

Research Association New Zealand

Introduction to the Code of Practice

Agenda

- What the Code of Practice is
- Articles of the Code
- Common questions and other situations
- Interpretation and complaints

What is the Code of Practice?

- Provides a framework for professional self-regulation
 - Minimum guidelines to be followed by members
 - Complaints procedures (when code not adhered to)
- The Code of Practice in New Zealand is based on the ICC / ESOMAR International Code on Market and Social Research
- The code applies to all Market Research activities and should be applied in spirit as well as to the letter
- Definitions are provided for market research, researcher, client, respondent, and interview

Purpose of the Code

This Code is designed primarily as a framework for self-regulation. It sets minimum standards of ethical conduct to be followed by all members and is to be applied against the background of applicable New Zealand and international law and of any stricter standards or rules that may be required in any specific market, e.g. Privacy Act, Commerce Act, Human Rights legislation, etc.

Specific objectives

1. Set out the ethical rules for researchers
2. Enhance public confidence in MR (rights and safeguards)
3. Emphasise special responsibility for children and young people
4. Safeguard freedom for researchers to seek, receive and impart information (UN International Covenant on Civil and Political Rights)
5. Minimise need for (inter-)governmental legislation
6. Provide framework by which complaints against members can be heard

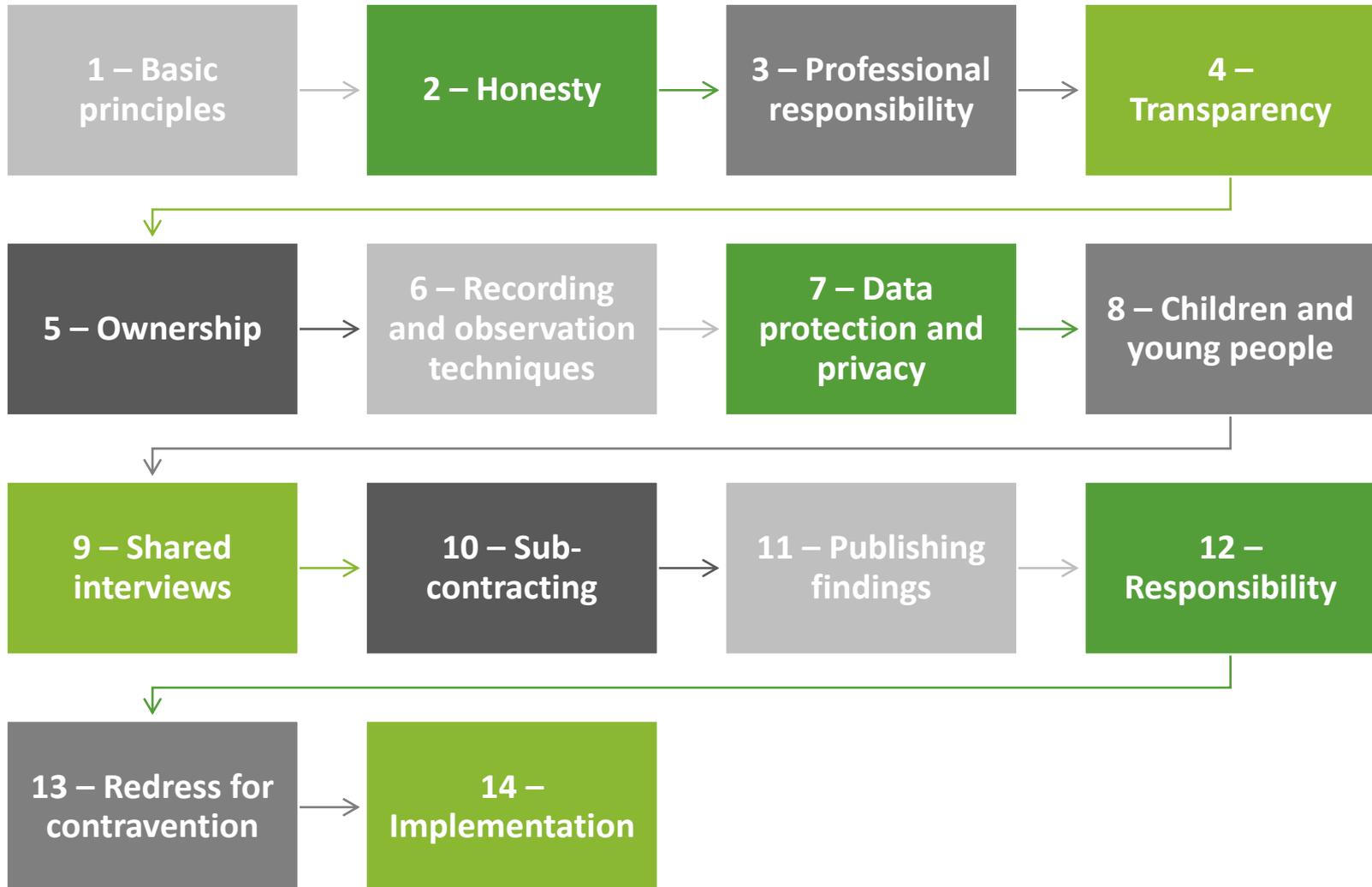
Key fundamentals of the Code

- Conform to all relevant national and international laws
- Behave ethically and shall not do anything which might damage the reputation of research
- Take special care when carrying out research involving children or young people
- Respondents' cooperation is voluntary and must be based on adequate and not misleading information about the general purpose and nature of the project
- The rights of respondents as private individuals shall be respected by researchers and they shall not be harmed or adversely affected as the direct result of cooperating in a research project.
- Never allow personal or confidential data to be used for any purpose other than research
- Ensure projects and activities are designed, carried out, reported and documented accurately, transparently and objectively
- Conform to the accepted principles of professional responsibility
- Breaches of the Code may result in Research Association New Zealand membership being revoked or suspended or the member being subject to other appropriate disciplinary measures

The Articles of the Code



Articles of the Code



Articles 1-2 (*don't be evil**)

Article 1 – Basic principles

- a) Research shall be legal, honest, truthful and objective and be carried out in accordance with appropriate scientific principles.
