

GUIDELINES FOR USING CUSTOMER INFORMATION FOR RESEARCH SAMPLING

About these Guidelines

These Guidelines interpret and expand upon the Market and Social Research Privacy Principles. They represent AMSRO's and AMSRS's recommendations for best practice in areas including, but not restricted to, participant privacy. They seek to promote professionalism in the conduct of research and provide the public with the assurances needed to encourage informed and willing participation in market and social research activities.

These Guidelines should be used as a guide only and do not constitute legal advice. While every effort has been made to ensure that they are comprehensive, action should not be taken solely on the basis of information provided in these Guidelines.

There are certain exemptions to the Privacy Act and these exemptions extend to the privacy principles developed by industries. For example, subcontractors to a political party or Member of Parliament are exempt from the Privacy Act, and thus if your research organisation is carrying out research as a subcontractor to a political party or Member of Parliament it will be exempt from the M&SRPPs. (This is regardless of any decision to opt into the M&SRPPs and out of the NPPs.) Therefore, it will not, among other things, be obliged to reveal the details of the organisation for which it is conducting the research. If research participants enquire as to the details of undertakings relating to privacy, they can be informed that the organisation for which your organisation is contracted is exempt from the Privacy Act.

These Guidelines cover issues related to the development, maintenance and handling of customer information to be used for sampling purposes in research. The Guidelines are written primarily from the point of view of organisations conducting research, where names and contact details of customers have been supplied by a client organisation for one-off use or for a series of projects. However, they will also be of interest to client organisations in understanding the requirements placed upon research organisations in handling such information. These Guidelines are equally applicable to organisations conducting research internally using information from their own database.

Clients should also refer to any relevant Guidelines for their specific industry.

These Guidelines are part of a series developed by the AMSRS in association with AMSRO. For more information about these Guidelines or the M&SRPPs, contact the AMSRO Secretariat by email to amsro@amsro.com.au or on (02) 9566 3131. For more information about the Code of Professional Behaviour, please contact the AMSRS office or email amsrs@amsrs.com.au.

Definitions

Client organisation: An organisation that requests, commissions or subscribes to a given research project; the ultimate beneficiary of the research project.

Collection: Means gathering, acquiring or obtaining information from any source, by any means. Collection may be directly from an individual or indirectly from another person or organisation. In practical terms, collection in research is likely to include, but not be limited to, the recording of responses given in research (e.g. telephone surveys, central location surveys), the receipt of self-completion questionnaires (e.g. postal questionnaires, on-line questionnaires), the audio and/or video recording of group discussions or interviews, the recording of contact details of potential research participants (e.g. panels) and the receipt of customer information from client organisations.

Contact details: Means a record of identifying information such as names, companies, position titles, addresses and phone numbers, collected and retained in order to contact individuals in a research sample.

Customer: For these purposes, the term “customer”, encompasses related meanings such as “client”, “passenger”, “member” and so on and also refers to individuals who have at some time been, or might reasonably be expected to become, customers.

De-identification: Requires the removal from identified information of any details that identify the participant, or from which the identity of the participant can reasonably be ascertained, without retaining a means by which the information could be re-identified. De-identification is thus a permanent and irreversible process.

Disclosure: Means allowing information to become known outside an organisation without physically or electronically releasing it (e.g. by telling, showing or displaying to another).

Express consent: To be valid, express consent must be informed, voluntary and given by a competent individual. A research organisation must give individuals enough information to enable them to make an informed decision, including what the research organisation wishes to do, the purpose for doing this and any other matters that may affect the handling of the individual’s identified information. The individual must be free to make a choice, without being misled, pressured or coerced. Express consent must be clearly and unmistakably stated orally or in writing. When given orally, the research organisation should make a written record of the date of consent and exactly what was consented to.

