**Quality Assurance in Survey Research by Self-regulation – The German Model**

**by**

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**1. Introduction**

The quality of research findings is not only determined by the generally accepted basic scientific quality criteria like validity and reliability and the fact that the corresponding methodological requirements as laid down in the various quality standards are present in the research process. It also strongly depends on the adherence to ethical and professional principles and rules as codified in the various national and international codes of conduct. The quality standards as well as the codes of conduct are part of the professional responsibility of research agencies and individual researchers towards the scientific community, the respondents and clients as well as the general public. Accordingly, a discussion of self-regulation of quality assurance in survey research should not only include the methodological requirements, but also the ethical and professional principles and rules of conduct as well as the interpretation of the applicable laws and legal provisions. In this paper the term ‘survey research’ refers to the methods of systematic data collection by structured questionnaires for scientific purposes of market, opinion and social research from a sample of a target population. The research data can be collected by face-to-face or telephone interviews, by postal surveys or by means of electronic communication.

**2. Professional responsibilities of survey research agencies and researchers**

In a theoretical perspective it is useful for analytical purposes to distinguish between the professional responsibilities of research agencies and individual researchers towards the scientific community, towards respondents and clients and towards the general public. However, in practice this distinction is not as clear and some overlaps exist.

**2.1. Responsibilities towards the scientific community**

The professional responsibilities of research agencies and individual researchers towards the scientific community can be divided into macro and micro aspects. The macro aspect means primarily that research agencies and individual researchers shall not do anything which might damage the reputation of survey research. The micro aspects are focused on the mutual relations of the single research agencies and researchers. They reach from commitment to the general principles of professional fairness up to conformity to the legal requirements of the law on competition.

**2.2. Responsibilities towards respondents**

The professional responsibilities of research agencies and individual researchers towards respondents doubtlessly belong to the key ethical principles of survey research. Without voluntary co-operation of a high percentage of the selected respondents in a research project reliable and representative research findings cannot be achieved. The respondents in a research project remain private individuals with their corresponding rights. Concretely, this means that they shall not be harmed or negatively affected as result of their co-operation or encouraged to do anything illegal. This should of course be a matter for any research agency and individual researcher. However, the professional responsibilities towards respondents already begin when they are asked for consent to collect and process their personal data. Participation in a research project shall always be based on adequate information about its general purpose and nature. Misleading the respondents would significantly reduce their willingness to participate in further survey research.

A crucial element of the professional responsibilities towards respondents is the special care which shall be taken when children and young people belong to the target population of a research project. This special care includes various aspects like obtaining the consent of a parent or guardian depending on certain age-limits as well as observing parental prohibitions regarding specific foods and beverages.

Last but not least, respondents shall be convinced that their anonymity and the confidentiality of the information given by them will be strictly safeguarded and that they will not be approached afterwards individually for purposes of advertising or sales promotion as a result of their co-operation in survey research.

**2.3. Responsibilities towards clients**

The professional responsibilities of research agencies and individual researchers towards clients should be divided into the responsibilities towards clients who themselves are researchers or scientists on one hand and the responsibilities towards clients who don’t have a research background at all on the other hand. Regarding the professional responsibilities towards clients who are familiar with survey research the overriding principle is *transparency*. These clients shall have the opportunity to give input to the research process at any stage of the survey project. Regarding the professional responsibilities towards clients who don’t have a research background the overriding principle is *consultancy*. Normally these clients don’t have the knowledge and experience to assess whether a research project commissioned by them is conducted with methods and techniques which are appropriate for the underlying research problems and objectives.

**2.4. Responsibilities towards the general public**

The professional responsibilities of research agencies and individual researchers towards the general public mainly refer to the publication of research findings outside the scientific community. Research agencies as well as individual researchers shall make a clear distinction between the research findings themselves and interpretations and recommendations based on them. On request they shall make available the methodological and technical information which is necessary to assess the quality of the findings. It belongs to the professional responsibilities of research agencies and individual researchers to ensure that published research findings are not misleading the general public.

**3. The system of self-regulation of survey research in Germany**

Since many years the associations representing market, opinion and social research in Germany have adopted the “ICC/ESOMAR International Code of Market and Social Research”, but only together with a preceding declaration in which the basic professional principles and rules of survey research – the strict protection of respondents’ anonymity and the clear differentiation of research from any non-research activities – are repeated and emphasized.

