



MRS Policy Unit

Submission to House of Commons Public Bill Committee

Introduction: About MRS and the research market

1. The Market Research Society (MRS) is the world's largest research association. It's for everyone with professional equity in market, social and opinion research and in business intelligence, market analysis, customer insight and consultancy. MRS supports best practice in the research industry by setting and enforcing industry standards.
2. The UK is the second largest research market in the world (second to the US) and the UK research sector is recognised as leading the way in the development of creative and innovative research approaches. In 2015, MRS with PWC undertook an updated assessment of the size and impact of the UK research and evidence market, *The Business of Evidence 2016*¹. One of the main findings from this report is the size of the UK 'business of evidence' market, which employs up to 73,000 people and generates £4.8 billion in annual gross value added (GVA).

About this response

3. We have reviewed the Digital Economy Bill and focused our response on those areas of the Bill in Part 5 – Digital Government with direct impact on researchers primarily Chapter 5: Sharing for Research Purposes and Chapter 7: Statistics.

Summary

4. MRS welcomes the move towards greater data sharing and support the key objectives of delivery of better services to citizens and better statistics so that people, organisations and government can make better decisions. Facilitating greater data sharing with appropriate ethical and legal safeguards is critical in making more effective use of existing data sets. As recognised in the 2015 Independent Review of UK Economic Statistics² it is critical for the ONS to make the most of existing and new data sources and the technologies for dealing with them.

¹ See Summary of Business of Evidence report 2016 at https://www.mrs.org.uk/pdf/boe_info.pdf.

²

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/507081/2904936_Bean_Review_Web_Accessible.pdf



5. Ensuring that the system has in-built safeguards to enshrine and protect the privacy of individuals will be vital in ensuring that the extension of data sharing is transparent, earns the trust and confidence of citizens and assuages any concerns on the treatment and use of personal data. In research and statistics the focus is on the use of de-identified data and the safeguards inherent in this need to be highlighted and promoted to encourage public debate on the merits of data sharing in this manner.
6. Our main recommendations on the Digital Economy Bill are that
 - i. the legislation itself must be clearer on the test for “research in the public interest” and interpreted without regard to whether the researcher is in an academic or private sector environment to facilitate a level playing field
 - ii. greater emphasis should be placed on the concept of data transparency within the main body of the Bill and then supported by detailed procedural requirements in Codes of Practice
 - iii. the draft Codes of Practice (recently made public) including the draft Data Sharing Code of Practice and Accreditation Criteria for access to data for research purposes should be formally reviewed as part of the scrutiny of the Bill and opportunity provided for further detailed consultations with interested stakeholders.

Chapter 5 Sharing for Research Purposes

7. We note that the Bill provides a statutory gateway for disclosure of information for research purposes subject to six specified conditions on de-identification; reasonable technical and security measures; statutory gateway; accredited research; accredited persons and compliance with a Code of Practice.
8. The Bill rightly provides for disclosure to “persons” which will ensure that disclosure should not be dependent on the nature/category or type of the researcher. Overall it is important that these reforms create a level playing field for all researchers and equally cover researchers in both academic and private sector organisations who are engaged in the same type of analysis. Public-private partnerships are increasingly important in the delivery of services and this development should be factored into the development of the data-sharing approaches.



9. Accredited research will be subject to a test as set out in clause 61 that “the research is in the public interest”. It is important that the concept of “in the public interest” (which is also used in other clauses of the Bill) is specified and the legislation would benefit from an illustrative definition clause. Data sharing in the public interest should include efficiency improvement and wastage reduction. Increased efficiency is a tangible public benefit as is the development of new and innovative goods and services that serve public needs/demands. Indeed market research, is acknowledged as playing a key role in helping business to better understand consumers, customers, and to develop appropriate goods and services which are essential for economic efficiency, innovation and progress within the UK economy. Social and opinion research carried out by researchers in the private sector is widely used by government and public bodies to understand citizens’ preferences and behaviours, measure impact and assist in developing appropriate policies used, for example, in improving educational, healthcare and police services.

10. As noted in our response to the ONS consultation on Approved Researchers “We believe ... that in order to minimise constraints on innovation and on administrative overhead, the interpretation of ‘in the public good’ should be made as broad as possible consistent with the necessary constraints on the use of data.

11. We note that a wide inclusive definition of public good has been set out in the draft Code of Practice.

12. The presumption of the publication of research results incorporated within the framework is appropriate and as detailed publication should be subject to legal, ethical and commercial considerations and take into account reasonable grounds for withholding publication of details.

13. We acknowledge the pivotal regulatory role to be carried out by the UK Statistics Authority in the oversight and the development of the accreditation scheme and accredited researchers, indexers and researchers. There is room for additional clarity in the development of this oversight role and the crafting of these principles including:
 - i. Recognition of the need to be cognizant of exiting guidance such as the ESRC Safe Researcher



- ii. Adherence to ethical self-regulatory professional rules should be treated as key criteria in establishing accreditation conditions. This can be achieved by incorporation of other self-regulatory frameworks such as the MRS Code of Conduct which was adopted in 1954 with the latest fully revised version of the MRS Code of Conduct coming into effect on 1 September 2014. The Code is designed to support those engaged in market research in maintaining professional standards and to reassure the general public that research is carried out in a professional and ethical manner. MRS individual members and Company Partners must comply with the Code which applies, whether they are engaged in consumer, business to business, social, opinion or any other type of research project. The commitment to uphold the MRS Code of Conduct is supported by the MRS Codeline service and a range of specialist guidelines. Similarly a requirement for ethics review by an independent body should incorporate a self-regulatory framework such as that provided by the MRS.
- iii. Approach that facilitates continuing dialogue on the usability of the data sharing framework - Development of an advisory group or point of contact which can answer queries about what can be done with the data *once it has been received* by the requesting party is important. Sometimes ideas develop as a project evolves, and it would be useful to have people to verify uses or small changes in use from the original intention stated in the initial request. Hopefully this would also incorporate advice on whether the extension can be done under an existing agreement, or whether a new request should be submitted.

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26 October 2016