



Marketing Research and Intelligence Association
L'Association de la Recherche et de l'Intelligence Marketing

Marketing Research and Intelligence Association's

**Submission to the House of Commons Standing Committee on
Access to Information, Privacy and Ethics**

— In Regards to the Committee's study on the efforts and the measures taken by Google, Facebook and other social media to protect the personal information of Canadians (pursuant to Standing Order 108(3)(h) and the motion adopted by the Committee on Tuesday, May 8, 2012) —

June 22, 2012

Introduction

The Marketing Research and Intelligence Association (MRIA) — the voice of the market and survey research industry in Canada — is pleased to submit this Brief to the House of Commons Standing Committee, outlining the industry’s position on the privacy rights of Canadians in the digital environment.

MRIA is the national, voluntary self-regulatory organization which governs and represents both individual practitioners and companies in all sectors of Canada’s marketing, survey and public opinion research and market intelligence industry. Our membership comprises more than 1,800 individual research professionals and close to 400 corporate members, made up of research agencies, and many client-side buyers of research services from all sectors of the Canadian economy, including financial institutions; major retailers; insurance companies; sports and entertainment firms; commercial real estate companies; and pharmaceutical, consumer packaged goods, and hard goods manufacturers.

There are three main characteristics that define marketing and survey research and which differentiate our work from other industries, such as marketers:

1. Legitimate survey researchers never attempt to sell anything or solicit in any form;
2. We have a long history of industry self-regulation that has been recognized as effective by lawmakers in Canada, and which has formed the foundation of a positive and productive “trust relationship” with Canadians, trust that has been earned over many decades. In that connection, MRIA was the first marketing research industry association in the world to develop a Charter of Respondent Rights (attached to this Brief as Appendix ‘A’); and
3. Survey research gives Canadians an opportunity to voice their opinions and to influence public policy and corporate decisions that will affect their lives, thereby serving a valuable societal purpose.

One of the major pillars of MRIA’s mandate is to protect the good relationship that exists between survey researchers and the general public. For the most part, this revolves around ensuring that the activities of the research industry do not unreasonably infringe on an individual’s right to privacy. As such, it’s an absolute priority for our Association that our members adhere to high and rigorous standards, particularly when it comes to protecting the personal information of Canadians, whether on a survey call, at a focus group, or as part of an online research project.

In this regard, our industry has a tradition of stringent self-regulation that enshrines principles of privacy and fair business practices in the way we operate and interact with Canadians. MRIA requires that its members:

- abide by a Code of Conduct and Ethical Practices;
- never release a respondent’s name without consent;
- never re-sell personally identifiable information for any purpose; and
- assure respondents that they can participate in research projects without fear that they will receive a follow-up solicitation call.

Our industry’s self-regulatory framework described above is over-and-above the legislative provisions that apply to the industry, such as the *Competition Act*, the *Personal Information Protection and Electronic Documents Act*, and various CRTC regulations. Together, these provisions result in a transparent and strong industry which respects the rights of Canadians.

MRIA’s Position on Social Media and the Privacy Rights of Online Canadians

MRIA applauds this Committee’s study into privacy and social media, which is a new frontier for many industry sectors. Parliament’s examination of the rights of Canadians in the digital environment is well founded as, for some organizations, uncertainty exists about what constitutes sound, ethical online business practices. We submit that one of the Committee’s main challenges will be in determining whether PIPEDA remains current and can still strike a balance between Canadians’ privacy rights and the needs of businesses as they seek to flourish in the digital economy.

We believe that such a balance is achievable. It will require an exploration of what constitutes ethical business protocols. It may also require, however, an evaluation into the privacy expectations of online Canadians, and how those expectations compare to those that exist in the traditional offline context.

The internet has evolved rapidly in recent years. Ten years ago, it seemed incomprehensible that the average person would share intimate details of their life online. Today, bloggers are regular people who get excited when strangers, not their friends and family, read their thoughts and share them widely.

Public forums are open social networks where strangers from around the world find and share opinions with each other. Twitter is a newer entrant into the social media space, and for many people using it, the ultimate goal is to write a tweet that millions of people around the world will read.

We have reached a stage where social media has become so ingrained in our lives that social media users expect companies to respond to social media comments written in obscure corners of the internet. People expect their social media complaints to be met with letters of apology.

The experience of social media research practitioners tells us that, from the perspective of social media users, most Canadians who publish information online are quite informed about what they are doing; they have a good understanding of the impact of their actions; and they know what steps to take to protect their personal information. For example, they will make decisions about how and where to share information based on the audience they intend to reach: from the world at large through a post on a public blog, to a targeted, controlled access group of friends on their Facebook page.

