ranges from (i) Censure to (ii) Suspension of Membership to (iii) Expulsion from Membership in MRIA.

(c) Fact Finder has the discretion to award MRIA’s “costs” (of investigating the Complaint and adjudication(s)) against Respondent and/or require Respondent to undertake remedial education on MRIA Standards and Ethics.

2.3.3. **Administrative action that must be taken (i.e. mandatory):**

(a) Chair of Standards Committee communicates and explains to Complainant and Respondent the Sanction(s) to be imposed.

(b) See Section 2.4 below re guidance to Fact Finder in selecting the appropriate Sanction(s).

2.3.4. **Administrative action that may be taken (i.e. optional):**

n/a

2.3.5. **Confidentiality (maintained or lifted):**

(a) Maintained, subject to (c) below.

(b) Subject to the exception noted in (c) below, Confidentiality shall be maintained by the Parties with respect to the complaint, and any aspect of or matter related to the complaint, and any action taken under the Procedure in relation to the complaint, but shall be lifted and thereafter no longer apply if any one (1) of the following circumstances occurs:

- a Fact Finder’s decision is not appealed by Complainant or Respondent; or
- if there is an appeal of a Fact Finder’s decision by Respondent, the appeal is denied; or
- a Fact Finder’s decision against Respondent is upheld, in whole or part, by a different Fact Finder at or following the Hearing of an appeal by Complainant or Respondent.
The exception to Section 2.3.5 (b) is Confidentiality with respect to Confidential Information which the Parties will maintain consistently in the strictest of confidence.

2.4. Factors to be considered in selecting appropriate Sanction(s)

2.4.1. Factors that must be considered:
To aid Fact Finder in deciding which Sanction(s) to impose, Fact Finder will consider the following factors:

- Whether the Code was breached
- If in the Fact Finder’s opinion the Code violation warrants the imposition of any Sanction
- The number of violations of the Code found by the Fact Finder in the case at hand
- Whether the violations constitute a pattern tending to establish that the member is unwilling or unable to comply with the Code
- Whether the Respondent previously was subject to Sanction(s) under the current Procedure or under MRIA’s prior disciplinary procedure under MRIA’s then-current Code
- If the Respondent in the same fact circumstance heard by the Fact Finder was involved in legal proceedings upheld against the Respondent, the Fact Finder may interpret these proceedings as suggesting that one of the more onerous or severe Sanction(s) is appropriate (i.e. Sanctions under Sections 2.6 or 2.7 of this Schedule “3”).

2.5. Sanction: Censure

2.5.1. Fact Finder’s decision:
Censure is appropriate.

2.5.2. Leads to:
See below.

2.5.3. Administrative action that must be taken (i.e. mandatory)”
If no appeal is accepted and heard, and after the time for appeal expires (or when an actual appeal is concluded and the original decision by Fact Finder is affirmed), Censure will be imposed as follows:

- Chair of Standards Committee sends a written reprimand to the Respondent;
- The Censure and the reasons for the Censure are sent to MRIA’s Board of Directors;
- The Censure and the reasons for Censure are published in MRIA’s member magazine; and
- Respondent must complete remedial education on MRIA’s ‘Standards and Ethics Course’ before membership can be renewed for the next membership year.
2.5.4. Administrative action that may be taken (i.e. optional):  
n/a

2.5.5. Confidentiality (maintained or lifted):
   (a) Maintained, subject to (b) below.
   (b) Lifted (except regarding Confidential Information in respect of which ‘confidentiality’ shall be maintained absolutely by all Parties) only after Decision by Fact Finder is not appealed; OR if there is an Appeal by Respondent and the Appeal is denied; OR if Appeal by Complainant or Respondent is granted, after Fact Finder’s issues decision to uphold a decision, in whole or part, against Respondent.

2.6. Sanction: Suspension of Membership
   2.6.1. Fact Finder’s decision:
   Suspension of Membership is appropriate.

   2.6.2. Leads to:
   See below.

   2.6.3. Administrative action that must be taken (i.e. mandatory):
   (a) After the time for appeal expires (or when an actual appeal is concluded and the original decision by Fact Finder is affirmed), Suspension of Membership will take the form of the following:

   - Chair of Standards Committee sends a written reprimand to the Respondent;
   - The Suspension of Membership and the reasons for the Suspension of Membership are sent to MRIA’s Board of Directors;
   - The Suspension of Membership will be for not less than six months or more than two years, as determined in the sole discretion of the Fact Finder after giving consideration to the “factors” outlined under Section 2.4 above;
   - The Suspension of Membership and the reasons for Suspension of Membership will be published in MRIA’s member magazine once or, at the Board’s discretion, more frequently during the period of suspension; and
   - Respondent must complete MRIA’s Standards and Ethics Course before Respondent may apply for reinstatement.

   (b) When suspension period ends:

   - Respondent/member may ask to be reinstated if:
– Respondent/member gives written assurance to MRIA’s Board, in form and content acceptable to MRIA’s Board, that the violation won’t be repeated – BUT

(c) If no such assurance (see (b) above) is given, MRIA’s Board may expel Respondent from membership after suspension period ends.

2.6.4. Administrative action that may be taken (i.e. optional):

n/a

2.6.5. Confidentiality (maintained or lifted):

(a) Maintained, subject to (b) below.

(b) Lifted (except regarding Confidential Information in respect of which ‘confidentiality’ shall be maintained absolutely by all Parties) only after Decision by Fact Finder is not appealed; OR if there is an Appeal by Respondent and the Appeal is denied; OR if Appeal by Complainant or Respondent is granted, after Fact Finder’s issues decision to uphold a decision, in whole or part, against Respondent.

2.7. Sanction: Expulsion from MRIA Membership

2.7.1. Fact Finder’s decision:

(a) Expulsion from Membership is appropriate.

(b) See discussion under Section 2.7.3 (a) below of ‘Grounds for Expulsion’.

2.7.2. Leads to:

See below.

2.7.3. Administrative action that must be taken (i.e. mandatory):

(a) Expulsion from Membership shall follow this procedure:

- Chair of Standards Committee sends a written reprimand to the Respondent;
- Expulsion from Membership continues for two years;
- The Expulsion from Membership and the reasons for Expulsion from Membership will be published in MRIA’s member magazine once or, at the Board’s discretion, more frequently throughout the period of expulsion;
- The Expulsion from Membership and the reasons for Expulsion from Membership will be published in ‘external media’, if such action is approved by the Board of Directors, after the Board considers the following ‘Grounds for Expulsion’: 
- Whether the Code was breached
- Whether, as the Fact Finder decided, the Code violation warrants the imposition of any Sanction
- The number of violations found by the Fact Finder in the case at hand
- Whether the more than one violations constitute a pattern tending to establish that the member is unwilling or unable to comply with the Code
- Whether the Respondent previously was subject to Sanction(s) under the current Procedure, or MRIA’s prior disciplinary procedure under MRIA’s then-current Code.
- If the Respondent in the same fact circumstance was involved in legal proceedings upheld against the Respondent, the Fact Finder may interpret these proceedings as suggesting that one or more onerous and severe Sanction(s) is/are appropriate (i.e. Sanctions under Sections 2.6 or 2.7 of this Schedule “3”).

- Respondent must complete remedial education on MRIA’s Standards and Ethics before Respondent can make application for membership reinstatement.

(b) Reinstatement of an expelled member requires affirmative vote of no less than two-thirds of MRIA’s Board of Directors.

2.7.4. Administrative action that may be taken (i.e. optional):
   n/a

2.7.5. Confidentiality (maintained or lifted):
   (a) Maintained, subject to (b) below.

   (b) Lifted (except regarding Confidential Information in respect of which ‘confidentiality’ shall be maintained absolutely by all Parties) only after Decision by Fact Finder is not appealed; OR if there is an Appeal by Respondent and the Appeal is denied; OR if Appeal by Complainant or Respondent is granted, after Fact Finder’s issues decision to uphold a decision, in whole or part, against Respondent.
Appendix “B”

GUIDELINE FOR CONDUCTING MOBILE MARKET RESEARCH

(Adapted from the current ESOMAR Guideline for Conducting Mobile Market Research\(^2\))

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\(^2\) Permission granted by ESOMAR, the world organization for encouraging, advancing and elevating market research worldwide.
1. INTRODUCTION AND SCOPE

In 2010, ESOMAR in cooperation with CASRO released a first Guideline for conducting research via mobile phones. The Guideline addressed the legal, ethical and practical considerations for conducting market research by using voice or text messaging (SMS) to contact respondents on their mobile phones. Since then the use of mobile devices of all kinds (feature phones, smartphones, tablets, portable computers and other similar mobile devices) has grown dramatically, and, in the case of smartphones and tablets, has enabled a new range of research methods. These include online surveys for mobile devices, passive data collection, geo-location and geo-fencing applications, open ended mobile contextual data, online diaries and other forms of mobile ethnography where respondents record their and other people’s everyday movements, sometimes taking advantage of portable photographic and video technology.

Mobile marketing applications continue to expand in number and sophistication. These applications are capable of collecting large amounts of personal data; what data are being collected and how those data are used may not always be clear to consumers. Even where terms of data use are spelled out, consumers may misunderstand or ignore them.

Given that so much personal data can be collected so easily, regulators have questioned whether current legislation provides sufficient guarantees that individuals are aware and informed when personal data are being collected and shared. Areas of special focus are notice, choice and consent, security and accountability.

The ESOMAR Guideline and MRIA’s Guideline have the same purposes, which are to promote respectful relationships with the individuals contacted for research purposes and to assist researchers in addressing legal, ethical, and practical considerations when conducting mobile market research.

This MRIA Guideline covers the collection of information by mobile device (mobile phones, tablets and other similar mobile computing devices) for market, opinion or social research purposes (hereafter referred to as market research). It recognises that there are many different activities enabled by these devices of which market research is just one. These may include personal communication, accessing social media networks, advertising and direct marketing. Researchers must not allow any personal data they collect for market research to be used for any other purpose.

Throughout this document, the word “must” is used when describing a principle that researchers are obliged to follow in order to comply with MRIA's Code. The word “should” is used when referring to principles that researchers may choose to implement in different ways depending on their research design.

This Guideline should be read in conjunction with the Code to which it is appended.

2. KEY PRINCIPLES

All of the core fundamental principles of MRIA’s Code of Conduct (“MRIA’s Code”) apply to mobile market research. This section describes the how these principles should be operationalised in that context.

2.1 Distinguishing market, social and opinion research as the purpose

MRIA’s Code requires researchers to be transparent in their dealings with research participants and to not misrepresent as market research any project that has another purpose. To aid clarity and protect the reputation of the researcher and of market research in general, the researcher should present the research services and the organisation or company carrying them out in such a way that they are clearly differentiated from any non-research activities. It is recommended that:
• The organisation’s privacy policy, promotional literature and contracts differentiate the services offered and separate market research from other activities;

• it be made easy for participants to contact the researchers carrying out market research without being confused by having to deal with a non-research organisation or with non-research staff to raise queries or complaints about market research activities; and

• the introduction used when contacting a potential participant clearly define the purpose so that a potential participant is aware of whether the exercise is restricted only to research or has an additional purpose.

These requirements do not prevent researchers from being involved in non-research activities providing the purpose of collecting personally identifiable data is not misrepresented, and that any such data are not used for another purpose without specific informed consent of each participant. Nor do these requirements restrict the right of an organisation to promote the fact that it carries out both market research and other activities, providing they are clearly differentiated, conducted separately and conducted in accordance with relevant laws and professional rules of conduct.

2.2 Conforming to the law

It is the researchers’ responsibility to inform themselves of laws applicable in Canada governing the collection of personal data.

Legal and regulatory frameworks for mobile technology and communications are still evolving in Canada. There is a wide range of mobile devices to consider. Some are the subject of specific laws, such as restrictions on using mobile phones while driving. Canada’s anti-spamming law prohibits certain forms of unsolicited approaches to potential participants by text or email. Privacy laws set other limitations. Internet service providers (ISPs) or mobile service providers may have their own policies to protect customers from unwanted contacts.

Regulations in force in Canada could potentially establish legal liability for researchers contacting research prospects via a mobile device. It is therefore critical that researchers be aware of and respect Canada’s regional, national and local laws and regulations, as well as usage policies by service providers.

In general, researchers must not make unsolicited email approaches to potential participants unless individuals have a reasonable expectation that they may be contacted for research due to a pre-existing relationship with a company or organization. Where an email approach is undertaken, researchers should clearly state an email’s purpose in the subject heading and keep the total message as brief as possible. Similar guidelines apply to other forms of electronic messaging.

In the case of calling mobile phones, researchers should consult and apply any existing research-specific do-not-contact lists.

For mobile phone surveys, researchers should anticipate that the person being contacted might be in a different time zone and should verify the convenience of the time and situation. Researchers should strive to observe the same calling hours as for fixed-line phone interviews. For business-to-business interviews, acceptable times are implicit in the office hours of the business concerned. Similar guidelines should be applied to the sending of SMS text messages to avoid the participant’s receiving a “message received alert” outside normal business hours.

Legal or regulatory restrictions applicable to use of auto-dialling equipment including predictive diallers should be observed.
2.3 Consent and notification

Research participants’ co-operation must be based on adequate information about the purpose and nature of the research and their agreement to participate obtained. Researchers must always obtain informed consent from each research participant before collecting and processing any form of personal data and be transparent about the information they plan to collect, the purpose for which it will be collected, how it will be protected, with whom it might be shared and in what form. Communication on this matter should be clear, concise and prominent. Participants must never be misled, lied to or tricked. Participants must be allowed to withdraw and have their personal data deleted at any time.

If during the research process, there are material changes in the research plan (for example, additional passive data collection such as location or identifiable data shared with research user/clients) participants must be informed prior to implementation so that they can make an informed choice about whether to continue in the research. When research involves multiple waves of data collection or extends for several months or longer, researchers should periodically refresh consent by reminding participants of the data being collected, the reasons for collecting the data and the intended use.

As with other forms of data collection for research purposes, researchers must inform mobile research participants of their privacy policy, explaining how any personal data they collect are handled. Standard elements in a privacy policy include:

- Identification of the company doing the research, its place of business and other contact information;
- a guarantee of confidentiality;
- a promise to not mislead about the nature of the research or its intended use;
- a reminder that all research is voluntary and participants may withdraw at any time as well as ask that their personal data be deleted or corrected;
- a clear statement about any tracking, cookies, tags or passive data collection that may be used and what data are captured;
- a clear statement about how research with children is carried out;
- a description of where personal data will be held, and how they will be protected.

Where the researcher’s privacy policy is to be delivered via a mobile device, space limitations on the screen of many mobile devices make it difficult to display a full privacy policy; researchers should find a cost-effective solution for ensuring convenient access to the relevant information. One solution, for example, is a layered hypertext document with a concise top level statement on how privacy will be protected and data used, a second level general introduction describing the purpose and general principles, and a third detailed section covering all aspects of how personal data will be treated.

2.4 Protecting personal data

There are heightened sensitivities concerning personally identifiable data among the general public and regulators. Guidelines on protection of personal data are designed to maintain consumer trust, and to maintain the confidence of legislators that this trust is warranted.

Data privacy legislation applies only to personally identifiable data, not to data sets where it is impossible to identify any individual. For example, the inclusion in a data set of a name, address, email address or phone number would create personally identifiable data that are confidential unless such data were in the public domain at the time of inclusion. It might also occur if there were an exact geographic location or postal code that could be combined with other information in the data set.

Researchers must ensure that data sets or other materials (photographs, recordings, paper documents, etc.) collected for market research that contain personally identifiable information are kept securely and are only used for market research purposes. Personally identifiable data can only be passed onto a research user/client, if the participant has explicitly expressed this wish, or gives explicit consent, and on the understanding that no commercial activity will be directed at them as a direct result of their having provided
information. Researchers are advised to have written agreements with research user/clients to ensure these requirements are respected. Personally identifiable data collected for research purposes cannot be used for non-research purposes. However, data that have been anonymised and therefore no longer personally identifiable can be passed on to research user/clients and processed for other purposes.

Mobile research technologies carry added risks of compromise to personally identifiable data. Researchers may inadvertently be exposed to personal data that are not part of the data collection process; interim deliverables through online portals may inadvertently be sent before personally identifiable data can be stripped from individual records. Researchers should address such risks to the extent possible in up-front programming or technical planning.

Data privacy legislation normally specifies an individual’s right of access to data held in a personally identifiable form, to view records being held in their name and to request corrections if there are errors. This right of access no longer applies once the data have been anonymised.

Before personal data may be transferred from the country of collection to another country, the researcher must ensure that the data transfer is legal, and that all reasonable steps are taken to maintain the data protection rights of individuals. The same caution applies if using a remote server in a different country to collect data from respondents, or if processing data in an international “cloud”. Any such process should be explained in the researcher’s privacy policy.

2.5 Ensuring no harm

According to MRIA’s Code, the rights of research participants as private individuals must be respected and they must not be harmed or adversely affected as the direct result of participating in market research.

Researchers should recognise that personal data stored locally on a participant’s mobile device is potentially available to others should the device be stolen or used by another person. Examples include data stored in data collection apps installed on the device, photographs that may be taken as part of an ethnographic study and messages (by SMS or email) that may have been used to transmit data. Participants must be made aware of these risks. Researchers must implement practices to protect personal data such as data encryption, password-protection, or providing instructions on how respondents may to delete all personal information at the conclusion of the research.

Unlike most other research methods, mobile research participants may incur costs as a consequence of participating in research. Costs can include charges for data downloads, online access, text messaging, data plan overages, roaming charges and standard telephone charges. Researchers should either design a study so that participants incur no cost, or offer compensation for any costs incurred. Where mobile participants are added to a panel or sampling database, the matter of cost and compensation should be agreed to at the “sign up” stage.

Researchers should also inform participants prior to installing or activating apps that may degrade battery life.

Some mobile research methods involve asking participants to go to specific places or perform specific tasks. In such instances researchers should caution participants against doing anything that might put them at risk or break the law. Examples include warning participants not to text or otherwise interact with their mobile device while driving or taking photos in places where prohibited.

Researchers calling mobile phones should confirm whether the potential respondent is in a situation where it is legal, safe and convenient to take the call. It would be unwise, for example, for a respondent to take a call while driving a vehicle or operating machinery. If a participant cannot safely or conveniently take the call, then the call should be terminated. Similarly, a researcher might contact a potential respondent who is engaged in an activity or situation where others may overhear the call and confidentiality is compromised.
If the risk of the respondent being overheard is likely to cause compromises to essential confidentiality, or to the validity of the information the respondent offers, the call should be terminated or rescheduled.

2.6 Children, young people, and persons with a functional cognitive disability

If the respondent reached on a mobile phone is a child or a person with a functional cognitive disability, the researcher must offer the opportunity to complete the survey via another method, after obtaining permission from a parent, legal guardian or otherwise legally authorized adult. Permission from a parent, legal guardian or legally authorized adult is also required before installing an app on the mobile phone of children or persons with a functional cognitive disability.

Identification of children and “young people” or “persons with a functional cognitive disability” is not always possible with certainty. When first contacting a potential participant whom one might reasonably expect to be a child, researchers must ask for the person’s age before requesting any other personal data. If that person is a “child”, or “young person” that person must not be asked for further personal data until the appropriate permission has been obtained. The researcher may need to ask for contact details of the parent, legal guardian or legally authorized adult to seek such permission. The request to the parent, guardian or legally authorized adult must include all relevant information about the research as detailed in Section 2.3 above.

Prior permission from a parent or legally authorized adult is not required to:

- collect an email address solely to provide notice of data collection and request permission or
- collect the age of the child, “young person” or “person with a functional cognitive disability” for screening and exclusion purposes. If this screening leads to the decision that a child, “young person” or “person with a functional cognitive disability” qualifies to participate, parental permission must then be sought to continue.

2.7 Reputation of the industry

Researchers must not do anything that might damage the reputation of market research. They must avoid activities and practices that could undermine public confidence in market research.

The number of call-backs to mobile numbers should be limited. Calls to mobile numbers should allow the display of the caller’s number where possible; the number-display facility should not be deliberately suppressed. Voicemail messages should include an assurance that any cost of receiving a voicemail will be compensated. A call-back to the displayed number (or to another preferably toll-free contact number) should be possible to permit verification of the legitimacy of the research.

3. SPECIAL ISSUES FOR MOBILE MARKET RESEARCH

3.1 Downloadable and web-based apps

Where researchers install apps on mobile interactive devices or when the research requires the use of web-based apps, researchers must obtain consent and offer respondents an appropriate channel or mechanism for giving permission and a place where they can read more about the relevant privacy policy. Researchers must also disclose to potential participants the purpose of the app, the specific data it collects or uploads, and any impact it may have on the functioning of other installed apps or the performance of the device in general. To the maximum extent possible researchers should ensure that any app required as part of the research does not:

- Install software that modifies the mobile settings beyond what is necessary to conduct research and does not cause any conflicts with operating systems or cause other installed software to behave erratically or in unexpected ways;
- install software that is hidden within other software that may be downloaded or that is difficult to uninstall;
- install software that delivers advertising content, with the exception of software for the purpose of advertising testing;
- install upgrades to software without notifying users and giving the participant the opportunity to opt out;
- create a risk of exposing personal data during data transmission or storage;
- change the nature of any identification and tracking technologies without notifying the user; or
- fail to notify the user of privacy practice changes relating to upgrades to the software; or
- collect identifiable data that may be used by the app provider for non-research purposes.

Researchers who deploy tracking technologies for research must also be proactive in managing distribution of the software, vigorously monitor their distribution channel and look for signs of unusual events such as high churn rates.

3.2 Passive data collection

Passive data collection refers to a family of research methods that acquire personal data from participants without the traditional asking and answering of survey questions. Sources for passive data collection include web browsing data, loyalty cards and store scanners, geo-location data from mobile devices and some types of social media data. Many of these data sources can be accessed via mobile devices. Such developments bring a growing need for differentiation of market research from other activities and for transparency with respondents about the information that is being collected.

Passive data collection activities can also raise ethical concerns and legal issues. Researchers must either have the respondent's consent before collecting and processing data from passive data collection methods or the data must be effectively anonymized.

It is possible to detect a respondent's device type in the course of passive data collection. “Device type” need not be considered personally identifiable information, when the researcher’s purpose is restricted to identifying device type for purposes of optimizing app performance and survey rendering (e.g., smart phone versus tablet).

Additional detail may be found in MRIA’s Guide on Passive Data Collection, Observation and Recording.

3.3 Photographs, video and audio recordings

The ability of smart phones and other mobile devices to create, store and transmit photographs, video and audio recordings has provided new tools for researchers to integrate into their methodologies. Two prominent examples where these capabilities have enhanced traditional methods are ethnography and mystery shopping.

Researchers must recognize that any time a digital image contains an individual’s face that is clearly visible and allows for identifying that individual, it is considered to be personally identifiable data. Therefore, all photographs, video and audio recordings gathered, processed and stored as part of a research project must be handled as such. They can only be passed to a research user/client if the participant gives his or her permission and even then only to achieve a research purpose. Information that has been anonymized (such as through pixelization or voice changing technology) to a point where it is no longer personally identifiable can be passed to a research user/client and processed for other purposes.

This Guideline recognizes that there may be instances in which someone other than the participant is captured in a photograph or video and it may be impractical or even impossible to gain permission. Examples include store personnel and passing pedestrians. In such instances researchers must gain permission to share such images from those individuals whose faces are clearly visible and can be identified. If permission cannot be obtained then the individual’s image should be pixelated or otherwise anonymized. In addition, clear and legible signs should be placed to indicate that the area is under
observation along with contact details for the individual or organization responsible. Cameras should be sited so that they monitor only the areas intended for observation.

Researchers must also be cautioned against taking photos or recording in places where this is not allowed such as government buildings, banks, schools, airport security areas, private spaces or any area where signs are posted prohibiting the use of cameras. In all cases, researchers should be aware of any applicable local laws and customs and conduct their research appropriately. More practical details may be found in MRIA's Guide on Passive Data Collection, Observation and Recording.

Finally, researchers must take special care when photographing or recording children, “young people” or “persons with a functional cognitive disability”. It must never be done without the permission of the parent, legal guardian or otherwise legally authorized adult. This requirement carries over to public spaces where researchers should avoid capturing images of children, “young people” and “persons with a functional cognitive disability” even as passersby or in the background. Should images of children, “young people” and “persons with a functional cognitive disability” be captured inadvertently, their faces must be masked or pixelated to protect their identity.

