

Proposed Revised ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics

October 2024

Consultation

Green words: added to the new version of the Code

~~Strikethrough: deleted words from the 2016 Code~~

Preface Introduction

Market, opinion, and social research have long aimed to provide valuable insights into people's behaviours, needs, and attitudes, helping businesses, governments and society make informed decisions. To achieve this and to reinforce our commitment to self-regulation, we place a strong emphasis on protecting participants' privacy, upholding our duty of care, maximising transparency, adhering to legal requirements and promoting professional responsibility.

In recent years, the research sector business has faced significant changes driven by digital advancements, the expansion of the internet and social media, the rapid rise of Artificial Intelligence (AI) and other emerging technologies. These developments, alongside streamlined research processes, are transforming the ways we collect, curate, analyse and interpret data.

ESOMAR and the International Chamber of Commerce (ICC) have always endeavoured to keep pace with, and when possible, anticipate changes in technology, society, culture, and the economic ecosystems that affect our sectors.

Our Code, recognised by over 60 associations in more than 50 countries, was established over 70 years ago and has been developed in partnership with the ICC since 1977. The Code gains significant weight from the adoption of ICC representing over 45 million members in more than 170 countries. It has been revised several times to maintain its relevance, with the most recent update in 2016. In light of the changes outlined above, we believe it is time to revise the Code once again.

The 2025 revision is significant, emphasising ethical conduct, transparency, and the growing need for human oversight in a world that balances optimism and caution about the transformative potential of digital advancements and emerging technologies, and the challenges and responsibilities they bring.

We are confident that the updated Code will continue to uphold research as a responsible global citizen, promoting high ethical standards and fostering public confidence worldwide.

Signed

Secretary General of ICC

Director General of ESOMAR.

About this Code

Code Responsibility and Interpretation

This Code is a comprehensive guide for ethical and professional conduct in market, opinion and social research, as well as data analytics. It sets standards to maintain public trust, ensure compliance with local and international laws, and to uphold industry best practices. Researchers and analysts – whether using traditional methods or emerging technologies – are expected to meet their ethical, professional and legal responsibilities to research participants, clients and the public at large. The Code also affirms researchers' rights to seek and share information, as established in Article 19 of the United Nations International Covenant on Civil and Political Rights.

The Code applies to everyone involved in market, opinion and social research and data analytics, including those using cloud-based, self-service platforms. Individuals must adhere to the Code according to their role and level of influence. This Code is mandatory for all ESOMAR members and for those in other research associations and other self-regulatory bodies that adopt and implement it.

The Code should be applied both in its spirit and its specific wording. It must be read alongside other relevant ICC and ESOMAR codes, guidelines, principles and framework interpretations that provide context for its application in specific research methods and practices. These and other similar documents are available at www.iccwbo.org and www.esomar.org.

Definitions

For the purpose of this Code the following terms have this specific meaning:

Artificial Intelligence (AI) is a set of technologies that enables computers and machines to simulate human intelligence and problem-solving capabilities. On its own, or combined with other technologies, AI can perform tasks that would otherwise require human intelligence or intervention.

Children means individuals for whom permission to participate in research must be obtained from a parent, **guardian** or responsible adult. Definitions of the age of a child vary substantially and are set by national laws and self-regulatory codes **to which all research must comply**. ~~In the absence of a national definition, a child is defined as being 12 and under and a “young person” as aged 13 to 17.~~

Client means any individual **or** organisation that ~~requests~~ commissions or subscribes to all, or any part of a research ~~project~~.

Consent means **an individual’s** freely given, **specific** and informed indication **in response** of agreement by a person to a **conspicuous and clear notice regarding** the collection and **use of data**. ~~processing of his/her personal data.~~

Data analytics means the process of **integrating and/or** examining data sets to uncover hidden patterns, unknown correlations, trends, preferences and other useful information for research purposes.

Data subject means any individual whose personal data ~~are~~ **is** used in research.