In light of this, we submit that it might be erroneous to assume that Canadians have the same privacy expectations when they are post personal information online as they do when they interact in the offline context.

Yet, online Canadians still expect that a certain level of safeguards and protocols should exist in the digital environment. This point will be critical in assessing whether a balance exists between individuals’ privacy rights and the needs of businesses; and, in this respect, we suggest that Parliament should review PIPEDA’s regulatory definition of ‘publically available information’ to evaluate whether it remains current in the online context.

Conversely, businesses also need to adopt (whether voluntarily or through legislation) the highest ethical standards in how they conduct themselves in the digital context. While some industries such as



In the Spring 2012 Greenbook Research Industry Trends Report, a survey of over 800 market researchers around the world, twenty-eight percent of those researchers had used social media research. Fifty-nine percent planned to use social media research in the next year. And more than 10 percent said that social media research is one of the greatest opportunities for researchers in the future.

ours — as we outline in greater detail below — already adhere to strict codes of conduct in how they interact with online Canadians, others do not. This results in questionable business practices that can taint all businesses operating in the digital space; it also creates an uneven playing field that hampers the ability of the more ethical organizations and businesses to flourish.

MRIA's World Leading Standards and Guidelines on Social Media Research

Social media research is a rapidly growing area of our industry. The main purpose of social media research is to better understand the opinions that people have towards policy issues, products and services, celebrities and politicians, social issues and cultural activities. Social media research helps us learn what people like and don't like so that services can be enhanced, products can be improved, and the public can be better served.

Social media research is defined as the application of traditional marketing research principles to the collection and analysis of social media data for the purpose of better understanding policies and opinions. Just as survey researchers use survey data, social media researchers use social media data. They apply the same strict methodological practices to that data. Where survey researchers decide which people are best suited to participate in a survey, social media researchers decide which websites or other online forums are best suited for better understanding opinions. They incorporate traditional aspects of marketing research including sampling, weighting, scaling, norms, and box scores to ensure opinions are measured as accurately as possible.

Most importantly, social media research is not a kinder, gentler word for social media marketing. Researchers do not market products. They do not sell products. Like their counterparts working in the traditional side of the survey research industry, social media researchers must comply with the same methodological and ethical guidelines and standards.

The marketing and survey research industry that MRIA represents has always taken privacy rights seriously, no matter the medium through which we interact with Canadians.

In keeping with the high standards we have adopted for more traditional research methodologies, MRIA has been part of a global initiative to develop guidelines around ethical social media research, with a view to protecting the privacy of online Canadians. This initiative has been led by our counterpart organization in Europe, ESOMAR, with participation and input from MRIA and several other industry associations around the world. MRIA is now in the process of codifying those social media research guidelines and building them into our Standards Code, with which our members must comply.

In the digital world, legitimate survey researchers take great pains to:

- respect the rules of the social media sites they monitor;
- respect the wishes of those who post personal information online;
- anonymize the personal information in the data they collect; and
- never attempt to sell or solicit in any form.

We have appended the ESOMAR Guideline on Social Media Research (Appendix 'B') to this Brief, as a best practice reference document this Committee may wish to review as it contemplates the need to modernize the privacy framework in Canada. Some examples of the safeguards included in this document are:

- researchers must protect identifiable data such as usernames and photos;

- researchers shall not collect data from within private areas of the internet; and
- researchers shall not let data they collect for the purposes of marketing research be used for any other purposes.

Conclusion

MRIA appreciates this opportunity to present the views of the marketing and survey research industry to the House of Commons' ETHI Committee on this important study and we look forward to learning of its outcomes.

Marketing and survey research plays a pivotal role in our society, by giving voice to the opinions of Canadians and helping to influence and improve public policy and corporate decisions. This is true in the online world just as it is offline.

Our industry continues to maintain and adhere to the highest standards for privacy and the protection of personal information in the digital, social media world.

It is our belief that this commitment to high ethical business practices combined with the informed, deliberate actions of Canadians when they post information online constitutes the "right balance" and the golden mean that ought to be maintained. It's the right balance because Canada needs to be a leader in the digital economy and the framework that legislators impose on industry should not unduly restrict legitimate businesses from operating.

That said, legitimate businesses should not be laggards in adopting rigorous codes of conduct to protect the rights of online Canadians. We believe that the ESOMAR Guidelines for Social Market Research can serve as a template for other industries — and possibly even legislators if need be — in setting the standard that businesses should attain when interacting with Canadians online and in dealing with the data and personal information they post online.