As with all personally identifiable data researchers should always use conservative approaches to data release and transfer and are advised to gain agreement from the research user/client on this matter in advance.

### 3.4 Mystery shopping

Mystery shopping presents a special case because by its very nature research subjects are unaware they are being observed. Researchers carrying out mystery shopping studies must take extreme care to ensure that individual privacy is respected and that research subjects are not disadvantaged or harmed in any way as a result of this work. Their personal data must be protected and no photographs or recordings may be shared with the research user/client, unless the subject’s permission has been obtained.

For a more detailed discussion refer to MRIA’s Guideline on Mystery Shopping Studies.

### 3.5 Incidental data

In this digital age, opportunity exists for personal data records to be created that are incidental outputs from some everyday transaction or activity. A mobile phone will create records not just of whom consumers call and who calls them, but also approximately where they have been, that is, which mobile cell areas they have been connected to. Such data are legitimately collected for specific purposes such as billing consumers accurately or routing calls to them, and can be processed and analyzed for those purposes. They must not be analyzed for different purposes, for example analyzing frequently called numbers in order to offer personal discounts, or analyzing flight destinations of frequent flyers to make special offers to them for flights to those locations.

The research value of these behavioural data can be extracted when it is combined with other data about customer habits, attitudes or characteristics; in other words, when two independent personal data files are combined. (This is frequently referred to as database enhancement.) This is permissible as long as the following criteria are met:

- The enhancement serves a clear research purpose such as increasing the analytical value of the data;
- the research participant is informed and agrees;
- no action (e.g., delivery of marketing messages) is taken against a participant as a result of the enhancement; and
- the enhancement or matching process is designed so that the personal identity of the participant is never disclosed without their consent.
3.6 Appropriate design

When conducting research with respondents on mobile devices the researcher should ensure that any task given to the participant (e.g., a survey, a diary or discussion forum) is an appropriate length and presented in a suitable format that is optimized across devices. Current evidence on mobile research suggests that mobile respondents may expect shorter interactions with researchers compared to other modes such as phone surveys or in-person focus groups. Because of the small size of the screen on some mobile devices it is important that any instructions, questions, or forms displayed be clear and concise. Given the nature of mobile technology respondents may be more easily distracted and more likely to lose concentration or the connection interrupted or dropped.
MRIA CODE OF CONDUCT FOR MARKET AND SOCIAL MEDIA RESEARCH

Appendix “C”

GUIDELINE ON SOCIAL MEDIA RESEARCH

(Adapted from the current ESOMAR Guideline on Social Media Research³)

³ Permission granted by ESOMAR, the world organization for encouraging, advancing and elevating market research worldwide.
1. **INTRODUCTION**

The evolution of social media in recent years has changed the way that hundreds of millions of people share information about themselves around the world. The concept of consumers generating their own content on the internet has become ubiquitous. This has created new opportunities for researchers to observe, interact and gather information. Many techniques have been developed to leverage social media such as community panels, crowd-sourcing, co-creation, netnography, blog mining and web scraping. It is likely that many more will evolve over the coming years as the Internet continues to change.

MRIA’s Code on Market and Social Research (“MRIA’s Code”) requires that the same fundamental ethical and professional principles that govern face-to-face, mail and telephone research, are also applied to all types of online research. This document (“Guideline”) provides guidance for the use of social media in market, social and opinion research (collectively referred to herein as “market research.”). The Guideline builds upon MRIA’s other guidelines concerning [Online Research](#) and [Passive Data Collection](#) and supports MRIA’s and ESOMAR’s mission to ensure effective self-regulation and thereby foster public confidence in our profession and industry. It aims to provide social media researchers with an awareness of the issues, and guidance on how they can best apply the Code’s fundamental principles of respect for consumers, trust, transparency and professionalism. This Guideline also supports ESOMAR’s and MRIA’s consistent position to maintain a clear distinction between market research, and marketing or public relations activities.

Recognising that online research generally, and social media specifically, is continually evolving, this Guideline conveys ethical and professional principles rather than being prescriptive about methodology.

Social media data often include personally identifiable information. Most regulations in this area were developed before it was possible for one person to communicate with many on a publicly accessible online platform. Updates in privacy and data protection laws are still being developed and often lag changes in generally-accepted practices. This Guideline is based on the principles underlying current relevant laws and regulations, especially with respect to data protection and intellectual property. However it also aims to propose pragmatic solutions that work within the spirit of existing Canadian laws, MRIA’s Code and the ICC/ESOMAR Code, while aligning with currently accepted usage of online information around the world.

1.1 **Scope**

This Guideline covers the collection of social media data for market, opinion or social research purposes. It recognizes that there are many different activities enabled by social media - of which market, opinion or social research is just one – and that these varied activities (including customer service and customer relations management) necessarily have different implications for consumers and those who make use of social media.

Researchers must not allow personal data they collect in a market research project to be used for any other purpose than market research. If personalised social media data are to be collected for other purposes, researchers must clearly differentiate this activity and not misrepresent it as research.

This Guideline shall be read in conjunction with MRIA’s Code on Market and Social Research and other relevant MRIA Guidelines posted at www.mria-arim.ca.
1.2 Definitions

Social media is defined as internet-based platforms and technologies that permit users’ interaction and/or facilitate the creation and exchange of user generated content. Currently the most frequent examples include:

- Online forums/discussions, communities, blogs, social networks (e.g. Facebook)
- Video/photo sharing (e.g. YouTube)
- Multi-person/group communication and/or collaboration platforms (e.g. Twitter).

The term “social media data” refers to the information (photos, comments, etc.) that users generate or share while engaged in or with social media. It often includes personally identifiable data.

Social media research (SMR) covers all research where social media data is utilised either on its own or in conjunction with information from other sources. Examples of current social media research include:

- Monitoring or crawling social media platforms (from automated monitoring of brand sentiment through to ad-hoc desk research)
- Ethnographic research (from observing online social behaviour to participating and collecting primary data in various forms, including ‘friending’ users). Netnography is part of this category.
- Co-creational techniques used for research purposes
- Online communities that generate or deliver consumer opinions, reactions, feedback on a regular, formal or systematic basis.

For purposes of this Guideline, the term SMR excludes behavioural tracking research, even when conducted on social media websites. A number of other terms will be used in this Guideline whose meanings are as follows:

Data collection is the process of extracting data from social media data for analysis, and is sometimes referred to as scraping or crawling. This can be automated or done manually.

Masking is a technique whereby the original social media data such as comments, photos or videos are altered to a point that the information cannot be traced back or attributed to the original user (using a search engine for example).

MROC (Market Research Online Community) is used to describe an online community created specifically for the purposes of market research. The term DORC (Dedicated Online Research Community) is sometimes used by others to refer to the same thing.

Personally identifiable information (also PII or “personal data”) is information that can be used, in combination with other sources, to uniquely identify, locate or contact a single individual.

ToU is the Terms of Use policy that a website or online service requires its users to accept.

User is any individual or organization from whom information is collected for the purposes of a market research project, whether they are aware of it or not. In the context of SMR, the user may also be referred to as an Author, Member or Poster (Note: this term is comparable to a Respondent or Participant in other market research modes.).

Walled garden is an online service that requires users to register or apply for membership before being permitted to participate. A walled garden can only be accessed after the user has obtained a login and/or password, even if entry is automatic.
Other definitions contained in the covering Code, to which this Guideline forms an Appendix, are applicable.

2. **KEY PRINCIPLES**

All the core principles of MRIA’s Code (to which this Guideline forms an Appendix) apply to social media research. Certain implications of the core principles for social media research are explained next.

2.1 **Distinguishing market research as the purpose**

Researchers must not allow personal data they collect in a market research project to be used for any other purpose than market research. Social media introduces particular challenges to this principle.

Under Section 7 (c) of MRIA’s Code, if quotes containing personally identifiable information are passed to the client, the following conditions, at a minimum, must apply:

i) the respondent has, explicitly, so requested; and/or

ii) the respondent has given explicit consent on the clear understanding that

iii) no commercial activity will be directed at the respondent(s) as a direct result of the respondent(s) having provided information.

In some cases those taking part in research-based communities could be exposed to sales and PR messages as part of the research process. MRIA’s Code permits exposure to such material, provided that the purpose is for research.

MRIA’s Code requires researchers to be transparent in their dealings and not to misrepresent as market research any project which has another purpose. Non-research activities must be clearly differentiated. To ensure the public is not confused when social media data is being used by an organization involved in both research and non-research activities, it is recommended that:

- the organization’s privacy policy and promotional literature differentiate the various services that are being offered and separate market research from other activities;

- it be easy for users and relevant others to contact the researchers carrying out the market research; those making enquiries must not be mis-directed to a non-research organization or to non-research staff to raise queries or complaints about market research activities;

- the introduction used when contacting a user clearly describes the purpose, and does not create an impression that the exercise has a research purpose if it does not.

These requirements do not prevent researchers from being involved in non-research activities, providing the purpose of collecting personally identifiable data is not misrepresented. Nor do they restrict the right of the organization to promote the fact that it carries out both market research and other activities providing they are clearly differentiated and that they are conducted separately and in accordance with the relevant laws and local professional rules of conduct.

See also MRIA’s Guideline on [Distinguishing Market Research from Other Data Collection Activities](#).
2.2 Conforming to the law

Researchers must conform to all applicable Canadian laws and regulations. There are three main legal aspects to consider.

First, social media research must comply with all applicable data privacy legislation in force in Canada and all relevant requirements for notice, consent, accuracy, security and access when personally identifiable data is collected and stored. There are additional legal issues and requirements (e.g. Safe Harbour requirements) relating to international transfer of personal data where data from which personal identifiers have not been removed are transmitted across national borders. Researchers should avoid permitting transfer of personal data to countries where data protection laws and policies are known to be inadequate.

Second, researchers should be aware that in accessing virtually all online services, they are subject to the service owners’ Terms of Use (ToU). Most ToU have intellectual property rights clauses that explicitly forbid the unauthorized copying of material. Many go further to bar all forms of social media data collection. Subject to any permitted-use exceptions, such ToU could prevent a researcher from even copying material to their computer for further analysis, or forbid any form of selling that information to clients without permission. For illustration, see ToU for popular social media Facebook, Twitter and LinkedIn, located (as at October 2014) on the web at www.facebook.com/terms.php, twitter.com/tos and www.linkedin.com/static?key=user_agreement.

Researchers should maintain awareness of conditions applicable to content they use from social media, and respect any requests for privacy (including robot.txt file requests, secure pages, etc.). They must seek permission to scrape content from any source where scraping might breach the ToU, and abide by any refusal of such permission. Where permission is not granted, reading or summarizing information without any direct copying is permissible. Further, researchers should not attempt to circumvent web sites’ data protection mechanisms (e.g. by IP spoofing, fictitious user ID’s, etc.).

Where researchers use third party aggregators for data collection services, the onus is on researchers to confirm with their supplier that permissions have been obtained and that the data have been sourced lawfully.

The third legal aspect concerns potentially complex copyright issues. A website’s ToU will frequently address copyright issues for use of its material. Researchers must observe relevant copyright laws and regulations.

2.3 Consent and notification

MRIA’s Code states that participants’ co-operation must be based on adequate information about the purpose and nature of the project and that their agreement to participate must be obtained. Researchers should acquaint themselves with data protection laws applicable in Canada, which may require social-media users to be informed when personally identifiable data are collected. This may require design of an explicit step in the research: social media users will generally not have been informed in advance or have consented to use of their posted information for research purposes, unless implicit agreement is covered in a ToU.

If consent is sought by email, MRIA’s Online Research Guideline notes that researchers must remain mindful of concerns about, and Canadian laws on, privacy and intrusion. In addition, researchers must limit any inconvenience such an email might cause to the recipient by clearly stating its purpose in the subject heading and keeping the total message as brief as possible.
If appropriate, legally acceptable consent has not been obtained (directly or under a ToU) researchers must ensure that they report only depersonalized data from social media sources. Researchers using automated data collection services are advised to use filters and controls to remove personal identifiers such as user names, photos, links to the user’s profile, etc. Where this is not possible or where researchers collect data from websites manually, their analysis must be only with depersonalized data.

If depersonalized social media research data are passed to another researcher or client, the researcher must have a contract with the recipient of the data, requiring the recipient not to attempt to use technical means to re-identify originators of quoted information, nor to use such data for non-research purpose.

When researchers, or their automated agents, interact directly with social media users, they must convey their research purpose, their role and the form in which any comments will be used. Permission of the social media user and the social media service owner (or their representatives) must be sought. Researchers must not misrepresent themselves as a member of a social media space.

When researchers, or their automated agents, work in social media spaces, they must provide an email address and a telephone number and/or mail address to facilitate contact and verification. For additional transparency, and to meet data collection notice requirements, researchers must publish on their website their privacy policy that conforms to all applicable laws in force in Canada, and that explains how any personal data they collect is handled; appropriate information must be offered to permit social media users to exercise their right to require deletion or correction of their personal data, or to request that their personal data not be made available to others.

2.4 Protecting identifiable data

Some people post information on social media that overtly discloses their identity, and have a diminished expectation of privacy. Others may not be aware that the services they use are open for data collection by others, or may mistakenly believe that a pseudonym is sufficient to disguise their identity. With respect to the latter, online services are now available that make it possible in many cases to glean information about the originator of posted comments from their username, and to link that information to personally identifying data such as address, phone number, likely income and socio demographic detail.

Thus, Internet data cannot always be guaranteed to be anonymized merely by removing the username and linked URL from the comment/entry. If researchers wish to quote entries/comments in reports or to transmit these to people not bound by MRIA’s Code, they must take reasonable steps to check if the user’s identity is discoverable by an online search service. If it is, researchers must make reasonable efforts to either seek permission from the originator to quote him/her or to mask the comment to an extent that the originator’s identity cannot be obtained.

Masking makes it difficult for others to identify the originator of data through an online search service. It is a useful technique to preserve the anonymity of people making comments, where the researcher has not sought permission and where the comment would be easily traceable with a search service. The degree of masking required will depend on the nature of the comment and its author. Factors to take into account include:

- If the topic being discussed is sensitive or personal
- If abusive language is used
- If the comment includes anything against the law
• If it includes anything embarrassing or is likely to impact career opportunities
• If it includes any personally identifiable information
• If it includes any data about others that is not already public.

In the case of public pictures or videos, techniques such as pixilation of faces are available to accomplish masking. When a researcher incorporates a masked comment in a report to a client, the masking should be indicated. Note that masking is unlikely to be sufficient in many B2B contexts or when researching very small groups.

If a researcher decides to seek users’ permission to quote them, researchers must abide by all applicable laws of and in force in Canada, be sensitive to users’ concerns about being observed and explain clearly and honestly the purpose of the researcher’s work. The user should be given the opportunity to check the bona fides of the researcher, if they so wish, before deciding what to do.

Where researchers use services to enhance comments with demographic profiles (e.g. personal profiles), they should only use this information for research classification purposes. Since such services often provide personally identifying information, such as phone numbers, addresses or email, researchers should avoid providing clients or others with any automated links to such information.

2.5 Ensuring no harm

Another key principle of MRIA’s Code is that the rights of users as private individuals shall be respected and that they shall not be harmed or adversely affected as the direct result of participating in research. A significant risk in social media research relates to inadvertently revealing the identities of users, who did not realise they were participating in research and so would not have expected to be identified. To ensure that social media users are not harmed by research activities, the abiding principle must be one of caution, removing any personal identifiers in data as soon as possible, taking into account necessary quality controls.

2.6 Children, Young People and Persons with Functional Cognitive Disability

The Guidelines in the Code, to which this Appendix is attached, govern the treatment of children, young people and those with functional cognitive disability. This section highlights or applies guidelines pertinent to social media research.

All reasonable measures should be taken to ensure that verifiable and explicit permission is obtained from a parent, legal guardian or otherwise legally authorized adult (hereafter referred to as ‘parent’) to invite a child to participate in research, or to install an app on their mobile phone, although it is recognised that the identification of children, young people and those with a functional cognitive disability is not possible with certainty.

Prior parental permission is not required to:

• collect an email address solely to provide notice of data collection and request permission or
• collect the age of the child, “young person” or person with a “functional cognitive disability” for screening and exclusion purposes. If this screening leads to the decision that the person contacted does qualify for an interview, parental permission must then be sought to continue with the interview.
In ensuring that all reasonable precautions are taken to ensure respondents are not adversely affected as a result of participating in a research project, asking children, “young people” and “people with a functional cognitive disability” questions on topics generally regarded as sensitive must be avoided wherever possible and in all cases handled with extreme care.

Researchers should consult the MRIA’s Guideline on Interviewing Children and Young People for more guidance.

2.7 Reputation of the industry

Researchers must not do anything that might damage the reputation of the market research industry. Working with social media requires additional care since any mistakes or misunderstandings can be spread virally within minutes across the network. Social media researchers must be mindful of the core principles of MRIA’s Code in the work conducted by them and their companies, and avoid activities or practices which could undermine public confidence in market research.

2.8 Reporting

MRIA’s Code requires that projects are reported and documented accurately, transparently and objectively. With respect to social media research, care is to be taken by researchers to explain the impact that this sample source may have on the validity and reliability of research results. This principle assists with transparency and education of users of research results, and is not intended to devalue the information obtained.

3. RECOMMENDATIONS FOR SPECIFIC SOCIAL MEDIA

3.1 Defining social media areas

Three areas of social media research are considered in this section:

- **Public social media**: This category covers the majority of social media. It includes all places where access has been set by the website or the user to ‘public,’ and where there is no barrier to entry. It can also include those where a username or password is required for identification or site revenue reasons only, rather than to protect the privacy of the posted data. Examples include public profile pages of social media networks; public micro-blogging posts; and many forums (including those where a username may be required, but is automatically granted.)

- **Private social media**: This category covers areas where the user or website hosts do not want the data to be publically accessible. All require username identification for access. They are sometimes referred to as ‘walled gardens’. Examples include: ‘private wall to wall’ or individual communications on social media networks; protected posts on micro-blogging sites; or forums/groups areas where admittance is controlled by an administrator or moderator.

- **Market research social media**: This category covers any online place specifically created for market research purposes where users have been informed of its function and the use to which their comments might be put. Typically (but not always) these are private spaces. Examples include Market Research Online Communities (MROC’s), certain blogs, online ethnographic and co-creational techniques which utilise social media platforms.
3.2 Private social media area issues

Researchers can only access these areas with permission of the service operator or its agents. They should make clear in their profile and preferably also in their avatar and/or username that they are researchers, for whom they work, and their purpose in interacting with members. Their interactions should include a reference to their role, so that members are left in no doubt about with whom they are communicating.

As a general rule, researchers should not copy or scrape content within private areas. Even if researchers have permission of the site owner, they should make clear to all users that they are collecting content, and should provide users with a process to be excluded from such data collection.

Researchers must observe great sensitivity interacting with people in private spaces.

3.3 Market research social media area issues

Market research social media spaces are normally private walled gardens, the members of which must be informed of the purpose for which data are being collected and the terms and conditions for participation, committing to take part in the community, blog or co-creational project.

Terms and conditions must be clearly worded and easy to understand. Members must be made fully aware of:

- The purpose of the space, being research; in the case of a MROC, members are to be informed that they may be exposed to marketing information for research purposes only.
- That all data may be shared with the client, including any names or photos that some members may voluntarily provide.
- How the research could be used
- Rules for interacting (e.g. no cyber-bullying, defamatory comments etc.)
- The site privacy policy including requirements listed in MRIA's Online Research Guideline.

Unlike public Internet areas, content can be copied and scraped and utilised for any research purpose, subject to members being fully aware of these applications. However the personal identity of those making comments must be protected. Some research communities offer clients opportunities to meet members and interact with them directly but this must be only with the consent of members. Clients must agree to abide by MRIA’s Code, in particular that any interactions will be for research purposes only.

Where spaces are communal, members should be warned about contributing personally identifiable information. For example, members in a community should be given the option of using a pseudonym instead of their real name, and uploading a photo of an avatar, pet or inanimate object, rather than a photo of themselves. In addition on sign up, researchers should provide reassurance to community members that they will never ask for information that could create a risk of identity theft if lost, misused or disclosed to an unauthorised party, such as credit card numbers, social insurance/social security numbers or bank account details.

The role of moderators and clients should be unambiguously identified in all their communications with members. However care needs to be taken to protect them from being easily contacted outside the project; it may be appropriate for moderators withhold their full names or emails, and to utilise secure email systems within the relevant software.

Users should be made aware of occasions where MROC’s are used to test products, advertising or message communications. If users are taking part in a simulated sales test, it must be clear
that they are participating in a research project and not in some form of direct marketing or sales exercise. No personal data collected during the course of an MROC may be used for any non-research purpose such as subsequent direct marketing or promotion.
Appendix “D”
GUIDELINE ON SCIENTIFIC INTEGRITY AND COMPLETENESS OF REPORTING
2. Definitions

The Definitions in the Code, to which this Appendix is attached, govern this Appendix. This Appendix further incorporates the terms reliability and validity, defined as follows:

**Reliability:** Reliability refers to “reproducibility” of a research result, should the research be carried out with a different sample of people or research objects in the pertinent population on a different occasion. Reliability is principally affected by sample size, the extent to which a sample is representative of the population from which it is drawn, and the level of quality control exercised over the research process.

**Validity:** Validity refers to the extent to which a research project measures what it sets out to measure in its stated mandate or objectives.

3. Recommended Best Practices

Section 3 below contains a compendium of recommended best practices, endorsed by MRIA.

These recommendations share the common purpose of advising researchers on perpetuating and preserving:

- Scientific research standards
- Professional client-researcher relationships

Best practice guidelines of other recognized research or research-related standards organizations may also be consulted for choices to be made in the design, implementation and reporting of market research. Where material differences exist, the MRIA guideline shall be considered the more pertinent to market research practice in Canada.

4. Compendium of MRIA’s Recommended Best Practices

**Accuracy**

Researchers are advised to use those research methods which are appropriate to the research goals, and to avoid conducting research which would be inaccurate or misleading. Researchers must be accurate in all aspects of research and refrain from purporting or suggesting levels of accuracy that are greater than is warranted by the nature of the research. Researchers shall report and interpret their results in a manner that represents these results accurately and acknowledges such limitations on the research, which in the absence of such acknowledgement, might mislead.

**In accordance with Scientific Principles:**

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

(b) Researchers 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.
**Integrity of Reporting**

(a) Researchers must not knowingly allow the dissemination of conclusions from a market 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. Researchers 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. Researchers must not provide or allow without protest, interpretations of the research that are inconsistent with the data.

3. Researchers must not present research results with greater confidence than the data warrants. 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 explicit about the assumptions made about data accuracy when employing quota or stratification methods with probability samples.
   
   iii. Refraining from making unqualified statements about confidence intervals or margins of sampling error on population estimates when probability samples are not used. For example, panels of repeat volunteers will not ordinarily qualify as sources of probability samples of the general population.

**Detailed Reporting**

(a) Researchers must provide to their Client all appropriate technical details of any research project carried out for that Client.

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

Clients are entitled to the following information about any market research project to which the Client has subscribed

1. Background:
   
   i. For whom the study was conducted;
   
   ii. The purpose or given mandate for the study;
   
   iii. The objectives established to interpret or operationalize the purpose
iv. Names of subcontractors and consultants to perform any substantial part of the work.

2. Sample:

i. A description of the intended and actual universe covered;

ii. The size, nature and geographical distribution of the sample (both planned and achieved)

iii. Where relevant, the extent to which any of the data collected were obtained from only part of the sample;

iv. Details of the sampling method and any weighting methods used;

v. Where technically relevant, a statement of response rates and a discussion of any possible bias due to non-response.

Verification of Field

(a) Researchers must, on request, allow their Clients 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. Researchers 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) For quantitative research projects where information is collected by interviewers interacting directly with respondents, Researchers must arrange for real-time monitoring ("monitoring") or post-interview verification ("verification") of a portion 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) Where post-interview verification identifies a recurring discrepancy or problem with an individual interviewer, 100% of an Interviewer’s interviews shall be verified, and all invalid and non-validated interviews shall be rejected.

