

# ESOMAR Guideline on Conducting Marketing and Opinion Research Using the Internet

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## 1. Introduction

The rapid growth of the Internet has opened dramatic new opportunities for collecting and disseminating research information world-wide. At the same time it raises a number of ethical and technical issues which must be addressed if the medium is to be used effectively and responsibly for marketing and opinion research purposes.

This web site has been established to provide researchers throughout the world, with timely guidance on these issues. It combines an interpretation of the ICC/ESOMAR International Code of Conduct as applied to internet research (definition of internet research) with practical guidance on technical issues and privacy policies. ESOMAR is aware that some National Associations will provide national guidance on variations from this guide. A list of [national associations](#) is available on ESOMAR's web site. A printed version of the web site is available from ESOMAR, but the on-line version allows greater flexibility in linking related material and in providing up to date information.

## 2. Basic Principles

Marketing and opinion research is the professional activity of collecting and interpreting consumer, business, and social data so that decision makers can make better and more efficient marketing and social decisions.

All research carried out on the Internet must conform to the rules and spirit of the main ICC/ESOMAR International Code of Marketing and Social Research Practice and also to Data Protection and other relevant legislation (both international and national<sup>1</sup>).

(<sup>1</sup> ICC/ESOMAR Codes and Guidelines are always subordinate to existing national law. There is currently no international unanimity as to whether country of origin or country of destination applies to research on the Internet.)

Such marketing and opinion research must always respect the rights of respondents and other Internet users. It must be carried out in ways which are acceptable to them, to the general public and in accordance with national and international self regulation. Researchers must avoid any actions which might bring Internet research into disrepute or reduce confidence in its findings.

The following sections highlight special aspects of the application of the Code to internet research. In essence they set out the basic principles which should guide researchers when using the internet. At the end of each section there is a link to a more detailed set of guidance.

### 2.1. Co-operation is voluntary

Researchers must avoid intruding unnecessarily on the privacy of Internet respondents. Survey respondents' co-operation must at all times be voluntary. No personal information which is additional to that already available from other sources should be sought from, or about, respondents without their prior knowledge and agreement.

In obtaining the necessary agreement from respondents the researcher must not mislead them about the nature of the research or the uses which will be made of the findings. It is however recognised that there are occasions when, in order to prevent biased responses, the purpose of the research cannot be fully disclosed to respondents at the beginning of the interview. In particular, the researcher should avoid deceptive statements that would be harmful or create a nuisance to the respondent - for example, about the likely length of the interview or about the possibilities of being re-interviewed on a later occasion. Respondents should also be alerted when appropriate to any costs that they may incur (e.g. of on-line time) if they co-operate in the survey. They are entitled at any stage of the interview, or subsequently, to ask that part or all of the record of their interview be destroyed or deleted and the researcher must conform to any such request where reasonable.

## **2.2 The researcher's identity must be disclosed**

Respondents must be told the identity of the researcher carrying out the project and the address at which they can without difficulty re-contact the latter should they wish to do so.

## **2.3 Respondent's anonymity must be safeguarded**

The anonymity of respondents must always be preserved unless they have given their informed consent to the contrary. If respondents have given permission for data to be passed on in a form which allows them to be personally identified, the researcher must ensure that the information will be used for research purposes only. No such personally identified information may be used for subsequent non-research purposes such as direct marketing, list-building, credit rating, fund-raising or other marketing activities relating to those individual respondents. If permission is not given, the respondent should be reassured that confidentiality will be strictly maintained.

## **2.4 Privacy Policy Statements**

Researchers are encouraged to post their privacy policy statement on their online site. When such privacy policy statements exist, they should be easy to find, easy to use and comprehensible. A guide to privacy policies and an example privacy policy is provided later in this document to assist researchers comply with this requirement. It is impossible to draft such an example policy which complies with all local legislative requirements.

## **2.5 Data security**

Researchers should take adequate precautions to protect the security of sensitive data. Researchers must also reasonably ensure that any confidential information provided to them by clients or others is protected (e.g. by firewall) against unauthorised access.