- b) Researchers shall not act in any way that could bring discredit on the research profession or lead to a loss of public confidence in it.
- c) Research shall be conducted with professional responsibility as generally accepted in business.
- d) Research shall be clearly distinguished and separated from non-research activities including any commercial activity directed at individual respondents (e.g. advertising, sales promotion, direct marketing, direct selling etc.).

Article 2 – Honesty

- a) 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 organisation.

Case study: permission to contact

- Green Research is doing a telephone survey among small/ medium businesses on behalf of their client, Hot Stuff Stoves & Ovens.
- The client wants to add a final question they say would benefit those respondents who were probably going to purchase their product anyway:

ASKED ONLY IF PARTICIPANTS INDICATED LIKELY TO PURCHASE PRODUCT IN NEXT 6 MONTHS

On behalf of <CLIENT NAME> we thank you for participating in the survey.

If you would like more information on services please tick the box below, your details will be passed on to <CLIENT NAME>, a member of their team will contact you.

(1) Yes, I am interested in being contacted about XXX

(2) No thank you

IF 2 SELECTED. We strictly abide by the market research code on privacy, so please be assured your details will be kept confidential.

- Can Green Research do this?

Case study: permission to use testimonials

- Fine Print Insurance, a RANZ member, is conducting a survey with their customers.
- They want to add a final question at the end:

ASKED ONLY IF PARTICIPANT GIVES SATISFACTION RATING HIGHER THAN 8

Thank you for participating in the survey.

Would you be willing to write a comment about us or your experiences with us that we might use on our website or other material? If yes, please write your comments in the box below.

(1) Yes [please write comments in the box below]

(2) No thank you

IF 2 SELECTED. We strictly abide by the market research code on privacy, so please be assured your details will be kept confidential

- Can Fine Print do this?

Article 3 (*still don't be evil*)

Article 3 – Professional responsibility

- a) Respondents' co-operation in a research project is entirely voluntary at all stages. They shall not be misled when being asked for their co-operation. Participation is consensual and the participant may withdraw their consent at any stage of the proceedings.
- b) Where incentives for participation are offered, the nature and amount of those incentives shall be made clear prior to consent being requested. Incentives must comply with all relevant legislation. Researchers must also satisfy themselves that the incentives are suitable rewards for research participation, not covert sampling or marketing incentives.
- c) 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 research project.
- d) Researchers shall not unjustifiably criticise other researchers.