(d) For quantitative research projects, where Respondents communicate their information digitally, such as by Internet survey or interactive voice recording, Researchers should verify a minimum of 10% of the recorded interviews, by contacting these Respondents, and validating their identity and qualifications to participate. In cases where the verification process produces information inconsistent with that previously given digitally (a “failed validation”), the interview must be replaced. The verification procedure, just described, should be continued until failed validations are fewer than 10% of the portion of interviews subjected to the verification process.

(e) 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' interests. In such cases, project records shall explain why this is the case and what other steps (e.g. checking internal consistency of data records, or linking sample statistics to publicly available benchmarks) have been taken to validate respondent identities and qualifications to participate. The steps taken to validate identities and qualifications should be such that they could be re-administered or confirmed by an independent third party.

Client Property
(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:

1. Market research briefs, specifications and other information provided by the Client;

2. 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).

(b) Researcher 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.

Researcher’s Property
(a) The following records remain the property of the Researcher unless the Researcher and the Client, in writing, specifically agree otherwise:
1. Market research proposals and cost quotations (unless these have been paid for by the Client). Proposals and cost quotations 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.

2. 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.

3. The contents of a report in the case of syndicated research 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 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 of non-syndicated projects of the report to the Client).

Publishing Results to Wider Audience

(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) Subject to paragraph (b) under “Researcher’s Property above”, reports provided by a Researcher 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, in order that there be an adequate basis for judging the reliability and validity of the results reported.

1. If a Researcher’s name is to be used, the Researcher 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 Researcher has approved the exact form and contents of the dissemination.

2. For all reports of research results 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, in-person, interactive voice-recording, etc); 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 and non-sampling error.

3. 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, on 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 research, whose website must carry the requisite information.
Appendix “E”

GUIDELINE FOR QUALITATIVE RESEARCH
<table>
<thead>
<tr>
<th>Definition and Scope of Qualitative Research</th>
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<tbody>
<tr>
<td>1. Qualitative research is defined as any research that is exploratory in nature. Qualitative research is used to explore topics in detail and provide depth of understanding. It can take place in person, online, through social media, by telephone or by mobile devices. It also includes observational and ethnographic research.</td>
</tr>
<tr>
<td>In addition to this document, MRIA has issued more detailed advice on how to address the legal, ethical and practical considerations of conducting specific areas of research. The following documents provide information related to qualitative research as defined here and are endorsed by the Qualitative Research Council of the MRIA:</td>
</tr>
<tr>
<td>Appendix F: Guideline on Passive Data Collection and Observation of Human Behaviour</td>
</tr>
<tr>
<td>Appendix I: Guideline for Online Research</td>
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<tr>
<td>Appendix B: Guideline for Conducting Mobile Market Research</td>
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<tr>
<td>Appendix C: Guideline on Social Media Research</td>
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<tr>
<th>Role of Recruitment Screener</th>
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<tr>
<td>2. The role of the recruitment screener is to pre-screen Respondents for participation in the research – and is not to be used to collect additional data.</td>
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<tr>
<td>Responses from recruitment screeners should not be tabulated nor presented to the Client as stand-alone research findings, except, for example, where recruiting has taken place based on responses to a quantitative survey questionnaire as part of a broader study.</td>
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<tr>
<th>Defining Recruiting Specifications</th>
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<tr>
<td>3. The Moderator/Researcher must clearly define (preferably in writing) the complete specifications for the study to the Recruiter.</td>
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<tr>
<td>The specifications should include any physical or technological requirements that may be necessary to fully participate in the study as well as what the Respondent can be told about the topic, or session, in advance.</td>
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<tr>
<td>Any changes in specifications, requirements, date or location should be similarly communicated, preferably in writing.</td>
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<tr>
<th>Recruiting Best Practices</th>
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<tbody>
<tr>
<td>4. The following are best practices for any qualitative research and should be discussed and agreed to by all relevant parties involved in the research study. Parties may include, but are not limited to, the following: Researcher, Moderator, Client, Facility Operator, and Recruiter.</td>
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<tr>
<td>7a) No Respondents (nor anyone in their immediate families or households) should work in an occupation related to the topic area (whether wholesale, retail, sales, service or consultant) nor in advertising, marketing, marketing research, public relations or the</td>
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</table>
media (radio, television, newspaper, film/video production, online/social media, etc.) nor should Respondents themselves have worked in such occupations in a significant role or for a significant period) in the past.

7b) Respondents who know each other should not be recruited for the same study, unless this is a specified requirement of the study (as in “friendship” interviews or groups or research within family groups, with related caregivers, etc.).

7c) No Respondent should be recruited who has attended a qualitative research session within the past six months.

7d) No Respondent should be recruited who has attended five or more qualitative research sessions in the past five years.

7e) No Respondent should be recruited who has attended, in the past two years, a qualitative research session on the same general topic as defined by the Researcher/Moderator.

7f) All Respondents should be able to speak, read or write in the language of the session or study being conducted.

7g) Before Recruiters use advertising to recruit Respondents for a particular project, the Researcher/Moderator should approve both the ad copy and the selection of the medium/media in which the proposed advertisement would run.

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<th>Recruitment of Children and Young People</th>
<th>5.</th>
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| In conducting research with children and/or young people, the welfare of the child(ren)/young people themselves must be the over-riding consideration. ESOMAR Codes/Guidelines for Interviewing Children and Young People should be referred to and adhered to as well as all local laws. Before children (defined as under the age of 14 years) or young people (defined as ages 14 to 17 years) are asked to participate in qualitative research, the permission of a parent, legal guardian or other person responsible for them must be obtained, preferably in writing wherever possible.

In obtaining this permission, the Recruiter must allow the responsible person to see or hear the questions that will be asked or, if this is not practical, must describe the nature of the qualitative study in sufficient detail to enable a reasonable person to reach an informed decision. For example, not only should the subject matter be described, but also any sensitive or embarrassing questions should be brought to the attention of the responsible person. |
| **Recruitment from Client-Supplied List** | **6.** The Moderator/Researcher must ascertain on behalf of the Recruiter that any lists previously secured or collected by the Client/list provider meet appropriate requirements regarding express consent or opt-in/opt-out consent obtained from Respondents for the use of their contact information for the purpose of being contacted for marketing research purposes. This must include determining for which modes of contact (telephone, email, mail, etc.) consent was obtained. Prior to the start of recruitment, the Researcher/Moderator must then confirm in writing with the Recruiter which modes of contact can be used for recruiting purposes. |
| **Notification of Respondent Expectations and Relevant Information** | **7.** Recruiters must explain to Respondents in the study exactly what is expected of them and other relevant information prior to participation in any qualitative research session. For example:  
  a) From where their name was sourced;  
  b) That participation is voluntary;  
  c) That their personal identification will be kept strictly confidential and that all organizations involved in the research comply with the Personal Information Protection and Electronic Documents Act [PIPEDA];  
  d) The importance of punctuality to the session;  
  e) The time commitment expected of them, and any required follow-up or follow-on research;  
  f) The date and time of their session, and in the case of in-person research, the exact location and accessibility, etc.;  
  g) For online and/or mobile research, all technological requirements for full participation in the study. Details regarding login or email of invitations, etc., should be fully outlined. And, the advisability of doing a pretest before an online session begins to ensure technology compatibility;  
  h) Whether they will be asked to taste food or beverages; If Respondents are to be asked to taste food or beverages or alcohol, Respondents must be asked in advance if they have allergies and/or allergic reactions to any substances, prior to being recruited;  
  i) What data or materials they may be asked to provide or might be collected from them, for example:  
    -- photographs of themselves or their home/workplace;  
    -- audio or video recordings, journals/diaries; etc.;  
    -- digital data; IP addresses; geo-location and/or time stamped images; etc. |
j) The honorarium offered for study participation and any associated terms for example, that they may be asked to complete exercises before the session and/or upon arrival for the session;

k) The importance of not bringing someone else to the session, or allowing someone else to participate in their name;

l) The fact that they may be re-screened either prior to the session or at the facility or location of the session;

m) For in-person qualitative that they may be asked for identification at the facility or location of the session;

n) That they may be audio and/or video recorded, or transcripts made of their comments for research purposes only;

o) That sessions may be viewed or listened to by members of the Client organization.

When possible, this information should be confirmed in writing or through a follow-up, reminder telephone call.

In addition to this document, MRIA has issued more detailed advice on how to address the legal, ethical and practical considerations of conducting specific areas of research, endorsed by the Qualitative Research Council of the MRIA:

Appendix F: Guideline on Passive Data Collection and Observation of Human Behaviour

Appendix I: Guideline for Online Research

Appendix B: Guideline for Conducting Mobile Market Research

Appendix C: Guideline on Social Media Research

Recruiters Must Ensure Respondents Comply with Specifications

8. Recruiters must make every effort to ensure that all recruited Respondents comply with specifications detailed for the project and that they turn up at the correct place, at the right time, being fully aware of what is expected of them.

Confirmatory/reminder re-screening should be conducted by someone other than the original Recruiter.

Screening questionnaires used in the recruitment or a summary of these should be made available to the Moderator in advance of the research sessions.

Protection of Respondent Personal

9. Researchers/Moderators and Recruiters must ensure that all Respondent personal information that could identify a specific individual cannot be accessed by Clients and Observers. This includes, but is not limited to: last names, addresses, email addresses, and telephone numbers.
<table>
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<tr>
<th>Identification Information</th>
<th>Any transcripts prepared for the research must be scrubbed of personal identifiers if being provided to Clients or otherwise distributed. Any photos, images, recordings or data collected from or by Respondents in the course of a research project must not be identified with Respondents’ last names or linked to other personally identifiable information (such as photographs of their homes, geo-locations of images; etc. Researchers/Moderators and Recruiters must take special care when sending data that might contain Respondents’ personal information via email or other non-secured means.</th>
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</table>
| Respondent Consent/Acknowledgement | For in-person research, a Signature Sheet and Waiver must secure each Respondent’s acknowledgement of:  
   a) Recording  
   b) Receipt of any honorarium  
   c) Observers  
   If the Respondent declines to sign, he or she should not be eligible to participate in the session.  
   In the case of online research, this consent and acknowledgement must be part of the log-in process and/or part of the introduction of the session, and Respondents must give consent to continue on in the research session.  
   In the case of telephone research, ideally written consent should be obtained from the Respondent via email, fax or online in advance of the session, but where this is not possible, the Moderator must obtain verbal consent from the Respondent before continuing with the session. |
| Taste Tests/Alcohol | If Respondents will be consuming food or beverages as part of the research, they must be made aware of the ingredient list and/or product information, and be asked to sign a waiver indicating that they understand what they will be consuming.  
   If Respondents are being asked to consume alcoholic beverages, they will be asked (a) to show proof of legal drinking age, and (b) to sign a waiver indicating that they understand what they will be consuming and in what quantities. Appropriate notification and arrangements must be made for transportation. The Researcher/Moderator and Facilities/research locations must comply with the ASTM Standard Guide for Sensory Evaluation of Beverages Containing Alcohol. |
| Moderator Responsibility to Respondents | 12. The Moderator/Researcher must explain to all Respondents at the commencement of any qualitative research session – whether in-person, online or by telephone/mobile device:  
   a) The presence and purpose of any recording of the session, including but not limited to digital, video, or audio recording;  
   b) The presence and purpose of observers of the session;  
   c) That Respondents’ identities will be kept strictly confidential, unless they otherwise acknowledge and agree, in writing, to the disclosure of their personal information to other organizations (within the parameters of PIPEDA and other relevant privacy legislation).  
   If the Respondent does not consent to these conditions, he or she should not be eligible for further participation in that particular study.  
   For any ethnographic sessions in home or in office, the Moderator/Researcher must make every effort to treat the research location with extra care and respect. |
| Honoraria | 13. Prior to the sessions, the Moderator/Researcher and Recruiter, (and if in-person research, the Facility Operator) should agree to the terms of honorarium associated with participation of the study, including such things as the amount offered, the form of compensation, policies on late arrivals and/or partial participation, and how and when the honoraria will be offered to Respondents.  
   Every effort should be made to get the promised honoraria to Respondents in a timely manner. |
| Signature Sheet for Honoraria | 14. Following participation in in-person research, a Signature Sheet must secure each Respondent’s acknowledgement of receipt of honorarium with amount specified.  
   The Signature Sheet can be provided to the Moderator where the Moderator needs to be responsible for accounting of the Respondent honoraria.  
   For non-in-person research, the Moderator/Researcher and Recruiter should agree in advance of the session (a) what documentation for the incentives is required and (b) how incentives will be delivered to participants along with confirmation of receipt. |
| Qualitative Research Registry | 15. The MRIA’s Qualitative Research Registry (QRRQ) was developed, in accordance with federal privacy laws, to centralize records of those who should not or do not wish to be contacted when recruiting for qualitative research studies. |
The list forms a comprehensive “do not call” list, compiled from the submissions of those who recruit Respondents for qualitative research. The Registry identifies:

a) Those who participate too often to meet best practices as outlined in this document;
b) Those who have asked not to be contacted in future for research studies; and

c) Those who are identified by the parties to the research as being inappropriate for future participation.

The QRRQ collects submissions for and reports on Respondents from all studies except business-to-business, medical or research in other professional sectors.

Recruiters should provide accurate data to the Registry on a consistent monthly basis and use the report generated by QRRQ to keep their recruiting database current. The guideline is intended to cover all recruiting sources for the general population -- for example, recruiters’ databases, general population panels, random digit dialing, purchased lists, etc.

Any Respondents who are recruited for a qualitative research study from third party generated sample sources that are the property of a client, such as customer lists, customer proprietary panels or online communities must not have their names submitted to the QRRQ unless agreed to in writing, by the list, panel or community owner(s).

<table>
<thead>
<tr>
<th>Primary Consideration To Be Given To QRRQ Participants</th>
<th>16.</th>
<th>Research buyers should give primary consideration to recruiting agencies that submit to MRIA’s QRRQ on a regular and ongoing basis.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Contents</td>
<td>17.</td>
<td>Each report should contain Respondent qualifications, together with a copy of the recruitment screener, discussion outline and, if possible, any materials used as stimuli during the session(s)/interview(s).</td>
</tr>
<tr>
<td>Inclusion of Statement of Not Statistically Projectable/Directional in Nature</td>
<td>18.</td>
<td>Each qualitative report must include a standard statement that the results of the research are not statistically projectable but rather are directional in nature, as they are based on the responses of a small selection of Respondents recruited to specific criteria using qualitative recruiting practices. This caution should be included in the summary and the body of the report. Reports should not include percentages, or proportions that might suggest that the results are projectable.</td>
</tr>
</tbody>
</table>
| Source and Author of Analysis | 19. **Unless otherwise agreed, the Moderator/Researcher should listen to session recordings, or work from transcripts or detailed notes when preparing the analysis.**
Moderators/Researchers should inform the Clients of the authorship of analysis and reports. |
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<tbody>
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<td>One Study</td>
<td>20. <strong>To protect Respondents, persons recruited for a specific study must be used by the Moderator/Researcher only for that study and not be re-contacted to participate in another qualitative study without prior permission of the initial Recruiter and the Respondent.</strong></td>
</tr>
</tbody>
</table>
| Recordings | 21. **The Facility or Online host/provider must ensure the Moderator/Researcher receives the recordings at the end of the sessions or immediately following completion of the research.**

The Facility must get the written consent of the Moderator/Researcher if recorded sessions are to be stored on the Facility’s server, and share the geographical location of the server. The server must be secure and comply with the following Personal Information (PI) protection requirements:

- Unauthorized access to and/or disclosure of personal information by an employee is strictly prohibited.
- **All Facilities must use industry standard technologies and maintain current security standards to ensure that PI is protected against unauthorized access, disclosure, inappropriate alteration or misuse.** Electronic records must be kept in a secure environment with restricted access. Facilities need to manage their server environment appropriately and the Facility firewall infrastructure must be actively managed. Security practices must be reviewed on a regular basis. Facilities must routinely employ suitable current technologies, including intrusion detection systems, to ensure that the confidentiality and privacy of PI is not compromised.
- Facilities must use industry standard protocols and encryption technologies to protect and maintain the security of message transmissions over the internet.
- Facilities must keep PI only as long as it remains necessary or relevant for the identified purposes or as required by law. |
<p>| Security of Recordings | 22. <strong>Recording (audio, video and/or text), where applicable, should be kept by the Moderator/Researcher, or in his or her absence, the Facility, Online hosting company or Subcontractor, for a period of 12 months.</strong> |</p>
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<tr>
<th>Section</th>
<th>Clause</th>
<th>Description</th>
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<tbody>
<tr>
<td>Recordings</td>
<td></td>
<td>Recordings must be disposed of in such a way as not to risk the security of the information obtained.</td>
</tr>
<tr>
<td>Retention of Back-up Recordings and Double Recording</td>
<td>23.</td>
<td>If back-up recordings are left at the Facility, including portable storage media such as tapes, CD-ROMs, DVDs and Flash drives, the recordings must be kept in a secure location for 12 months. Portable storage media must be completely erased prior to disposal or re-use. Wherever possible, sessions should be recorded using at least two different methods/media.</td>
</tr>
<tr>
<td>Recording Release</td>
<td>24.</td>
<td>Client and/or third parties may only have access to recordings with the consent from all participants. Should a Client and/or third party request recordings, the Client/third party must provide written confirmation that they will only use the recordings for the intended purpose of the research and for restricted internal use only, unless otherwise agreed upon by all participants. Recordings must not be released to Clients without written acknowledgement by the Clients of the restrictions on their use.</td>
</tr>
<tr>
<td>Facility-Client Relationship</td>
<td>25.</td>
<td>Facility employees must have no contact with the Client beyond attending to their requirements during their time at the facility. There should be no attempt to contact the Client for other purposes either during or after the study has taken place. Whenever separate qualitative studies are being conducted simultaneously or are closely consecutive, for separate Clients, Facility Operators must make arrangements for each study to maintain confidentiality. This applies to the time leading up to, during and immediately following the actual fieldwork. Any computerized messaging produced by a Client must be erased after the event so as to prevent access to any of it by a subsequent Client.</td>
</tr>
<tr>
<td>Security and Confidentiality of Study Materials</td>
<td>26.</td>
<td>The Facility must ensure proper security safeguards and confidentiality with respect to all study materials, such as screeners, Respondent profiles, signature sheets, product samples and recordings and any materials containing Personal Information on Respondents to comply with PIPEDA.</td>
</tr>
<tr>
<td>Confidentiality of Client Materials</td>
<td>27.</td>
<td>All materials relating to Clients must remain confidential to persons wholly or substantially employed by the Moderator/Researcher, unless otherwise authorized by the Client.</td>
</tr>
<tr>
<td><strong>Confidentiality of Client Lists</strong></td>
<td><strong>28.</strong> Unless authorized to do so by the Client, the Moderator/Researcher should not reveal to Recruiters or Respondents nor to any other person not directly concerned, the name of the Client commissioning the study.</td>
<td></td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td><strong>Names Property of Recruiter</strong></td>
<td><strong>29.</strong> Recruiters must treat all materials relating to any project as strictly confidential. Lists provided by the Moderator/Client to recruit for one project must not be used for any other project and must be returned to the Moderator/Client when the project is completed (alternatively, the Moderator/Client must request that the lists be securely destroyed). These names must never go into a Recruiter database. The Facility must not enter into their own files the names of Respondents recruited by another agency. Where it is necessary to keep a record (e.g., to prove receipt of honoraria), the Facility must not access those names for the purpose of further recruiting.</td>
<td></td>
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</tbody>
</table>
Appendix “F”

GUIDELINE ON PASSIVE DATA COLLECTION AND OBSERVATION OF HUMAN BEHAVIOUR

(Adapted from the current ESOMAR Guideline on Passive Data Collection, Observation and Recording⁴)

⁴ Permission granted by ESOMAR, the world organization for encouraging, advancing and elevating market research worldwide.
1. **Active Data Collection**

Passive data collection is best understood by differentiating it from active data collection. The typical active form of market research data collection involves the asking and answering of questions. An interviewer may be involved, either in person or on the phone, or questionnaires may be self-completed on paper or on-line.

Active data collection requires informed consent from the respondent who voluntarily answers the questions and can withdraw at anytime with all answers to be erased if requested. The purpose of the data collection must be explained and a guarantee given that the data will be used for research purposes only.

2. **Passive Data Collection: Examples**

Passive data collection involves observation without active involvement of participants, or possibly without their knowledge.

For example, developments in video technology have created new opportunities remote observation from other locations, even across borders. There is also a resurgence of interest in ‘ethnographic’ research which involves observing and filming people in natural settings over an extended period of time.

There is also increasing use of CCTV (closed circuit television) in public places. CCTM use can include observing behaviour in a shopping centre, openly (where no attempt is made to conceal the process from participants or passing consumers), or less openly (where the observers are concealed and the observation is not disclosed).

Online data collection is also applicable here. For some time websites have been collecting browsing data and other passive measures based on techniques such as cookies and web bugs. However, the latest online research techniques now include the observation of online groups and bloggers, often linked with WOM (Word of Mouth) analysis, which relies upon observing people’s interaction with one another in both the face to face and virtual environments.

Technology further permits behavioural data to be collected as an incidental by-product of other activities. Some have raised privacy concerns:
- Smart cards and scanners are increasingly used to collect a wide range of consumer or member behaviour;
- Mobile phones can track geographic location;
- Ticket booking systems can track destinations.

Future technologies currently being developed will include brain scans, eye-tracking and RFID (radio frequency identification).

All such developments increase the need to differentiate market research from other activities, and to ensure transparency with respondents about information that is being collected. In Canada, some of these activities are governed by data privacy legislation, but the concerns about them may be not just legislative but also ethics-related.

3. **Key ethical principles**

It is not practical to anticipate and offer guidance on every possible form of passive data collection. This section spells out some fundamental ethical and legal principles to take into account.
3.1. Personal data or Personally Identifiable Information (PII)

Legal requirements for data protection deal with the gathering, processing and storage of personally identifiable information (PII). PII includes any information relating to an identified or identifiable private individual. A person can be identified (i.e. is “identifiable”) directly from a data record if the record includes such things as name, address, telephone number or email address. PII also includes data which make indirect identification possible, such as by reference to an identification number or to the person’s distinctive physical, physiological, mental, economic, cultural or social characteristics and location.

Where passive data is collected that contains no personal identification of data subjects, there is little risk of breach of personal identity protection.

3.2. Informed consent

Before personally identifiable data can be processed, the data subject must give informed consent. The data subject must be informed of the data being collected, the reasons for processing it and what will be done with it. Data subjects should not be misled, lied to or tricked. Participation is voluntary and participants can withdraw at any time. There may be instances in public places where informed consent from individuals is impossible to achieve. In those cases public notice should be given about the data collection (e.g. notice of a CCTV in operation.)

3.3. Proper use of the data

Uses of PII are restricted to those that the data subject has agreed to. If collected for research purposes, such data may not be used for other purposes.

3.4. Disclosure to third parties

PII can be passed on to a third party only with the permission of the data subject and to achieve the purpose for which the data were collected. Data collected for research purposes cannot be used for non-research purposes. Data which have been anonymized can be passed on to third parties and processed for other purposes.

A data record on its own may not identify an individual, but in conjunction with other linked data records an individual may be ‘identifiable’. There is no universal agreement on minimum criteria for confirming that individuals are not identifiable in a data set. Researchers should use conservative approaches to data release and transfer, bearing in mind that the market research industry strives to retain public trust and special status for market research data.

3.5. Public place

Public behaviour cannot be regarded as private or inaccessible to a researcher. However, the definition of a public place is subject to cultural variation and the researcher should take into account the unique circumstances and customs that prevail in the public place in which the research is being conducted.
3.6 Publication or broadcast

When somebody publishes or broadcasts their views or opinions, that information is in the public domain. On Internet sites where anybody can observe or contribute, the content is considered the equivalent of publishing or broadcasting. Such sites are to be distinguished from Internet sites that require users to join, register or apply for membership, before being permitted to participate. The term ‘walled garden’ is often used to describe these semi-public forums. Views expressed in “walled gardens” should be treated as private and researchers should announce their presence and purpose, and seek co-operation.

4. Audio and video recording of interviews and group discussions

Audio and video recording of interviews are commonly used and accepted by respondents. Two issues arise under the MRIA Code of Conduct for Market Research (the MRIA Code):

1. What form of permission should be obtained from respondents for use of such techniques?
2. How far, and under what safeguards, may audio or video recordings be played or supplied to people outside the research organisation carrying out the research?