## 2.6 Reliability and validity

Users of research and the general public must not be in any way misled about the reliability and validity of Internet research findings. It is therefore essential that the researcher:

- (a) follows scientifically sound sampling methods consistent with the purpose of the research;
- (b) publishes a clear statement of the sample universe definition used in a given survey, the research approach adopted, the response rate achieved and the method of calculating this where possible;
- (c) publishes any appropriate reservations about the possible lack of projectability or other limitations of the research findings for instance resulting from non-response and other factors.

It is equally important that any research *about* the Internet (e.g. to measure penetration, usership etc.) which employs other data collection methods, such as telephone or mail, also clearly refers to any sampling, or other, limitations on the data collected.

## 2.7 Interviewing Children and Young People

Researchers must observe all relevant laws and national codes specifically relating to children and young people although it is recognised that the identification of children and young people is not possible with certainty on the Internet at this time. ESOMAR requirements about the precautions to be taken are set out in the [ESOMAR Guideline on Interviewing Children and Young People](#). According to the ESOMAR Guideline, permission of a responsible adult must be obtained before interviewing children aged under 14 (the age definition for children does vary from country to country) and asking questions on topics generally regarded as sensitive should be avoided wherever possible and in any case handled with extreme care. Researchers must use their best endeavours to ensure that they conform to the requirements of the Guideline referred to, for example by introducing special contacting procedures to secure the permission of a parent before carrying out an interview with children under 14. Where necessary researchers should consult ESOMAR or their national society for advice.

## 2.8 Unsolicited E-mail

Researchers should not send unsolicited messages on line to respondents who have indicated that they do not wish to receive such messages relating to a research project or to any follow-up research resulting directly from it. Researchers will reduce any inconvenience or irritation such E-mail might cause to the recipient by clearly stating its purpose in the subject heading and keeping the total message as brief as possible.

## 3 Additional Guidance

In the following sections specific additional guidance is given on each of the basic ESOMAR principles.

### 3.1 Co-operation is voluntary

- Researchers must not make use of surreptitious, misleading or unsolicited data collection or recruitment techniques - including sifting respondent email addresses from websites, using agents that collect personal information without the respondent's explicit awareness,

- spamming, scamming or baiting respondents.
- Where visitors to a particular website are asked to take part in a survey, either through clicking through to a survey site or via a pop-up window, care should be taken to ensure that visitors who don't wish to take part are not inconvenienced – i.e. through interruption of a task.
  - Survey introductions or a survey description to which a link has been provided must assure respondents that data will be collected only for research purposes and will under no circumstances be used for direct marketing or other sales approaches to the respondent.
  - For surveys completed on-line, respondents must be told about the length of time the questionnaire is likely to take to complete under normal circumstances (e.g. assuming connection is maintained). The use of some form of metering device so that respondents can track their progress through the questionnaire is recommended.
  - Respondents should be informed if they have the option of completing the questionnaire at a time convenient to them within the schedule dictated by the time frame of the study. Beyond this, suitable technical measures should be implemented, where appropriate, allowing respondents not to answer particular questions (but to proceed with the rest of the interview) or to interrupt and subsequently return to the interview at any time.
  - Respondents must be given the opportunity to find out more about the research agency carrying out the study, by giving them the name of the organisation together with an address (postal address, telephone number, agency's website or e-mail address). A corresponding hyperlink is recommended for this purpose.
  - The description of the nature of the research should include the following:
    - The identity of the client (always<sup>1</sup> if sampling from customer databases, only if the client agrees in other cases).

