

# Declaration for the Territory of the Federal Republic of Germany concerning the ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics (“German Declaration”)

## Preamble

With this “German Declaration”, the associations of market and social research in Germany

- ADM Arbeitskreis Deutscher Markt- und Sozialforschungsinstitute e.V.
- Arbeitsgemeinschaft Sozialwissenschaftlicher Institute e.V. (ASI)
- BVM Berufsverband Deutscher Markt- und Sozialforscher e.V.
- Deutsche Gesellschaft für Online-Forschung – DGOF e.V.

accept the “ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics” (2016 edition) as part of the rules of professional conduct for market, opinion and social research in Germany.

The declaration of acceptance shall only apply to the sole German version of the ICC/ESOMAR Code that has been authorized by the associations for market and social research in Germany and by ESOMAR. An English version of the “German Declaration” concerning the ICC/International Code authorized by the associations of market and social research in Germany shall be prepared.

## 1. Applicability and scope

The “German Declaration” will be appended to the Code. The principles and rules of ethical and professional conduct outlined in it shall take precedence over the Code in those instances where they are worded more strictly or where they deviate from the latter in other ways.

Should individual rules laid down in the Code contradict the basic principles of ethical and professional conduct in market, opinion and social research in Germany

(requirement to adhere to scientific methods, requirement of anonymization, requirement to separate research from other activities), those rules shall be overridden by the codified rules of professional conduct for market and social research in Germany and replaced by their corresponding concrete rules of conduct.

The principles and rules of ethical and professional conduct laid down in the “German Declaration” serve to ensure compliance with the legal regulations in Germany, as well as adherence to the scientific methodological and professional ethical requirements of market, opinion and social research. They mark out the defined framework for the integrity of professional conduct in market, opinion and social research in Germany.

The principles and rules of ethical and professional conduct laid down below form part of the rules of professional conduct for market, opinion and social research in Germany. They must always be taken into account when studies in market, opinion and social research are carried out inside Germany or from within Germany.

When studies in market, opinion and social research are carried out in other countries from within Germany, the rules of professional conduct in those countries must be observed in addition, if they are worded more strictly than the rules of professional conduct for market, opinion and social research in Germany, or if they extend the latter.

## 2. Requirement to adhere to scientific methods

Studies in market, opinion and social research are considered to constitute scientific research within the meaning of Article 5 Paragraph 3 of the German Constitution (*Grundgesetz für die Bundesrepublik Deutschland*) as well as Article

13 of the Charter of Fundamental Rights of the European Union and Article 179 of the Treaty on the Functioning of the European Union. In principle, they aim to obtain generalizable findings and they must be carried out in accordance with the object of research and the interest in those findings, using appropriate methods and techniques of empirical research (requirement to adhere to scientific methods).

## 3. Requirement of anonymization

Data that are collected from natural or legal persons, through questioning, observation, recording or by other means, may only be passed on or made available to the client or to other third parties (including internal departments) in a form that does not permit the participants in the study to be recognized or identified (requirement of anonymization). Accordingly, the data collected may only be used in an anonymized or pseudonymized form. The requirement of anonymization shall apply irrespective of whether, from the point of view of data privacy legislation, the personal data are collected in the context of a research agency acting as the responsible data controller and the data processor simultaneously or acting as a commissioned data processor only.

The requirement of anonymization cannot be overturned by the person concerned agreeing to the data being passed on, supplied or used in a personalized form. In view of the precedence of anonymization, it is not permissible to obtain such consent in the context of market, opinion and social research.

Even when participants in a study explicitly request that the data concerning him or her should be passed on or made available to the client and other third parties (including internal departments) in a personalized form (as well), this request must not be complied with. In this case, participants may only be given an address to

contact so that they can approach themselves the client or another third party. In order for this approach to be permissible, it is essential that participants spontaneously and of their own volition request the collected data to be passed on or made available in a personalized form, without the research agency/research institution being involved in this in any way and without its pointing out the possibility of the collected data being passed on or made available in a personalized form.

The collected data may only be passed on or made available in a personalized form between private-sector and public-sector research agencies and research institutions, and only for scientific purposes. This must be agreed on beforehand by contract between the research agencies or research institutions involved. The per-

sons concerned must be informed, considering methodological aspects, about the transmission, provision and use of the personal data concerning them and must consent to this.

#### **4. Requirement to separate research from other activities**

Scientific studies in market, opinion and social research must be clearly and recognizably separated from other activities in organizational and technical terms (requirement to separate research from other activities). They may not be combined with activities that do not constitute scientific research. The need for such a separation applies in particular with respect to all direct marketing and sales promotional activities.

Only such activities that demonstrably fulfil the demands made of scientific research in accordance with Section 2 may be described as market, opinion and social research.

#### **Concluding remarks**

The principles and rules of ethical and professional conduct codified in the "ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics" and the pre-pended "German Declaration" are laid out in concrete terms and augmented by the directives issued by the associations of market and social research in Germany. Together, they form the rules of professional conduct for market, opinion and social Research in Germany.

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