Article 4 (*working in a glass house*)

Article 4 – Transparency

- a) Researchers shall promptly identify themselves and unambiguously state the purpose of the research.
- b) 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) On request, Researchers shall supply the Client with duplicate copies of interview records, provided these do not breach anonymity and confidentiality requirement of the Privacy Act 1993 and subsequent amendments to the Act. (The provision does not apply where resulting reports are available for general purchase on a syndicated basis.)
- e) Researchers shall provide their clients with appropriate technical details of any research project carried out for the clients.
- f) Researchers shall ensure that research projects are designed, carried out, reported and documented accurately, transparently and objectively.

Article 5 (*who owns what*)

Article 5 – Ownership

Unless otherwise agreed between the Client and Researcher in writing, the following ownership principles apply.

- a) Research briefs, research data and findings from a research project (except in the case of syndicated or multi-client projects) remain the property of the Client, and may not be disclosed by the Researcher to any third party.
- b) The following records remain the property of the Researcher, and may not be disclosed by the Client to third parties:
 - The research techniques and methods used in the research project.
 - Research proposals, discussion papers and quotations, unless these have been specifically and separately paid for by the Client.
 - The contents of a report in the case of syndicated or multi-client projects, where it is clearly understood that the resulting reports are available for general purchase or subscription. In these cases, the Client may not disclose the findings to any third party other than in direct connection with their own business.

Case study: competitive pitches

- Green Research occasionally does work for Don't Blink Optometrists.
- Don't Blink comes to them with a research proposal submitted by Orange Research. They say they had to put the pitch out to two vendors, but they prefer Green, so could Green please “better” the one from Orange.
- What should Green Research do?

Article 6 (*smile... you're on camera!*)

Article 6 – Recording and observation techniques

Respondents shall be informed about recording equipment and consents obtained during the research project introductions prior to commencing the formal research interview, except where these are openly used in a public place and no personal data are collected. If respondents so wish, the record or relevant section of it shall be destroyed or deleted. In the absence of explicit written, audio or video-recorded consent to the contrary, respondents' personal identity shall be protected. Respondents should be informed (in addition to the purpose of the research) of the reason for making recordings and how they will be used – e.g. for analysis only, etc. If the client requests a copy of a recording (including a transcription), then participant consent must be obtained.

Case study: use of video footage

- The Green Research Agency did 4 focus groups for Cloudy River Dairy.
- Green Research video and audio recorded the groups, with written transcripts prepared.
- The findings were delivered and the invoice paid.
- The client has asked for a copy of the video and the transcripts. They want to use some of the video footage at their forthcoming sales conference.
- They may also want to use some of it for their new TV campaign.
- What should Green Research do?

Case study: call recording

- The Green Research Agency recruited participants for business interviews they were conducting for Bygone Days Calendars.
- Recruitment was conducted by telephone by Green Research's CATI team.
- The list was supplied by Bygone Days, but all the details they received are publicly available (e.g. on company websites).
- Green Research's CATI calls are all recorded automatically. No details are collected over the phone unless the prospect agrees to be screened for the focus group.
- Does Green Research need to disclose that the calls are recorded?

Complexity around disclosing recording

■ The situation

- Most CATI centres begin recording immediately the connection is made – obviously this is prior to any consent being asked or given
- Many centres have a pre-recorded message that says the call may be monitored and recorded for quality control purposes
- If the respondent does not agree to monitoring, this can be stopped. However, initiation of or terminating the call recording is beyond the interviewer's control

■ The agreed approach

- Monitoring must stop on request
- Consent to record must be sought at the first reasonable opportunity and definitely prior to asking any personal information
- The interview must be terminated if the potential respondent refuses to be recorded
- If the respondent wants to do the interview but not be recorded, the company may arrange this at their discretion in consultation with the client and with reference to the sample, etc.
- Should the respondent change his or her mind about being recorded at any point (during or a reasonable time after), the company must destroy the recording

Article 7 (how long to keep stuff)

Article 7 – Data protection and privacy

a) Privacy policy

Researchers are governed by the NZ Privacy Act (and related acts) and shall be able to provide a privacy policy statement to respondents from whom they are collecting data when requested.

b) Collection and storage of data

When collecting personal information from respondents researchers shall ensure that:

- i. Respondents are aware of the purpose of the collection;
- ii. Respondents are aware of any quality control activity involving re-contact;
- iii. Primary records (e.g. completed questionnaires, data files, group recordings) and copies of the final versions of all project documents or other records (e.g. analysis programmes) shall be retained for a period of 12 months; Secondary research records and stored research data excluding personal identifiers shall be kept for a minimum of 24 months unless explicitly agreed with the Client;
- iv. A copy of all other final versions of documents related to the research project shall be held for 24 months;
- v. In default of any agreement to the contrary, ad-hoc projects' primary records should be kept for 12 months after fieldwork finishes.