Video-recording presents the greater issues, because of the greater ease for identifying respondents compared to just audio recording. Also, video recordings are more likely than audio recordings to be the subject of requests from clients or ad agencies, because of their more substantive content.

If a copy of a video recording leaves the custody of a research organisation, it becomes both more important and more difficult to ensure its proper use. The issue is greater in the case of business-to-business research, medical research, and research among other special sub-groups of the population, where there is a higher probability that some of the respondents may be identifiable.

Article 7 of the MIRA Code addresses appropriate safeguards for the privacy rights of respondents. The present Guideline sets out in more detail how Article 7 should be applied in practice.

4.1 Respondents' agreement to the use of recording

Respondents must be told at the beginning of the interview or group discussion that video recording techniques are being used, unless this knowledge might bias the respondents’ subsequent behaviour. The only other exception where advance notification is not essential is for recordings made exclusively for supervisory, control or analysis purposes and where it will be seen or heard only by the interviewer, moderator, supervisor or researcher working on the survey. In both these situations, respondents must be told about the recording at the end of the interview and be given the opportunity to see or hear the relevant section of the record and, if they so wish, to have it destroyed or to have their image pixelated to mask their identity.

Canada’s legal restrictions on the use of recording devices, as they apply to a specific research situation, will override any suggested guideline included here.

4.2 Client rights to copies of the original data

It is generally accepted research practice that the client is entitled to be supplied, at cost, with duplicate copies of the original survey data obtained from respondents provided that it has been anonymized. Where the information is held in the form of audio or video recordings, it is preferable to supply it to the client in the form of anonymized transcripts (with any personally identifying comments removed.)
4.3 Safeguards on the release of recordings

Recordings must not be allowed out of the hands of the researcher or research organisation carrying out the study unless explicit permission has previously been obtained from all the respondents included in the recording.

Where such permission is to be obtained the researcher must ensure that respondents are given as much relevant information as possible about the future use of the recording, in particular:

- to whom the recording is to be given
- to whom it is likely to be shown
- for what research purposes it is likely to be used.

In particularly sensitive cases, the possibility (where technically feasible) of blurring or obscuring the identifying characteristics of respondents should be considered when a video recording is to be released outside the research organization. In certain cases it may be sufficient to release the soundtrack only.

When a recording is released in conformity with these recommendations it should be labelled with the appropriate restrictions on the purposes for which it may be used. The researcher must also ensure, under Article 12 of the MRIA Code, that the recipient of the recording is aware of the requirements of the MRIA Code and the need to abide by these (the restrictions on the use of recordings should be made known at the start of the project). The recipient should be told that permission must be obtained from the researcher (and where appropriate the respondents) before the recording is used for any other purpose not previously agreed; and that under no circumstances may the recording be used for non-research purposes such as promotion or direct sales activities.

If any part of a recording is to be played (but not handed over) by the researcher to anyone other than authorized research personnel within his own organisation, the researcher must ensure that the requirements of Article 7 of the MRIA Code are fully met. No reference may be made to the identity of any of the respondents involved without their prior permission.

4.4 Client observation of interviews

Similar considerations arise where an interview or group discussion is to be observed by a client or his representatives (including advertising agency staff, etc.), whether for quality control purposes or to gain a better understanding of the findings of the research. This is especially the case where the fact of being observed is not easily apparent to respondents, for example where the observation is in a separate viewing room via closed circuit television. The following recommendations deal with client observation of interviews.

In certain cases clients and their representatives may be allowed under the MRIA Code to observe an interview or group discussion at the time it is carried out (with or without the simultaneous use of recording equipment). Wherever this happens the researcher must ensure that all such observers are fully aware of the requirements of the MRIA Code and agree to abide by these.

The researcher must also try to ensure that such observers do not include people who are likely to know, or have any direct dealings with, any of the individual respondents being interviewed (for example client sales staff in the case of a survey among business managers or doctors). Observers should be told that if they find they know any of the participants, they must stop observing and notify the researcher.

Respondents must be told that the interview or discussion is being observed by other persons.
The identity of the client need not be revealed unless asked for by the respondents.

4.5 Web video streaming of interviews and group discussions

In circumstances where observers will be watching a video stream in remote locations, the researcher still has a responsibility to ensure that respondents’ rights are protected as if the observers were at the research location.

Video streaming does not work in the same way as most Internet content. While most internet content like web pages and e-mail can pass through IP networks (such as the Internet) as plain text, video must be encoded first. Encoding is a process where a mathematical algorithm compresses and discards video data. This process removes blank audio and freezes images where there is no movement; this makes video streams smaller and more efficient by just concentrating data on the movement of objects or people within the video. Once the video is encoded (whether it’s live or on demand), the video is transmitted over the Internet in small chunks, which are played by the client media player then discarded. They aren’t saved anywhere on the client side.

If the video transmission system used does deliver a copy of the recording to the receiving computer, the researcher must take steps to ensure that any copy of the video stream saved in the cache of the observer’s computer is either deleted or is not used in a way which breaches this Guideline.

MRIA recommends that steps are taken to ensure that video streams and digital video files are “fingerprinted” via steganography (art and science of writing hidden messages in such a way that no one apart from the sender and intended recipient even realizes there is a hidden message) or other means such as a digital watermark, so that the origin of videos can be traced back unequivocally in the event of them becoming public without the respondents’ permission.

4.6 Audio recording and listening in to telephone interviews

There are legal restrictions on listening in to, or recording phone calls. The use in the introduction to the interview of a phrase such as “this interview may be recorded for staff training purposes” is required.

Where a client wishes to listen in on a telephone interview, or listen to audio recordings of interviews, the previous section of this Guideline on client observing applies.

5. Observation of human behaviour

When researchers set out to observe human behaviour not by interview but just by watching, two general courses are open to them. They can be openly involved in the activity they are observing – participant observers, or they can remain aloof from the activity – acting almost like voyeurs or covert observers. The ethical issues vary depending on the approach taken.

5.1 Participant Observation

Participant observation is a well established social science technique and has been used in investigations of human interactions. The Ethical Standards of the American Psychological Association (Standards) provides excellent guidance particularly on the very critical component of "informed consent". MRIA endorses this guidance.
Here are some of the features of informed consent as described in the Standards:

- Prior to conducting research, researchers enter into a documented agreement with participants that clarifies the nature of the research and the responsibilities of each party.
- When obtaining this informed consent, researchers use language that is reasonably understandable to the participants.
- Informed consent is obtained before recording the subjects in any way.
- Researchers explain significant factors that may be expected to influence the person’s willingness to participate (such as risks, discomfort, adverse effects, or limitations on confidentiality) and other aspects about which the person may inquire.
- Researchers tell participants that they can withdraw from the research at any time as well as explain the foreseeable consequences of declining to participate or withdrawing.
- For persons who are legally incapable of giving informed consent, researchers nevertheless provide an appropriate explanation, obtain the person’s consent, and obtain appropriate permission from a legally authorised person.
- Researchers inform participants of their anticipated sharing or further use of personally identifiable research data and of the possibility of unanticipated future uses.
- Researchers provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and they attempt to correct any misconceptions that participants may have.

The APA Standards also advise on reporting:

“In reports or presentations of their research, researchers do not disclose confidential or personally identifiable information concerning their subjects unless the person has given written permission (or unless there is some other ethical or legal authorisation to do so). “Ordinarily,” the Standards add, “in such scientific and professional presentations, psychologists disguise confidential information concerning such persons or organizations so that they are not individually identifiable to others and so that discussions do not cause harm to subjects who might identify themselves.”

5.1.1. Participation in Internet activity

If people express their views in public internet areas, where they would expect anybody who was interested could see and read and transmit their ideas, then this is in the public domain.

‘Walled gardens’ need more careful handling. The researcher joining a restricted group intent on research, should announce his presence and objectives and seek the permission either of the area moderator, if there is one, or the members of the group.

Internet areas which are set up specifically for respondents to visit in order to participate in research – i.e. created for the researcher for the purpose of research, should be subject to all the requirements of informed consent and confidentiality, required of other direct research approaches.

5.2. Undisclosed observation

Observation in public places, whether disclosed or undisclosed, is legitimate. Researchers using undisclosed observation techniques in public places (such as shops, restaurants etc.) should provide notification to the public.
5.2.1. Public places

If videoing people in public places, the researcher should display clear warning signs. If observation is taking place in an environment, research ethics may be addressed by placing a notification at the entrance to the store or restaurant stating that observations for research purposes are taking place. People who elect not to participate have the right not to enter. In circumstances where it is not reasonable to expect an individual not to enter, in a hospital for example, people should be given the right to have their data anonymised by obscuring identifiable features, or deleted if this is feasible without affecting the results of the research.

Contact information should be displayed with some prominence in a sufficiently large and readable typeface. A typical statement may read as follows:

EXAMPLE NOTICE:

Observations and videotaping for market research purposes are taking place inside the store today. 
Company name; contact details.

A similar notification might be used at the entrance to a service provider:

EXAMPLE NOTICE:

During the month of February, we will be conducting random observation of interactions between customers and sales staff for the purpose of improving our services to the public. 
Company name; contact details.

5.2.2. Private places

Observation in private places is not allowed without the explicit consent of the subjects.

5.3. Mystery shopping

Mystery shopping is a variant of passive data collection in that the data subject does not know that data is being collected. MRIA has a separate Guideline on Mystery shopping giving detailed advice.

6. Incidental data

In this digital age much opportunity exists for personal data records to be created which are incidental outputs from some everyday transaction or activity. A mobile phone will create records not just of who you call and who calls you, but also approximately where you have been – which mobile cell areas you have been connected to. All of this data is legitimately collected for specific purposes – billing you accurately or knowing how to connect calls to you.

Such personal data can be processed for those purposes and analysed for management purposes though it will usually have very limited sets of data variables and will not allow much by way of general research insights.

It should not be analysed for different purposes. For example analysing frequently called numbers in order to offer personal discounts, or analysing flight destinations of frequent flyers to make special offers to them for flights to those locations.
The real marketing value of this behavioural data can be extracted when it is combined with other data about customer habits, attitudes or characteristics; in other words, when two independent personal data files are combined. This is frequently referred to as database enhancement.

### 6.1. Database enhancement

Some agencies specialize in the technical process of coding data for entry to an efficient computer database, and thereby enhancing the database with a new set of information in each file (each file corresponding to an individual.) A simple example of database enhancement is adding geodemographic coding to a survey data file. Database enhancement is carried out by reputable research agencies in many countries. The process, if carried out correctly, involves no breach of confidentiality either in the coding process or in the analysis and use of the final anonymized data set.

Those who do the coding for entry into an enhanced data base should receive only the information to be coded without seeing it linked to personal identifying information. It may be that the file will eventually be used for targeted marketing. However, if a respondent receives some form of marketing approach as a result of analysis of the enhanced survey data, they will receive it because they are part of some much larger target group defined by survey analysis. It will not be based on their individual data as supplied in the survey. This is the same for any survey carried out to support marketing. A respondent who is representing a group of people with certain characteristics may receive marketing messages designed for that group of people.

It is essential for the research agency to explain the relevant data protection issues to the third party coder and they must sign a declaration that they will comply with the requirements of the MRIA Code and data protection legislation.

### 6.2. Loyalty cards

Corporate sponsors of loyalty programs may wish to match cardholder information, survey data, and purchase data. For legitimate research analysis, the process described for database enhancement should be followed.

### 7. Retail tracking

RFID technology is currently being developed to help retailers and producers with the logistics of getting products to the right place at the right time by tracking their whereabouts. This technology will continue to be monitored by MRIA and updates to this Guideline issued if needed.

### 8. Physical monitoring

Neuromeasurement, the physical monitoring of respondents using sensors and devices such as EEG (Electro Encephalogram) or fMRI (Functional Magnetic Resonance Imaging) is a growing area of consumer research. EEG measures changes in electrical activity within the brain, which happens with every thought, movement and action as a response to things that we see, hear, taste, touch and smell. The equipment is portable, lightweight and non-invasive, easy user friendly. It may be paired with eye-tracking equipment, special glasses that monitor frontal and retinal eye movement.

FMRI is more invasive, with the respondent in a laboratory environment, secured to a cot in an enclosed space, while the head is immobilized as stimuli are displayed.
Informed consent is essential for all of these methodologies. Full explanation of the procedure is essential to dispelling anxiety. The onus is on the research agency or neuromarketing company to explain fully the role and use of the technology, both at recruitment and prior to implementation.

Researchers collecting psycho physiological data through physical monitoring must have a clear retention and use policy for the data. Market researchers should explicitly advise participants that the market research investigations have no medical diagnostic role. However, participants may be given the option to have the data released to medical professionals.
 Appendix “G”

GUIDELINES ON COMMISSIONING RESEARCH

(Adapted from the current ESOMAR Guideline on How to Commission Research⁵)

⁵ Permission granted by ESOMAR, the world organization for encouraging, advancing and elevating market research worldwide.
GUIDELINES ON COMMISSIONING RESEARCH

MRIA advocates

- an informed, fair and transparent process of selecting research suppliers where competitive bids are appropriate
- a well-documented and thorough communication, between client and selected research partner, of project mandates, expectations, and project plans
- maintaining a respectful working relationship between client and research partner/supplier and
- mutual accountability between client and research partner to respect principles of ethics, law and regulation, cultural accommodation, scientific integrity, and international differences (where research is conducted cross-border.)

MRIA refers its members to ESOMAR’s Guidelines on Commissioning Research posted on its website at www.esomar.com. The ESOMAR Guidelines contain helpful checklists and ideas for continuous improvement. MRIA does not regard the ESOMAR Guidelines as prescriptive for MRIA members, nor does it guarantee the correctness of all details or relevance to the Canadian regulatory environment. However, MRIA supports in principle ESOMAR’s pursuit of a high standard of informed professionalism in the commissioning of research.

MRIA may undertake in the future to prepare a customized Guideline on commissioning research for Canada’s MRIA members.
Appendix “H”

GUIDELINE ON MYSTERY SHOPPING STUDIES

(Adapted from the current ESOMAR Guideline on Mystery Shopping Studies\textsuperscript{6})

\textsuperscript{6} Permission granted by ESOMAR, the world organization for encouraging, advancing and elevating market research worldwide.
1. Introduction

Mystery shopping typically entails observation at points of sale or service delivery sites. It may extend to interacting with salespeople or making a purchase, the mystery shopper acting in the role of a customer or potential customer. It may take place in business locations, through mail or fax, over the telephone, through email exchange, or through website visits.

Mystery shopping serves many purposes. It may be used to assess client experience with signage, cleanliness, waiting time, or response time. It may be used to assess adherence to company standards or the state of repair of equipment at retail sites. Or it may be used to test for integrity of salespeople’s dealings with customers.

Mystery shopping studies involve the use of mystery shoppers trained to observe, experience and measure the processes by which customers are served. Acting as prospective customers, mystery shoppers undertake a series of pre-determined tasks to assess performance against specific criteria, reporting back on their experiences in a comparable and consistent way.

Clients who commission a mystery shopping study may have in mind a mystery shop of their own organizations, of competitors’ locations or of business locations of intermediaries in the sales process, such as retailers, distributors or professional advisors.

2. Basic considerations

Data subjects are normally unaware that they are “participating” in a mystery shopping study--since their awareness might lead to atypical behaviour and thereby invalidate the findings of the study.

Provided that they are carried out professionally and with appropriate safeguards for data subjects’ rights, mystery shopping is a valid and legitimate activity. Researchers carrying out mystery shopping studies must ensure to the extent possible that individual privacy is respected and that data subjects will not be disadvantaged or harmed as a result of the study.

Mystery shopping studies must always conform to applicable legislation. There must be adequate security measures in place to ensure that any personal data are secure and not accessible by unauthorized parties.

Mystery shopping may be conducted with two different approaches to respondent anonymity. With one approach, the data subjects’ anonymity will be safeguarded, and all personal data collected will be treated as fully confidential and used only for research purposes. With the second approach, the purpose of the study is not restricted to scientific research, and anticipates that the data will be used to debrief the data subjects individually. The latter approach is sometimes used for staff training, operation of a bonus system or checks on integrity at the cash register.
Mystery shoppers must not be asked to do anything that is illegal or that puts their personal safety, health, or reputation at risk.

3. General requirements on mystery shopping studies

(a) When mystery shopping research is to be carried out within the client’s own organization, the client should be encouraged to notify the staff and any relevant staff organization or union. Notification may include:

- The time period anticipated for carrying out the activity
- The objectives and general nature of the study
- Whether data subjects will be identified or not,
- Whether audio, video, electronic or other recording of observations or interviews will be carried out (including adequate information regarding purpose, recipients and storage of the recording),
- Any consideration to be given for losses to income resulting from time spent dealing with mystery shoppers (in cases where staff remuneration depends on commission or bonuses).

(b) In the case of mystery shopping of competitors or other organizations, demands on time and resources of the organization being mystery-shopped should be kept to a reasonable level. The researchers should be able to reasonably assume that no substantial disadvantage or financial harm will be done to persons in the target organization who are observed or intercepted.

(c) In situations where no purchase of a product or service is made, the length of time spent, either in interacting with the customer or following up at a later time, should be reasonable in relation to the nature of the market and the type of inquiry. The mystery shopper should not waste the data subjects’ resources, beyond what a normal customer inquiry might entail.

(d) If the mystery shopping study involves making a booking or reservation, or asking for provision of any other follow-up service or action which does not form part of the main mystery shopping task, the obligation put on the targeted organization should be cancelled or withdrawn as soon as possible after completing the mystery-shopping activity.

(h) Any recordings made shall not be retained for longer than is necessary for the original purpose of the mystery shopping study. Recordings shall not be shared with the client or other third parties except with the consent of the data subjects, and shall be used for the agreed purposes only.

4. Additional requirements on mystery shopping used strictly for research purposes

Where mystery shopping is used strictly for market research purposes

(a) The individual data subjects must not be revealed or be identifiable.
(b) The interviews must not be recorded electronically without knowledge of the data subjects

(c) If the client receives a list of the mystery-shopping sites (e.g. stores), the research results should be presented in a manner which cannot lead to the identification of individuals who were subjects of the mystery-shops.
Appendix “I”

GUIDELINE FOR ONLINE RESEARCH

(Adapted from the ESOMAR Guideline for Online Research)
1. INTRODUCTION

The MRIA Code on Market Research (the MRIA Code) applies to online research.

Because the national and international legal framework governing the Internet are still evolving, online research operates in a less well defined legal framework than other forms of research. This Guideline addressing legal, ethical and practical considerations in using online technologies. It adapts the principles of the ESOMAR Guideline for Online Research.

1.1 Principles for online research

There are three over-riding principles for online research.

First, treat participants with respect. The relationship between the market research industry and the public is based on trust, respect and reciprocity.

Second, be sensitive to consumer concerns. Researchers should avoid activities and technology practices that could undermine public confidence in the market research industry.

Third, diligently maintain the distinction between research and commercial activity, such as direct marketing or advertising. Where online interactions are not intended solely for research purposes, they must not be described as market, social or opinion research.

2. Data Protection

Researchers must adhere to the data protection requirements of Article 7c of the MRIA Code, which are as follows:

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.

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 so requested, and/or
ii) the respondent has given explicit consent and
iii) on the understanding that no commercial activity (as defined in Article 1d of the MRIA Code) will be directed at them as a direct result of their having provided information.
2.1 Handling personally identifiable information (PII)

Respondent identity must be protected. It cannot be revealed to the user of the information without respondents’ explicit consent, and the researcher must obtain assurance that the collected information will not be used for any purposes other than the purpose conveyed to participants. No personally identifiable information may be used for subsequent non-research purposes such as direct marketing, list-building, credit rating, fund-raising or other marketing activities relating to those individual respondents.

A respondent’s e-mail address or other personal identifiers (e.g. screen or user name or device identifier where it is recorded in the data) are personal data and must be protected in the same way as other identifiers.

If all data which could lead to the identification of an individual are removed from data records (including identifying serial numbers which link to a separate file of identity data) the data set no longer contains personal data and is no longer subject to the requirements of data protection and privacy laws or to early deletion.

2.2 Notifications and e-mail

Researchers must remain mindful of concerns about privacy and intrusion and not make unsolicited e-mail approaches to potential respondents unless individuals have a reasonable expectation that they may be contacted for research.

Researchers must mitigate any inconvenience such an e-mail might cause to the recipient by clearly stating its purpose in the subject heading and keeping the total message as brief as possible. The same requirement applies to other electronic messages such as instant messaging, or SMS.

Researchers are required to verify that individuals contacted by e-mail for research have a reasonable expectation of being contacted for research. Such agreement can be assumed when all of the following conditions exist:

i) A substantive pre-existing relationship exists between the individuals contacted and the research organization, the client or the list owners providing sample for the research (the latter being so identified);

ii) Individuals are offered the choice to be removed from future electronic contact in each invitation in a clear way, with removal being free of charge and easy to implement;

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

Unsolicited survey invitation e-mails may be sent to business-to-business research respondents, or professionals whose email addresses are publicly listed, provided that researchers comply with points (ii) and (iii) as well as with the anti-spam policies of their internet and e-mail service providers.
Researchers must not use subterfuge in obtaining electronic addresses of potential respondents, such as collecting e-mail addresses under the guise of some other activity, or using technologies to “mine” e-mail addresses without individuals’ awareness.

Researchers must not use false or misleading return e-mail addresses when recruiting respondents over the internet.

When receiving e-mail lists from clients or list owners, researchers must have the client or list provider confirm in writing or other recordable medium that listed individuals have a reasonable expectation of receiving e-mail contact, as defined above.

It is good practice for researchers to keep copies of e-mails or other documents received from respondents agreeing to, or restricting, use of or access to their personal information.

2.3 Privacy policies

Researchers should post a clear, concise and prominent privacy policy statement on their website.

The privacy policy must be made available as a link from every online survey, and must inform research participants how their personal information is used and secured, as well as the conditions, if any, under which it may be disclosed to a third party. It is good practice to disclose main privacy policy details in the invitation to participate in a survey.

Policy language may vary depending on research parameters. MRIA recommends a three layer privacy notice with the first layer giving a concise summary of the privacy policy, the second layer giving a brief overview of market research and the firm’s privacy practices and a third layer providing the firm’s comprehensive privacy policy.

2.3.1 Standard elements for privacy policies

Statement of who is doing the research, and whom it is for

Guarantee of confidentiality, data to be used only for research purposes unless the respondent explicitly requests or agrees to disclosure to a third party.

Will not mislead about the nature of the research or the uses to be made of the findings

Cooperation is Voluntary:

Entitled to withdraw at any stage of the interview, or to subsequently ask for your information to be destroyed or deleted.

Identification and tracking technologies in use.
Cookies: clear statement if they are being used and why

Children: clear statement about how interviews with children, young people or persons with functional cognitive disabilities will be carried out

How to contact us:

Security measures against loss, misuse, or alteration of information you provide; access to the information only by authorized employees for data analysis and quality control purposes; security measures apply to any third parties to whom data are transferred. 

No unsolicited follow-up or sharing of email address with others.

Access to own personal information: how to access and if necessary correct information held. (Canadians have a statutory right to access their personal information held by organizations, subject to certain conditions.).

Where the data are held/processed: as many companies operate globally and may collect data in one country and process in another.

Registered address of the research organization.

Date the privacy policy was last updated.

2.3.1 Other elements depending on methodologies used to contact potential respondents.

i. Where the respondent is being invited to join an online panel for market research purposes, or has already joined:

The sign up process, including quality controls to verify identity

The panel database: information that will be stored for panel management, control and sample selection and the process for updating it, deleting it or deleting personal identifiers.

Frequency of contact

Password identity system

Opt in and opt out policies for communications other than surveys.

Reward program, if any
ii. Where the researcher has obtained a list of e-mail addresses in order to send invitations to participate in a survey:

**Source of email information:**

**Spamming:** will not knowingly send e-mail to people who have not consented to helping in research and must include a mechanism for the researcher to remove their name from future surveys or notify the provider of the e-mail list.

**Password identity system:** if it is used describe how it works and the security it offers.

**Stop and start** interview process: if this is possible explain how, and any information stored to allow it.

iii. **Intercept surveys** where the respondent is selected as a 1-in-n sample of visitors to a web site or similar technique:

**Explain intercept technique:** e.g. random selection.

**Password identity system:** if it is used, describe how it works and the security it offers.

**Stop and start** interview process: if this is possible, explain how, and any information stored to allow it.

**Invisible processing:** describe any invisible processing used to make the intercept or re-direct respondents to the survey.

