



**This quick guide highlights important points in the BHBIA Guidelines to be aware of when carrying out market research using social media. These points are in addition to the steps you should take when undertaking research with any participant. It covers Passive (listening and scraping) and Active (engaging with participants) research.**

## Key Principles

- You must do no harm
- You must have legally permissible grounds to collect personal data, often consent or legitimate interests
- You must respect the data subject and their expectations of privacy
- You must report adverse event, product complaints or special reporting situations revealed during the course of the market research
- You must not breach copyright regulations

## Passive Market Research (Listening and scraping)

- You must observe the terms and conditions of use of online sites and services
  - Where copying content is prohibited you may still read and precis it
  - Where copying content is permitted you must report anonymised data unless consent for use of their personal data is given by contributors
    - Includes quotations containing personal data
- Contracts between agencies or with clients should contain a clause that no attempt will be made to re-identify contributors without their consent and that users of the output will adhere to ICC/ESOMAR International Code Article 6 when using such data for non-research purposes
- For research in 'private' spaces, where the contributor expect their comments to remain private, you must obtain GDPR/DPA 2018 compliant consent from contributors to listen or scrape comments and pass them on
  - If consent is not available you must mask all comments sufficiently so that they cannot be traced back to the contributor

## Active Market Research (Engaging with participants)

- You must observe the terms and conditions for use of the online site or service
- You must obtain General Data Protection Regulation (GDPR)/ Data Protection Act (DPA) 2018 compliant consent from the site or service owners in addition to the participants
- You must declare your presence and be clear and transparent about your reason for engaging
- Participants must be informed of:
  - Which organisation is carrying out the research, and provided with contact details
  - Identity of data controller(s) and Data protection Officer (if appropriate)
  - What the purpose of the market research is
  - What data will be collected and lawful basis for processing of personal data
  - How the data will be used and who will have access to it, plus source of personal data if appropriate
  - Their data privacy rights
  - Privacy policy



## Adverse Event Reporting

- Adverse events, product complaints and special reporting situations (AE/PC/SRS) mentioned during market research using social media must be reported in the same manner as any other market research project
- An avatar should be considered as an identifier of the contributor/participant
- If a company chooses to 'listen in' at non-company-sponsored sites, it is recommended that the relevant pages of the site should be monitored for AEs/PCs/SRSs for the period of the listening activity only
- Companies sponsoring 'interactive' social media sites (or pages) must monitor the entire content on an ongoing basis with a frequency to ensure regulatory requirements are met
  - In some instances daily monitoring may be required
- For further details see
  - ABPI: "Guidance notes on the management of adverse events and product complaints from digital media".
  - ABPI / BHBIA "Guidance notes on collecting adverse events, product complaints and special reporting situations during market research "

These are both available on the BHBIA website at [www.bhbia.org.uk/guidelines-and-legislation/AE-PC-SRS-Guidance](http://www.bhbia.org.uk/guidelines-and-legislation/AE-PC-SRS-Guidance)

## 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](http://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

## Disclaimer

*This guidance is provided by the BHBIA for information purposes only and is not intended and should not be construed as regulatory or legal advice. It does not cover all legislative and regulatory requirements pertaining to Members and it is the responsibility of all Members to familiarise themselves with these.*

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