

Data Sharing Review Secretariat
5.26 Steel House
11 Tothill Street
London SW1H 9LH

15 February 2008

Dear Sir,

I write on behalf of The Market Research Society (MRS) in response to the consultation paper on the use and sharing of personal information in the public and private sectors.

The consultation questions do not easily allow MRS to provide a comprehensive response which reflects the activities that researchers undertake to protect personal data and adhere to the Data Protection Act 1998. As a consequence MRS has prepared this written submission to aid the data sharing review.

Market, social and opinion research

Research is the collection and analysis of information about markets, organisations and people to support and enable better decisions to be made. Research is based on the principle that a relatively small sample of people can provide accurate opinion and insight on any given subject or issue that is representative of a much larger population or community.

Research is founded upon the willing co-operation of the public and business organisations. It depends upon their confidence that it is conducted honestly, objectively, securely, without unwelcome intrusion and without harm to respondents. Its purpose is to collect and analyse information, and not directly to create sales nor to influence the opinion of anyone participating in it.

It is fundamental for the continued success of research that respondents have faith that researchers respect and protect their personal data. Over the last 8 years, MRS has undertaken a number of activities to ensure that this is done.

MRS and the MRS Code of Conduct

MRS is the world's largest association for people and organisations that provide or use market, social and opinion research, business intelligence and customer insight. MRS supports best practice by setting and enforcing industry standards via the MRS Code of Conduct and associated Regulations.

The MRS Code of Conduct is a self-regulatory Code which has been in existence since 1954 (enclosed is a copy for your reference). The MRS Code of Conduct is based on the principles of respondent confidentiality and informed consent for all processing of personal data. The MRS Code, which was last updated in 2005, contains a number of rules which mirror data protection requirements, and there are a number of rules which are more stringent than the Act. The Code applies to all MRS members and MRS Company Partners and is supported by robust disciplinary and complaint procedures.

MRS' data protection initiatives

In 2000 MRS met with representatives from the Information Commissioner's Office (ICO), including Assistant Commissioner, Philip Jones, to discuss the application of the Data Protection Act 1998 in the context of research. In agreement with the ICO MRS developed extensive guidelines interpreting the Data Protection Act 1998 for researchers. The content of the guidelines were reviewed by the ICO and a supportive foreword was supplied for a number of the guidelines by the then Information Commissioner, Elizabeth France. Following the first guidelines being developed MRS proceeded to produce a suite of guidelines on all aspects of research and data protection:

- ❖ A Basic Guide to the Data Protection Act 1998
- ❖ The Data Protection Act 1998 and Market Research: Guidance for MRS Members (with a foreword from the Information Commissioner, Elizabeth France)
- ❖ Data Protection Act 1998 - Who's Who?
- ❖ Data Protection Act 1998: Guidelines for Social Research (with a foreword from the Information Commissioner, Richard Thomas)
- ❖ Market Research Processes and the Data Protection Act
- ❖ Guidance on the Privacy and Electronic Communications Regulations 2003

The MRS data protection guidelines form part of the MRS regulatory framework for research and can be applied in addition to the MRS Code of Conduct when investigating complaints about MRS members or MRS Company Partners. MRS offers a comprehensive series of Standards briefing and training sessions to support MRS members in adhering to the requirements of the Data Protection Act 1998.

Research Process Standards

To support the ethical and legal requirements detailed in the MRS Code of Conduct and associated regulations, there are a number of quality process standards. The first quality standard for research was introduced in 1976 and since then the research sector has adopted successive process standards to set down appropriate technical and organisational standards for the handling of data in research.

The research sector, including MRS, established a separate organisation, the Market Research Quality Standards Association (MRQSA), to develop appropriate quality standards. In 1998, the MRQSA standard became the British Standard BS 7911, which was the first British service standard. The standard includes an annex specifically detailing the data protection process requirements applicable for research. From May 2008, BS 7911 will be superseded by the International Standard ISO 20252, to which MRS also contributed. Research organisations involved in data collection may also adhere to their own specific standard, the Interviewer Quality Control Scheme (IQCS).

To ensure that the sector's standards remain up to date with technological advances, there are a number of new initiatives such as the development of a separate ISO for access panels, which will introduce rigorous standards in the online research environment. MRS is also currently revising and updating its data protection guidance and looks forward to continuing its relationship with the Information Commissioner and the ICO in the development of the final content.

All of these initiatives demonstrate the commitment that the research sector has to upholding rigorous ethical, process and legislative standards which are fully in line with the requirements of the Data Protection Act 1998.

If you have any queries or require any further information regarding the research sector please do not hesitate to contact me.

Yours sincerely,

Director, Policy & Communication & Deputy Director General