



MRS Policy Unit

MRS Response to ICO consultation on the draft direct marketing code of practice

February 25, 2020

Background: About the Market Research Society (MRS) and market research

1. The Market Research Society (MRS) is the UK professional body for market, opinion and social research, insight and analytics. MRS is the world's largest research association, representing 5,000 individual members and over 500 accredited Company Partners in over 50 countries and has a diverse membership of individual researchers within agencies, independent consultancies, client-side organisations, the public sector and the academic community.
2. MRS promotes, develops, supports and regulates standards and innovation across market, opinion and social research and data analytics. MRS regulates research ethics and standards via its Code of Conduct. All individual MRS members and Company Partners agree to regulatory compliance of all their professional activities via the MRS Code of Conduct and its associated disciplinary and complaint mechanisms.
3. MRS supports best practice in the research, insight and data sector by setting and enforcing ethical and process standards. The MRS adopted its first self-regulatory Code of Conduct in 1954 and the latest fully revised version of the came into effect on October 1st, 2019. The MRS Code is designed to support those engaged in research, insight and data activities in maintaining professional standards and to reassure the general public that activities undertaken by MRS members and MRS Company Partners are conducted in a professional and ethical manner.
4. The commitment to uphold the MRS Code of Conduct is supported by the MRS Codeline service and a range of specialist guidelines which provide interpretation and practical advice on the application of the MRS Code of Conduct.

Our response

5. MRS welcomes the opportunity to respond to the ICO consultation on the draft Direct Marketing Code of Practice. Our response will focus on issues most relevant for the research, insight and data sector.
6. We confirm that no parts of the response are confidential, and that the information may be attributed to MRS.

This submission is on behalf of The Market Research Society, 15 Northburgh Street, London EC1V 0JR. The Market Research Society is a company limited by guarantee, registered in England No. 518685.

Comments on the ICO draft direct marketing code of practice

7. We welcome the ICO statutory direct marketing code of practice. We highly appreciate the clarity, level of detail, examples and raised issues. We especially welcome “*Is market research direct marketing?*” chapter (pages 18-19) where the essential nature of market research is identified and explained according to the “*purpose*” of the activities in place, reference to *sugging* is on point, and MRS’s resources are correctly linked for further reading.
8. In order to achieve greater clarity and even better-defined distinction between the purposes of market research and direct marketing, we would like to highlight additional elements that can help organizations respect the boundaries of different business practices and professionalism.
9. Here our suggestions for additional points to be added to the ICO Direct Marketing Code of Practice:
 - A. “*Is market research direct marketing?*” chapter (pages 18-19)
 - *Market research*, which includes social and opinion research, is the systematic gathering and interpretation of information about individuals or organisations using the statistical and analytical methods and techniques of the applied social sciences to gain insight or support decision making. Research itself does not seek to change or influence opinions or behaviour.
 - As codified by the [MRS Code of Conduct 2019](#) special attention should be devoted to distinguishing market research projects from direct marketing activities and in particular to activities that under the guise of research aim to manipulate, mislead or coerce individuals. This applies throughout the research process including proposal, data collection, analysis and reporting. Examples of this activity include:
 - a. Sell or market under the guise of research (‘sugging’)
 - b. Fund raise under the guise of research (‘frugging’)
 - c. Lobby for political purposes under the guise of research (‘plugging’)
 - d. Create false media content and commentary, including social media, under the guide of research (‘mugging’)
 - The MRS Code and supporting regulations are resourceful tool in identifying the purpose of your activities and are available here: [MRS Regulations for using research techniques for non-research purposes](#).



- B. *“Are fundraising and campaigning messages direct marketing?”* (page 23)
- Further reading [MRS polling hub](#) for further guidance on opinion polling.

10. We strongly suggest the ICO updates and further specifies the guidance to reflect and include the above-mentioned considerations.

Further information or clarification on this submission please contact

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