Article 7c (*ask only what you need to know and keep it to yourself*)

Article 7 – Data protection and privacy (cont.)

c) Use of data

Personal information collected and held in accordance with this Code shall be:

- i) Collected for specified research purposes and not used in any manner incompatible with these purposes;
- ii) Adequate, relevant and not excessive in relation to the purpose of the research for which they are collected and/or further processed.

Researchers shall ensure that respondents' personal identity is withheld from the client and that reasonable measures are in place to minimise inference of identity based on individual responses, e.g. in a small sample size study.

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

- i) The respondent has explicitly expressed this wish and/or;
- ii) The respondent has given their explicit written, audio or video-recorded consent and;
- iii) On the understanding that no commercial activity (as defined in Article 1d) will be directed at them as a direct result of their having provided information.

Case study: upgrade my database

- The Green Research Agency did 400 customer interviews for Edsel Automotive.
- Green Research used the client's database for the interviews.
- The findings were delivered and the invoice was paid.
- The client wants their database back with the record of who was interviewed and who wasn't interviewed.
- They also want their database updated based on changes Green Research discovered when interviewing.
- What should Green Research do?

Article 7d (“password” is not a good password)

Article 7 – Data protection and privacy (cont.)

d) Security of data and data processing

Researchers shall ensure that reasonable security measures are employed in order to prevent unauthorised access, manipulation to or disclosure of the personal data.

If personal data are transferred to clients or third parties, reasonable measures shall be taken to ensure that respondent identity is protected.

Certain organisations, e.g. in Banking and Government, may require different, more specific measures around data exchange and security. It is incumbent on them to make these requirements known, and researchers shall comply with the client’s requirements as long as they meet the Association’s Code’s minimum requirements.

Article 7e & 7f (*respondents have rights*)

Article 7 – Data protection and privacy (cont.)

e) Rights of the respondent

Appropriate measures shall be taken to ensure that respondents understand and can exercise their rights

- i) Not to participate in a research project;
- ii) To withdraw from the research at any time;
- iii) To require that their personal data are not made available to others; and
- iv) To delete or to rectify incorrect personal data which are held on them.

In the case of observational research where the particular and personal details of the observed subjects are not collected, the subjects are not considered respondents.

f) Trans-border transactions

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

Case study: participant requests copy of their data

- The Green Research Agency did a survey for EcoFreshOrganic Groceries.
- Data processing is almost finished.
- A participant has asked to receive a copy of the questions and their responses so they can check they have been correctly recorded and make changes if needed.
- Green Research will have to go to some effort to provide responses beyond just a list of response codes and recorded verbatims.
- Green Research is also concerned that some of the questions are proprietary.
- There is only a short time until the report is due.
- What should Green Research do?

Case study: we just want names... not what they said

- The Purple Prose Group contracted the Green Research Agency to conduct internal employee surveys about a variety of issues.
- They provided the list of employees by division to allow comparison across groups and because only departments achieving certain completion rates were incentivised.
- The survey was carried out and results delivered. Participation and results varied widely across divisions.
- Purple Prose asked Green to provide the list of names of employees who completed the survey. They said it wasn't a violation of privacy as they had supplied the names in the first place and they only wanted information about the fact of participation, not what anyone had said.
- What should Green Research do?

Article 8 (*watch out for kids*)

Article 8 – Children and young people

Researchers shall take special care when interviewing children and young people. The informed consent of the parent or responsible adult shall in all cases first be obtained before interviewing children aged under 14 years of age. In the case of studies containing sensitive subject matter, e.g. mature or controversial themes, parental consent shall also be obtained for children aged 14 and 15.

