

## What are respondents told about client observers?

- At recruitment, respondents must be told client observers will be viewing/listening.
- At the start of the interview:
  - Client observers must be introduced openly and honestly to respondents.
- If fieldwork is viewed live via a one way mirror – company name need not be given even if requested by the respondent and must not be disclosed without client permission.
- The General Data Protection Regulation (GDPR)/Data Protection Act (DPA) 2018 requires that organisations receiving personal data are named, so client names must be disclosed if clients are receiving the personal data of market research (MR) respondents via recording. The names of organisations receiving personal data must be revealed before any personal data is transferred, so:
  - If fieldwork is viewed live via video-relay/streaming – the client name must be revealed at the start of fieldwork
  - If viewing of fieldwork is delayed and relayed via video-relay/streaming – the end client's identity may be disclosed at the end of the interview IF naming them beforehand would undermine the integrity of the MR BUT:
    - Respondents must be made aware at recruitment that:
      - the client will be named at the end of the interview
      - they can withdraw their consent at any point
    - If the end client is receiving personal data they must be named before any transfer takes place
    - The justification for this should be documented.
- If respondents refuse consent this must be respected.

## What are the guidelines for observers?

- Observers must respect the confidentiality of all they hear and see.
- Observers must not:
  - Record any information that would or could identify a respondent.
  - Take any notes that can be linked to an identifiable respondent.
  - Try to influence how a respondent is approached in future for sales/promotion.
  - Use information from the observation to amend or build databases.
- Respondent personal data (e.g. full names, job title and place of work) must not be available to observers unless appropriate consent is obtained from the respondent.
- These guidelines do not vary whether observers are viewing in situ or remotely, viewing live or later.

## What happens if an observer knows or might in future have to deal with a respondent?

- The observer should not observe/listen in.
- But if the respondent is made aware of the situation and consents to the person observing/listening, then the observer may stay

## What happens if the observer doesn't work directly for the sponsor e.g. they work for an advertising agency?

- Observers from sub-contractors may view or listen to fieldwork.
- Respondents must be told that personnel from the sponsor's sub-contractors are viewing.
- Clients or employees of advertising/design/public relations companies must not be passed off as members of the research agency.
- Sub-contractors must adhere to the same guidelines as company personnel.

## What happens if the observer works within sales e.g. they are a sales manager or rep?

- Observers must not use any information observed/heard to effect or impact a sales approach to a specific individual, an organisation or an institution.
- Reps involved in detail aid testing should not view/listen to any subsequent interview unless the respondent has given explicit permission for this.

## What happens if the observer works within R&D?

- Research and Development (R&D) personnel may view/listen to fieldwork, the same conditions apply as for other company personnel.

## What happens if the observer is viewing from overseas?

- In non-EU countries the same data protections standards must be in place as in the UK/EU.
- EphMRA's Code of Conduct for multi-country market research includes the same 'observer' standards as the BHBIA's.

## What happens if unauthorised viewers try to observe?

- Unauthorised viewers may not observe fieldwork.
- Retrospective consent for viewing is not adequate, it would not qualify as informed consent.

## Do I need to sign anything?

- At the start of fieldwork written consent for client recording/observation must be secured.
- It's strongly recommended that observers agree and sign an observer agreement before viewing starts.

## BHBIA Observer Agreement

### Project details:

Project Title:	Project No:
Agency:	Agency Contact:
Location of Fieldwork:	Date of Fieldwork:
	Time of Fieldwork

### Declaration:

I understand that I must be familiar with and adhere to the BHBIA's Legal and Ethical Observers' Guidelines.

Client observers must be introduced openly and honestly to respondents.

Observers must agree to withdraw from observing if any respondent is known to them/ recognised to protect the respondent's anonymity. If an observer knows they will subsequently have to deal with a respondent, the attendee must also withdraw from observing. However, if respondents are made fully aware of the presence of an observer known to them, and give explicit permission for that individual to observe then that person may remain at the session, care should be taken that the respondents are completely comfortable if 'put on the spot' in this way.

Observers must respect the confidentiality of all information exchanged in MR interviews/ groups. They must not:

- Record any respondent's personal data or record any information with the specific aim of establishing the identity of a respondent;
- Not make any separate identifiable notes or recordings that could be attributed to an individual respondent;
- Attempt to influence how any respondent is approached in future for sales/promotion;
- Not use information gleaned from the observation to amend or build databases.

### Signature:

I have read, understand and agree to the terms detailed  
above  
Signature:

Name: (please print)

## Further Information

For further detail on all guidelines please see the BHBIA Legal & Ethical Guidelines for Healthcare Market Research at <https://www.bhbia.org.uk/guidelines-and-legislation/legal-and-ethical-guidelines> upon which the Quick Guide is based.

If you have any queries about this Quick Guide or the BHBIA Legal & Ethical Guidelines for Healthcare Market Research, please visit [www.bhbia.org.uk](http://www.bhbia.org.uk) and submit your query via 'My BHBIA'. Please note: this ad hoc advisory service is available to full BHBIA members only.

## Disclaimer

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