Harm means tangible ~~and or~~ material harm (such as physical injury or financial loss), intangible or moral harm (such as damage to reputation or goodwill), or excessive intrusion into private life. ~~including unsolicited personally targeted marketing messages.~~

Non-research activity ~~involves any direct engagement with~~ **means taking direct action** an individual whose personal data **has been** collected or analysed, with the **primary purpose of influencing their intent** ~~to change the attitudes, opinions, actions of that individual or behaviours, including the purchase of products, rather than contributing to generalisable knowledge or scientific inquiry.~~

Passive data collection means the collection of personal data by observing, measuring or recording an individual’s actions or behaviour.

Person refers to a human being to differentiate from a synthetic, virtual and digitally created persona or entity.

Personal data ~~(sometimes erroneously referred to as personally identifiable information or PII)~~ means any information ~~relating to a natural living person that can be used to identify an individual, for example by reference to direct identifiers (such as name, specific geographic location, telephone number, picture, sound or video recording)~~ **including biometric data**, relating to a living person that can be used **to directly**¹

¹ Example of direct identifiers are a name, specific geographic location, telephone number, picture, sound or video recording.

or indirectly² by reference to an individual's physical, physiological, mental, economic, cultural or social characteristics identify that person (the data subject).

Primary data means data collected by a researcher directly from or about an individual for the purpose of research.

Privacy notice (sometimes referred to as privacy policy) means a published summary of an organisation's privacy practices describing the ways in which the organisation gathers, uses, discloses and manages a data subject's personal data.

Research, which includes all forms of market, opinion, and social research and including data analytics, is the systematic gathering and interpretation of information about individuals and organisations. It uses the statistical and analytical methods and techniques of the applied social, behavioural and data sciences to generate insights and support decision-making by corporations providers of goods and services, governments, non-profit organisations and the general public

Researcher means any individual person or organisation carrying out or acting as a consultant conducting or contributing to research, including those working in client organisations and any subcontractors used.

Secondary data means data collected for another purpose by another party, whether for a research or non-research purpose, and data that have already been collected, and are available from another source. and subsequently used in research.

Vulnerable people means individuals who may have limited capacity to make voluntary and informed decisions, including those with cognitive impairments or communication disabilities.

Young person means an adolescent - an individual in the developmental stage between childhood and adulthood - capable of some degree of independent decision-making but still requiring guidance.

² Indirect identifiers are identifiers which combined can be used to identify the data subject. Examples of indirect identifiers include references to an individual's physical, physiological, mental, economic, cultural or social characteristics.

Fundamental Principles

This Code is based upon three fundamental principles that have characterised market, opinion and social research throughout its history. They provide an interpretative background for the application of the substantive articles of the Code:

1. When collecting personal data from data subjects for the purpose of research, researchers must be transparent about the information they plan to collect, the purpose for which it will be collected, with whom it might be shared and in what form.
2. Researchers must ensure that personal data used in research is thoroughly protected from unauthorised access and not disclosed without the consent of the data subject.
3. Researchers must always behave ethically and not do anything that might harm a data subject or damage the reputation of market, opinion and social research.

This Code is based on five fundamental principles that encompass the role and relevance of market, opinion and social research in the current environment. They are intended as underpinning guidance to the interpretation and application of the Articles of the Code:

1. All research must be legal.
2. All research must be conducted with due care and interact with data subjects in a fair and respectful way, protecting them against any adverse effects as a direct result of the research.
3. All research must be honest, truthful and transparent as to how it is designed and implemented; it must be clear to data subjects how personal data will be collected and used. All personal data must be fully protected against unauthorised access and use and must not be disclosed without proper consent.
4. Researchers must not do anything that may undermine the public's trust and confidence in market, opinion and social research and any related data analytics.
5. Researchers have the overall responsibility and oversight for the research they undertake, including research using AI or emerging technologies. All, including any subcontractors or other third-party service providers, who contribute to the research have a degree of responsibility depending on their activities, expertise and control.