Informed consent implies that they are provided with information about:

- a) The nature of the research;
- b) Whether the child will be asked to test any products or samples;
- c) The nature of any incentive offered to the child.

Articles 9 & 10 (*be honest*)

Article 9 – Shared interviews

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.

Article 10 – Subcontracting

Researchers shall inform clients, prior to work commencing, when any part of the non-administrative work for them is to be subcontracted outside the researchers' own organisation. On request, clients shall be told the identity of any such subcontractor.

Article 11 (*NZ market research isn't US politics*)

Article 11 – Publishing findings

- a) When reporting on the results of a research project, researchers shall make a clear distinction between the findings, the researchers' interpretation of these findings, and any recommendations based on them.
- b) Where any of the findings of a research project are published by the client, the latter shall be asked to consult with the researcher as to the form and content of publication of the findings. Both the client and the researcher have a responsibility to ensure that published results are not misleading.
- c) Researchers shall always be prepared to make available the technical information necessary to assess the validity of any published findings.
- d) Researchers shall not knowingly allow their name to be associated with the dissemination of conclusions from a research project unless they are adequately supported by the data.
- e) Researchers must take reasonable steps to lodge an objection with the client where the client presents data in any public or private arena in a misleading way and ask for it to be corrected.

Case study: client public use of data

- Green Research runs a syndicated monitor for insurance companies. It goes smoothly as usual, findings are delivered.
- The next month, Code Red Insurance runs a highly visible ad using data from the monitor. The ad is spotted by several of the other syndicate members.
- This ad says, “if you own a business, see how your insurance compares with ours” and shows a chart in which they clearly beat the competition. In very fine print, the ad provides the relevant demographic segment.
- The chart is correct for that demographic. However, Code Red has picked the only demographic (about 10% of the sample) in which they outperform the other companies. For the other 90% of the business market, they trail the other insurance companies.
- What responsibility does Green Research have here?

Articles 12-14

Article 12 – Responsibility

Researchers have overall responsibility for ensuring that their research is carried out in accordance with this Code, and for taking reasonable steps to ensure that clients and other parties to the research are aware of the Code and its requirements.

Article 13 – Effect of subsequent redress for contravention

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

Article 14 – Implementation

- a) The Code and the principles enshrined in it should be adopted and implemented nationally by the relevant self-regulatory bodies. The Code should also be applied, where appropriate, by all involved organisations, companies and individuals and at all stages in a research project.
- b) Marketers, researchers and clients should be aware of the Code and other relevant local self-regulatory documents on research. Requests for interpretation of the principles contained in this Code may be submitted to Research Association New Zealand. Complaints against members may be submitted to Research Association New Zealand Complaints Committee. Details of the procedure are to be made available to the public via the official Association website www.researchassociation.org.nz.

Common questions, other situations and complaints



Common questions

- Is there a Do Not Call list?
- Are there rules about calling hours?
- Can I email the people on the list that my client gave me to invite them to participate in my survey, or does that violate the anti-spam laws?

Case study: non-MR industry codes and standards

- Twinkle, an infant formula company, wants to handle the recruitment for the research that Green Research will do for them.
- They put up a notice on their company Facebook page inviting breastfeeding mothers to contact Green if they're interested in taking part in paid discussion groups about infant formula.
- Green is aware of the International Code of Marketing of Breast Milk Substitutes (to which NZ is a signatory) and is further aware that the wording of the client's FB notice contravenes this code.
- What responsibility, if any, does Green Research have?

Case study: intercept interviews

- Static Mobile has commissioned Green Research to do intercept interviews with their customers and customers of their competition, Dropped Calls Mobile.
- Green Research begins the intercept interviews, standing on the sidewalk outside stores of both companies.
- Dropped Calls Mobile objects to this and tells Green Research they must stop targeting customers coming out of their stores or they will lay a complaint with RANZ.
- Does Green need to move?

