

ICC/ESOMAR INTERNATIONAL CODE ON MARKET AND SOCIAL RESEARCH

INTRODUCTION

The first Code of Marketing and Social Research Practice was published by ESOMAR in 1948. This was followed by a number of codes produced by national bodies and by the International Chamber of Commerce (ICC). In 1976 ICC and ESOMAR agreed that it would be preferable to have a single international code instead of two differing ones and a joint ICC/ESOMAR Code was published the following year 1977. This was revised and updated in 1986 and 1994, making the current version the fourth edition of the ICC/ESOMAR Code, under a slightly altered title.

Effective communication between the providers and consumers of goods and services of all kinds is essential to any modern society. There are many methods of gathering information, and the channels available are multiplying with the development and use of internet-based technologies and other interactive media. One of the most important methods of gathering information is by using market research, which in this Code is taken to include social and opinion research. Market research depends for its success on public confidence – that it is carried out honestly, objectively and without unwelcome intrusion or disadvantage to its participants. 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.

The self-regulatory framework responsible for implementing this Code has been successfully in place for many years. The use of codes of this nature and their implementation have been referred to and accepted as best practice worldwide, as a recognised means of providing an additional layer of consumer protection.

PURPOSE OF THE CODE

This Code is designed primarily as a framework for self-regulation. With this in mind, ICC/ESOMAR recommend the worldwide use of the Code, which intends to fulfill the following objectives:

- To set out the ethical rules which market researchers shall follow;
- To enhance the public's confidence in market research by emphasising the rights and safeguards to which they are entitled under this Code;
- To emphasise the need for a special responsibility when seeking the opinions of children and young people;
- 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.

KEY FUNDAMENTALS OF THE CODE

The Code is based on these key fundamentals:

1. Market researchers shall conform to all relevant national and international laws.
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.

SCOPE OF THE CODE

The Code applies to all market research. It should be read in conjunction with other ICC and ESOMAR codes and guidelines, principles and framework interpretations, available at www.iccwbo.org or www.esomar.org

The Code sets minimum standards of ethical conduct to be followed by all researchers and clients and is to be applied against the background of applicable law and of any stricter standards or rules that may be required in any specific market. Information about such requirements is available through ESOMAR.

INTERPRETATION

The Code is to be applied in the spirit as well as to the letter.

Acceptance of this International Code is a condition of membership of ESOMAR and of all other bodies that have officially adopted the Code¹.

DEFINITIONS

- (a) **Market research**, which includes social and opinion research, is the systematic gathering and interpretation of information about individuals or organisations using the statistical and analytical methods and techniques of the applied social sciences to gain insight or support decision making. The identity of respondents will not be revealed to the user of the information without explicit consent and no sales approach will be made to them as a direct result of their having provided information.
- (b) **Researcher** is defined as any individual or organisation carrying out, or acting as a consultant on, a market research project, including those working in client organisations.
- (c) **Client** is defined as any individual or organisation that requests, commissions or subscribes to all or any part of a market research project.
- (d) **Respondent** is defined as any individual or organisation from which information is collected for the purposes of a market research project, whether they are aware of it or not, or is approached for interview.
- (e) **Interview** is defined as any form of contact with a respondent in order to collect information for market research purposes.

ARTICLES

Article 1 – Basic principles

- (a) Market 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 market research profession or lead to a loss of public confidence in it.
- (c) Market research shall be conducted with professional responsibility and conform to the principles of fair competition, as generally accepted in business.
- (d) Market research shall be clearly distinguished and separated from non-research activities including any commercial activity directed at individual respondents (e.g. advertising, sales promotion, direct marketing, direct selling etc.).

Article 2 – Honesty

¹ A list of these is available at www.esomar.org

- (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 organisation.

Article 3 – Professional responsibility

- (a) Respondents' co-operation in a market research project is entirely voluntary at all stages. They shall not be misled when being asked for their co-operation.
- (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 unjustifiably criticise other researchers.

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) Researchers shall provide their clients with appropriate technical details of any research project carried out for the clients.
- (e) Researchers shall ensure that market research projects are designed, carried out, reported and documented accurately, transparently and objectively.

Article 5 – Ownership

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

Article 6 – Recording and observation techniques

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

Article 7 – Data protection and privacy

(a) Privacy policy

Researchers shall have a privacy policy which is readily accessible to respondents from whom they are collecting data.

(b) Collection of data

When collecting personal information from respondents researchers shall ensure that:

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

(c) Use of data

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 expressed this wish and/or
- ii) the respondent has given their explicit consent and
- iii) on the understanding that no commercial activity (as defined in Article 1d) will be directed at them as a direct result of their having provided information.

(d) Security of processing

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

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

(e) Rights of the respondent

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

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

(f) Transborder transactions

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

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

Article 8 – Children and young people

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

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 work for them is to be subcontracted outside the researchers' own organisation (including the use of any outside consultants). On request clients shall be told the identity of any such subcontractor.

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 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 allow their name to be associated with the dissemination of conclusions from a market research project unless they are adequately supported by the data.

Article 12 – Responsibility

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

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 and internationally, by the relevant local, national or regional self-regulatory bodies. The Code should also be applied, where appropriate, by all organisations, companies and individuals involved and at all stages in a market research project.

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