Articles

Responsibilities to Data Subjects

Article 1 Duty of Care

- (a) All individuals, including children, young people and other vulnerable individuals, who are approached directly or indirectly (including as secondary data subjects and where feasible) to participate as data subjects, have the right to decline participation. This right must be respected at all times.
- (b) Researchers must ensure that data subjects are not harmed as a direct result of their personal data ~~whether gathered directly, indirectly or passively~~, being used for research.
- (c) Researchers must ~~exercise special care~~ consider the subject's well-being and not cause any mental or physical harm. Special care must be exercised when the nature of the research is sensitive or the circumstances under which the data ~~was~~ are collected might cause a data subject to become justifiably upset or ~~disturbed~~ concerned.
- (d) Researchers may disclose essential private information to appropriate emergency services if they encounter an exceptional circumstance, such as a life-threatening, self-harm or abusive situation, during their research.
- (e) Researchers must remain mindful that research relies on public confidence in the integrity of research and the confidential treatment of the information provided for its success, and therefore must remain diligent in maintaining the distinction between research and non-research activities. ³⁾
- (f) If researchers ~~engage~~ intend or anticipate engaging in, non-research activities (for example promotional, ~~or commercial~~ or customer experience follow-up activities) directed at individual data subjects, ~~they~~ this must distinguish and separate those activities from research be made clear to all data subjects before the start of data collection. Consent for the non-research use must be obtained from the data subject and the non-research application separated from any research activity.

Article 2 Children, Young People and Other Vulnerable Individuals

- (a) Researchers must obtain the consent of the parent or ~~responsible adult~~ legal guardian, prior to collecting personal data from children. ~~or anyone for whom a legal guardian has been appointed.~~ The nature and extent of the information to be collected must also be presented at this time, together with a clear means to provide consent.
- (b) Researchers must take special care when considering whether to involve children and young people in research. ~~The questions asked must take into account their level of maturity.~~ The content and nature of the research must be appropriate with respect to age, level of maturity and differing cognitive abilities. Personal data must only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law.

³⁾ ~~As~~ It is important that non-researchers also clearly distinguish research from commercial activities, attention is drawn to Article 7 of the ICC Advertising and Marketing Communications Code.

- (c) Personal data must only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law.
- (d) When working with vulnerable individuals, researchers must ensure ~~these that such~~ individuals are ~~capable of making~~ informed about the research purpose, can make informed decisions regarding their participation, and are not ~~unduly pressured to cooperate~~ subjected to undue pressure to comply with a research request.

Article 3 Data Minimisation

- (a) Researchers must limit the collection and/or processing of personal data to those items that are relevant, and not place any burden on the data subject beyond that which is necessary and compatible with the intended use of the research.
Where data is provided to subcontractors, or other third-party suppliers, only the minimum amount of personal data that is necessary for them to perform the agreed services must be transferred.

Article 4 Primary Data Collection

- (a) When collecting personal data directly from a data subject for the purpose of research:
 - i. Researchers must identify themselves promptly and data subjects must be able to verify the identity of the researcher without difficulty. ~~The data subject must be able to quickly and easily contact the research organisation with any concerns or questions they may have about the research.~~
 - ii. Researchers must clearly state the general purpose of the research ~~as soon as methodologically possible~~ at the outset.
 - iii. Researchers must ensure that participation is voluntary and based on information about the general purpose and nature of the research that is adequate and not misleading.
 - iv. Researchers must inform data subjects if there is any activity that will involve re-contact and data subjects must agree to be re-contacted. The only exception to this is re-contact for quality control purposes.
 - v. ~~Researchers must provide a clear statement on how long, and for what purpose, personal data are retained including by subcontractors and clients.~~
 - vi. ~~When possible,~~ passive data collection ~~should~~ must be based on the consent of the data subject and meet all of the conditions i-vi above.
 - vii. ~~When using passive data collection methods~~ Where it is not possible to obtain consent, researchers must have legally permissible grounds to collect the data and they must remove or obscure any identifying characteristics as soon as operationally possible.
- (b) Researchers must allow data subjects to withdraw from the research at any time ~~and access or rectify personal data held about them.~~
- (c) Data subjects must have access to correct their personal data where technically and operationally feasible and where this does not impact the research results.

