

GUIDE TO THE CHANGES TO THE AMSRS CODE OF PROFESSIONAL BEHAVIOUR 2017

AUGUST 2017

Background

A major update of the AMSRS Code of Professional Behaviour (the Code) was conducted in 2014. In 2017 the AMSRS Professional Standards Committee have reviewed the Code to ensure that:

- it keeps up to date with the changing nature of research and the digital environment
- it reflects the latest Australian legislation, particularly the Privacy Act
- it is in line with the revised ICC/ESOMAR International Code, launched in 2016 and
- the Rules are clear and easily understood by members.

The overall structure of the Code is unchanged. There are a few significant changes, but most updates have been made to expand and clarify the Rules. Note that the Rule numbers have changed as four new Rules have been added.

This Guide explains the key changes and the reasoning behind them.

The new Code is operative from 1 August 2017.

A summary of key changes

The most significant changes to the Code are:

1. Researchers are now allowed to provide participants' identified information to clients for a wider range of purposes, providing that informed consent has been given.
2. The definition of research has been broadened to explicitly include data analytics, so that the Code is seen to be relevant to and can be used by people and organisations working in this area.
3. Passive data collection is now explicitly included in the Code as a data collection method, to reflect its increasing importance when conducting research.
4. The term 'Identifiable research information' is now used throughout the Code. Previously, both 'Personal information' and 'Identifiable research information' were used but the difference between the terms was slight and potentially confusing. 'Identifiable research information' is now used throughout and its definition has been widened to include personal information as previously defined.
5. The term 'End client' has been removed in favour of the term 'Client'. The added detail of the 'ultimate beneficiary' was considered to offer little advantage in light of member queries and potential logistical difficulty in obtaining details of the end beneficiary of the research.
6. Under a new Rule, if an AMSRS member fails to co-operate with a disciplinary investigation by AMSRS into a possible breach of the Code, this will be considered a breach of the Code.

The changes in detail

This section reviews the changes to the Code. It does not discuss amendments to wording that do not change the meaning of a Rule or Comment.

1. General

The section titled 'Key Fundamentals of the Code' has been removed as it was a re-statement of various Rules.

The terms 'must' and 'should' have specific meanings when used in the Code and a description of these has been included in the 'Interpretation' section.

In the Code, the Rules state principles or practices that researchers are bound to follow and the Comments to the Rules suggest recommended practice. Where relevant, the Comments have been reworded to clearly reflect this.

The terms "End client" and 'Personal information' have been replaced throughout – specific instances are not listed.

2. Definitions

The following definitions have been added:

- Data analytics: added in line with the broadening of the Code to include this discipline.
- Harm: added to emphasise the areas of harm from which a participant is protected in the Code.
- Passive data collection: added to confirm its inclusion in the Code
- Research: added to confirm the scope of the Code.

The following definition have been updated:

- 'Identifiable research information' has been updated to include the previous definition of 'personal information', as the latter term has been removed.
- 'Non-research activity' has been updated to remove the list of specific activities, most of which are illegal. These details will now be included in a guideline.

The following definitions have been removed:

- End client: replaced by 'Client'.
- Personal information: replaced by 'Identifiable research information'.

3. General Rules of Professional Behaviour

A Principle has been added at the beginning of this section to confirm the over-riding requirement for researchers to be 'straightforward and honest in all of their professional and business dealings'.

Rule 2 has been reworded to shift its emphasis. It now states that researchers (rather than research) must be 'truthful and objective' when conducting research.

Rule 5 has been amended to say that 'researchers must not make false or otherwise misleading statements about their skills, experience or activities'.

4. Distinguishing research from other activities

The importance of differentiating research from other activities has been emphasised in Rule 9 by adding that 'the success of research relies on public confidence in the integrity of research and the confidential treatment of the information'.

The wording in Rule 9 has been amended to focus on differentiating research from 'any marketing activity directed at individual participants'. Such activity includes both commercial and social or government activities, marketing products, services or social campaigns.

5. Disclosure of identifiable research information

Rule 10 has been amended to allow participants' identifiable research information to be used for a wider range of purposes, with informed consent. The stipulation that 'the personal information will not be used for any non-research activity as set out in Rule 9' has been removed.

Clause c) in Rule 11, which covers disclosure of identifiable research information, has been reworded and expanded into c) and d) for ease of understanding.

6. Informed consent

Rule 23 has been amended to include passive data collection – informed consent is required when collecting any kinds of data. The last sentence of Rule 23 has been made a separate Rule (Rule 24) for clarity.

7. Data provision and reporting

This section was previously titled 'Analysis and reporting of results'. The new name reflects the wide variation in possible outputs from research projects.

A new Rule 31 has been added to stress the importance of participant anonymity in light of new digital advances. Researchers must ensure that 'an individual's identity cannot be inferred via deductive disclosure' when findings or data analytics are presented.

A new Rule 33 has been added to emphasise researchers' responsibilities and transparency when reporting research results. Researchers must 'make a clear distinction between the findings, the researcher's interpretation of those findings and any conclusions drawn or recommendations made'.

8. Cross border disclosure of identifiable research information

The Comment to Rule 44 (was Rule 41) has been changed to reflect the fact that this Rule only applies to individuals' identifiable research information, since it refers to the Privacy Act. Note that the Privacy Act only covers identifiable information collected from individuals, whereas the Code covers identifiable information collected from individuals and organisations.

9. Implementation of the Code

A new Rule 48 stresses the importance of members co-operating in any investigation of a breach of the Code. The failure of an AMSRS member to co-operate with a disciplinary investigation by AMSRS will, in itself, be considered to be a breach of the Code.