Genuine research concerns: Means where the research organisation has valid reasons to expect that the purpose of the research exercise would otherwise be defeated, for example, where bias due to non-response (or research opt-outs) may materially affect the information obtained in the research exercise, where significant public interest lies in achieving high response rates, where the research is a genuine study of non-response or research opt-outs, where prior knowledge of the likelihood of being re-contacted may materially affect the information obtained, or where the validity of a longitudinal or ongoing research exercise may be compromised.

Identified information: Information or an opinion, whether true or not, and whether recorded in a material form or not, provided by, or held in relation to, an individual whose identity is apparent, or can reasonably be ascertained. Research generally involves two types of identified information: contact details and research data. In practical terms, identified information in research is likely to include, but not be limited to, interview records awaiting validation or for use in longitudinal research, audio or video recordings of research and lists of potential research participants (e.g. recruitment databases, panels, customer information).

Individual: Means any natural person about or from whom any information is sought, collected, retained, used, disclosed and/or transferred by a research organisation. This includes any case where the identity can reasonably be ascertained. In practical terms, the individual may be referred to as the participant, respondent or subject of the research, but also includes any person about whom a participant, respondent or subject is providing information.

Market and social research: Means investigation of the behaviour, needs, attitudes, opinions, motivations or other characteristics of a whole population or a particular part of a population, in order to provide accurate and timely information to clients (government, commercial and not-for-profit organisations) about issues relevant to their activities, to support their decision-making processes. The process of market and social research includes specifying the information required to achieve the specific research needs of the client, designing the method for collecting information, managing and implementing the data collection process, analysing the results, and communicating the findings and their implications to clients. Methods of collecting information in market and social research include postal or mail surveys, e-mail surveys, internet surveys, telephone surveys, door-to-door surveys, central location (e.g. shopping centre) surveys, observational techniques, desk research, and the recruitment and conduct of group discussions, in depth interviews and series of interviews with panels. Market and social research differs from other forms of information gathering in that the information is not used, disclosed nor transferred either to support measures or decisions with

respect to the particular individual, or in a manner that results in any serious consequence (including substantial damage or distress) for the particular individual. Any information gathering activity in which the names and contact details of the people contacted are to be used for sales, promotional or fundraising activities or other non-research purposes (e.g. debt collection, credit rating) directed at the particular individual can under no circumstances be regarded as market and social research. In addition, any activity that attempts to impart information to individuals rather than collect information from individuals (e.g. push polling) can under no circumstances be regarded as market and social research.

Participant: Any person from whom (or about whose household) any information is sought, collected, retained, used or transferred by a research organisation for the purposes of research. This includes any case where the identity can reasonably be ascertained.

Research data: A record of the responses provided by participating individuals at the time of collection in order to obtain a representation of a population's or sub-population's behaviour, needs, attitudes, opinions and motivations at a given point in time. Research data is identified information if it is associated with contact details of the participating individual or if the particular pattern of research data held in relation to an individual allows that individual's identity to reasonably be ascertained.

Research organisation: An organisation (or that part of an organisation) that is a member of AMSRO and that carries out, or acts as a consultant or subcontractor in relation to, market or social research, or offers their services or the services of others to do so.

Research purpose: The handling of information in order to carry out any function considered essential to the conduct or communication of the results of a market or social research project. In practical terms, research purposes include handling information in order to conduct analysis, maintain its accuracy, draw a research sample, carry out quality control, note the willingness or unwillingness of an individual to be contacted in relation to future research or assist in the resolution of a problem that has come to light during a research activity.

Research status: Means information in relation to whether or not an individual has been contacted or has participated in a research exercise, but does not include research data. This is likely to take the form of a list containing customers, whose contact details were originally forwarded from a client organisation to a research organisation for research sampling, that conveys or contains information regarding individuals who were contacted or who participated in research.

Sensitive information: As defined by the Privacy Act, information or an opinion about an identified participant's racial or ethnic origin, political opinion, membership of a political association or religious beliefs, affiliations or philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record or health information.

Transfer: The physical or electronic release of information outside a research organisation. This includes when a research organisation gives another organisation information under contract to carry out an activity.