“Data collected about natural or legal persons by interview, observation, recording or otherwise may be transmitted to the client or another third party (including internal departments) only in a way which does not reveal or make identifiable the participants of the study. With this strict rule of anonymisation corresponds that the collected data may be used exclusively in an anonymised form.”

“Scientific studies in market, opinion and social research shall be differentiated from other activities with regard to organizational and technical aspects and clearly recognizable. They may not be combined with activities which are not scientific research.”

Since the comprehensive amendments of the German Federal Data Protection Act in 2009 the strict protection of respondents’ anonymity and the clear differentiation of research from any non-research activities are not any longer professional principles only but have become legal norms, too. In Section 30a, paragraph 2 of the Federal Data Protection Act as at September 1st, 2009 the following is laid down:

“Personal data collected or recorded for purposes of market or opinion research may be processed or used only for these purposes. … They may be processed or used for a different purpose only if they have been rendered anonymous in such a way that the identification of the data subject is no longer possible.”

In the ICC/ESOMAR Code the ethical and professional principles and rules of survey research are laid down. In a number of complementary directives which have been issued by the associations representing market, opinion and social research in Germany it is codified how these principles are to be applied to specific research methods and techniques, like for example conducting telephone surveys. Moreover, it is explained in these directives how the relevant legal norms shall be interpreted. Since self-regulation of survey research in Germany is managed jointly by all associations the professional principles and rules form the so-called common practice which means in concrete that they are mandatory for everyone who is conducting survey research in Germany regardless of the membership in these associations.

**4. Legal permission for survey research**

In Section 30a, paragraph 1 of the Federal Data Protection Act the following is regulated:

“The commercial collection, processing or use of personal data for purposes of market or opinion research shall be lawful if there is no reason to believe that the data subject has a legitimate interest in ruling out the possibility of collection, processing or use …”.

However, this legal permission is of minor relevance for the collection of research data in an interviewing situation. In survey research the respondents’ participation in a research project is entirely voluntary and based on the corresponding consent. Primarily this legal permission is relevant in research situations where it is not possible to ask respondents for consent, for example when drawing the sample of potential respondents in a research project or when collecting the data in mystery research.

The European Commission issued a proposal for a General Data Protection Regulation on January 25th, 2012. In Article 4 (8) the ‘data subject’s consent’ is defined as

“… any freely given, specific, informed and explicit indication of his or her wishes by which the data subject, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed”.

It is of crucial relevance for survey research that the data subject’s consent can be obtained by “any appropriate method” as it is mentioned in Recital No. 25 of this proposal for a General Data Protection Regulation issued by the European Commission since the possible legal requirement to obtain the data subject’s – i.e. the respondents’ – consent in writing before collecting and processing their data would seriously damage the quality of survey research.

**5. Enforcement of professional principles and rules**

A severe and sincere system of self-regulation of survey research is a powerful instrument to avoid unreasonable external regulations by legislation and jurisdiction. However, self-regulation is accepted by political decision makers only if the professional principles and rules put added value on top of the legal requirements in order to achieve a higher level of protection and if there is an efficient mechanism of their enforcement in place. Therefore the associations representing market, opinion and social research in Germany have founded in 2001 a joint disciplinary council – the “Council of German Market and Social Research” – which is able to sanction professional lapses and misconducts by a public reprimand and a notification to the responsible supervisory authorities.

According to the “Complaints Procedure” any natural or legal person is entitled to make a complaint who considers its rights as respondent, client or competitor to be violated by the behavior of a researcher, a research agency or a company department or any other institution active in the field of market, opinion and social research which is in conflict with the generally accepted professional principles and rules and quality standards of market, opinion and social research in Germany. Additionally, organizations are entitled to make a complaint, which have the right of action according to the German law against unfair competition.

**6. Political representation of interests**

The political representation of interests of survey research – like lobbying for other sectors and industries – should consist of re-active and pro-active elements and should take place at national and international level as well. Many researchers associate with the term ‘lobbying’ the fighting against legal threats for survey research. Without doubt this is correct for the re-active part of political representation of interests and lobbying in this sense is absolutely necessary as demonstrated by the following example:

Since a couple of years the well-known studies of empirical social research – like the International Social Survey Program (ISSP), the European Social Survey (ESS) and the Program for the International Assessment of Adult Competencies (PIAAC) – in Germany are based on samples drawn from residents’ registers. The legal permission for that is laid down in the Residents Registration Act. But in the year 2011 a proposal for an amendment of this law was published which would have made it impossible to draw samples from residents’ registers. It took the associations representing market, opinion and social research in Germany a huge effort to put the legal permission to draw samples from residents’ registers into the proposal for the amendment of the Residents Registration Act again.