2.4 **Children, young people and intellectually disabled persons**

Researchers must be sensitive to concerns of parents, consumer groups and legislators about the potential exploitation of children, young people and intellectually disabled persons on the internet. All reasonable measures must be taken to ensure verifiable and explicit permission is obtained from a parent, legal guardian or otherwise legally authorized adult to invite a child, young person or intellectually disabled person to participate in a research survey although it is recognised that the identification of children, young people or intellectually disabled person is not possible with certainty on the internet at this time.

2.4.1 **Obtaining permission**

Children are defined as persons under 13 years of age. The consent of a parent, legal guardian or otherwise legally authorized adult is required before interviewing children. In the case of qualitative research, adult consent is required for persons under 16. Persons of any age with any kind of intellectual disability shall, for the purposes of the MRIA Code and this Guideline, be included in the category of “children” as herein defined. Young people are defined as persons between 13 and 17 years of age, inclusive. The consent of a parent, legal guardian or otherwise legally authorized adult is recommended before interviewing young people. In the case of qualitative research, adult consent is required for persons under 16.
Questionnaires on websites aimed at children and young people must require a child to give their age before any other personal information is requested. If the age given by the respondent is within the category of a “child”, as defined in this Guideline, that person should not be invited to provide further personal information until the appropriate permission has been obtained. Similarly with young people. This notice must be clear and prominent, include an explanation of the subject and refer to the fact that permission will be verified where relevant. A request to the parent, legal guardian or otherwise legally authorized adult for their permission must be provided on the research provider’s website or e-mailed to a parent, legal guardian or otherwise legally authorized adult.

Where personal information collected from children and young people will only be used for research purposes and no personal data will be passed on for any other purpose, permission can be by a return e-mail, letter or phone call from the parent, legal guardian or otherwise legally authorized adult.

Reasonable steps must be taken by the researcher to validate that the authorizing parent, guardian or otherwise legally authorized adult actually has agreed by following up with an e-mail, letter or phone call for example, having asked the child to provide their parent’s contact details so that their permission can be sought.

Prior parental permission is not required to:

- Collect a child’s or a young person’s or parent’s e-mail address solely to provide notice of data collection and request permission.
- Collect a child’s or young person’s age for screening and exclusion purposes. If this screening leads to the decision that a child does qualify for interview, parental permission must then be sought to continue with the interview.

In ensuring that all reasonable precautions are taken to ensure respondents are not adversely affected as a result of participating in a research project, asking children and young people questions on topics generally regarded as sensitive must be avoided wherever possible and in any case handled with extreme care.

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

Where researchers are setting out to recruit children or young persons for repeated surveys they should consider:

- Recruiting parents with children or young persons of the required age and then managing the research process with the agreement and monitoring of the activity by the parent.
- Enabling password protection of surveys so that the entry of a password known only by the parent is required which means the parent must agree to provide it before the child or young person can proceed in the research.

Where necessary, researchers should consult MRIA for advice.
3. REGULATORY ISSUES

3.1 Personal data and IP addresses

Data privacy legislation in Canada applies only to personally identifiable data, not to data sets where it is impossible to identify any individual. Under these laws data subjects normally have a right of access to data held in a personally identifiable form, to view records being held in their name and to request corrections if there are errors. This right of access no longer applies once the personally identifiable elements have been removed from the data set.

The inclusion in a data set of, for example, a name, address, e-mail address or phone number would create personally identifiable data. It might also occur if there were an exact geographic location or postal code that could be combined with other information in the data set. Researchers must take care to ensure that data sets collected for market research that contain personally identifiable data are kept securely and are only used for market research purposes.

An IP address is necessary to link to the internet and is routinely captured by websites and software running on servers and personal computers connected to the internet. In general, the user is unable to prevent the capture of the IP address from taking place. An IP address might constitute personal data in combination with other identifiable data. They can often identify a unique computer or other device, but may or may not identify a unique user. Accordingly, MRIA requires compliance with the relevant national and/or provincial and/or local law and/or regulation if it classifies IP addresses as personal data.

3.2 National jurisdiction

The MRIA Code is to be applied against the background of applicable law and of any stricter standards or rules that may be required in any specific Canadian market. However, data privacy requirements and responsibilities are still being defined on an international level.

MRIA’s advice to Canadian researchers is to consider the respondent’s point of view and that, in participating in surveys applicable to the Canadian market, respondents would assume that the legal requirements of Canada would be met. Where it is possible to know the respondents’ country of residence, then the researcher should follow the legal requirements of that country noting that countries differ in their requirements with respect to privacy issues.

3.2.1 Remote data collection and data transfer

Researchers are advised to clarify which country(ies) are intended for the research study, especially if this differs from the country where the research company is established. The language of the website or questionnaire will play a role in clarifying the target country(ies). They can also be specified in the privacy policy which should comply with the regulations in Canada, where the research company is established.

Respondents should be informed of the law(s) under which the data is being collected on the front page of the survey at the point where respondent consent is being requested and this will also clarify conditions in circumstances where the respondent’s country of residence is not known, for
instance in worldwide customer satisfaction surveys or in monitoring a website where respondents could be located anywhere. For non-panel approaches (including web intercept) the aforementioned practice is most appropriate. For panels, it is common practice to inform respondents of the law in effect via the panel registration and privacy policies.

MRIA requires Canadian researchers collecting the data (the data controller) to comply with the applicable laws in force in Canada and, if collecting data in several countries, also to comply with the laws of those countries in which data collection is taking place.

Before personal data is transferred from the country of collection to a third country, the researcher must ensure that the data transfer is legal, and that all reasonable steps are taken to ensure adequate security to maintain the data protection rights of individuals. This also applies if using a “remote” server in a different country to collect data from the respondent or it is processed in an international “cloud”.

The researcher must explain this process in their privacy policy and provide appropriate safeguards to protect personal data when asking the respondent for permission for the data transfer.

3.3 Registration

In countries with data protection legislation, data controllers are usually required to register with the authorities. Researchers should register their activities with the appropriate authorities. As at the date of this Guideline there is no registration requirement under any of Canada’s four private sector privacy statutes: Canada’s Personal Information Protection and Electronic Documents Act (PIPEDA); Personal Information Protection Act (PIPA BC); Personal Information Protection Act (PIPA Alberta); and an Act Respecting the Protection of Personal Information in the Private Sector (Quebec Privacy Act), (collectively Canadian Privacy Statutes).

3.4 Security

Researchers and their subcontractors must take adequate precautions to provide the highest level of security when collecting personally identifiable data, and in particular any sensitive data which may be defined in data protection legislation as requiring particularly careful management.

Researchers must also take reasonable steps to ensure that any confidential information provided to them by clients or others is protected (e.g. by firewall and password controls) against unauthorised access.

Clients must be fully informed and mindful about the potential risks of posting details of confidential information in internet surveys and be required to implement strict security procedures. Concepts and ideas generally cannot be secured by technological means alone and statements once distributed, even when protected by non-disclosure agreements, are easily forwarded and effectively impossible to remove from circulation once released.

3.4.1 Managing security

Researchers must use security technologies to protect the personal data collected or stored on websites or servers, using reliable encryption systems such as Secure Socket Layer (SSL)
encryption mode or equivalent level security. Data “at rest” (typically defined as all data in storage but excluding any data that frequently traverses the network or that which resides in temporary memory) should also be encrypted at a suitable level.

Data security is also important to prevent unauthorised access to, manipulation of or disclosure of personally identifiable data including during data transfer. The research provider must have clear policies and procedures to manage security. Access to data should be restricted and allowed only on a need to know basis. The researcher should ensure that all relevant managers and key staff handling such sensitive data have signed to confirm they will follow the MRIA Code and not disclose personal data.

If the temporary storage of the data being collected takes place on a server that is operated by a sub-contractor or service provider, the researcher must place sub-contractors under a contractual obligation to take the necessary precautions to prevent unauthorised access while the data is stored or during data transfer. The identifiable data held by the service provider must be deleted at the earliest possible time.

### 3.5 Electronic marketing

Electronic marketing is governed by Canada’s Anti-Spam Legislation (CASL), part of which came into force in July, 2014. The balance of CASL is expected to come into force in January, 2015. Electronic marketing is also governed by the four Canadian Privacy Statutes. For details, refer to each of the applicable statutes.

3.5.1 Under CASL, a commercial electronic message is broadly defined and includes text, sound, voice, or image messages intended to encourage participation in a commercial activity.

3.5.2 Such electronic messaging is prohibited unless the recipient provides his express or implied consent and the message complies with the prescribed content and withdrawing (or unsubscribing) requirements.

3.5.2 CASL also prohibits the installation of a computer program on any other person's computer system, or causing electronic messages to be sent from another's computer system, without express consent, if the relevant system or sender is located in Canada. Stiff penalties for infractions are provided under CASL as are private rights of action by individuals.

### 4. USING ONLINE IDENTIFICATION AND TRACKING TECHNOLOGIES IN RESEARCH

Online identification and tracking technologies have developed rapidly over the past few years on a global scale. Whilst many of these technologies are designed to improve the computer user experience, they have led to close scrutiny from privacy groups who are concerned about the potential for organizations or individuals to identify and monitor individuals online without their knowledge.

Online identification and tracking technologies developed for market, opinion and social research are applied to improve the integrity of research panels and sampling techniques, since the researcher and the participant will usually only interact online.
4.1 Identification and tracking technologies for market, social and opinion research

Identification and tracking technologies are technologies used to identify, validate and track respondents or respondent activity for research on the internet. Uses of these technologies can include ad tracking, survey quota control, fraud prevention and behavioural research. The terms spyware and malware are widely used to describe the unacceptable use of online tracking and identification technologies. Market social and opinion research must not use technology in such a way that it would be classified as spyware or malware. This section sets out acceptable and unacceptable uses of this technology as well as guidance on specific technology types.

4.1.1 Specific technologies

Identification and tracking technologies for research include the following:

Cookies
Cookies are small text files stored on a computer by a website that assigns a numerical user ID and stores certain information about your online browsing. Cookies are used on survey sites to help the researcher recognise the respondent as a prior user as well as for other survey control or quality functions. The Office of the Privacy Commissioner of Canada has released findings and guidelines on the use of cookies and has indicated that information stored by temporary and persistent cookies is considered to be personal information that is subject to PIPEDA and requires users’ consent.

Researchers must include clear, concise and conspicuous information about whether they use cookies and if so why. If cookies are used, the researcher must ensure that a description of the data collected and its use is fully disclosed in the research organization’s privacy policy.

Researchers conducting research in countries other than Canada should consult updates from such other countries and MRIA on whether researchers are required by national legislation to seek consent for cookies.

Researchers collecting panel data and tracking respondents behaviour across the internet need to cover this in their privacy statement and should also explain this activity on the sign up page for the panel in order to be sure that respondents are completely clear about the information being collected from them.

Flash cookies
Flash cookies originate from coding found in Adobe's Flash media player, an application which is used by the vast majority of commercial websites that feature animations or videos.

If used in a research technique, researchers must disclose the use of this information, provide details on how to remove them in their privacy policy and seek respondents’ prior consent. In addition, other new techniques are being developed such as HTML5 local storage features that cannot be easily deleted.

Device ID (also referred to as Digital Fingerprinting or Machine ID)
These are technologies that deploy an algorithm that analyses a large number of technical characteristics and settings to generate a unique identifier that can identify a specific computer, producing a device-ID or a machine ID.

**Active agent technologies**

Active agent technologies for research are software or hardware devices that capture respondent’s behaviour in background mode, typically running concurrently with other activities. They include:

- 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. It does not track data subjects as they browse the internet and all data collected is provided directly from user input;
- Tracking software that can capture the data subject's actual online behaviour such as web page hits, web pages visited, online transactions completed, online forms completed, advertising click-through rates or impressions, and online purchases. This software also has the ability to capture information from the data subject's e-mail and other documents stored on a device such as a hard disk. Some of this technology has been labelled “spyware,” especially if the download or installation occurs without the data subject's full knowledge and opt-in consent.

The use of spyware by researchers is strictly prohibited.

**4.1.2 Disclosure for identification and tracking technology**

Disclosures regarding the use of identification and tracking technologies must be transparent, clear and understandable, and made before or at the time of collection. For individual projects, such disclosures can form part of the recruitment invitation and a project-specific privacy policy could apply. If a particular technology is used across multiple or all projects, disclosures regarding the technology should form part of the research organization’s general privacy policy for online respondents. Hyperlinks to project-specific and/or general privacy policies should be readily accessible to respondents (e.g. in survey invitations and/or on the landing page of online surveys).

**4.2 Practices that research organizations should adopt**

The following are practices researchers who deploy identification and tracking technologies for research should adopt. Researchers who adopt these practices and do not engage in any of the practices set forth in unacceptable practices will not be considered users of spyware.

Transparency is critical. Researchers must disclose information about identification and tracking technologies and other software in a timely and open manner with data subjects. This communication must provide details on how the researcher uses and shares the data subject's information.

i) Only after receiving permission from the data subject (parent or legal guardian’s permission for children) should any research software be downloaded onto the individual's computer,
Researchers must clearly communicate to the respondent the types of data if any, that are being collected and stored by a particular identification and tracking technology.

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

Personal information about the respondent must not be used for secondary purposes or shared with third parties without the respondent's opt-in consent.

Researchers must ensure that participation is a conscious and voluntary activity. Accordingly, incentives must never be used to hide or obfuscate the acceptance of identification and tracking technologies for research.

Researchers must ensure there is a method to receive queries from end-users.

On a routine and ongoing basis, consistent with the stated policies of the research company, data subjects who participate in the research panel should receive clear, periodic notification that they are actively recorded as participants, so as to ensure that their participation is voluntary. Researchers must provide to respondents who participate in a research panel, a clearly defined method to uninstall the researcher's tracking software without causing harm to the data subject.

When installing updates to software to correct errors, security problems or new releases which do not increase the scope of personal data that is collected, if there is no response to notification after a reasonable time (30 days), it can be assumed that the participant has agreed. This assumption should be covered in the privacy statement. If the researcher decides to reduce the 30 day notification period for a specific application, this must be explicitly mentioned in a prominent place on the website.

Responsible handling of data is critical. Researchers must take steps to protect information collected from respondents.

Personal or sensitive data must not be collected unless consent is obtained. If consent is not obtained and collection is unavoidable, the data should be destroyed immediately. If this is not possible, it must receive the highest level of data security and must not be accessed or used for any other purpose.

Researchers must establish safeguards that minimize the risk of data security and privacy threats to the data subject.

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

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8 This requirement and many of the others in this section do not apply to computers or data capture equipment provided to the respondent by the researcher, where the researcher remains the owner and controller of the device.
iv) Researchers must make all reasonable efforts to ensure that these products (whether they are free of charge or not) are safe, secure and do not cause undue privacy or data security risks.

v) Researchers must also be proactive in managing distribution of the software and vigorously monitor their distribution channel and look for signs that suggest unusual events such as high churn rates.

4.3 Unacceptable practices

Following is a list of unacceptable practices that researchers must strictly forbid or prevent. Researchers are considered to be using spyware when they fail to adopt all of the practices set forth below:

i) Downloading software without obtaining the data subject's consent;

ii) 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 must be clear, concise and conspicuous;

iii) Collecting information that identifies the data subject without obtaining consent;

iv) Using keystroke loggers without obtaining the data subject's opt-in consent;

v) Installing software that modifies the data subject's computer settings beyond that which is necessary to conduct research;

vi) Installing software that turns off anti-spyware, anti-virus, or anti-spam software or seizes control or hijacks the data subject's computer or device;

vii) Failing to make all 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;

viii) Installing software that is hidden within other software that may be downloaded or that is difficult to uninstall;

ix) Installing software that delivers advertising content, with the exception of software for the purpose of advertising testing;

x) Installing upgrades to software without notifying users and giving the participant the opportunity to opt out;

xi) Changing the nature of the identification and tracking technologies without notifying the user;

xii) Failing to notify the user of privacy practice changes relating to upgrades to the software;

xiii) Tracking the content of the data subject’s e-mail;

xiv) If the respondent's browser is set to private mode, the researcher must not track behaviour unless opt-in consent is obtained;
When the respondent is on a site which is set to secure linkage (i.e. SSL site), the researcher must not collect personal data unless opt-in consent is obtained from the respondent.

4.4 Interactive mobile devices and smartphones

Interactive mobile devices and smart phones are able to combine the characteristics of a mobile phone and an internet browser. MRIA has published guidelines on both online research (this document) and research using mobile phones. The appropriate guide to follow for interactive mobile devices depends on whether the researcher contacts the respondent using the facilities of a mobile phone (i.e. calling them or sending SMS messages) or using internet facilities (i.e. email, web browser link or downloaded application). If a combination of the two is used, e.g. mobile phone to contact and internet browser to respond, then the appropriate parts of both guidelines should be applied.

4.4.1 Using interactive mobile devices

Contacting
If contacting people using online methodologies, researchers must not make unsolicited approaches by e-mail or other messages (e.g. instant messaging, SMS etc.) to potential respondents even in countries where this is still permitted by the law. Researchers are required to verify that individuals contacted by such means for research have a reasonable expectation that they will receive a contact for research.

Security and downloads
Researchers must offer respondents an appropriate channel and mechanism for giving permission and a place where they can read more about the privacy policy. In addition, researchers should ensure that any data stored locally on the device is secure and unavailable to others should the device be stolen or used by another person. This could be achieved by data encryption.

Cost to respondent
Respondents using mobile interactive devices to take part in surveys may incur air-time, roaming or data costs in so doing. If possible, the researcher should design the study so that the respondent incurs no cost. If this is not possible, the researcher must be prepared to compensate respondents for their costs. Where interactive mobile respondents are added to a panel or sampling database the issue of cost and compensation should be agreed at the “sign up” stage.

Appropriate design
When contacting respondents known to be using mobile interactive devices, the researcher should ensure that the survey is presented in a suitable format that is optimised across devices which are likely to be viewed by participants. Respondents should also be given the opportunity to opt out of that survey.
Privacy policy
Because of space limitations on the screen of mobile interactive devices it may be difficult to display a full privacy policy. Researchers must apply a suitable solution and take appropriate steps to minimise cost and maximise convenience in accessing the relevant information. For instance, researchers should provide a web link to their privacy policy with the shortest possible URL, and provide a free phone number and/or a postal address.

Location data and GPS
It is now possible to capture additional data from interactive mobile devices and smartphones such as real time location data. MRIA’s Guideline on Passive Data Collection addresses this issue. The researcher must have the respondent’s permission before processing such data.

5. METHODOLOGY ISSUES

5.1 Online sample
There are a number of different ways to recruit online samples and these require different forms of consent. Panel members’ personal data is held by the panel provider, whereas other forms of sampling do not normally require the personal data to be retained by the research service provider. If it is intended to store individuals’ personal data, appropriate consent must be obtained either before or at the time of collection.

5.2 Access Panels
This section is currently under review by ESOMAR and will be inserted here when received and appropriately adapted by MRIA for Canada.

5.3 Technical details
The MRIA Code (Articles 4d and e) requires researchers to provide full technical details of the survey methodology used in carrying out a project; online research may well have complex methodologies and sampling strategies. This makes it even more important that the technical details are reported in such a way that a study can be replicated.

The MRIA Guideline on the Mutual Rights and Responsibilities of Researchers and Clients sets out the requirements for the technical reporting of research projects required by the MRIA Code. This guidance applies to all research projects including online research.

6. DEFINITIONS AND USEFUL SOURCES OF INFORMATION

Three key concepts, researcher, personal data and consent are addressed below for the purposes of this Guideline:

Researcher: is defined in the MRIA Code as any individual or organization carrying out, or acting as a consultant on, a market research project, including those working in client organizations.
**Personal data** means any information relating to an identified or identifiable natural person i.e. a private individual as opposed to a corporate or other comparable entity. An identifiable person is someone who can be identified directly or indirectly, in particular by reference to an identification number or the person’s physical, physiological, mental, economic, cultural or social characteristics.

**Sensitive personal data** means any information about an identifiable individual’s racial or ethnic origin, health or sex life, gender orientation, criminal record, political opinions, religious or philosophical beliefs, trade union membership. Personal health-related information, income or other financial information, financial identifiers and government-issued or financial identity documents are also regarded as sensitive.

**Consent** means the freely given and informed agreement by a data subject to the collection and processing of their personal data. In market research, this consent is can be based on the fact that the respondent voluntarily provides answers in a survey having been provided with clear information about the nature of the data being collected, the purpose for which it will be used and the identity of the person or organization holding the personal data. The respondent may withdraw their consent at any time by refusing to cooperate in an interview or research project.

**Key relevant legislation**

**Canada – Personal information protection and electronic documents act**
For a discussion of the Canadian Privacy Statutes, please see section 3.3 of this Guideline.

For a discussion of the Canadian Anti-Spam Legislation, please see section 3.5 of this Guideline.

**U.S. Federal laws**
Data protection laws in the U.S. at the federal level are sector-specific as, currently, no single, comprehensive, national privacy law exists that applies to all private sector organizations.


**U.S. State laws regarding data security breaches**
**California Senate Bill 1386** – the first security breach notification law in the U.S. defines personal information to mean:

An individual’s first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

1. Social security number.
2. Driver's license number or California Identification Card number.
3. Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

Useful sources

The following links provide helpful and relevant material for the online researcher:

ACE  Association Collaborative Effort: An up to date set of definitions for key internet research concepts has been developed here;

AMSRO  Market and Social Research Privacy Code and the Market and Social Research Privacy Principles;

COPPA  Children’s Online Privacy Protection Act;

CASRO  Code of Standards and Ethics for Survey Research, Section 3. Internet Research;

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

DMA  Code of Practice for Commercial Communications to Children Online;

Guidelines for Online Surveys (Germany) undersigned by ADM, ASI, BVM, DGOF;

MRS  Code and Guidelines for Researching Children and young people;

U.S.-EU & Swiss Safe Harbour Frameworks: In order to bridge the different privacy approaches of the U.S. and the EU and provide a streamlined means for U.S. organizations to comply with the EU Directive when transferring personal data from the EU to the U.S., the U.S. Department of Commerce in consultation with the European Commission developed a Safe Harbour framework to provide the information an organization should need to evaluate and then join the Safe Harbour;

European Commission: Model contracts for transfer of personal data from the EU;

ISO 26362:2009: Press release on access panels in market and opinion research – Vocabulary and service requirements;

ISO 20252:2006: Market, opinion and social research - Vocabulary and service requirements.

Additional guidance

MRIA members who are unsure about the application of this Guideline in specific circumstances can seek advice by contacting the MRIA’s Standards Committee, insert email address here, attention: Chair, insert mailing address here.
SCHEDULE 1 - Key fundamentals of the MRIA Code

1. Market researchers shall conform to all relevant laws applicable in the countries in which the respondents reside and in which the researchers provide their professional research services.
2. Market researchers shall behave ethically and shall not do anything which might damage the reputation of market research.
3. Market researchers shall take special care when carrying out research among children and young people.
4. Respondents’ cooperation is voluntary and must be based on adequate, and not misleading, information about the general purpose and nature of the project when their agreement to participate is being obtained and all such statements shall be honoured.
5. The rights of respondents as private individuals shall be respected by market researchers and they shall not be harmed or adversely affected as the direct result of cooperating in a market research project.
6. Market researchers shall never allow personal data they collect in a market research project to be used for any purpose other than market research.
7. Market researchers shall ensure that projects and activities are designed, carried out, reported and documented accurately, transparently and objectively.
8. Market researchers shall conform to the accepted principles of fair competition.

SCHEDULE 2 – Example Privacy Policy

The example given below provides a framework for a privacy policy. The text should not be treated as comprehensive or up-to-date with all laws or local requirements. It is the responsibility of the researcher to ensure that their policy meets national requirements in force at the time and in the countries in which they are working.

The policy is divided into three main sections a concise top level statement on how privacy will be protected and data used, a second level general introduction which describes the purpose and general principles and third, a detailed section covering all aspects of how the researcher treats personal data.

EXAMPLE:

Level 1

Thank you for taking part in our research project.