We hope that you will acknowledge in your report to Parliament the societal benefits of social media research and the efforts taken by MRIA and our industry to lead the way in developing guidelines and standards for sound, ethical business practices in the digital environment.

We remain at your disposal, should you wish to discuss this Brief or MRIA's position in greater detail.

About MRIA

The Marketing Research and Intelligence Association (MRIA) is the single authoritative voice of the marketing, survey, and public opinion research and marketing intelligence industry in Canada, representing all of its sectors. Our members include over 1,800 individual research practitioners and over 400 Corporations, comprised of small to large research agencies and the many buyers of research services, such as major financial institutions, retailers, insurance companies, telecommunications firms and manufacturers. The industry accounts for more than \$820 million dollars in annual economic activity.

MRIA's mission is to promote a positive environment that enhances the industry's ability to conduct business effectively, to the benefit of the public and Association members. MRIA achieves its mission through:

- the development and delivery of world-class professional standards, and ensuring member compliance;
- the promotion of the industry as a forum for Canadians to provide their opinions and have influence over public policy and corporate decisions that will affect their lives;
- the advocacy of public policy that balances the need for research services and privacy and consumer rights;
- the continuous advancement of industry practices through education and accreditation; and
- the on-going development and delivery of value-added products and services to members.

Through Codes of Conduct and Good Practice and related certification processes, MRIA maintains quality standards that are among the most rigorous in the world. Assessment and certification of quality are accomplished through several programs, including the coveted Certified Marketing Research Professional (CMRP) professional designation program for individual practitioners. In addition to certifying the professionalism and quality of individual members, MRIA operates the Gold Seal Certification program for Corporate Research Agency members. The Gold Seal program involves a monitored self-assessment process – working with an independent, third party Reviewer from one of the major CA firms – that addresses compliance with MRIA standards, particularly as they relate to the firm's control processes for ensuring quality performance in respect of clients and survey respondents. MRIA's standards are well-integrated with quality benchmarks set internationally.

MRIA has produced the world's first Charter of Respondent Rights (attached as Appendix 'A'). The Charter clearly informs research project participants of their rights in one respondent-friendly document. For example, It informs research project participants that:

- they will never be asked to buy anything nor be asked for money;
- they are entitled to know the approximate duration of the research interview and, if contacted at an inconvenient time, may ask to be re-contacted at a preferred time; and
- their privacy and the privacy of their answers will be respected and strictly preserved in accordance with the law.

In a further effort to protect the public, MRIA operates the Research Registration System, which monitors member research projects being conducted across Canada. The System provides the public with a mechanism (a toll-free telephone number (1-800-554-9996)) to confirm the legitimacy of a given research survey and to ensure that any personal information requested is being collected and used for legitimate purposes. Survey respondents can also file complaints against MRIA member firms. All

Government of Canada surveys, whether conducted in-house or by a supplier firm, are required to be registered with the MRIA Research Registration System.

About the Authors

Brendan Wycks, BA, MBA, CAE: Brendan Wycks is the founding Executive Director of the Marketing Research and Intelligence Association, which came into existence in January 2005 through the merger of three predecessor Associations. Brendan is a strong advocate of a robust privacy framework in Canada and has been active, through MRIA, in supporting the adoption of PIPEDA and other legislative and regulatory initiatives related to privacy. He holds a BA from The University of Western Ontario, an MBA from the University of Toronto, and the Certified Association Executive designation from the Canadian Society of Association Executives.

Annie Pettit, PhD: Annie Pettit is Vice President of Research Standards at Research Now as well as the Chief Research Officer at Conversation, a Canadian marketing research start-up specializing in social media research. As a global thought leader in the social media research space, she has been a contributing member of various social media research committees internationally, notably ESOMAR in Europe, the Council of American Survey Research Organizations (CASRO) and the Marketing Research Association (MRA) in the United States. She recently published a book about social media research which includes a chapter on social media research ethics. She frequently contributes to industry publications on topics of social media research, as well as privacy and ethics in marketing research.

The Marketing Research and Intelligence Association

For more information, contact Brendan Wycks, Executive Director

MRIA National Office:

2600 Skymark Avenue, Building 4, Unit 104
Mississauga, Ontario, L4W 5B2
Tel: (905) 602-6854
Toll free: 1-888-602-MRIA (6742)
Fax: (905) 602-6855
bwycks@mria-arim.ca
www.mria-arim.ca