BHBIA

bhbia.org.uk

Streamlining and Digitising the Market Research Consent Process

A BHBIA Fieldwork Forum Initiative

Background

Through 2020 and 2021 we saw many changes in the ways in which we interacted with each other. The market research (MR) industry is no exception, seeing a significant shift from face-to-face interviews to more appropriate “safe” methods such as telephone and online interviewing. While the industry has adapted to the challenges we’ve faced, ensuring that we were able to continue to deliver fieldwork, the BHBIA Fieldwork Forum believes it is now time to re-evaluate pre-COVID methods of recording consent. The group has looked specifically at the ‘traditional’ approach of the use of hard copy paper forms which require printing, signing and scanning with a view to moving on to using digital means that are more efficient, user-friendly and more secure.

Current Issues

Consent forms are a staple of the MR process which ensure we record the informed consent of MR participants in a consistent and auditable form.

However, it could be argued that some methods used to record participants’ consent are inefficient and not respectful of their time and willingness to take part in MR.

We have outlined the key issues impacting participants below:

- Multiple forms at different times instead of a single collated consent agreement
- Having to print, sign, scan or photograph, and return form(s) via e-mail

Not only will some participants not have access to suitable equipment to readily complete these steps they can also be cumbersome and time-consuming, especially for time-poor HCPs.

In addition, the traditional approach may no longer be appropriate for a post-COVID environment. We want to encourage a responsible approach to reduce potential

touchpoints, such as hard copy consent forms in the context of face-to-face research, to make it as safe as possible.

Best practice guidelines/practical tips

Whilst it is important to highlight that a signature, 'wet' or otherwise, is not required for consent agreements[1], we recognise that some commissioning/end client companies require signed forms. In preparing this guidance, we have provided recommendations that will improve the process for MR professionals and participants alike, whether or not a signature is required.

Following a detailed review of the process, and following full consultation with the BHBIA Ethics and Compliance Committee, the BHBIA Fieldwork Forum recommend the following approaches to managing consent forms to ensure consenting to market research is simpler and more secure for the participant and practitioner.

General recommendations

- If you need to record a participant's consent for more than one purpose, combine these into a single form, especially when a participant is taking part in multiple stages of a project e.g. an online survey followed-up by a telephone interview. The unified consent form can include, for example, the following distinct sections for consent purposes
  - consent to take part,
  - consent to the follow-up
  - consent relating to AE/PC/SRS reporting
  - consent to use the deliverables for publication
  - consent to use the deliverables for training purposes, etc.

  However, be careful to capture individual agreement to each action (e.g. using an empty tick box alongside each consent statement for participants to freely express their choices), do not bundle different activities into one over-arching consent.

[1] Industry regulators both market research and pharmaceutical (i.e., the ABPI, the MRS, EphMRA and the BHBIA) as well as the UK's data protection regulator, the Information Commissioner's Office (ICO) do not require signatures ('wet' or otherwise) for consent agreements. Consent can be captured by a variety of means, signatures are acceptable but so too are e.g., answering yes to an oral request, ticking or clicking on an opt-in box online, selecting from (equally prominent) yes or no options, and there are other means.
For further information, please see the BHBIA's Ethics & Compliance Committee's guide 'Consents for Market Research, What is required and when', available online at https://www.bhbia.org.uk/guidelines-and-legislation/privacy-data.

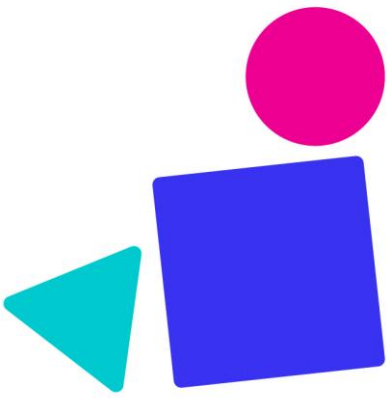
- Consider creating a “consent pack” for participants including, at least the research leaflet, the privacy notice and the consent form, so that participants have to hand all of the information that is required to secure fully informed consent.
- Ensure fieldwork agencies or recruiters have all the necessary information and materials at the start of recruitment, so that appropriate consent(s) can be recorded as early as possible in the recruitment process and relevant information shared with participants upfront.
- Electronic methods to record consent will make it easier to provide a hyperlink to an appropriate Privacy Notice, or ‘hover over’ functionalities to provide more information. They also make it easier to securely store consent records in a central location or platform.
- Consent records retention – be aware consent forms may include personal data or pseudonymised data and should be stored in secured location in line with the data protection agreement.

If a signature is required

- If a signature is required, use DocuSign, Adobe Sign, or another e-signature service. It is faster, more user-friendly for participants and better for centralised record-keeping.
- Be thoughtful about your participants (e.g., patients, including vulnerable audiences) and leverage the accessibility of digital platforms, including screen reader options, mobile-friendly forms etc. to make the process as straightforward as possible for all participants.

If a signature is not required

- Set out your consent agreement in an online form or survey link with an appropriate tick box to record consent. This approach has the added benefit of reducing the footprint of the personal data you process, as the consent can be pseudonymised and stored without further processing i.e. it does not require the participant to enter their name or to send a scan or picture of their form via a potentially less secure channel like email. It is important that the technology records the consent including a date and time stamp and information to identify which participant consent is being recorded for.
- Record verbal consent, even if a signature is not necessary (or practical) e.g. when conducting telephone quantitative interviews, verbal consent must be recorded, such as by date/time record.



BHBIA

bhbia.org.uk

Regulatory and legal frameworks

You may need to investigate or seek advice in relation to the legal status of certain solutions and the features they provide, for example, electronic signatures.[2]

The BHBIA Fieldwork Forum thanks the Ethics and Compliance Committee for their considerable assistance in compiling this guidance.

British Healthcare Business Intelligence Association
St James House, Vicar Lane, Sheffield, S1 2EX
t: 01727 896085 • admin@bhbia.org.uk • www.bhbia.org.uk
A Private Limited Company Registered in England and Wales No: 9244455

[2] In the UK, electronic signatures have legal effect and admissibility in most situations. To find out more, please see the BHBIA's Ethics & Compliance Committee's guide 'Due diligence and new technologies', available online at https://www.bhbia.org.uk/assets/Downloads/Guidelines/compliance_new_normaldue_diligence_and_new_technologies_mar2021fv.PDF