

Recording & Observation Guidelines for Market Research Fieldwork



Quick Guide

What do researchers need to know?

How does the law affect observation and recording of fieldwork?

- Images of people on film are personal data, audio recordings may or may not be, depending on whether the voice alone is identifiable information or not.
- Personal data is subject to General Data Protection regulation (GDPR) and the Data Protection Act (DPA) 2018.
- So to use unanonymised recordings, researchers need the respondents' consent or an alternative lawful basis

Assuming consent is the lawful basis used . . .

What consents are needed for (agency) recording (for analysis only)?

- At recruitment verbal consent for recording must be secured.
- At the start of fieldwork consent for recording must be secured.
- Recording – for any purpose – can only take place with the respondents' consent.

What consents are needed for client observation or passing on recordings?

- Written consent at the start of fieldwork must be secured.
- Only anonymised recordings can be used without respondents' consent.

What must respondents be told when their consent to client viewing is secured?

- 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. In this situation personal data isn't being transferred to the end client, so data protection legislation does not apply and so the end client may remain anonymous unless you are legally obliged to reveal their identity for another reason e.g. the end client is a data controller, or the end client supplied the sample.
- The GDPR/DPA 2018 require that client names are disclosed, before transfer of any personal data takes place.
- If non-anonymised viewing or recording via video-relay or streaming takes place you must name recipients of the personal data whatever the status of the recipients (e.g. agency or end client). See BHBIA Guide, naming the end client for further information
- The end client's identity may be disclosed at the end of the interview IF naming them beforehand would undermine the integrity of the market research (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 non-anonymised personal data is to be recorded, respondents must be made aware:
 - In what countries viewing/listening will take place
 - Of their right to withdraw their consent (at any stage)
 - How and who to contact within the MR agency with any questions or concerns.
- If respondents refuse consent this must be respected.



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- When the client company name is withheld specific conditions must be met which are detailed in the full Guidelines.
- In addition, respondents must be told who will be given/shown the recordings (their roles not names) and for what purpose the data will be used.

Can clients do what they like with the recordings?

- No, recordings cannot be used for anything other than MR (such as training), without the respondents' consent.

Can recordings be sent overseas?

- Yes, but adequate data protection arrangements must be in place. See BHBIA guidance on Data Security, Breaches and International Transfers

What happens if a respondent withdraws or changes?

- If a respondent withdraws their recorded contribution must be withdrawn.

What do client observers need to know?

What do observers need to know before viewing or listening?

- Respondents will be told client observers are viewing/listening, they may need to be told the company name.
- Client observers must be introduced openly and honestly to respondents.
- Respondents must be told observers' roles and why they are observing or listening.
- Respondents don't need to be told observers' names.

What are the guidelines for observers?

- Observers must respect the confidentiality of all they hear and see.
- Observers must **not**:
 - Record any information, (this includes taking photos) 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.

Is written agreement to the observer guidelines needed?

It's strongly recommended that observers agree and sign an observer agreement before viewing starts

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

- The observer should not observe/listen in
- The respondent must be made aware of the situation. If the respondent consents to the person observing/listening, then the observer may stay. If the respondent does not consent, then the person should not observe/listen in.



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How should researchers store recordings and for how long?

How long should non-anonymised recordings be kept for?

- Personal data must be destroyed when the purpose for storing the personal data is redundant.

Are there any requirements for storing recordings?

- Non-anonymised recordings must be stored securely with authorised access only.
- Authorisation for access must be given only on a 'need-to-know' basis.

Observation consent forms

The BHBIA provides the following templates for observation consent forms to help researchers ensure that all the correct consents required are fully understood and obtained:

- Respondent Permission Allowing Client Access to Fieldwork;
- Client Agreement to Safeguard Confidentiality of Recordings of MR Fieldwork;
- Observer Agreement.

See Proformas in the BHBIA's Legal & Ethical Guidelines available online at <https://www.bhbia.org.uk/guidelines-and-legislation/legal-and-ethical-guidelines>

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Further Information

For further detail on all guidelines please see the BHBIA Legal & Ethical Guidelines for Healthcare Market Research at 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 and submit your query via 'My BHBIA' Please note: this ad hoc advisory service is available to full BHBIA members only.

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