

# Guideline on Online Surveys

This English version of this Guideline is a translation of the original German version; in the event of variances, the German version shall take precedence over the English translation.

This guideline is issued by the associations for 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.

## 1 Introduction

Scientific online surveys for the purposes of market, opinion and social research are conducted by private sector research agencies as well as academic and other public and corporate research facilities. When the term “research agency” is used in this guideline, it refers equally to all of these groups.

For the purposes of this guideline, an online survey is any qualitative or quantitative survey conducted using the Internet or over the Internet or through the exchange of electronic data. The term does not cover purely passive methods of data collection or VoIP telephony.

For online focus groups or other qualitative online survey methods, readers are also referred to the “Guideline on Recording and Observation in Market and Social Research”.

This guideline is always to be applied in conjunction with the “ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics” prefaced by the “Declaration for the Territory of the Federal Republic of Germany”, as well as the various guidelines issued by associations for market and social research in Germany.

The scientific procedures, the voluntary nature of participation, the anonymisation of the data collected and the strict separation of research and non-research activities form the ethical, methodological and legal foundations of market and social research.

## 2 Scientific nature of the procedure

Market and social research is based on scientific methods and techniques of data collection and data analysis.

As with all techniques of data collection, for online surveys too, sample selection and drawing must be based on a scientific procedure in the sense of rule-based, verifiable and

reproducible methods that are appropriate to the research goal. Self-recruitment of respondents is as a rule not suitable to ensure that the research results can be generalised to the population as a whole.

A scientific sampling procedure exists if the respective population of a study is explicitly defined in factual, spatial and temporal terms and, at the same time, the sampling frame adequately covers the population.

The selection of participants in a study must be adequately documented and reproducible. The fit between the sampling procedure and the research objectives must also be presented in the research proposal and, if applicable, in the research report, and the reference data used for projections, weightings and/or quotas must be documented.

In online surveys – as with all studies in market and social research – the way in which the population is defined and how the sample has been formed and selected must be documented for the client.

If the research findings are not or only partially representative due to shortcomings in the definition of the population, the sample selection, the response rate or the target-actual-structure, this circumstance must be explicitly pointed out.

The design of the questionnaire in terms of content, formal or technical aspects, and where applicable the type or scope of incentives offered to respondents must not lead to any substantial distortion of the research results. In particular, parts of the selected sample must not be factually excluded from the survey as a result.

Where methodologically required, appropriate statistical corrections, including the treatment of missing values, must be made and documented.

## 3 Voluntary nature of participation

In online surveys – as with other techniques of data collection – respondents must be informed already at the time of recruitment about the voluntary nature of participation, which continues up until the end of the study, and, if appropriate, that not taking part in the study will not lead to any disadvantages for them. In addition, they must be informed that their responses will be used exclusively in an anonymised form and for research purposes only.

Obtaining the consent to participate in a study by electronic means must be a deliberate and clear affirmative act on the part of the persons selected and must be recorded. Those persons who have consented to participate must be able to view the contents of the consent given at any time.

In studies in which visitors to a particular website are asked to take part in a survey, it must be ensured that visitors who refuse to take part can nevertheless continue straight to the actually intended website – e. g. by clicking on a suitable button.

If a follow-up or repeat interview is planned, an appropriate on-screen consent form must be shown to the respondent and consent must be obtained no later than the end of the first interview (see, for example, the “Consent to storing addresses for repeat or follow-up surveys” in the Guideline on Telephone Surveys). Respondents must be given the opportunity to print out and/or save this declaration of consent. The respondents must be able to refuse further participation in the study by selecting a suitable option.

When recruiting access panel members, it must be explicitly pointed out to them that their address, together with various selection criteria, will be stored by the operator of the access panel for the purpose of further surveys. Furthermore, it must be pointed out that the access panel members can terminate their participation at any time and can demand that this data be deleted. The incentives earned by access panel members up to the time they withdraw from the panel must in every case be awarded to them.

The persons selected for a study must be given the opportunity to find out more about the research agency carrying out the study, at least by receiving details of a suitable contact at the operator of the access panel (e. g. postal address, telephone number, email address). In addition, a corresponding link to the homepage of the agency conducting the research is recommended.

If data (such as behavioural data) is to be linked to the responses that respondents give during a survey, they must be asked for their explicit prior consent. Consent is required in particular if it is essential to the study for software programs to be installed or user behaviour to be recorded on the end devices of the participants, e. g. by means of cookies, hidden identifiers, fingerprints or suchlike. The scientific purpose of the collection and storage of additional information must be explained to the respondents. Consent must be expressly and actively declared; this can be done by clicking on a corresponding button in conjunction with an explanatory text. Respondents must at all times have the opportunity to refuse the storage of personal data and, if necessary, not to participate in the survey. The Guideline on Telephone Surveys gives details on the rights of the data subjects and the agency’s obligation to provide information and instruct them.

A sample consent form for the use of techniques for recording user behaviour is attached as an appendix to this guideline.

Techniques for recording user behaviour may only be used for the research purposes of the investigation, even if another legal basis is used, such as “processing for the purposes of the legitimate interests pursued by the controller or by a third party” (Article 6(1)(f) EU-GDPR) or

“processing for the performance of a contract” (Article 6(1)(b) EU-GDPR).

Consent is not required if the additional data that is collected and linked only serves the purpose of managing the survey or controlling its quality and not that of processing personal data; even if consent is not required, respondents must be informed. This must be explained in a data protection statement that can be found by following a link.