1. We promise to protect your privacy and treat the information you give us as confidential.
2. The information you provide will be used only for research purposes.
3. We will not release your personal information to any third party without your consent.
4. We will never try to sell you anything and we will never sell your personal data to anyone. That is not our business. We are not telemarketers or direct marketers. We are market researchers interested only in your opinions and behaviour.
5. Your decisions about participating in a study, responding to specific questions, or discontinuing participation will be respected without question.
Your privacy is important to us

Market, survey and opinion research serves an important function in society. Businesses and governments make better decisions through survey research. As a survey participant, your opinions help companies develop new products, make existing ones better, and improve customer service. Political organizations and governments also rely on survey research to advance laws and policies that the public wants or needs.

When you participate in research conducted by our firm, you can be assured that we will protect your privacy. Occasionally, we may re-contact you to validate your responses. We will never misrepresent ourselves or what we are doing.

We have developed rigorous privacy standards that are set out in our detailed privacy policy. Several members of our firm’s professional staff belong to MRIA, the Canadian organization for enabling better research into markets, consumers and societies. MRIA sets professional standards to which our firm adheres, and which also protect your privacy.

If you have any privacy questions or concerns, please contact our Privacy Officer via e-mail at (insert e-mail address) by telephone at (insert free phone number) or by mail (insert mailing address).

Privacy Policy

Date created: (insert date)

Last revised: (insert date)

Note to researchers: It is good practice to include the last revised date so that consumers are informed when companies make substantive changes to their privacy statements.

1. The information that we collect

When our firm conducts online research, our invitations and questionnaires clearly identify us and explain the purpose(s) of our contact.

When we contact you, we generally do so for one of the following purposes:

- To invite you to participate in survey research;
- To conduct a survey research interview with you;
- To validate answers you gave in a recent survey we conducted;
• To update and to ensure that our records of your personal information are correct. *(Applicable only to panels).*

Occasionally, we may contact you for one of these other purposes:

• To notify you if you have won a prize draw that we sponsored *(if a relevant incentive)*;
• To ask for your permission to use your personal information for a purpose that was not explained to you when we first collected your personal information.

When you participate in our research, we may ask you for your personal opinions, as well as demographic information, such as your age and household composition. You may refuse to answer certain questions or discontinue participation in a study at any time. If you join our internet research panel, you may rescind your membership at any time by following the opt-out instructions that we include in every e-mail that we send.

We never knowingly invite young persons between the ages of 13 and 16 or children under the age of 13 to participate in research studies without taking measures to ensure appropriate consent from parents, legal guardians or otherwise legally authorized adults.

### 2. Confidentiality of survey responses and contact information

We combine your survey responses in a given survey with the responses of all others who participate and report those combined responses to the client that commissioned the study. We will never intentionally report your individual survey responses, except as described below.

Your survey responses may be collected, stored or processed by our affiliated companies or non-affiliated service providers, both within and outside *(insert country where firm is located)*. They are contractually bound to keep any information they collect and disclose to us or we collect and disclose to them confidential and must protect it with security standards and practices that are equivalent to our own.

In addition to keeping your survey responses confidential, we will never sell, share, rent or otherwise intentionally transfer your name, address, telephone number or e-mail address to our clients, other market research companies, direct marketing companies or anyone else.

The only exceptions when we may disclose your personal information or survey responses to third parties are as follows

(a) You request or consent to sharing your identifying information and individual responses with the third parties for a specified purpose;

(b) In accordance with the MRIA Guidelines, we provide your responses to a third party who is contractually bound to keep the information disclosed confidential and use it only for research or statistical purposes;
3. **Use of cookies, log files and other technologies on our website**

Cookies are small text files stored on your computer by a website that assigns a numerical user ID and stores certain information about your online browsing. We use cookies on our survey site to help us provide you a better experience and to provide quality control and validation functions. No personal information is stored on any cookie that we use.

*(May be applicable to panels)* Some of the cookies that we use on this site are required because they identify you as a valid member of our panel, and they protect access to your profile and account information. The privacy settings of your browser must be configured to allow cookies from *(insert website URL)* or you will not be able to register on the *(insert website URL)* panel or access the Members Area of this site. If you wish, you can adjust your browser’s privacy settings to delete cookies upon exiting web sites or when you close your browser.

This site uses Flash Local Shared Objects (LSO), also known as “Flash cookies,” to store some of your preferences, to display content based upon what you view, to personalize your visit, to combat fraud that endangers the quality of research, or to otherwise track your behaviour and activities across multiple visits to the site. We use Flash cookies strictly for research purposes only.

Flash cookies are different from browser cookies because of the amount and type of data stored and how the data are stored. The latest versions of popular browsers now allow internet users to manage Flash cookies using browser privacy settings or downloading add-ons.

If your browser does not support these features, then you can manage privacy and storage settings for Flash cookies or disable their use entirely by visiting Macromedia’s website, the manufacturer of Flash Player, at the following link:

[Adobe - Flash Player: Settings Manager](http://www.adobe.com/products/flashplayer/settings.html)

*(Applicable to behavioural tracking research)* We use optional cookies, both browser and Flash-based, *(insert “software applications” if this applies to your panel)* for conducting advertising and website research. These cookies are available only to members of our panel who have explicitly agreed to participate in our behavioural tracking research program. The cookies keep track of certain online advertisements and web pages that you see, including how frequently the online content that we are measuring is viewed by your computer. Only a small number of ads or websites are measured through this research program and the information we collect is used strictly for research purposes. No commercial messages or communications will be directed to you as a result of taking part in this research. Full details about this program are available to you when you are logged into our site including instructions on how to discontinue your participation at any time.
Like most web sites, we gather certain information automatically and store it in log files. This information includes IP (Internet Protocol) addresses, browser type, internet service provider (ISP), referring/exit pages, operating system, date/time stamp and clickstream data. We use this information to analyse trends, to administer our site, to track users' movements around our site and to gather demographic information about our user base as a whole. To protect against fraud, we may link this automatically-collected data to information submitted at (insert research firm’s URL).

(Applicable to Device ID) Device Identification technologies assign a unique identifier to a user's computer to identify and track the computer. (Insert company name) does not use Device identification (also known as machine id or digital fingerprinting) technology to collect personal information or track the online activities of computer users. We use the technology to assist our clients in ensuring the integrity of survey results. The technology analyses information and data obtained from your computer's web browser and from other publically available data points, including for example the technical settings of your computer, the characteristics of your computer, and your computer's IP address. This data is used to create a unique identifier assigned to your computer. The unique identifier is an alpha-numeric id which we retain. We do not retain the information analysed by the technology to create the unique identifier. The technology does not disrupt or interfere with your use or control of your computer and it does not alter, modify or change the settings or functionality of your computer.

In furtherance of our efforts to assist clients in protecting and ensuring the integrity of survey results, we:

(a) may link or associate your unique identifier to you and any of the information you provide to us;
(b) may share your unique identifier with our clients and with other sample or panel providers; and
(c) may receive or obtain a unique identifier linked to you from a third party, including without limitation a sample or panel provider or a client of our firm.

Any unique identifier(s) linked to a specific individual will be protected in accordance with this privacy policy. We shall use and distribute the technology in a professional and ethical manner and in accordance with our privacy policy, any statements and/or disclosures made by our firm to you, and applicable laws and industry codes.

In the event that we discover or learn of any unethical conduct in connection with the use of the technology, or that the technology is being used in a manner that is inconsistent with the statements and/or disclosures made by us to respondents or in violation of applicable laws and codes, we will take immediate action to prohibit such unethical conduct and to ensure the proper administration of the technology.

4. Security of personal information
We inform our employees about our policies and procedures regarding confidentiality, security and privacy, and we emphasise the importance of complying with them. Our security procedures are consistent with generally accepted commercial standards used to protect personal information.

We may transfer personal information to affiliated companies or non-affiliated service providers for research-related purposes, such as data processing, and fulfilment of prize draws or other incentives. We require these companies to safeguard all personal information in a way that is consistent with our firm’s measures and as regulated by law. We follow generally accepted industry standards to protect the personal information submitted to us, both during transmission and once we receive it.

5. Accuracy of personal information

(insert company name) makes reasonable efforts to keep personal information in its possession or control, which is used on an ongoing basis, accurate, complete, current and relevant, based on the most recent information available to us. We rely on you to help us keep your personal information accurate, complete and current by answering our questions honestly.

6. Access to personal information

Note to researchers: In Europe, Australia, Canada, New Zealand and other jurisdictions that have comprehensive privacy laws, individuals have a statutory right to access their personal information that is held by organizations, subject to certain conditions. Individuals’ access rights also apply to U.S. companies who participate in the U.S.-EU Safe Harbour Framework.

To request access to personal information that we hold about you, we require that you submit your request in writing at the e-mail address or postal address shown below (in How to reach us). You may be able to access your personal information and correct, amend or delete it where it is inaccurate, except as follows:

(a) Providing access to your personal information would be likely to reveal personal information about others;

(b) Disclosing the information would reveal the confidential commercial information of (insert name of firm) or its clients.

(c) The burden or expense of providing access would be disproportionate to the risks to your privacy in the case in question.

We will endeavour to provide your requested personal information within 30 days of receiving your access request. If we cannot fulfil your request, we will provide you with a written explanation of why we had to deny your access request.

7. Notification of material changes to this policy
If we make a material change to this policy or our privacy practices, we will post a prominent notice on this site for 30 calendar days prior to the implementation of the material change and describe how individuals may exercise any applicable choice. Following the implementation of the material change, we will record at the introduction of this policy when the policy was last revised.

8. How to contact us

Questions regarding this policy, complaints about our practices and access requests should be directed to the (insert company name) Privacy Officer via e-mail at (insert email address) or by mail at (insert mailing address).

We will investigate all complaints and attempt to resolve those that we find are justified. If necessary, we will amend our policies and procedures to ensure that other individuals do not experience the same problem.

(Note to researchers: If your firm participates in TRUSTe’s privacy program or another third-party privacy credentialing service, then mention that fact here. TRUSTe, for example, provides a dispute resolution service which they require their members to include in their privacy policies.)
Appendix “J”

GUIDELINE ON DISTINGUISHING MARKET RESEARCH FROM OTHER DATA COLLECTION ACTIVITIES

(Adapted from the ESOMAR Guideline on Distinguishing Market Research from other Data Collection Activities⁹)

⁹ Permission granted by ESOMAR, the world organization for encouraging, advancing and elevating market research worldwide.
1. SUMMARY
The MRIA Code of Conduct for Market and Social Research requires that MRIA members maintain the distinction between market research and commercial activities such as advertising, sales promotion, direct marketing and direct selling. Researchers are presumed to have no interest in the personal identity of their respondents; they do not disclose information about identified people to their research clients.

This distinction is essential in order to avoid unwanted restrictions on researchers’ access to representative samples. It has helped researchers to challenge the fraudulent activities of those pretending to do market research but whose real intention was to seek money or purchases or compile mailing lists.

Some projects may have two purposes from the outset—not only the collection of representative sample survey data, but also provision to the client of individual information to facilitate follow-up contacts or product offers. In such circumstances, when the project purpose requires transmitting identified data to the client for marketing purposes, the overture to respondents must not describe the project as market research, and regulations applicable to commercial activities must be followed.

2. DEFINING THE DISTINCTION
Ready access to samples of respondents is a fundamental requirement of valid research and a successful market research industry. Legislators who work at safeguarding personal privacy or protecting personal data should be able to maintain confidence that privacy is not compromised by legitimate market research. ESOMAR’s website describes progress it has made in educating authorities about the distinction between market research and telemarketing, and thereby avoiding untenable restrictions on telephone surveys.

The essential distinction between market research and other commercial activities such as advertising, sales promotion, direct marketing, direct selling, is that market research has no interest in the identity of respondents. Respondents are selected as representatives of larger groups, and their data are used in statistical tabulations to provide insight. Other commercial activities might appear to be similar to market research—people engaged in such activities contact consumers, ask questions and record data. However, their main intention is to use identifying information for future targeted marketing or sales programs.

Such commercial activity is not illegal. However, communication costs fall, and the ability to contact large numbers of people increases, legislators have introduced regulations to prevent fraudulent activity and to reduce intrusions and nuisance.

Canadian laws governing data protection and privacy recognize a distinction between market research, and direct marketing/sales activities. Research is not considered to be a commercial communication.

Compared to the more restrictive legal framework for direct marketing and sales.

- Researchers can approach respondents without being invited;
- Researchers do not need to remove from samples those people on “Do Not Contact"
lists for telemarketing;
• Researchers can contact respondents at weekends evenings;

Abiding by the requirements of the MRIA Code will help the industry to preserve this valuable flexibility in interacting with the public.

3. RELEVANT HIGHLIGHTS THE NEW MRIA CODE

The revised MRIA Code, issued in 2015, contains several requirements which are relevant to the issue of maintaining the distinction. It includes a clear definition of market research and encapsulates within the definition the main distinction of research from other marketing activities:

Market research, includes, without limitation, social and opinion research, and means the systematic gathering and interpretation of information about individuals or organizations using the statistical and analytical methods and techniques of the applied social sciences to gain insight, provide evidence, or support decision making. It explicitly excludes, as being unethical practices which are prohibited by the Code, marketing or selling goods, products or services under the guise of market research.

Article 1 (d) restates the requirement for members to maintain this distinction as follows:-

Market research activities shall be clearly distinguishable and separate from non-research activities. Examples of non-research activities include, but are not limited to, any commercial activity directed at individual respondents, such as advertising, sales promotion, direct marketing, direct selling.

Article 7 (c) clarifies the only acceptable circumstances in which personally identifiable data can be passed on to the research client as follows:-

Researchers shall ensure that respondents' personal identity is withheld from the client. Subject to the foregoing, a researcher may communicate to the client the respondent's identifiable personal information except to the extent that applicable Canadian laws and regulations prohibit such disclosure, if

(iii) the respondent has explicitly in writing expressed a wish or consent to the disclosure of his/her personal information, subject to any limits imposed by the respondent on such disclosure, and

(iv) the personal information will not be used to enable a third-party to contact the respondent for commercial activity (as exemplified in Article 1d)

Article 3 (a) requires that respondents should not be misled in any way when their co-operation in research is being sought.

With the exception of observational studies, respondents’ co-operation in a market research project is entirely voluntary at all stages. They shall not be misled to believe otherwise when being asked for their co-operation.

Finally, Article 1 (b) requires members to avoid any actions which might bring the industry into disrepute as follows:
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.

4. IMPLICATIONS FOR THE ACTIVITIES OF RESEARCH COMPANIES AND RESEARCHERS

The 2014 MRIA Code requires only that research companies are transparent in their dealings with respondents and do not misrepresent as market research any project which is outside the new definition of market research in the Code. It also requires them to carry out non-research projects within the legal framework in place for activities such as direct marketing and database construction.

The following activities should not be represented to respondents as market research:

- Enquiries which have the primary objective to obtain personally identifiable information about private individuals whether for legal, political, private, supervisory or other purposes;
- The acquisition of information for use for respondent credit-rating, one-to-one targeting, debt collection or fund-raising from the participant;
- The compilation, updating or enhancement of lists, registers or databases for non-research purposes (e.g. direct marketing lists);
- Projects where identifiable responses are used for a purpose other than market research, e.g. for an advertising campaign, sales or promotional approaches to individual respondents, staff incentive schemes, job performance evaluation;
- Projects which have a joint purpose, for example, to combine market research with follow-up promotional activities;
- Industrial, commercial or any other form of espionage.

Customer satisfaction studies may require personal data to be transmitted to the client. The following types of customer satisfaction studies should not be represented to respondents as market research:

- Projects where the client asks the researcher to provide cases which the client would like to follow up on for "customer relationship" or business development purposes.
- Cases where new or additional information is collected to enrich the client's data base.

5. FUTURE RISK ASSESSMENT

If the market research industry continues to maintain the distinction between market research and other commercial activities, the risk of legislative restrictions being placed on researchers' activities will be minimised.

Maintaining the distinction will contribute to the following three purposes set out in the rational for the MRIA Code:

- To enhance overall confidence of the public at large in market research;
• To safeguard freedom for market researchers to seek, receive and impart information (as embodied in article 19 of the United Nations International Covenant of Civil and Political Rights);

• To minimise the need for governmental and/or inter-governmental legislation or regulation. Failure to maintain the distinction will increase the future risk of legislation aimed deliberately at curtailing the activities of market researchers. It will also increase the likelihood that legislation introduced to control other commercial activities will include market research in its remit on the grounds that it is no different to direct marketing, list building etc.

It is essential for the long term future of the research industry that all researchers continue actively to maintain the important distinction of market research.
Appendix “K”

GUIDELINE ON INTERVIEWING CHILDREN, YOUNG PEOPLE AND PERSONS WITH FUNCTIONAL COGNITIVE DISABILITIES

(Adapted from the ESOMAR Guideline on Interviewing Children and Young People\(^\text{10}\))

\(^{10}\) Permission granted by ESOMAR, the world organization for encouraging, advancing and elevating market research worldwide.
Introduction

Considerable market research is carried out among children, young people and persons with functional cognitive disabilities for both economic and sociological purposes. This is a legitimate and valuable form of research but calls for special care and precautions on the part of researchers. This Guideline specifies what such “special care” involves with regard to ethical, but not with regard to potential technical challenges.

In carrying out such research:

- the welfare of the children, young people and persons with functional cognitive disabilities is the overriding consideration - they must not be disturbed or harmed by the experience of participating

- the parents or anyone acting as the guardian of any child, young person or persons with functional cognitive disabilities taking part in a research project must be confident that the latter’s safety, rights and interests are being fully safeguarded

- interviewers and other researchers involved in the project must be protected against any misunderstandings or possible allegations of misconduct arising from their dealings with the children, young people and persons with functional cognitive disabilities taking part.

- the authorities, and the public generally, must be confident that all research carried out with children, young people and persons with functional cognitive disabilities is conducted to a high ethical standards and that there can be no question of any possible abuse of the children, young people or persons with functional cognitive disabilities involved.

There is no common nation-wide or international definition at present of “child”, “young person” or “persons with functional cognitive disabilities.” Because a universally accepted definition is unlikely, this Guideline takes a straightforward, practical approach to addressing the principles cited above. It recommends the following procedures be adopted when carrying out research among children and young people:

1) researchers must conform to any relevant definitions incorporated in any national or provincial legislation in Canada;

2) where no such specific legislative definitions exist, a “child” is to be defined as “under the age of 14”, a “young person” as “aged 14-17” and a person with a functional cognitive disability is defined according to the description given in the MRIA covering Code.

It is impractical to attempt to set out in detail different rules for different age groups. Common sense should govern. However, researchers must be alert to situations where the sensitive nature of the research or the circumstances of the interview mean that exceptional care is called for with any age group. If in doubt, consider the perspective of the legal guardian of the child, young
person, or person with functional cognitive disability: if the legal guardian knew about the content or circumstances of the interview, would he or she have reason to be upset or disturbed?

In addition to the special considerations described above, the interviewing of children, young people and persons with functional cognitive disabilities must in all respects conform to the general Rules set out in the MRIA Code, as well as to the requirements of data protection and other relevant legislation.

Requirements

(a) In the case of ‘children’ (as defined in the MRIA Code and this Guideline)

1. In any environment - e.g. in the home, or in the street or some other public place or within a “protected environment” - the permission of a parent, guardian or other qualified person on whom the parent has clearly conferred responsibility for the child must be obtained before the child is approached for an interview. A child must not under any circumstances be approached for an interview unless he or she is accompanied by an adult who is capable of and authorized to provide the necessary consent.

2. When requesting permission to carry out an interview sufficient information must be given to the person responsible for the child for him or her to reach an adequately considered decision about giving such permission. Where it is not practicable for that person to see or hear the actual questions to be asked, the subject and general nature of the interview must be explained, together with an explanation of any potentially sensitive or embarrassing questions etc. The identity of the person giving the permission for the interview should be noted and it is advisable that the permission be obtained in writing.

3. When carrying out interviews with children it is normally desirable that some responsible adult (apart from the interviewer) remains close at hand while the interview is carried out. This is especially important in the case of in-home interviews. However it is not necessary that this person is actually present in the same room - this may be undesirable in certain cases for methodological reasons, e.g. where it might introduce some bias in the responses.

4. If the child is to be asked to test any product, the responsible person must be allowed to see this and (if they wish) to try it themselves.

(b) In the case of ALL children, young people and persons with functional cognitive disabilities

5. In cases involving the testing of any products, researchers must take special care to check:
that these are safe to consume (e.g. foods, confectionery) or to handle (e.g. toys). The researcher must confirm this (normally in writing) with the supplier of the product even though the latter may be legally liable for any adverse effects caused by the product.

as a preliminary matter, that the child, young person or person with a functional cognitive disability is not allergic to any ingredient in the product(s) being tested and thereafter and does not suffer from any relevant allergy (e.g. to products containing nuts)

that children, young people and persons with functional cognitive disabilities do not become involved in any illegal action (e.g. the under-age consumption of alcoholic products)

wherever practicable the views of parents or guardians about products they would not wish the child, young person or person with a functional cognitive disability to try are also complied with.

6. Researchers must take into account the degree of maturity of the child, young person or person with a functional cognitive disability involved when considering what subjects may or may not be safely dealt with in an interview. While it may be imperative to avoid certain subjects when interviewing children or persons with a functional cognitive disability (e.g. a topic which might frighten that person), the same subject might quite safely be covered with young people if appropriate precautions are taken. This again is a question of good research practice as much as of ethics. Examples of topics where special care is needed when interviewing children, young people and persons with functional cognitive disabilities are ones which could disturb or worry them, such as their relationships with others in their peer group, or ones which risk creating tensions between them and their parents or guardians.

7. There are sometimes valid and important reasons (e.g. in helping to guide social policies) for covering research topics of the kinds where special care is needed as referred to in point 6 in this Appendix K. When this is the case it is essential both that a full explanation of this is given to the responsible person (certainly in the case of a child or person with a functional cognitive disability, and if possible even in the case of a young person aged 14-17) and their agreement obtained; and also that steps are taken to ensure that the child, young person or person with a functional cognitive disability is not worried, confused or misled by the questioning.

8. It is not generally necessary to use special types of interviewers for surveys among children, young people and persons with functional cognitive disabilities. Many experienced interviewers are quite capable of being trained for such work. However, it is very important that anyone who is going to carry out such interviewing is carefully screened for their suitability for this responsibility, given the growing concern of parents and the general public about the protection of young people and especially of children and persons with functional cognitive disabilities. The manner and behaviour of interviewers vis-à-vis children and persons with functional cognitive disabilities must clearly be such as to inspire confidence
and not suspicion among the public. Whether working full-time or part-time the interviewers should be given special training for such work, including in particular the precautions to be taken, the correct methods of obtaining permission, the special steps needed to establish good rapport with children and persons with functional cognitive disabilities, etc. Interviewers must be familiar with, and conform to, the requirements of both this Guideline, the MRIA Code, and any National Code of Conduct or Guideline (if any exists) on interviewing children, young people or persons with functional cognitive disabilities.

9. In the case of telephone and Internet surveys it may often be more difficult to establish the age of the respondent when making the first contact and also to obtain the necessary permission for an interview from the appropriate responsible person. However, the researcher should make best efforts to follow the principles in this Guideline, or consider changing the methodology.
MRIA CODE OF CONDUCT FOR MARKET AND SOCIAL MEDIA RESEARCH

Appendix “L”

GUIDELINE ON POLLING STANDARDS

(To be adapted from the ESOMAR Guideline on Polling Standards)
ESOMAR, the World Association for Social, Opinion and Market Research, gathers around 4900 members in over 130 countries and is the essential organisation for encouraging, advancing and elevating market research. Codes and guidelines are available at www.esomar.org

WAPOR, the World Association for Public Opinion Research, is a professional society of around 500 individuals from academic and business professions in over 50 countries who share information in the field of public opinion research through conferences, publications, and personal contact. www.wapor.org

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This guideline is drafted in English and the English text (available at www.esomar.org and www.wapor.org) is the definitive version. The text may be copied, distributed and transmitted under the condition that appropriate attribution is made and the following notice is included “© 2014 ESOMAR and WAPOR”.

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1 INTRODUCTION AND SCOPE

Public opinion is a critical force in shaping and transforming society. Public opinion polls and surveys are regularly conducted in many countries to measure not only support for political parties and candidates, but also public opinion on a wide range of social and political issues. The results are published frequently in the print, online and broadcast media.