Guidelines for using customer information for research sampling

1. Where research organisations wish to conduct research with customers from client lists, they should take reasonable steps to ascertain from the client organisation whether at least one of the following applies:
 - (a) The purpose for which the information was originally collected is related to the market or social research to be conducted and the individual would reasonably expect to be contacted to be invited to participate in such research. (Where customer information is collected and retained for the primary purpose of contacting customers of an organisation in relation to products and/or services of that organisation, the secondary purpose of contacting those customers to invite them to participate in research on those or related products and/or services is considered both related to the primary purpose and reasonably expected by individuals.)
 - (b) All individuals who could be identified from the information have consented to their identified information being released, either specifically for research purposes or generally for a range of purposes within which research purposes are included. (There is evidence to suggest that many customers who do not wish to be contacted for direct marketing purposes may be willing to be contacted for genuine confidential market research. Therefore, it is recommended that requests for consent to be contacted for research purposes be made separate from those for direct marketing.) If neither of these applies, a readily accessible means by which customers can withdraw consent to being included on the provided list must be provided, and this fact must be made known to customers, at the time of contact.
2. Research organisations should also take reasonable steps to ascertain from the client organisation whether customers on any client list have already been made aware by the client organisation that their identified information may be disclosed and/or transferred to research organisations to be used for research purposes. If they have not, they should be made aware that this has occurred at the time of any research contact.
3. Identified information about customers who have indicated that they do not wish to be contacted for research purposes should not be included in any customer information to be used for sampling purposes.

4. It is good practice that, before agreeing to the receipt of the customer information, the research organisation:
 - (a) Agrees with the client the definitions of customers to be included in the information;
 - (b) Checks whether the customer information includes ex-directory phone numbers and determines what measures are to be taken in respect of these numbers;
 - (c) Determines when the information was last updated;
 - (d) Determines what (if any) problems are known to exist with the information;
 - (e) Advises the client not to provide any personal customer information that is not relevant to the survey, and
 - (f) Reaches agreement with the client on whether the customer information should be returned to the client or destroyed/deleted once it has been used for the agreed purpose.
5. Customers should be given a reasonable opportunity to decline to participate in any given research exercise each time they are contacted to ask for such participation.
6. If any customer contacted requests that they have access to, or correction, destruction, deletion or de-identification of, any information held on them, or that it be noted in the information that they do not wish to be contacted for research purposes in the future, or if they make any request for the owner of the customer information to contact them, the research organisation handling the customer information should notify the owner of the customer information as soon as practicable. This process should be explained to the customer, in writing if necessary.
7. The research organisation must not pass a listed individual's new contact details on to the owner of the customer information without the customer's permission. The only exception where consent is not required before information collected in the course of research can be passed to the owner of the customer information is where the research organisation discovers that the listed individual has died or is no longer contactable via the given contact details. In this case, the owner of the customer information should be informed as soon as practicable. These circumstances are the only ones in which updates to the customer information, which are gathered in the course of confidential research and are not initiated by the participant themselves, may be passed back to the owner of the customer information.
8. Customer information should only be used for the specific research purposes agreed to by the research organisation and client. Customer information must not be returned to its owner with additional information appended without the express consent of participants, and then only for research purposes. The exception regards information relating to research

status (see paragraph 20 of Section 1). The research organisation must ensure that the client to whom any such information is returned with additional information appended is familiar with and has agreed to abide by the AMSRS Code of Professional Behaviour and these Guidelines, in particular the requirement that the information only be used for research purposes.

9. The research organisation is responsible for safeguarding any customer information in their possession until the agreed purpose has been achieved, at which time it should be either destroyed/deleted or returned to the client, as agreed, in advance, with the client.
10. Where disclosure and/or transfer of customer information is essential for research purposes, research organisations must take reasonable steps (e.g. via the inclusion of appropriate provisions in contracts) to ensure that it will be retained, used, disclosed and/or transferred by the recipient of the information in a manner that is consistent with these Guidelines. (Research organisations should refer to the document 'Guidelines for the Contracting out of Research Activities'.)