*(<sup>1</sup> The guidance in non-Internet situations is that client identity (if sampling from customer databases) can be given at an appropriate point during the interview. That is difficult to control in Internet research where the respondent can withdraw at any point but still has the right to know the source of his/her contact details. Best practice in these circumstances would be to name the client at the start of the questionnaire. If this is likely to bias response, then the client must be identified as early as possible in the questionnaire.)*

    - For multi-topic surveys, the variety of subject areas included in the questionnaire.
    - An explanation of the reasons the respondent has been chosen to participate and the likely benefits.
  - All of the above information must be given at the start of the questionnaire, as must any links to data protection; privacy policy or cookie consent statements. This will ensure that should respondents fail to complete the questionnaire for any reason their rights are protected.
  - Where lists are used for sample selection, the source of the list must be disclosed. Where these are derived from website registration databases, researchers must check that registration was voluntary and that the data is current.
  - At the end of the questionnaire or project, it is good practice to provide a thank you statement or to send an electronic thank you letter, unless respondents have refused email contact. This should give details of the agency conducting the research as well as National Association contact details.
  - If a repeat or follow-up survey is intended, a statement concerning Data Protection must be displayed on the respondents' screen at the latest by the end of the first interview, while obtaining their consent for the necessary storage of their address data. The respondents should be given the opportunity to print out this statement. The respondents must be able to refuse further participation in the survey via a suitable option and to refuse further contact by email in connection with the survey.

- When recruiting members for an online panel, it must be expressly pointed out to them that their address, as well as various selection criteria, will be stored by the research agency for the purpose of further surveys. Furthermore it must be pointed out that members can discontinue participation at any time and can ask that these data be deleted.
- Respondents must always be told when cookies (or small text files that will ensure that they won't be interviewed again, for example) or other covert software is being used to collect information about them are being used and that they can turn them off or remove them.

### **3.1.1 Sample Wording for Obtaining Consent to Set up a "Cookie" for Research Purposes**

The following is from the German guidelines on Internet research and gives a suggested method for seeking permission for cookies.

Our Server \_\_\_\_\_ would like to set up a "cookie" on your computer. The "cookie" is named \_\_\_\_\_. Its sole purpose is to inform our server if your computer accesses this site / page again during the time of this study, from \_\_\_\_\_ to \_\_\_\_\_, to prevent it from asking you again to complete a questionnaire.

The "cookie" will be used exclusively for the research objectives of this study and will be deactivated after its conclusion on \_\_\_\_\_. It would be a great help to us in conducting the study, if you would consent to the "cookie" being installed.

May our server \_\_\_\_\_ install the "cookie" named \_\_\_\_\_ on your computer?

yes no

### **3.2 Researcher's identity disclosure**

This subject requires no additional guidance. There is additional information in the section covering privacy statements.

### **3.3 Respondents' anonymity must be safeguarded**

It must be remembered that a respondent's email address is personal data where it refers to a data subject and therefore needs to be protected in the same way as other identifiers.

### **3.4 Privacy policies**

ESOMAR members carrying out research on the Internet should develop a privacy policy and prepare a privacy statement describing their policy. This statement should be made available as a link from every online survey. The purpose of this document is to guide members on the topics to be considered in their privacy policies. Some elements of the policy will be standard for all surveys and these are discussed in section 3.4.1. Other aspects of the privacy policy will vary depending on the sampling method being used. These are discussed in section 3.4.2. The order and wording of the published privacy statement is a matter for each member to decide. An example privacy statement is given in section 3.4.3.