Article 5 Use of Secondary Data

When using secondary data that includes personal data, researchers must ensure that:

- (a) The intended use is compatible with the purpose and of the quality for which the data was originally collected and that there are clear grounds for its re-use for additional data collection or processing.
- (b) The data was not collected in violation of restrictions imposed by law, or this Code, through deception, or in ways that were not apparent to, or reasonably discernible and anticipated, by the data subject.
- (c) The intended use was not specifically excluded in the privacy notice provided at the time of original collection or any contractual restrictions, copyright or intellectual property rights.
- ~~(d) Any requests from individual data subjects that their data not be used for other purposes are honoured.~~
- (d) Use of the data will not result in harm to data subjects and there are measures in place to guard against such harm.

Article 6 Data Protection and Privacy

- ~~(a) If researchers plan to collect personal data, for research that may also be used for a non-research purpose, this must be made clear to data subjects prior to data collection and their consent for the non-research use obtained.~~
- (a) Researchers and subcontractors must not share or transfer a data subject's personal data to a client unless the data subject has given consent and has agreed to the specific purpose for which the data will be used.
- (b) Researchers must have a privacy notice that is clear and readily accessible by data subjects. ~~and is easily understood.~~
- (c) Researchers must take steps to ensure that personal data, ~~cannot be traced~~ including an individual's inferred identity is not traceable via deductive disclosure. This includes via the use of advanced analytical methods such as AI, cross-analysis, small samples, other forms of inference or combination with other data such as a client's records or secondary data in the public domain.
- (d) Researchers must take all reasonable precautions to ensure that personal data is held securely. It must be protected against risks such as loss, unauthorised access, e.g. cyberattacks, hacking, destruction, misuse, manipulation, modification, disclosure or any other act that could compromise data.
- (e) Personal data is to be held no longer than is necessary for the purpose for which it was collected or used. After this, the data must be anonymised.
- (f) If personal data is to be transferred to subcontractors, or other third-party service providers, researchers must ensure that the recipients employ at least an equivalent level of security measures, are aware of this Code and follow any applicable data protection and breach laws.
- (g) Researchers must take particular care to maintain the data protection rights of data subjects whose personal data is transferred from any one jurisdiction to another. Such transfers must

not be made without the consent of the data subject or on other legally permissible grounds. In addition, researchers must take all reasonable steps to ensure that the adequate security measures are observed and that the data protection principles of this Code are complied with by all parties providers.

- (h) In the event of a data breach containing personal data, researchers have a duty of care responsibility for the data subjects involved and who must follow all applicable data be informed of the breach as required by applicable laws.

Responsibilities to Clients

Article 7 Fit for Purpose

- (a) Researchers must design research to the specification that is fit for purpose and quality agreed to the requirements and quality agreed with the client and in accordance with Article 9(a).
- (b) Researchers must take special care to design research that is fit for the population being studied and be transparent about any limitations or population gaps that may exist in representing that population due to trade-offs in design decisions.
- (c) Researchers must provide clients with sufficient technical information, including method, source of data, analysis used and possible limitations, about the research to enable them to assess the validity of the results and any conclusions drawn.
- (d) When reporting on the results of research, Researchers must ensure that findings and any interpretation of them are adequately supported by data and must make a clear distinction between the findings, the researchers' interpretation of those findings and any conclusions drawn, or recommendations made.
- (e) The client must be informed when AI or other emerging technologies has been significantly used in the analysis or interpretation of findings. In such situations, the extent of human oversight must be declared. Additionally, any significant differences between the analysis and interpretation produced by AI or other emerging technologies and those from human oversight should be clearly indicated.
- (f) Researchers must on request allow clients to arrange for independent checks on the quality of data collection and data preparation.