Properly conducted and disseminated opinion polls and surveys use scientific statistical methods to provide the public, politicians, the media and other interested groups with access to accurate and objective measures of public behaviour, attitudes and intentions. They give the general public an opportunity for its voice to be heard and to receive feedback about the opinions of their fellow-citizens. They also help guide policy by giving decision-makers impartial and unbiased information about what the public wants. Although some opinion polls are commissioned by political groups or individuals to help determine strategy, a great many opinion polls are meant for public consumption.

The study of people's attitudes and beliefs and behaviours about political, social and other issues forms part of the total market and social research field, but often deals with issues which arouse greater public interest. Consequently, those findings are much more widely published and debated, and may sometimes be presented in a provocative or political way. Those who conduct opinion polls have a special responsibility to the scientific community, clients and other research users, respondents and the general public. This responsibility means not only using samples, methods, and tools that are appropriate, but also delivering to the public the information required to ensure transparent, unbiased reporting of the results supported by comprehensive documentation.

Opinion polls are subject to exactly the same professional and ethical requirements as other forms of market and social research, set out in the ICC/ESOMAR International Code on Market and Social Research to which researchers and research users must conform. The Code sets minimum standards of professional and ethical conduct.

ESOMAR and WAPOR recognise there are particular issues in the collection and reporting of opinion poll and survey information and have therefore issued this Guideline as part of the self-regulatory framework that applies to international research. It highlights the responsibilities of researchers to conduct opinion polls in a professional and ethical way, and report them with sufficient transparency so that the public can judge the quality of results. Both will help ensure public confidence in opinion polls and published surveys.

This Guideline:
- Sets out the ethical rules that opinion researchers must follow;
- Underlines the rights and safeguards to which participants are entitled;
- Highlights the key information to be made available to maintain transparency when results are published;
- Specifies standards to guide the agreements to be in place with those who commission polls to ensure published survey results are presented in an unbiased way;
- Highlights the core methodological principles that apply in the design and conduct of such research;
- Underlines some of the additional issues that arise with specific forms of opinion polls.

All market, social and opinion research involves the gathering and further processing of personal data, which is regulated by law in many countries. In addition, certain countries regulate the conduct and publication of pre-election opinion poll results. Whilst ESOMAR and WAPOR collect information about such restrictions, researchers must verify which requirements are current as this Guideline cannot replace the advice of legal experts and self-regulatory bodies.

Throughout this document the word 'must' is used to identify mandatory requirements. We use the word "must" when describing a principle or practice that researchers are obliged to follow in order to comply with the ICC/ESOMAR Code and the WAPOR Code of Ethics. The word 'should' is used when describing implementation. The usage is meant to recognize that researchers may choose to implement a principle or practice in different ways depending on the design of their research.
2 DEFINITIONS

For the purpose of this Guideline, the following definitions apply:

Opinion polls and opinion surveys include all systematic gathering, aggregating and interpretation of information about policy, electoral and other preferences and behaviours of individuals or organisations using the statistical and analytical methods and techniques of the applied social sciences in order to gain insight and support decision-making. In opinion research, as in all market research, the identity of respondents will not be revealed without explicit consent and no sales approach, or attempt to influence their opinion following the interview, will be made to respondents as a direct result of their having provided information.

Researcher is defined as any individual, institute or organisation carrying out, or acting as a consultant on, an opinion poll or research project.

Research client is defined as any individual or organisation that requests, commissions, sponsors or subscribes to all or any part of an opinion poll or research project. This can include a media organisation or a political group, as well as those who have purchased content on an omnibus survey.

Respondent is defined as any individual or organisation from which information is requested and/or collected for the purposes of an opinion poll or research project.

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

Pre-election polls are conducted at any point prior to an election and include questions about voting intention.

Survey report is defined as the presentation of polling data, either in tabular form or as an analysis, meant for public consumption in news media, online, or in other public distribution.

Exit polls are conducted to measure how people voted and are usually conducted outside polling stations.

Access panel is defined as a database of potential research participants who declare that they will cooperate with future data collection requests if selected.

3 SPECIAL CHALLENGES WITH THIS AREA

An opinion poll may be designed to measure the views of a specific population or group – for example a country’s electorate (for most political polls) or parents or trade union members. Opinion polls may deal with complex and sensitive issues about which respondents have varying degrees of knowledge and interest, and where their views may be half-formed, inconsistent and subject to change.

- Scientific opinion polls must not be confused with phone-in polls or other self-selecting surveys, including those that may be open to anyone who visits a particular website, attracting people who feel passionately about the subject of the poll, but do not constitute a representative sample.
- Pre-election polls make up only a minority of published surveys. They are however, a very public test of sampling theory and survey research in action. Polls have a good track record for accuracy but the occasional poll which appears to be wrong gets extensive media coverage with a very negative impact on the image of opinion polls and surveys and opinion research in general.
- Exit polls (interviewing voters as they leave the polling station) are even more likely to be seen as prediction polls and the analysis of their results is often used to explain why the election came out the way it did.
- The means of collecting representative polling data vary country by country. In some places, only face-to-face interviewing is appropriate; in others, opinion polls are conducted by phone or online and the viability as a method largely depends on the accessibility of a representative sample via the phone or the internet (see section 8 for more details).
- While special care must be taken by researchers to ensure that results are accurately and fairly reported, clients and journalists also have a key role to play. The published data or survey report is often the only exposure the public has to polling results – and to market research in general. To report poll results well, journalists require a sufficient level of knowledge about opinion polls and methodologies to understand why some poll results need to be treated with caution because of timing, small sample sizes, low response rates,
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biased question wording or coverage. ESOMAR and WAPOR take seriously the need for public education in this area and are committed to helping educate journalists on the proper use of opinion polls. Researchers have a responsibility to ensure that both clients and the public have a reasonable understanding of the special challenges in measuring attitudes and beliefs as distinct from behaviour.

It is therefore important that key information is published alongside a poll or survey report to ensure professional and transparent reporting so the audience has the opportunity of judging the evidence presented and deciding whether or not it agrees with the conclusions drawn from the research.

4 RELATIONSHIP WITH PARTICIPANTS

4.1 Honesty

Market, social and opinion research must be clearly distinguished and separated from non-research activities (see Article 1d of the ICC/ESOMAR International Code). This means that:

- Activities like political telemarketing, and any enquiry whose primary purpose is to obtain personally identifiable information about individuals for compiling or updating lists, obtaining names for sales, advertising, fundraising or other promotional approaches must not be represented as opinion research.
- Researchers must not attempt to sell anything (sugging) or raise money (frugging) in the course of conducting a poll or survey.
- Researchers must not engage in negative campaigning that is disguised as a political poll, such as push polling, which aims to persuade large numbers of voters and affect election outcomes. It does not measure opinions.

4.2 Professional responsibility and transparency

Respondents’ cooperation is entirely voluntary, and they must not be misled when being asked for their cooperation (see Article 3a of the ICC/ESOMAR International Code). This means that:

- Interviewers must not make statements or promises that they know or believe to be incorrect in order to secure the co-operation of respondents or others – for example, about the likely length of the interview.
- Researchers must take all reasonable precautions to ensure that respondents are in no way harmed or adversely affected as a direct result of their participation in an opinion poll or research project (Article 3b of the ICC/ESOMAR International Code).
- Researchers should ensure they contact potential respondents at appropriate times.
- Researchers are required to promptly identify themselves and unambiguously state the purpose of the research and enable respondents to check their identity and bona fides without difficulty. This is especially important, given the possible sensitivity of the subject (Article 4b of the ICC/ESOMAR International Code).

4.3 Data protection and privacy

Researchers must respect the principles of data protection and privacy (see Article 7 of the ICC/ESOMAR International Code). In some parts of the world, especially where democracy is not well-established, the importance of protecting respondents and the confidentiality of the information they provide is even more important. In such places, respondents may be especially concerned about the impact of improper disclosure.

- The rights of respondents extend through all stages of the research, including data collection where appropriate measures are required to ensure that respondents understand and can exercise their rights not to participate, to withdraw from the 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.
- Personal information must only be collected and used for specified research purposes. The researcher must ensure that respondent’s personal identity is withheld from the client/research user and may only

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1 British Polling Council journalist guide to opinion polls [http://www.britishpollingcouncil.org/questions.html](http://www.britishpollingcouncil.org/questions.html) based on ESOMAR work; British Polling Council Seminar; AAPOR/Poynter Training Module; National Council on Public Polls: 20 Questions a Journalist Should Ask about Poll Results
communicate the respondent’s identifiable personal information to the client/research user under the following conditions (unless national provisions require stricter regulations):

- The respondent has explicitly expressed this wish and/or
- The respondent has given their explicit consent and
- On the understanding that no commercial or political activity will be directed at them as a direct result of their having provided information.

Researchers must ensure that adequate security measures are employed to prevent unauthorised access, manipulation and disclosure to the personal data, including any possible third parties.

5 RELATIONSHIP WITH THE GENERAL PUBLIC

5.1 Maintaining public confidence

Researchers must not act in a way that could bring discredit on the profession or lead to a loss of public confidence in it (see Article 1 of the ICC/ESOMAR International Code). Opinion polling depends on the public’s willingness to participate, and public confidence in the accuracy and reliability of opinion polls and published surveys. This means that researchers must:

- Use appropriate methods, and be transparent about sampling, the variables used for weighting, question wording and timing of the opinion poll.
- Follow professional standards for disclosure, as indicated in this document.
- Make legitimate comparisons between surveys.
- Not make claims which exceed the limits of the appropriate scientific principles on which opinion polling is based, such as claims about subgroups with sample sizes too small for statistical reliability.

5.2 Requirements for publishing results

What sets most opinion polling apart from other market research is the fact that it is frequently conducted primarily for publication. When publishing results (by print, television, online or other media), researchers must make available information about how the poll was conducted (see Article 11 of the ICC/ESOMAR International Code), as elaborated below.

Disclosure requirements matter because as opinion polls have grown in number and variety, decision-makers, journalists and the public need to be able to differentiate between professional and unprofessional polls, to use them as appropriate information when evaluating public attitudes. Because all surveys have become more complex and diverse, and the difficulties of conducting polls have grown in recent years, researchers need to provide a higher level of methodological disclosure. Some of this information may be too detailed for publication in newspapers or broadcast, but can easily be provided by linking to a web site.

When opinion poll results are published in the media, researchers must take care to keep their interpretations and statements fully consistent with the data. Limitations and weaknesses in the poll design, its execution, and the results must be noted in all reports and analyses. The following information must be included in the survey report, or made available online or in other published form:

- The names of the organisation which conducted the poll and its sponsor, the organisation(s) or person(s) who paid for the poll. If internal campaign polls are made public, it must be indicated that the data originally were collected for a political entity.
- The universe effectively represented (i.e. who was interviewed), whether the poll sample included all adults or only eligible or likely voters, the geographic range of the poll (country, province, state, electoral district, city) and whether certain groups were excluded from the design (those without landline telephones or internet access, for example).
- The actual sample size (number of completed interviews included in the reported findings) and the geographical coverage. For face-to-face interviewing, the number of sampling units must be included.
- The dates of fieldwork.
- The sampling method used. For quota samples and other non-probability samples, provide the characteristics by which the sample was selected. For probability samples, additional information, including
the response rate, must be provided on request, as indicated in Section 5.3. Further Information to be made available.

- **The method by which the poll was conducted** (face-to-face, telephone interview, internet access panel, mixed mode etc.).

- Whether **weighting** was used to adjust the results and the general **demographic or behavioural characteristics** used for the weights. For example, if respondent distributions were adjusted to reflect known census population characteristics or known voting distributions from previous elections, or if adjustments to the unweighted poll findings are made, this should be noted in the publication of the poll findings. The general weighting variables should be described but proprietary algorithms and specific weighting variables do not need to be disclosed.

- **The percentages of respondents who give ‘don’t know’ answers** (and in the case of voting-intention studies, of those who say they will not vote). This information must always be given when it is likely to affect significantly the interpretation of the findings. When comparing findings from different surveys, any changes (other than minor ones) in these percentages must be indicated. There are many occasions on which the interpretation of particular findings will be quite different if the level of ‘don’t know’ answers is 5% or 50%. In the case of voting-intention studies the same consideration also applies to ‘will not vote’ answers.

- **The relevant questions asked.** In order to avoid possible ambiguity the actual wording of the question should be given unless this is a standard question already familiar to the audience, such as an approval rating of the government or the government’s leaders or has been given in a previously published report to which reference is made.

- The guiding principle when deciding which question wordings are relevant to publish is the elimination of ambiguity and misunderstanding. This is particularly important where the actual question wording is critical to interpreting the findings, and where the reported answers can be affected by the form of the question or its context – especially on politically or socially sensitive issues such as attitudes towards abortion.

- Certainly where tabular data are given, the full question wording must be included. On websites, the full question wording must be made available, together with, as a minimum, the answers for the weighted sample in total. These answers should include “Don’t know and non-response.”

- A general indication of the placement of a key question and its context should be provided if it follows other questions that may impact on the way that question is understood by respondents.

- Where the questions form part of a more extensive or ‘omnibus’ survey, this must be made clear to any enquirer, including a general indication of the placement of the questions in the questionnaire.

Obviously, this information is most easily provided in reports of opinion polls published in print or online. For video and audio reports, the requirement can be satisfied by including this information in an online version of the poll, or in an accompanying press release. However, all video and audio reports must include information about the conduct and sponsorship of the opinion poll, the timing of the interviews and the interview method.

In preparing materials for publication (in print, online or any other medium), journalists and other users of the research connected with the media normally follow their own codes of practice and ethics, many of which require adequate disclosure of polling information\(^2\). This Guideline is not intended in any way to substitute for these codes, but rather to support them.

One example of a suitable form of wording for print publication would be:

<table>
<thead>
<tr>
<th>Polling method: Online</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of interviews: 2222 adults</td>
</tr>
<tr>
<td><strong>Dates of interviewing:</strong> 5(^{th}) March 2014 to 7(^{th}) March 2014</td>
</tr>
<tr>
<td>Conducted by: XYZ Research for the <strong>Guardian</strong></td>
</tr>
</tbody>
</table>

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\(^2\) New York Times Polling Standards; BBC Guidelines; Australian Press Council Reporting Guidelines
Another alternative is to use a ‘data box’ of this kind:

This survey was carried out by ABC Research, on behalf of News Inc., using a national quota sample of 1111 adults of voting age personally interviewed in 102 locations between 1st-5th March 2014, weighted to reflect census characteristics for age, gender, region, and education.

A further example is:

Survey carried out by XYZ Research, sponsored by QRS interest group. It is a national survey of 1234 adults aged 18 and above, interviewed by telephone between 25th-28th February 2014 using random digit dialling and quota selection within households, weighted to national voting patterns.

Detailed information within the published survey report itself may not be necessary when an article summarises the results of a number of surveys, or when it would be too complicated to give all the key information for each of the surveys referred to. Where a given survey is reported on serially (for example in the course of several consecutive issues of a newspaper) it might be unnecessary to repeat all the technical details in every issue.

However, even in the more complex cases key information should be presented: the conduct and sponsorship of the opinion poll, the timing of the interviews and the interview method.

5.3 Further information to be made available

In all cases, the basic principle of fair and informative reporting requires that it be made clear how and where the enquirer can obtain additional details. The survey company and the media should publish all required full details of public polls on their websites within 24 hours of publication, with the website address provided by the media, or the full details presented on the media’s own website.

In some countries, market and opinion research association codes may require more detailed disclosure as part of good practice.

The survey company and the media must be prepared to supply the technical information necessary to assess the validity of published findings on request (see Article 11 of the ICC/ESOMAR International Code). This technical information may include more detailed description of the sampling and general weighting procedures adopted by the organisation, all codes, the weighted and unweighted bases for all demographics and other data that has been published, and, when appropriate, the achieved response rates (using one of the definitions in the AAPOR Standard Definitions: Final Dispositions of Case Codes and Outcome Rates for Surveys) and any known non-response bias.

There is no obligation for further information beyond this to be supplied – although researchers will normally be prepared to discuss their research methods in more detail with enquirers.

5.4 Secondary reporting

Many published opinion polls and surveys are reported by individuals and media other than the original client. The research organisation normally cannot be held responsible for any secondary reporting or subsequent use made of opinion poll results by people other than the original client. It should however be ready to immediately issue such comments or information as may be necessary to correct any cases of misreporting or misuse of results when these are brought to its attention.

6 RELATIONSHIP WITH CLIENTS AND OTHERS REPORTING RESEARCH

6.1 Responsibilities

To avoid possible misunderstandings, the research organisation must make clear to its clients in advance of conducting research (see Article 12 of the ICC/ESOMAR International Code):

- that the research organisation itself is bound by the requirements of the Code.
- that subsequent wider publication of the research findings by the client is in accordance with this Guideline.
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Researchers must make a clear distinction between the results that emerge directly from the questions asked, and any commentary/interpretation based on these results (see Article 11a of the ICC/ESOMAR International Code).

Where the findings are published by the client, the latter shall be asked to consult with the researcher as to the form and content of the findings. Both the researcher and the client have a responsibility to ensure the published results are not misleading (see Article 11b of the ICC/ESOMAR International Code). This means for example:

- Misleading comments based on non-significant differences and relationships must be avoided to ensure readers are not confused.
- Special care is required to ensure that any graphs or charts used do not convey a misleading impression of the current survey’s results or of trends over time.
- The public must be able to clearly distinguish between the survey findings as such and any editorial or other comments based upon these findings.

When an organisation conducts fieldwork for published surveys, but has not been involved in the analysis, it should be attentive to how the results are portrayed. That is especially the case when its name is included in the survey report. However, it has no responsibility if its name is not mentioned or when it has no control over how results are reported.

Researchers must always be prepared to make available the technical information necessary to assess the validity of any findings (see Article 11c of the ICC/ESOMAR International Code). Furthermore, researchers must not allow their name to be associated with the dissemination of the conclusions from a market research project unless they are adequately supported by the data (see Article 11d of the ICC/ESOMAR International Code).

This means that the researcher must reserve the right to publish the total study and not just the technical specifications in the event of:

- a shortened version of the publication distorting the analysis of the results;
- an unforeseen and abridged version of the publication;
- a publication which does not conform to the prior agreements.

In the event that a client releases data from a survey that was not originally intended for publication, this Guideline will apply as if it had originally been commissioned for publication.

6.2 Contractual agreements

Contracts between research organisations and their clients that ensure adherence to the ICC/ESOMAR Code (see ESOMAR Guideline on the mutual rights and responsibilities of researchers and clients) are strongly advised, for instance including the Code requirements in the contract. For example, some contracts stipulate that the research organisation has the right to examine and approve a copy of the publication based on its research. Where the research organisation reserves the copyright of the findings this can also help to reduce some of the problems involved in misleading secondary reporting of the findings by other people.

In addition to any other requirements it is suggested that such a contract should cover:

- Clarification of the point that the contract binds both the client as survey sponsor and the media commissioning the survey, where these are different parties.
- Some measure of control by the researcher over the published form of the results including figures and graphs.

Certain contracts also provide that if research findings commissioned for publication are not published, such findings can subsequently (after a specified period of time) be released by the research organisation itself; or alternatively the researcher is free to repeat the survey for another client/research user.

6.3 Archives

It is increasingly common practice in certain countries for data sets from public opinion surveys to be lodged with appropriate archives for subsequent secondary research by academic researchers and others. Where this is possible, researchers are encouraged to archive their data files, after insuring that all identifiable respondent characteristics have been deleted from the data set.
7 METHODOLOGICAL QUALITY AND TRANSPARENCY

The two main characteristics of quantitative scientific surveys are that respondents are chosen according to explicit statistical sampling criteria to ensure representativeness, rather than being self-selected, and that questions are worded in a balanced way.

Researchers must therefore:

- Make clear whether a probability or a quota or other non-probability sample is used.
- Allow the client on request to arrange for checks on the quality of data collection and data preparation (see Article 4 of the ICC/ESOMAR International Code).
- Provide the client and research users with appropriate technical details of the research project carried out for the client and ensure that projects are designed, carried out, reported and documented accurately, transparently and objectively.
- Pay attention to the timing of the fieldwork, interviewer training, the size and method of sample selection and weighting of results.

The following section includes methodological and practical considerations for the conduct of the most visible types of opinion polls and the various ways that data can be collected.

8 ADDITIONAL GUIDELINES FOR SPECIFIC TYPES OF OPINION POLLS AND PUBLISHED SURVEYS

8.1 Pre-election and voting intention polls

Opinion polls taken before elections are highly scrutinised, in part because many people believe that vote projections may affect the way the people vote. The evidence for this belief is limited, with some studies finding little impact, and others suggesting moderate impact in some cases3.

Objective poll results are just one of the many inputs on social and political issues. Other inputs include events, political advertising, and messages from individuals or organisations with a partisan or ideological approach to presenting their views. Whatever the impact of pre-election polls, the public has the right to receive all kinds of information to help them make a rational voting choice; opinion polls deliver very valid information to the voter.

Pre-election polls are expected to be accurate in their estimates of a voting tally or the share of the vote for parties and candidates in an election, especially if they are conducted close to the election itself. However, they should not be seen as predictions per se. They are instead a reflection of opinion at the time the poll was conducted. Researchers must recognise that new events and information may still change preference and must state if there is any evidence that respondents favouring one party or candidate may be unwilling to indicate their true preference or unwilling to participate in the poll. People do change their mind, some even in the second before marking their vote on the ballot slip and ‘undecided’ voters can have a decisive impact on the result.

While all opinion polls require high technical standards, pre-election polls need particular care in noting the timing of interviews (how long before an election the poll was taken), the sample from which results are being reported (all adults, those eligible to vote, those who are deemed most likely to vote), and how likely voters have been determined.

As good practice in conducting pre-election polls, researchers should:

- Observe the need for samples of appropriate size and quality and technical considerations particularly affecting pre-election polls. For example, such polls must have a sample large enough to draw conclusions about voters, who may be only a percentage of the total adult population (in some cases, the effective sample size may be reduced by as much as half). It is necessary to disclose the actual sample size on which the key vote preference findings are based.

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Measure key variables such as likelihood to vote and wherever possible, reasons for party choice or attitudes on issues or other aspects of the campaign. Such polls will have greater political and social value if they do not confine themselves only to measuring voting intention but also explore the reasons for party choice and opinions on important campaign issues.

Check the demographic profile for representativeness and, if necessary, apply weighting to correctly represent the electorate. Ensure that the population profile that is reported is that of electors eligible to vote rather than the all adults profile normally used in commercial market research.

Attempt to keep key elements of methodology consistent throughout the election campaign. This particularly applies to sampling method, question wording and the positioning of voting intention questions. It does not apply to sample size or composition; polls closer to the election day may rely on samples of "likely voters" rather than all eligible voters. However, if polls move to sample “likely” voters later in the campaign, this adjustment must be clearly noted and distinguished.

In omnibus surveys, ensure that political questions are not affected by the subject matter of the preceding questions. That may mean placing such questions near the beginning of the poll. Political questions that might affect measurements of voting intention should not be placed before the vote question.

Whilst the details specified in Section 5 of this Guideline must always be included, in addition, the importance of providing the percentages that are “undecided,” “don’t know” or otherwise do not answer the vote question cannot be overstated. These numbers should be published in all pre-election polls, along with percentages that say they will not vote.

Researchers must take all possible technical steps to ensure that polls, especially those published in the last few days of an election campaign, provide reliable and objective information. In some countries, when election polls are conducted face to face, there may be concern about whether respondents will be willing to divulge their preference. If so, it is good practice to ask respondents to write their choice on paper and place it in a “secret ballot box,” much like an actual election ballot box.

Many countries have set limits on the length of time before elections for publishing pre-election polls. Researchers need to be aware of any such restrictions.

8.2 Exit polls

Exit polls are mainly conducted on election day with voters interviewed as they leave polling stations about how they voted and why. They may be subject to laws about interviewer access (the distance from a polling place interviewers may stand), and about publication.

Exit polls serve functions that differ somewhat from pre-election polls. Because of the speed with which the results are formulated and disseminated, and the fact that they interview those who have already voted, they do predict election results. They also describe patterns of voter support for parties, candidates, and issues. They have supported extensive academic research efforts.

8.2.1 Respondent protections

Researchers must protect the identity of respondents in exit polls and must not maintain identifying information (e.g. name, address, or other IDs) with the voter-level records or allow the data set to enable deductive disclosure of respondents’ identity. Researchers can limit this possibility by not revealing publicly small-area geographic details such as the specific polling place in which votes were cast.