#### **3.4.1 Standard elements for all privacy statements**

- Statement of **who** is doing the research. This could include a hyperlink to the research Company Home page for more information.
- **Who is it for** - explanation that each survey will contain information about the identity of the Company/organisation the research is being done for, unless there are good reasons for not providing this information.
- Guarantee that in all circumstances identities of individual respondents and their answers will be treated as **confidential** and will be used only for research purposes unless the respondent expressly requests or permits disclosure to a third party.
- Will **not mislead** you - e.g. in obtaining your co-operation we will not mislead you about the nature of the research or the uses, which will be made of the findings.
- **Voluntary** - e.g. as with all forms of marketing and opinion research, your co-operation is voluntary at all times. No personal information is sought from or about, you without your prior knowledge and agreement.
- **Withdraw** - e.g. you are entitled at any stage of the interview, or subsequently, to ask that part or all of the record of your interview be destroyed or deleted. Wherever reasonable and practical we will conform to such a request.
- **Invisible processing** - clear statement of any invisible processing that is taking place. Most web surveys can detect information about the respondent without respondent knowledge. Browser type, User name and computer identification are amongst the list of detectable information. Statement should say clearly what information is being captured and used during the interview (e.g. to deliver a page optimised to suit the Browser) and whether any of this information is being handled as part of the survey or administrative records.
- **Cookies** - clear statement that they are or are not being used, and if so, why. e.g. we use cookies and other similar devices sparingly and only for quality control, validation and to prevent bothersome repeat surveying. If cookies are being used, it would be advisable to include a reminder that the respondent has control over whether their computer accepts cookies e.g. Ensure your browser is configured so that you are alerted to the placement of all cookies. You can also delete cookies by adjusting your browser settings.
- **Children** – clear statement about how interviews with children (age to be defined in each country) will be carried out. - e.g. In research involving children, we will conform to the terms of the Children's Online Privacy Protection Act ([COPPA](#)) of 1998 and seek the verifiable permission of a parent or legal guardian before an interview commences.
- How to **contact** us - e.g. we will provide an e-mail address and/or a freephone number for respondents to contact us to discuss any problems with a particular survey.
- **Security** measures e.g. Our web site has security measures in place to protect the loss, misuse, and alteration of the information under our control. Only certain employees have access to the information you provide us. They have access only for data analysis and quality control purposes.
- **Unsolicited mail** - state policy not to send unsolicited mail or pass on email addresses to others for this purpose.
- Brief explanation either of **ICC/ESOMAR International Code** and hyperlink to ESOMAR site or mention relevant national body. A link to the [ESOMAR web site](#) can be included only by Companies which have an ESOMAR member.
- **Validation** - several privacy validation services exist, e.g. [Trust-e](#), and members should consider membership.

### 3.4.2 Three major variants

3.4.2.1 Surveys where the respondent has, or is in the process of, voluntarily joining a **panel**

for market research purposes

- The **sign up** process - describe the registration process
- The **panel database** - describe information that is stored for panel management, control and sample selection
- **Frequency of contact** - Give some statement of how often or for how long
- **Password** identity system - if it is used describe how it works and the security it offers.
- **Opt in and opt out** policies for communications other than surveys - state what communications will be sent, which are optional and clarify any potential communications for third parties.
- **Reward** - explain any reward scheme and if this forms the basis for a contract.

3.4.2.2 Surveys where the research agency has been given or has acquired a **list of email addresses** in order to send invitations to participate in a survey

- **Source of information** - clear statement of where the email address came from or that this will be included in the information given in the survey itself. Also, if a list has been provided, state that the list provider has verified to the research agency that the individuals listed have a reasonable expectation that they will receive email contact.
- **Spamming** - will not knowingly send email to people who have not consented to helping in research. May include mechanism for removing your name from future surveys or notifying the provider of the email list.
- **Password identity system** - if it is used describe how it works and the security it offers.
- **Stop and start** interview process – if this is possible explain how, and any information stored to allow it.

3.4.2.3 **Intercept surveys** where the respondent is selected as a 1 in n sample of visitors to a web site

- **Explain intercept** technique - random selection
- **Password identity system** - if it is used describe how it works and the security it offers.
- **Stop and start** interview process – if this is possible explain how, and any information stored to allow it.
- **Invisible processing** – describe any invisible processing used to make the intercept or re-direct respondents to the survey.

### 3.4.3 Example Privacy Statement

NameOfCompany would like to thank you for taking part in this genuine Market Research survey about GeneralDescriptionOfTheSurvey. We are not trying to sell or promote anything. This is a marketing research survey using scientific methods and we promise that, in obtaining your co-operation, we **will not mislead you** about the nature of the research or the use, which will be made of the findings.

