



INDUSTRY CODE OF PRACTICE
The Research Association of New Zealand Incorporated
Revised July 2015

(Based on the ICC/ESOMAR International Code on Market and Social Research)

BACKGROUND AND 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.

Research Association New Zealand was established late 2013. In June 2014, the Code that was previously administered by the Market Research Society of New Zealand Inc. (MRSNZ) was reviewed and updated. This Code replaces the previous versions of both the MRSNZ and Association of Market Research Organisations (AMRO) Codes. The redrafted code was circulated to members and a final draft produced in May 2015 following consideration of the various feedback.

Effective communication between the providers and consumers of commercial and social 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 various research methodologies, which in this Code is taken to include social and opinion research. 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 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 protection for researchers, suppliers, clients and respondents.

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.

Research Association New Zealand members, through their membership, are bound by this Code, which is intended to fulfil the following objectives:

1. To set out the ethical rules which researchers (companies, individuals or clients) shall follow;
2. To enhance the public's confidence in research by emphasizing the rights and safeguards to which they are entitled under this Code;
3. To emphasize the need for special responsibility when seeking the opinions of children and young people;
4. To safeguard freedom for researchers to seek, receive and impart information (as embodied in article 19 of the United Nations International Covenant on Civil and Political Rights);
5. To minimise the need for governmental and/or inter-governmental legislation or regulation;
6. To provide a framework by which complaints against Research Association New Zealand members can be heard.

KEY FUNDAMENTALS OF THE CODE

The Code is based on these key fundamentals:

1. Researchers shall conform to all relevant national and international laws.
2. Researchers shall behave ethically and shall not do anything which might damage the reputation of research.
3. Researchers shall take special care when carrying out research involving children or 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 researchers and they shall not be harmed or adversely affected as the direct result of cooperating in a research project.
6. Researchers shall never allow personal or confidential data they collect or receive in a research project to be used for any purpose other than research.
7. Researchers shall ensure that projects and activities are designed, carried out, reported and documented accurately, transparently and objectively.
8. Researchers shall conform to the accepted principles of professional responsibility.
9. 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.

SCOPE OF THE CODE

The intention is that the scope of the Code is broad to incorporate present and future methodologies and members. The Code applies to all market, social and opinion research and where relevant and appropriate other research methodologies. It does not include scientific research, e.g. plant, animal, geological etc. It should be read in conjunction with other codes and guidelines adopted by Research Association New Zealand, e.g. the NZ Political Polling Code, various ESOMAR Codes and Guidelines etc.

INTERPRETATION

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

DEFINITIONS

1. Research, which includes market, social and opinion research, is 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 or support decision making. The identity of respondents will not be revealed to the user of the information without explicit written, video or audio-recorded consent, nor will there be any sales approach made to them as a direct result of their having provided information.
2. Researcher is defined as any individual or organisation carrying out, or acting as a consultant on, a research project, including those working in client organisations.
3. Client is defined as any individual or organisation (and their agencies) that requests, commissions or subscribes to all or any part of a research project.
4. Respondent is defined as any individual or organisation from which information is collected for the purposes of a research project, whether they are aware of it or not, or is approached for interview.
5. Interview is defined as any form of contact with a respondent in order to collect information for research purposes.

ARTICLES

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.

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 – 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 – 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:
 - i) The research techniques and methods used in the research project.
 - ii) Research proposals, discussion papers and quotations, unless these have been specifically and separately paid for by the Client.
 - iii) 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.

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.

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.

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:

- iii) The respondent has explicitly expressed this wish and/or;
- iv) The respondent has given their explicit written, audio or video-recorded consent and;
- v) 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 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.

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.

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.

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 – 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.

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.

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