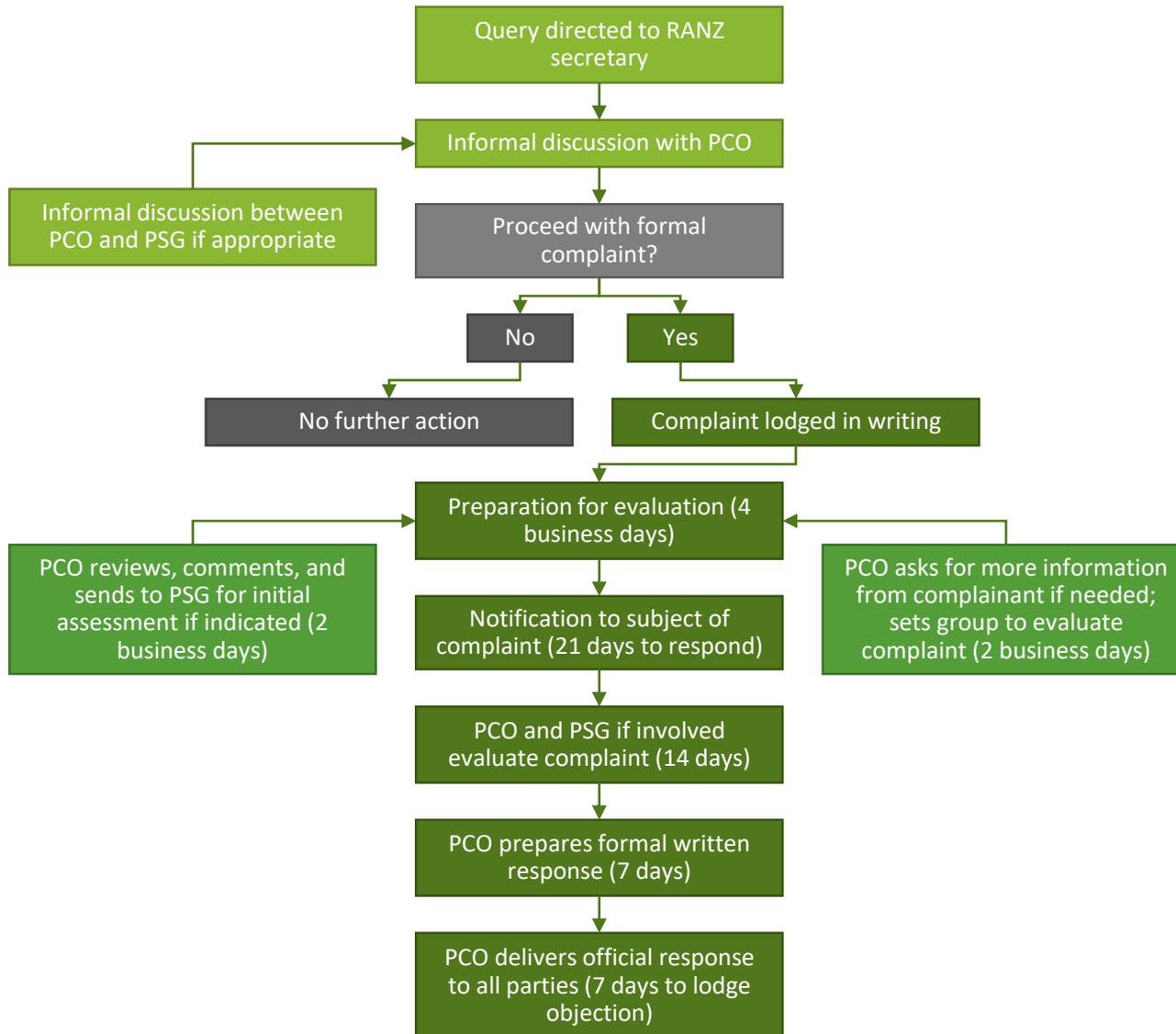
Interpretation and complaints



Who interprets the Code?

- Who is the Professional Standards Group (PSG)?
 - Professional Conduct Officer (may or may not sit on the RANZ Board but must be eligible to do so): currently Karin Curran
 - 3-5 RANZ members (generally senior; membership ideally lasts for several years): currently Robyn Moore, Kay Bramley, Spencer Willis and Wing Morgan
 - Secretary acting as gatekeeper: Claire Lloyd
 - Associated with a Board member (actively involved in rare cases): currently Kay Bramley
- What does the PSG do?
 - Deals with queries from researchers making sure they're Code-compliant
 - Supports researchers when they need to tell clients that they really cannot do something the client wants them to
 - Evaluates and makes judgements about complaints against members

Overview of complaints process



Questions?