The answers you give us will be treated as **Confidential** unless you have given your consent to the contrary. In the relatively few instances where we ask you for permission to pass data on in a form which allows you to be personally identified, we will ensure that the information will be used only for the purposes stated. We will not send you unsolicited mail or pass on your email addresses to others for this purpose. If we want to send you future email, we will ask your explicit permission for this.

As with all forms of marketing and opinion research, your co-operation is **voluntary** at all

times. No personal information is sought from or about you, without your prior knowledge and agreement. You are entitled at any stage of the interview, or subsequently, to ask that part or all of the record of your interview be destroyed or deleted. Wherever reasonable and practical we will carry out such a request.

Information about the appropriate sample details to be inserted here.

We try our best not to interview **children** without first getting the permission of their parents, though we cannot always guarantee this to be the case.

We use **cookies** and other similar devices sparingly and only for quality control, validation and to prevent bothersome repeat surveying. You can configure your Browser to notify you when cookies are being placed on your computer. You can also delete cookies by adjusting your browser settings

We automatically capture information about your browser type in order to deliver an interview best suited to your software. We do no other **invisible processing** of data from your computer.

Our web site has **security measures** in place to protect the loss, misuse, and alteration of the information under our control. Only certain employees have access to the information you provide us. They have access only for data analysis and quality control purposes.

You can **contact us** at [emailaddress@company.com](mailto:emailaddress@company.com) to discuss any problems with this survey. You can find out more about us at [www.ourwebsite.com](http://www.ourwebsite.com). We are members of the Market Research Society ([www.mrs.org](http://www.mrs.org)) and follow their code of conduct for market research. We are also adherents to the ICC/ESOMAR International Code of Marketing and Social Research Practice (<http://www.esomar.org>).

### 3.5 Data security

Researchers must use the most up to date technologies to protect the personal data collected or stored on websites or servers. Especially sensitive or valuable information should be protected by reliable encryption technologies.

- If the temporary storage of the data collected takes place on a server that is operated by a provider, the research agency must place the provider under the obligation to take the necessary technical precautions to ensure that third parties cannot access the data on the server or during data transfer. Temporary storage of the collected data on the server must be terminated at the earliest possible time.
- Before data is sent over the Internet to another country, researchers must check with competent authorities that the data transfer is permissible. The recipient may need to provide safeguards necessary for the protection of the data.
- Researchers must have adequate safeguards in place to ensure that when emails are sent in batches the addresses of the respondents are not revealed.
- Clients must be fully informed about the potential risks of posting details of confidential information in Internet surveys.

### 3.6 Reliability and validity

As with all techniques of data collection also in the case of online surveys, the sample must be selected and drawn on the basis of scientifically recognised methods which are in line with the research objectives.

In online surveys – as with all studies in market and social research – it is necessary to document for the client, how the total population is defined and how the sample was selected and drawn. If the selection of respondents was carried out by means of a random procedure, the response rate and the way in which it was calculated, must be stated. When quota sampling methods are used, the sources (as a rule secondary statistical sources) and the distribution of quota characteristics deduced from them must be stated and the fulfilment of the quota characteristics must be documented in the form of a target-actual comparison.

If shortcomings in the definition of the total population, in the selection procedure, in the response rate (using random sampling methods), or in the target-actual structure (using quota sampling methods) mean that the results are not representative or only to a restricted degree, then this must be explicitly pointed out. The weighting and proportionalisation methods used must also be documented.

### **3.7 Interviewing Children and Young People**

Children may be familiar with using the Internet but research has found them to be naïve and trusting, happily disclosing information about themselves or their households without realising the implications of doing so. Parent groups, consumer groups and legislators are particularly concerned about potential exploitation of children on the Internet and it is for this reason that guidelines place greater burdens on researchers than would be the case in adult research. Researchers must ensure that the principle of consent is met, so if Internet research is conducted outside the school environment, special measures must be taken to ensure verifiable and explicit consent.

