

KEY CHANGES TO THE ICC/ESOMAR CODE

How does the proposed 2016 ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics differ from the 2007 ICC/ESOMAR International Code on Market and Social Research?

1. Overall structure

The articles are allocated under headings that highlight the responsibilities to data subjects, the general public and the research profession to make it easier to identify the commitments we require for each group.

The Title: this has been extended to include data analytics, to highlight to those involved (many of whom are technology based) in this area that this Code is relevant to them and offers a set of basic principles they should apply in research.

The Preface: this highlights the changes impacting research caused by digital innovation, and that as the role of research and researchers are evolving, it is more important than ever to promote high standards of ethical behaviour to reinforce public confidence in research.

New to the Code: to support changes to the sector caused by digital innovation, a new article was introduced covering use of secondary data. Another article covers primary data collection, which encompasses many requirements from the 2007 Code.

Consistency: Articles on publishing findings, professional responsibility, legal responsibility, compliance and implementation remain essentially unchanged.

No longer in the Code: previous articles on ownership, shared interviews and on subcontracting are no longer included as these issues are typically covered by contracts.

2. The Definitions

These have been updated to align with a digital environment also noting that definitions have been added where they have a particular meaning within the code. Key changes include:

- The definition of 'research' has been extended to include 'data analytics' whilst continuing to emphasise the statistical and analytical approach of research and its contribution to decision-making.
- A definition of 'data analytics' has been added.

- A distinction is drawn between 'primary data' and 'secondary data' to recognise that not all data used in research is collected by research organisations.
- 'Data subjects' is used rather than 'respondents' or 'individuals'. 'Respondent' was not used as research has broadened from surveys and qualitative research to include passive data collection and data from secondary sources where an individual might not actually respond or participate as such. 'Data subject' was chosen over 'individual' as this is more commonly used in the digital sector, international privacy principles and legal texts.
- A definition of 'harm' has been added related to strengthened assurances that data subjects shall not be harmed as a direct result of research (see Article 1) and this includes unsolicited personally targeted messages such as online targeting.
- Definitions of 'a child' and of 'vulnerable people' have been added with the special measures required in Article 3. A change from previous guidance is that 'a child' is now defined as being under 12, instead of being under 14. A 'young person' as aged 13 - 17.

3. Fundamental Principles

The 8 key fundamentals that were in the 2007 Code are now incorporated into the articles and the new 3 fundamentals provide an interpretative background for applying the articles.

4. The Articles

Most articles and principles from the 2007 Code have been incorporated in the new Code. They have been moved and/or reworded: see the annex on page 3 to find which article moved where. Here is a summary of new requirements in this Code:

Article 1 Duty of care: This new article strengthens assurances towards individuals that they will not be harmed, including that no direct marketing will be targeted at them. It also contains further requirements for research of a sensitive nature.

Article 2 Children and Young People, other vulnerable individuals: this now includes 'other vulnerable individuals', recognising that extra care is needed, not just in working with children, but also when working with other vulnerable individuals.

Article 3 Data Minimisation: was already in the 2007 Code, but is now a separate article to highlight the importance of avoiding the collection and storage of personal data that is

not actually needed, in line with international data privacy principles.

Article 4 Primary Data Collection: includes requirements for when researchers collect information directly from an individual for a research purpose, with a new requirement regarding consent for re-contact. It also has a new requirement relating to passive data collection, including situations where it is not possible to obtain consent.

Article 5 Use of Secondary Data: this new article clarifies the key requirements for using data collected for another purpose but subsequently used in research, recognising that a wide range of data such as data from social media or IoT is not collected by a researcher, but may be processed for research purposes.

Article 6 Data Protection and Privacy: recognises that researchers may encounter situations where they are asked to engage in certain non-research activities (e.g. some types of service recovery or CRM that lead to a direct response to the individual). It covers both primary and secondary data. This article also contains a new requirement requiring researchers to take precautions against an individual's identity being inferred through small samples or in combination with additional data. And a new requirement regarding data breaches of personal data.

Article 7 Transparency: a new requirement that research must be designed to the specification and quality agreed with the client, and that the findings and interpretation must be supported by the data.

Article 8 Publishing Findings: clarifies the type of information that must be available to the public so it is possible to assess the quality of the data and the validity of the conclusions.

Article 9 Professional Responsibility: adds a new requirement that researchers must be straightforward and honest in all their professional and business dealings.

Article 10 Legal Responsibility: one of the fundamentals from the 2007 Code that is now an article.

Article 11 Compliance: a requirement has been added that failure to cooperate in a disciplinary investigation will in itself be considered to be a breach of the Code. This reflects the aim of ESOMAR and other self-regulatory bodies to strengthen compliance and self-regulation.

Article 12 Implementation: this is similar to the 2007 Code text.

ADDENDUM:

These articles from the 2007 Code are incorporated into the proposed 2016 Code revision. As a lot of articles can now be found under a different heading and in new articles, below is a list of which (sub)article moved where.

Article 1 Basic Principles Article in proposed Code 2016

- sub a, b, c Moved to Article 9.
- sub d Wording changed, not moved.

Article 2 Honesty

- sub b Moved to Article 9.

Article 3 Professional Responsibility

- sub a Moved to Article 4.
- sub b Moved to Article 1.
- sub c Moved to Article 9.

Article 4 Transparency

- sub a, b Not moved.
- sub c Moved to Article 7.
- sub d Wording changed and moved to Article 7.

Article 7 Data Protection and Privacy

- sub a Moved to Article 6.
- sub b Wording changed and moved to Article 4.
- sub c Wording changed and moved to Articles 3 and 6.
- sub d Moved to Article 6.
- sub e Wording changed and moved to Article 4.
- sub f Moved to article 6.

Article 8 Children and Young People

Wording changed and moved to Article 2.

Article 11 Publishing Findings

- sub a Moved to Article 7.
- sub b, c, d Moved to Article 8.

Article 12 Responsibility

Moved to Article 11.

Article 13 Effect of Subsequent Redress for Contravention

Moved to Article 11.

Article 14 Implementation

- sub a, b Moved to Article 12.

2007 Code articles no longer in the 2016 Code

The articles on Ownership, Shared Interviews and Subcontracting were taken out as these are typically contractual issues, not ethical standards. Article 2(a) and 4(e) were removed as there are replacement articles, Article 1(a) & 7(a), in which the same principle is more or less covered. Article 6 is now covered by a combination of the definition of personal data and the requirements in new Article 4, Primary Data Collection.

- Article 2 Honesty, sub a Abuse trust of respondents
- Article 4 Transparency, sub e Project design
- Article 5 Ownership Ownership of proposal & quotation
- Article 6 Recording & Observation Notification of recording
- Article 9 Shared Interviews Combining work different clients
- Article 10 Subcontracting Transparency regarding subcontractors