



The Data Privacy Debate: Does Research Need Codes of Conduct?

By [Nancy Pekala](#)

When it comes to market research, should the same ethical standards be applied to virtual and real life? Or, are these channels so distinctive they require separate codes of conduct?

It's an important question and one which market researchers and related professional associations are only beginning to address seriously. Recently, eight experts in the research space gathered virtually to argue the pros and cons at the *MR Data Privacy Debate: Defining the Future of Market Research*.

The conversation was spurred, in part, by the efforts of three research professional associations—CASRO, ESOMAR and MRS—which have drafted social media research guidelines for researchers (see [summary of guidelines](#)).



At the heart of the issue is what type of information and content created by individuals in social media spaces is fair game for researchers and how it can or should be utilized.

Adam Phillips, Managing Director of Real Research and chairman of ESOMAR's Professional Standards and Legal Committees, argued that “Ethical codes are out of date. As we move into new transformational technologies, we need to explain to people how we are going to treat their data. These guidelines and codes we’re putting forth is a good starting point.”

Ray Poynter, Chair of the Festival of NewMR, Executive Vice President Vision Critical and author of *The Handbook of Online and Social Media Research* agreed that it’s important “to get researchers talking and thinking about what we mean by ‘public’ and what rights we have to look at and use information in social spaces.”

However, researchers could be embarking on a slippery slope when it comes to these issues. Tom Anderson, CEO, Anderson Analytics and Founder and Chairman of NextGen Market Research suggested that strict guidelines such as those recommended by the associations are moving in the wrong direction. “Making sweeping statements about what is possible and what is not in terms of scraping and RSS feeds show a clear misunderstanding of base technologies,” he said. “No companies are going to break the law...so it’s a lot of talk about something that is not really relevant.”

However, Peter Milla, Principal, Peter Milla Consulting and lead author of CASRO's Social Media Research Guidelines, disagrees. He noted that the research industry would do well to get ahead of the game through self-regulation. "The solution you provide yourselves is going to be far superior to one that someone imposes upon you. People no longer see a distinction between market research and marketing. It's very important that we get up to speed as this is going to evolve. These ethical codes are going to change."

Poynter added, "You shouldn't go into a community pretending to be somebody else but we need a point of law to provide credibility. We need a much clearer idea of whether something is public domain and published. Clearly, people are not aware that what they are writing is free to use and in the public domain."

He added, "We need to do more social research to find out what are the expectations. If you quote somebody's tweet, you may run into a copyright issue and the issue of whether the tweet can be traced back to the individual. If using that information is not available to market researchers, then it ought not be available to direct marketers, journalists or others either. Applying certain criteria to only researchers is not right."

The question remains, "Do today's users of social media understand that content they create in these social spaces are in the public domain?"

According to Anderson, they indeed do. "Twitter owns their data. It's RSS that's pushed to anyone with a feed. Twitter provides an API to receive data and have aggregators that sell the data. People know this is public information. "

Others noted that perhaps this issue is one tied to generational differences. Today's generation of social users are very comfortable with sharing and understand their tweets and updates are public. Others may not. However, Michalis Michael, Founder & Managing Director at DigitalMR Ltd. questioned whether the research industry should care whether people are unaware. "If someone didn't realize their content was public, tough luck," he said. "What we're suggesting here is ridiculous."

Another participant noted, "Why should we be crippled and let the software companies steal our market share because of codes that don't make any sense? These are not respondents. These are people who voice their opinions in unsolicited ways. It's a paradigm shift. Let's get there."

Anderson agreed, suggesting that the notion that people are unaware their social content is public is "ridiculous". "They feel very comfortable sharing publicly," he said. "The common man is smarter than that. They understand everything is in the public domain on Twitter. "

That may be but according to Barry Ryan, MRS Standards & Policy Manager, codes and guidelines such as those put forth by MRS, CASRO and ESOMAR are needed to start the conversation among today's companies. "Individual businesses need to decide whether something is a risk to them. It may or may not happen but we're doing a service by getting them thinking about what's involved," he said.

However, Michael stressed that "We all understand the law. It's up to every company to be responsible in protecting themselves from litigation. The problem is we're still talking about

respondents and asking for their permission to publish their posts when they've already provided de facto permission by putting them in public domains such as Twitter."

But according to Ryan, for the market researcher, this all comes down to an issue of trust. "All that research has is the trust of the public and its respondents. This is about setting up market researchers as a responsible group of people who can be trusted. The trust we've acquired over the last 60 years could be frittered away in the next 6 months if we don't get this right."

Also at issue, however, is whether formal guidelines and codes of conducts, such as put forth by the research associations are essential. "We need to keep it simple," suggested DigitalMR's Michael. "We should become more educated on the new sector before we publish papers like this. "

More than that, Poynter believes any further discussions or guidelines should be inclusive to ensure they represent the full range of viewpoints and perspectives in the industry. "We need to include more non-white old people in the discussion," Poynter suggested. "There are too few 20-somethings represented. My position is do no evil and do no harm. I am much more in favor of self-regulation when a group of people don't dominate the industry. "

Phillips agreed with Poynter, noting that "We'd love to include more young people in ESOMAR's discussion of these guidelines. But talking about regulation is not necessarily attractive to lots of people." He added that ESOMAR will shortly be redesigning its website to allow for more engagement in the standards debate.

The discussion is far from over as the debate is sure to continue. Indeed, in an informal poll of the 300 people participating in the online debate, 54% indicated social guidelines are needed for researchers but 46% are either unsure or not in favor of it. Similarly, only 34% indicated they believe the standards guidelines suggested by ESOMAR, CASRO and MRS are headed in the right direction.

Where do you stand? Should the research industry self-regulate and put forth specific codes of behavior and guidelines when engaging with consumers in social spaces? Share your opinions in the Marketing Research Group of [AMAConnect™](#).

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