Consent must be obtained from a parent, legal guardian or other responsible adult.

A notice to parent or guardian, seeking their consent for their child to be asked to participate in the research, must be posted on the website or e-mailed to a parent. This notice consent must include:

- A heading explaining that this is a notice for parents.
- The identity of the client (always if sampling from customer databases, only if the client agrees in other cases)
- Name and contact details of the agency/agencies.
- The nature of the data to be collected from the child.
- An explanation of how the data will be used.
- An explanation of the reasons the child has been asked to participate and the likely benefits.
- A description of the procedure for giving and verifying consent.
- A request for a parent's contact e-mail address, address or phone number for verification of consent.
- Where personal information collected from children will only be used for classic research purposes and no personal data will be passed on for any other purpose, a return e-mail from parent or guardian giving their consent is acceptable, as long as additional steps are taken to ensure that the consent actually came from a parent – for example, following up with an e-mail, letter or phone call. It is permissible to ask children to provide contact details for their

parents in order for consent to be sought as long as this purpose is made clear in the request for information.

Prior parental consent will not be required to:

- Collect a child's or parent's e-mail address solely to provide notice of data collection and request consent.
- Collect a child's age for screening and exclusion purposes. If this screening leads to the decision that a child does qualify for interview, parental consent must then be sought to continue with the interview.

Unsolicited e-mail communications must not be addressed to children without verifiable and explicit prior consent.

Personal information relating to other people (for example, parents) must not be collected from children.

All data protection, privacy policy, consent and other notices must be capable of being understood by children.

Questionnaires on websites aimed at children must require a child to give their age before any other personal information is requested. If the age given is below the nationally agreed threshold dividing child from adult, the child should be excluded from giving further personal information until the appropriate consent has been obtained.

A notice to children, informing them of the requirement for consent must be shown at the point where personal information is requested. This notice should be clear and prominent and must include an explanation of the subject matter and nature of the research and details of the agency undertaking it, with contact information. Where required, they must also refer to the fact that consent will be verified.

### **3.8 Unsolicited e-mail**

Researchers should verify that individuals contacted for research by email have a reasonable expectation that they will receive email contact for research. Such agreement can be assumed when the following conditions exist:

1. A substantive pre-existing relationship exists between the individuals contacted and the research organisation, the client, or the list owners contracting the research (the latter being so identified);
2. Individuals have a reasonable expectation, based on the pre-existing relationship, that they may be contacted for research;
3. Individuals are offered the choice to be removed from future email contact in each invitation; and,
4. The invitation list excludes all individuals who have previously taken the appropriate and timely steps to request the list owner to remove them.

## **4. Sources Used in Compiling Guidelines**

[COPPA](#) – Children’s Online Privacy Protection Act

[DMA](#) – Code of Practice for Commercial Communications to Children Online

(German) Guidelines for Online Surveys – [ADM](#), [ASI](#), [BVM](#). [DGOF](#)

[IMRO](#) (Interactive Marketing Research Organisation) – Explore Forum paper

[MRS Guidelines for Researching Children and Young People](#)

## 5. Links to National Research Association Information

You can find a full listing of [National Research associations](#) at the ESOMAR web site.

Many national associations have their own additional guidelines on internet research and detail local requirements reflecting legislative requirements in their country.

## 6. Definition of Internet Research

Internet research is defined as research in which a respondent – either on a single occasion or as part of a panel:

- Completes a questionnaire online via the Internet on a server belonging to the research agency or a provider
- Downloads a questionnaire from a server on the Internet and returns it by e-mail, or
- Receives the questionnaire incorporated into an e-mail and returns it in the same way or
- Participates in an online qualitative interview or discussion.
- Or takes part in a measurement system which tracks web usage by such means as specialist software installed on the user's p.c.

These guidelines also apply to research conducted via WAP and 3rd generation technology, though when collecting data in this way, special care must be taken to ensure that it is convenient and safe for the respondent to proceed.

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