However, re-actively fighting against legal threats is only the second best way of lobbying with limited forming power. On a long-term basis political representation of interests should be pro-active and seeking to avoid legal threats. That means in concrete, it is the task of the associations representing market, opinion and social research to create a sound and positive awareness about survey research among politicians and political administrations. They should understand that research findings are relevant and necessary for decision making in society and economy and that the aims and goals of survey research as well as its methods and procedures are completely different from those of advertising and sales promotions. Politicians should have the view that it is inadequate to rule empirical research and non-research activities like advertising and sales promotion with the same legal provisions and restrictions.

**7. Interdependencies in self-regulation of survey research**

The various interdependencies between the methodological requirements, the ethical and professional principles and rules as well as the interpretation of the applicable laws and legal provisions have to be considered simultaneously and equivalently when striving for high quality of research findings. Predominance of one of these elements of self-regulation and neglect or ignorance of the others would automatically lead to a loss of research quality, at least on a middle-term and long-term basis.

**7.1. Predominance of methodological requirements**

It is essential for quality in survey research that the specific methodological requirements guiding the single steps of the research process should be observable. Any deviance from observability would put into question the validity and reliability of the research findings as well as the scientific status of survey research. However, the aim to optimize the research process from a methodological point of view shall not exceed the lines drawn by the professional responsibilities towards respondents primarily. For example, the response rate in a telephone survey might be slightly higher when re-contacting people who have already refused to participate. But one can doubt whether this violation of the respondents’ privacy will lead to higher reliability and validity of the research findings. One might argue that these hesitating respondents tend to provide less accurate information.

This is the reason why self-regulation of survey research in Germany forbids in a survey to re-contact persons who have already refused in principle to participate in this survey. Moreover, in a lawsuit this kind of re-contacting would be seen as a violation of the respondent’s right of informational self-determination which is a special right derived from the human constitutional rights.

**7.2. Neglect of ethical and professional principles and rules**

Since participation in a survey is completely voluntary the response rate depends on the willingness of the selected persons to participate. The latter is determined by various psychological, social and socio-demographic variables as well as individual convictions and experiences (see Groves et al., 2009). If one is convinced that the findings of survey research are relevant for decision-making in economy and society probably he or she will participate when being contacted. But more important for the willingness to participate are the experiences made with earlier surveys. If one is sure that anonymity and confidentiality will be safeguarded and the information about the survey and the length of the interview will be adequate he or she probably will consent to collecting and processing of personal data within the scope of a survey. Any methodological efforts to increase the quality of survey research without considering the responsibilities towards respondents as laid down in the ethical and professional principles and rules of self-regulation will be ineffective.

**7.3. Ignorance of legal provisions**

Of course, it is strongly required that research agencies and individual researchers shall conform to all relevant national and international laws as laid down in the key fundamentals of the “ICC/ESOMAR International Code on Market and Social Research”. However, this requirement is easily defined but difficult to meet. Survey research does not take place in a legal vacuum but it is affected by various laws and legal regulations. It is not only the law on data protecting which determines the boundaries of the playground for survey research. It is also the labor law, the social security code, the fiscal law, the contract law, the law on competition and other laws which affect the practice of survey research. And the complexity of the legal environment magnifies when conducting international survey research.

Probably the proportion of the so-called black sheep in survey research is as high or low respectively as in other professions. Therefore most violations of law happen unintentionally. But any single violation involves a certain danger of applying stricter legal provisions on survey research.

**8. Summary**

Without observing the methodological requirements of survey research it would be impossible to achieve high quality of research findings. But neglecting the ethical and professional principles and rules would lead to the same poor research quality in the middle- and long-term. And interpreting the applicable laws and legal provisions inadequately or even ignoring them might provoke severe legal restrictions on survey research which would limit significantly the possibilities of conducting surveys for purposes of market, opinion and social research.

**References**

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