As exit poll interviewing is conducted in a public place, interviewers must take special care about respondent confidentiality. Asking voters to complete a pencil and paper form that is then placed in a box without interviewer intervention, or having voters complete the interview privately on a hand-held device is far preferable to an oral interview.

8.2.2 Study design

Those conducting exit polls must follow these principles:

They must be impartial. Exit polls are designed to collect data from voters and report information on electoral outcomes. They are not tools for partisan advocacy.

Use transparent, public and well-documented methods. These goals can be achieved by publicly describing the methods prior to conducting the exit poll and by adhering to the standards of minimal disclosure delineated in this Guideline. It is also recommended that when the exit poll is used for analysis, the data set
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(without individual identifiers) along with appropriate survey documentation be deposited in public archives and/or on websites for general access.

- Adopt study designs that are suitable for producing accurate and reliable results and that follow accepted procedural and technical standards.

- Follow generally accepted good survey practice. In places where voting takes place by mail or even by internet, exit polls may be conducted on election day itself or in the days preceding the event by methods, like telephone or online. If interviewing at a polling place is forbidden or dangerous, interviews may also be conducted on election day at homes or other sites where polling is normally conducted. Special care must be taken in those circumstances to ensure that respondents actually are voters.

8.2.3 Release of results

- Exit polls used for projections should be reported as soon as is practical after the polls close. Any delay in disseminating the results will raise questions about the legitimacy of the effort, especially with regard to estimating the outcome of the election. If analysis is the only purpose of the exit poll, prompt release is less important.

- In some countries, election laws prohibit the publication of exit poll data until after the polls have closed. In general, statements about the outcome of an election based on exit polls must not be published before all the polling places in the contest have closed.

- In national elections with a range of poll closing times, this can mean exit polls relating to results for elections in smaller voting units (such as individual states in the United States) can be reported when all the polling stations have closed in those locations, rather than waiting until all polling stations used for voting that day have closed. Descriptive information other than voting behaviour may be published before the polls have closed, unless this is prohibited by local legislation or codes of practice.

- In addition to the requirements for publication in Section 5 of this Guideline, because of their timing, exit poll results must be released to the public and other interested parties through the general media and simultaneously made accessible to all. It is good practice to disclose as much of the methodology in advance as possible.

8.2.4 Accompanying information

The following information must be included with exit poll reports and election projections, made available in a similar way as required in Section 5 of this Guideline:

- The name of the firm conducting and analysing the exit poll and its sponsor;

- Whether the sponsor of the exit poll has any ties to political parties, candidates, political organisations or governmental bodies;

- Number of interviews;

- Number of polling stations or sampling points and how they were selected;

- The sampling frame and the sample’s geographic dispersion and coverage;

- Any legal limits on data collection that might affect polling accuracy (e.g. minimum distance of interviewers from the polling station);

- Whether interviewing was conducted throughout the election day or for only part of the day and if people who have voted before election day have been included;

- Whether interviewers are part of a permanent field staff or hired for the occasion;

- How respondent anonymity is guaranteed (paper questionnaires, etc.);

- The interview schedule or questionnaire and instructions;

- Which results are based on parts of the sample, rather than the whole sample;

- A description of the precision of the findings, including estimates of sampling error;

- Monitoring and validation procedures (if any);
The demographic and behavioural characteristics used for weighting;

- Response rates (using one of the definitions in the AAPOR Standard Definitions: Final Dispositions of Case Codes and Outcome Rates for Surveys) and item non-response on vote questions and any known non-response bias;

- General description of how estimates are made, the kinds of variables being used, and whether adjustments for non-response have been made and have known design effects.

8.3 Polls in times of crisis

Opinion surveys are often conducted in times of crisis and researchers must be sensitive to respondent concerns and ability to answer specific questions. They also must note whether there are any locations where interviewing may be problematic because of the crisis. This can include areas affected by natural disasters and those that have been the sites of military action, terrorist attacks, or other forms of violence. The requirement that no harm come to survey participants is particularly important in these circumstances.

8.4 Requirements for specific modes of data collection

8.4.1 Face-to-face interviewing

The face-to-face interview, also known as the in-person interview as an interviewer meets an interviewee in person, is probably the oldest form of survey data collection. Today it is conducted by pencil and paper interviewing (PAPI), where the questionnaire is on paper, or increasingly via computer-assisted personal interviewing (CAPI), where the questionnaire is stored on a laptop. It is used in places with limited landline phone and internet availability, where it is essential for collecting high-quality data, and also for complex, long and difficult questionnaires.

As the face-to-face interview is time-consuming and expensive, it is often replaced by telephone interviews (CATI) and online interviewing. However, face-to-face interviewing has its advantages since response rates are usually higher than for telephone or online interviews, even though response rates are falling for all types of interviews.

Researchers must ensure that:

- Interviewers are specially trained on how to conduct an interview – how to select respondents and gain their trust.
- Interviewers assure respondents that their participation is voluntary, and their personal data and answers will remain confidential.
- Interviewers act properly, know the questionnaire, and are a neutral transmitter for the respondents’ answers.
- Interviewers are adequately supervised, and incompetent or dishonest ones are removed from the interviewing team.

Researchers need to be aware of:

- Interviewer effects – the influence of the interviewer, their manner of behaviour during the interview, and even their appearance and gender - on the answers given by respondents.
- Interviewing in stressful electoral situations or on sensitive topics may impact respondents’ willingness to answer accurately and this possibility must be taken into account when analysing and reporting results.
- If interviewing involves some type of quota selection, or the sample is drawn from a list, this information must be disclosed in poll reports as well as the number of sampling points (PSUs) and their geographic dispersion.
- If face-to-face interviewing is the only valid method of data collection in certain places, but accessibility to large parts of the country is limited, “national” polling results may include only interviews in metropolitan areas and if so, the geographic limitations of coverage must be clearly indicated.

8.4.2 Phone interviewing

Telephone interviewing is by far the most popular method of conducting opinion polls in developed countries and in principle can offer high quality, unclustered, random samples with centralised and supervised interviewing. It permits quick turnaround of fieldwork, with the possibility of multiple contacts of potential respondents. It has been extremely useful in places where there is information available on the allocation of
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phone numbers, which makes random digit dialling the primary method of sampling phone numbers. Random samples can also be drawn from existing lists, such as lists of registered voters or all residents. However, some recent developments, as well as some local issues, can make probability phone sampling difficult. In some countries, many households have never owned landline phones. In others, people are using only mobile devices.

- In many countries, a growing number of households cannot be sampled from public registers, as they are not listed. However, a sample is drawn, researchers must disclose any non-coverage.

- In places where a significant percentage of adults is only reachable by mobile phones, researchers who wish to reach a representative sample of the population should include mobile phones in their sampling frames. The specific proportion of interviews on mobile phones and the sample mix of landline and mobile is dependent on the specific proportions of landline and mobile phones, which varies country by country. In the United States, for example, some companies conduct more than half their opinion poll interviews on mobile phones. In countries where mobile phone coverage is very high, and there are few demographic differences between those with and without mobile phones, it may be possible to reach a representative sample with mobile phone numbers only.

- In each of these cases, incorporating mobile phones will require researchers to follow the ESOMAR Guideline for Conducting Mobile Market Research. This includes taking into account such things as respondent safety.

- For many reasons, phone ownership is frequently correlated with voting intention, with those who cannot be contacted by phone more likely to support one party rather than another in an election. If phone ownership is not high and/or likely to produce an unrepresentative sample, this method of interview should not be used for pre-election polls, or it should be supplemented with data collected using another mode of interviewing.

- If phone samples are used for polls, methods must be applied to correct for any under-representation of supporters of particular political parties. Simple demographic profile adjustments may not be adequate.

8.4.3 Online polls

Online surveys are now commonly used for opinion and election polling and have provided estimates with similar levels of accuracy to traditional polling methods; but they continue to be controversial. At issue is the question of representativeness – whether a methodology that is frequently based on respondents who have chosen to be part of an access panel is representative – especially when traditional opinion polling has relied on probability sampling. Unlike face-to-face and telephone interviewing, there is no agreed-upon sampling frame for online sampling.

As with telephone polling, online polling’s viability as a method of carrying out pre-election polls depends largely on the accessibility of a representative sample via the internet, or on the ability to construct a replica sample that reflects the population from what was originally a volunteer and often non-representative access panel. Given the increasing reach of the internet, there are many countries where this can be done, if care is taken to include people who cannot use the internet at home, but connect to the internet at work or some other place. ESOMAR’s 28 questions to help buyers of online samples contains additional guidance on requirements including online sampling and the use of access panels.

Most online polls are conducted using panels of pre-recruited respondents. Methods for panelist recruitment include both conventional probability sampling and non-probability volunteer panels. Usually, the sample for a particular survey involves a second stage of selection to determine which panellists are invited to participate. Finally, as is typical of almost all surveys, the resulting sample is weighted to better represent the target population.

The major points of controversy involving online surveys concern population coverage (who is able to participate in the survey) and the use of non-probability methods for panel selection. Internet access has expanded rapidly in Europe and North America and is becoming a decreasing problem for most, though not all, population groups. Most surveys today involve large amounts of self-selection, even if random selection is used initially to select respondents (due to non-response), though the problem is usually more severe for approaches that do not begin with a sampling frame.

- As with other types of polls, all published survey reports from online polling must include basic methodological information, such as the sponsor of the poll, the number of interviews, the sample source and any screening criteria, the mode of interviewing, and the field period.
Additional information is needed so readers can evaluate the poll’s reliability and validity. This information is more technical, and should be available on a website of the research organisation or the publication. It must be made available when requested. That information includes:

- Whether respondents were selected from a panel (or multiple panels), the names of the panels and whether they were created using probability or non-probability methods. If the panel is a probability sample, the cumulative response rate (reflecting recruitment, attrition, and the within-panel response rate for a study) should be made available. For non-probability samples, the participation rate (the number of panel members providing a usable response divided by the total number of initial personal invitations requesting members to participate) should be provided.

- The method of selection of panelists for the particular study. This usually involves some form of stratification or quotas, intended to represent the target population. The variables used to define the strata, quotas, or other selection methods (such as matching and propensity score groups) should be listed.

- In most cases, the final sample will be weighted. The most important information to disclose is which variables were used to form the weights. If cell weighting or raking ("rim weighting") is used, the unweighted sample distributions should be included in tabulations. For more complex methods (such as propensity score weighting or matching), a more detailed methodology report should be made available on request.

These disclosures are intended to provide information about the procedures used to conduct a specific survey with a given panel, but do not cover details of panel recruitment (aside from identification of the panel source or sources). For more details see ESOMAR’s 28 questions to help buyers of online samples.

8.4.4 Mixed modes

The use of multiple modes within a single poll is becoming common, especially as ways of insuring coverage for groups that may be difficult to reach by the main polling method. For example, face-to-face interviewing may supplement phone interviewing in countries with relatively low phone penetration. Some research organisations offer respondents a choice as to how they wish to be interviewed.

- The value of using multiple modes is their representativeness; however, researchers must always be aware of the possibilities of mode effects as different modes may produce different answers.

- When publishing results from polls using mixed modes, researchers must provide the number of interviews in each mode and provide the information relevant to each mode of interviewing.

9 PROJECT TEAM

- Kathy Frankovic (Chair), former Director of Surveys at CBS News; Consultant to YouGov and a member of the ESOMAR Professional Standards Committee
- Miroslawa Grabowska, Professor at University of Warsaw and Director of the Center for Public Opinion Research (CBOS)
- Richard Hilmer, Managing Director, Infratest Dimap
- Kathy Joe, Director, International Standards and Public Affairs, ESOMAR
- Christophe Jourdain, International Managing Director, IFOP
- Nick Moon, Managing Director, GfK NOP Social Survey and secretary to the British Polling Council
- Alejandro Moreno, Professor at the Instituto Tecnológico Autónomo de México (ITAM); Director of the public opinion polling unit at newspaper Reforma and President of WAPOR
- Adam Phillips, Chair of the ESOMAR Professional Standards and Legal Affairs Committees
- Doug Rivers, Professor at Stanford University and Founder of YouGov America
Appendix “M”

GUIDELINE ON THE MUTUAL RIGHTS AND RESPONSIBILITIES OF RESEARCHERS AND CLIENTS

(Adapted from the ESOMAR Guideline on The Mutual Rights and Responsibilities of Researchers and Clients)
INTRODUCTION

The MRIA Code of Conduct for Market and Social Research (the MRIA Code) sets out the ethical and professional rules which researchers must follow. The MRIA Code is designed to enhance the public’s confidence in market research by emphasizing the rights and safeguards to which they are entitled under the MRIA Code.

This Guideline addresses the working principles in the Researcher/client relationship.

In order to ensure clear agreement between the client and the research provider, and both parties’ adherence to the requirements of the MRIA Code, it is recommended that points discussed in this Guideline be covered in the research proposal, or separate written contract, or statement of terms of engagement. However, this Guideline does not seek to regulate the details of the business relationship between Researcher and client, nor any contract between their respective organizations.

This Guideline should be read in conjunction with the MRIA Code and its appendices. It is also consistent with the ISO 20252 international quality standard on commissioning research.

SCOPE (the MRIA Code - Articles 1 and 12)

Researchers must carry out assigned work in accordance with the terms and provisions of their proposal. They must warrant that all services provided will be performed in accordance with the general principles of the profession as described in the MRIA Code, with professional responsibility and conforming to the principles of fair competition, as generally accepted in business. The MRIA Code should be applied in concert with any stricter standards or rules that may be required in any specific context or market.

Researchers should specify in the research proposal that they follow the requirements of the MRIA Code.

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

1. OWNERSHIP (the MRIA Code - Article 5)

Intellectual property rights and copyright issues should be covered in contracts as a matter of good professional practice to avoid later disputes. It should be noted that both the ownership of and the copyright in works (the right to reproduce the work, to communicate it, to make it available, or withhold consent to reproduce it, as provided in the Berne Convention and in the Copyright Act of Canada) can only be transferred in writing. In drafting the contract, Researchers are therefore also advised to take into account that:
a. Market research proposals and cost quotations are the property of the organization or individual who developed them unless otherwise agreed in writing. Copyright in research design and the questionnaire prepared by the Researcher are normally the property of the researcher.

b. Serious cases of unauthorized distribution or copying are regarded not only as unethical, but may also attract legal consequences. The owner of the copyright in the work is therefore advised to indicate their claim to copyright protection in appropriate written form to evidence their declared rights. All transfers of ownership and copyright must be in writing.

c. Proposals or contracts should limit conditions under which clients can disclose market research proposals and cost quotations to a third party other than consultants working for the client on the project.

d. The research results relating to a specific client, obtained by a research service provider as a result of carrying out a particular research project, must not be used in research projects for other clients without authorization of the copyright owner. Normally copyright in the research results will be transferred to the client, except in the case of syndicated projects as indicated under 1e below. The client however, has no right to receive personal information about respondents unless the respondents have given explicit permission for this to the Researcher, and then only for research purposes.

e. Normally, 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 cannot, without prior written permission of the Researcher, disclose the contents of a report to any third party other than his own consultants and advisors for use in connection with his business.

f. The contract between a Researcher and client must include confidentiality clauses on the initial briefs, research specifications and other information provided by the client. These must be treated by the Researcher in strict confidence and cannot be disclosed by the Researcher to any third party (except sub-contractors who agree to the same confidentiality provisions) unless otherwise agreed in writing by the client.

2. **SUBCONTRACTING (the MRIA Code - Article 10)**

Researchers shall inform clients, prior to work commencing, when any part of the work for them is to be subcontracted outside the Researcher’s own organization. On request, clients shall be told the identity of any such subcontractor.  

In this Guideline, subcontracting includes outsourcing and off-shoring. Any requirements for subcontracting apply equally to these included activities.

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13 Subcontracting is defined as passing responsibility for executing an element of the research project to a third party organization or individual.
The Researcher must ensure that whenever the use of any subcontractor may result in the disclosure of personal data to the subcontractor, the latter must fully comply with all relevant data protection requirements and must undersign their agreement to apply the MRIA Code.

Though it is usually known in advance which subcontractors will be used, occasions may arise during the course of a project where subcontractors need to be brought in or changed at very short notice. In such cases, rather than cause delays to the project in order to inform the client prior to work starting, it will usually be acceptable to let the client know as soon as possible after the decision has been made.

3. CHECKING OF DATA COLLECTION AND DATA PREPARATION (the MRIA Code - Articles 4 and 7)

Article 4c of the MRIA Code states that Researchers shall on request allow the client to arrange for checks on the quality of data collection and data preparation.

This quality control must be defined in the contract between the market research agency and the client. It must comply with the relevant and applicable federal and provincial laws and self-regulatory documents on market research and with the provisions of the MRIA Code concerning data privacy protection, in particular Article 7. Since validating is an important element in quality control of fieldwork, all face-to-face interviews must include a statement that there is a possibility that a subsequent recall may be made for quality control purposes, unless another form of real-time recording is in place.

If the validation step is subcontracted, the subcontractor must undertake in writing to comply with the MRIA Code and with the appropriate laws and provisions in this regard. In particular, the anonymity of the original respondents must be safeguarded and their names and addresses used exclusively for the purposes of validations and not disclosed to the client.

The costs related to validation must be allowed for by the client in setting the project budget, or by separate payment from the client.

4. KEEPING OF RECORDS (the MRIA Code - Articles 4 and 7)

Researchers must conform to current professional practice relating to the keeping of research records for an appropriate time after the end of the project.

The proposed period of time for which research records must be kept by the Researcher will vary with the nature of the data (e.g. whether they are personal or not), the nature of the project (e.g. ad hoc, panel, repetitive) and the possible requirements agreed between the Researcher and the client for follow up research or further analysis. In absence of any agreement to the contrary, in the case of ad hoc surveys the normal period for which the primary field records (the original completed questionnaires and similar basic records) should be retained is one year after completion of the fieldwork and three years for panel studies. In all cases, laws and regulations in Canada override any data retention guidelines produced herein.
Researchers must take suitable precautions to guard against any accidental loss or release of the information during the agreed storage period.

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;
- the request is made within the agreed limit for keeping the records;
- the client pays the Researcher’s costs to provide these duplicates.

5. PUBLISHING FINDINGS (the MRIA Code - Article 11)

Researchers cannot fully control how research findings are interpreted or applied once they are in the public domain. However, both the client and the Researcher have a responsibility to ensure that published results are not misleading. Researchers must endeavour to prevent any misinterpretation or misuse of research findings, and (as far as is practicable) correct any misinterpretation or misuse once they become aware that it has happened.

Researchers’ agreements or contracts with clients should specify that, where any of the findings of a research project are to be published by a client, the Researcher is consulted in advance about the form and content of publication. Researchers shall always be prepared to make available the technical information necessary to assess the validity of any published findings. If, following publication, it becomes clear that serious misinterpretation of the research and its findings has occurred, leading to misleading discussion of the implication of the research, the Researcher must endeavour to correct such misinterpretation by any available and appropriate means.

If the client does not consult and agree in advance as to the form and content of publication with the Researcher, the latter is entitled to refuse permission for their name to be associated with the dissemination of conclusions and to publish the appropriate technical details of the report.

6. RECORDING, LISTENING AND OBSERVATION (the MRIA Code - Articles 6 and 4a)

On request the client, or their mutually acceptable representative, may observe an interview or group discussion at the time it is carried out. In this case, respondents must be told that the interview or discussion is being observed by other persons and the Researcher must ensure that all such observers are fully aware of the requirements of the MRIA Code and agree to abide by these. Researchers are best advised to satisfy themselves whether or not the immediately foregoing provisions apply in all markets of interest to the Researcher in terms of listening in for quality checks in telephone research. The MRIA Guideline on Passive Data Collection, Observation and Recording provides more detailed guidance on this issue.

7. TECHNICAL INFORMATION PROVIDED TO THE CLIENT (The MRIA Code - Articles 4d and e)
Researchers shall ensure that market research projects are designed, carried out, reported and documented accurately, transparently and objectively. They shall also provide their clients with appropriate technical details of any research project carried out for the client.

The report on a market research project should normally cover the following points or provide a reference to a readily available separate document containing the information for instance to ensure that if necessary, the study can be replicated in the future.

**Background**
- for whom the study was conducted;
- the purpose of the study;
- whether any subcontractors performed any substantial part of the work;

**Sample**
- a description of the intended and actual universe covered;
- the achieved sample size against the projected sample size and reasons, if relevant, for not obtaining the projected sample;
- the sampling method, including the procedure for selecting respondents and any weighting methods used, if applicable;
- the response rate (in the case of probability samples) and the definition and method of calculating it;

**Data collection**
- the data collection method and the dates of fieldwork;
- a description of the interviewing staff, briefing and interviewer quality control methods used;
- the method of recruiting respondents; and the type of incentives, if applicable;
- in the case of desk research, a clear statement of the sources of the information and their likely reliability;

**Presentation of results**
- the relevant factual findings obtained;
- bases of percentages and any analysis subgroups (both weighted and unweighted);
- general indications of the probable statistical margins of error to be attached to the main findings, and of the levels of statistical significance of differences between key figures if possible;
- 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).

8. **SUBSTANTIAL ALTERATIONS**
Researchers must take all reasonable care to meet agreed deadlines but they cannot be responsible for any delay caused by circumstances beyond their control. The probable lengths of any significant delay must be notified as soon as possible to the client.

If there is any alteration to the specification agreed with the client during the course of the project, this must be notified to the client.

Both parties must approve any major change in the project that could have a significant impact on the cost, timing and/or quality of the project.

If the research proposal was based on figures provided by the client which are found to be inaccurate, and if this leads to any substantial gap, delay or additional cost, then the Researcher may adjust their timing and costs accordingly and shall notify the client of this at the earliest possible time.

If the provider is unable to meet the deadline for the research proposal or cost quotation, the client shall be informed of this at the earliest possible time.

9. RESPONSIBILITY FOR PRODUCTS AND STIMULI (the MRIA Code - Article 3b)

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.

It is important that the contract between the client and the Researcher specifies that when the client entrusts products to the Researcher’s care, the client commits to providing products compliant with relevant laws and to provide all necessary information on these products, including the directions for use, a list of ingredients or contents if this is required by law and the transport and storage conditions.

It must be clear that the client is fully responsible for all damage or injury caused by materials or products they have provided for research purposes unless the Researcher failed to take normal care of the materials or products when in their possession. Moreover, the client must take the necessary measures to provide the Researcher with any constraints relating to security required for the products.

In the agreement between a Researcher and his client, the Researcher must be indemnified by the client against all the transport, storage, and usage risks that could occur, and against complaints from respondents or from the Researchers’ employees. The Researcher must ensure that suitable information is given to respondents for the safe use and handling of the materials or products.

10. CONFIDENTIALITY

Researchers must not disclose the identity of their clients or any confidential information about the latter’s business, to any third party without the client’s written consent unless there is a legal obligation to do so imposed by a court of competent jurisdiction or other comparable authority. This does not affect the right of respondents to know the identity of the client, if personally identifiable data is released to, or received from, the client.
All information supplied to the Researcher by the client in order to conduct a research project must be treated in the strictest confidence. It must only be used in this context and must not be made available to third parties without the client’s authorization. Confidential information must be stored securely. This includes the product and the methodology employed and must extend to Researchers personally, even when they change employment. This requirement also applies to subcontractors. These requirements should be enforced by written contracts.

It is often assumed that ownership of an ad-hoc project rests with the client who paid for it, whereas ownership of a multi-client project remains the property of the research agency. However, the situation is seldom clear in practice. For this reason, and in order to avoid dispute, the ownership of the methodology, and/or the results and any report should be made clear in the contract between the Researcher and his client. It is also wise for the copyright owner to appropriately claim copyright on any published material.

11. **TRANSPARENCY (the MRIA Code - Article 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.

The client does not have the right, without prior written 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 conflicts of interest between the services provided to those clients.
This Appendix is under construction. The Litigation and Regulatory Resource Committee (LRRC) of the MRIA oversees the preparation and updating of the chapter on Survey Research and Marketplace Evidence for the Federal Court Trademark Law Benchbook, published by Carswell in 2012 (update forthcoming). While Appendix N is in preparation, MRIA members may treat that chapter as authoritative with respect to preparing and delivering expert evidence. A copy of the chapter is available from the Chair of the LRRC.