Transparency

- (a) Researchers must identify any known, potential or suspected biases in the research that may Researchers must identify any possible biases in the research that may have impact on the collection, processing, analysis or interpretation of the data and the findings.
- (b) Researchers must ensure there are no intellectual property (IP) restrictions, such as copyright, or privacy issues associated with the re-use or application of the data.
- (c) Researchers must identify subcontractors providing it is feasible and does not create a competitive disadvantage or conflict of interest.
- (d) All parties must work in good faith to resolve all disputes, whether it be with researchers, clients, subcontractors or data subjects.

- (e) Researchers must keep all communications with the client and all research results secure, unless otherwise agreed with the client.

Responsibilities to the General Public

Article 8 Publishing Findings

- (a) When publishing research findings, researchers and clients must ensure that the public has access to sufficient basic information, including sampling and methodology, to assess the quality of the data used and the validity of the conclusions.
- (b) If advanced analytics, such as AI, have been employed in the research, researchers and clients must indicate this and if human oversight has been applied.
- (c) Researchers must make technical information available, upon request, to assess the validity of any published findings when a legitimate request is made, unless contractually prohibited.
- (d) Researchers and their organisation must not disseminate or allow their name of their organisation to be associated with the dissemination of conclusions from research unless those conclusions are adequately supported by the data.
- (e) When the client plans to publish the findings of a research project, researchers should must ensure that they are consulted as to the form and content of publication. Both the client and the researcher have a responsibility to ensure that published results are not misleading and that there is no undue selectivity of the findings.
- (f) When research potentially involves publishing the identity or personal data of data subjects, researchers must inform the data subjects in advance, specify which data will be published, and obtain their consent prior to any publication.
- (g) Researchers and clients must ensure that there are no potential privacy, or intellectual property (IP) infringements, such as copyright breaches, including those related to the application of AI and the training data used in the publishing of research results and findings.

Responsibilities to the Research Profession

Article 9 Professional Responsibility

- (a) Researchers must be honest, transparent, truthful and objective and ensure that their research is carried out, processed and analysed in accordance with appropriate scientific research principles, methods and techniques. They must remain impartial as possible while recognising the inherent limitations of complete objectivity.
- (b) Researchers must always behave ethically and must not do anything that might unjustifiably damage the reputation of research or lead to a loss of public confidence in it.
- (c) Researchers must be straightforward and honest in all of their professional and business dealings.
- (d) Researchers must not unjustifiably criticise other researchers.

- (e) Researchers must not make false or otherwise misleading statements about their skills, experience or activities, or about those of their organisation.
- (f) Researchers must conform to the generally accepted principles of fair competition.
- (g) Researchers must declare any potential conflict of interest associated with a research engagement to the client.

Article 10 Legal Responsibility

Researchers must conform to all applicable international and national laws, and local codes of conduct and professional standards or rules.

Article 11 Compliance

- (a) Researchers must ensure that research is carried out in accordance with this Code, that clients and other **third** parties to the research, **including subcontractors**, agree to comply with its requirements, and that the Code is applied, where appropriate, by all organisations, companies and individuals at all stages of the research.
- (b) Correction of a breach of this Code by a researcher, while desirable, does not excuse the breach.
- (c) Failure by an ESOMAR member to co-operate with a disciplinary investigation by ESOMAR into a possible breach of this Code, will be considered a breach of this Code. This also applies to members of other self-regulatory bodies implementing this Code **and disciplinary investigations by their responsible bodies**.

Article 12 Implementation

- (a) If the Code, and its underlying principles, are adopted, it must be implemented, nationally and **If the This Code, and its underlying principles enshrined in it, are adopted, it must be implemented, nationally and internationally by the relevant appropriate** local, national and international self-regulatory bodies. Researchers and clients ~~should~~ **must also** familiarise themselves with relevant local self-regulatory documents on research and with decisions taken by the appropriate self-regulatory body.
- (b) Requests for interpretation of the principles contained in this Code must be submitted to the ESOMAR Professional Standards Committee or the ICC Commission on Marketing and Advertising for interpretation.