#### 4 Making contact

When making contact, the following information must be provided in accordance with Article 13 EU-GDPR:

- the identity of the research institution or the controller, if this is not the research institution, in a manner that can be understood easily by the data subjects
- the general purpose and the legal basis (incl. the legitimate interests);
- the voluntary nature of participation, if this is not obvious;
- the recipients or categories of recipients of the personal data (e. g. field service provider – market research agency, research group);
- where relevant: transfer to a third country;
- duration of storage (e. g. destruction after end of project);
- right to withdraw consent;
- the source of the email address and the right to object to its transfer and/or use;
- the contact details of the data protection officer;
- where relevant: the existence of automated decision-making;
- the rights of access, rectification, erasure and restriction, as well as the right to object to processing and the right to lodge a complaint with the data protection supervisory authority.

If this information and further explanations cannot be communicated in a transparent and comprehensible manner, they must be given to the respondent in writing by letter, fax or email or made available for download, for example.

The link between the survey data and the names, telephone numbers, IP addresses and postal addresses of the respondents must be irreversibly removed at the earliest possible time, i.e. at the latest by the end of the fieldwork and the checks associated with it.

In the case of repeat, follow-up or panel surveys, consent must also be obtained during the first interview to store the address data, telephone numbers, email addresses, IP addresses and selection criteria needed for the subsequent interview(s). (See also Sections 4.8.2 and 5.2 of the “Guideline on the Handling of Addresses in Market and Social Research”.) If consent is not given, then this first interview is considered a one-time interview as in a single survey.

When obtaining permission to store the address for a repeat or follow-up survey, the key points covered in the “Statement on data protection and the total confidentiality of your responses to interviews and questionnaires” must be communicated. A sample text showing how this should be worded is attached as an appendix to this guideline. If consent is given to storing contact data without the

respondent first being informed that data from the initial interview will be reused for repeat or follow-up interviews, such consent is legally void.

The manner in which the repeat or follow-up interview(s) are to be conducted must be communicated at the time of the initial interview. Likewise, respondents must be informed, where appropriate, if the nature of the repeated interview – by telephone, face-to-face, in writing or online – has not yet been decided.

In the case of repeat or follow-up surveys carried out face-to-face, in writing, online or by telephone, respondents must receive suitably modified information on data protection, at the latest when they are contacted again. Depending on the target group and the topic of research, it may be reasonable to send this information on data protection immediately after the initial interview.

Attention should be paid to whether the initial and repeat or follow-up interview(s) will be conducted by different research institutions. The respondent's consent to repeat or follow-up surveys carried out by a different research institution must be obtained from the respondent before he or she is contacted by that research institution. See also the "Guideline on the Handling of Addresses in Market and Social Research", in particular Section "4.7 Collaboration between research agencies".

## **5 Invitation to surveys by email**

In principle, email advertising is subject to the same legal restrictions as telephone advertising and fax advertising, unless the requirements of § 7 (3) UWG (German Act against Unfair Competition) are met. This means that emails for advertising purposes are prohibited without prior consent. A detailed investigation of the legal situation – though this has not yet been confirmed by the courts – suggests that these restrictions do not apply to emails that do not serve advertising but solely research purposes and the recruitment of participants for research purposes. This difference in the legal situation alone means that the strict separation between research on the one hand and advertising and sales promotion on the other hand must be observed in the case of email surveys – as with all data collection methods used in market and social research.

If a person has explicitly expressed the wish not to receive (further) emails in the context of an email survey conducted for market and social research purposes, it is not permissible to attempt to recruit him/her once again by email in the course of this survey or to send him/her a questionnaire. If in addition he/she has refused any form of participation in this survey, other means of contacting him/her again are not permissible either.

If the email addresses of potential respondents for a research project are supplied to the research agency by the client or a commercial address broker, the responsibility for the lawfulness of storing and transferring these addresses lies particularly with the client or commercial address broker. However, the research agency is required to ascertain exactly where the addresses come from. If the client or the commercial address broker is unable to prove that the addresses are drawn from publicly accessible sources or that legally effective consent has been obtained, there is a significant risk that processing is not permissible and is therefore in violation of the General Data Protection

Regulation. (The general problem of transmitting addresses for research purposes is dealt with in the "Guideline on the Treatment of Addresses in Market and Social Research".)

## **6 Anonymisation of the data collected**

As always in market and social research, data collected online, too, may only be transmitted to the client commissioning a study or to other institutions in an anonymised form. Transmission in a personalised form is only permissible in the context of research agencies collaborating on the same research project and to the extent that it is necessary in order to achieve the research goal. Respondents must be informed accordingly. (Again, please refer to the "Guideline on the Treatment of Addresses in Market and Social Research" for this.)

In online surveys, too, the names and addresses of respondents are collected exclusively for the purposes of quality control and to conduct repeat or follow-up surveys. Names and addresses, as well as other personal data relevant for target group selection, are treated according to the same criteria as with any other techniques of data collection:

Address data (name, postal address, telephone number, email address) and interview data must be separated from one another immediately on being received by the research agency. After this, the only link between them is a shared code number. The address data must be destroyed at the earliest possible time. With single surveys, this is the case once quality checks of the collected data have been completed; with repeated or follow-up surveys, the address data – in the case of access panels together with various selection criteria – are stored until the end of the study. If a respondent demands that his/her address data and any stored selection criteria be erased, these must be deleted immediately.

The data collected online must be secured at the research agency against access by third parties. If it is temporarily stored on a server that simultaneously allows access to online media, suitable technical precautions must be taken to ensure that third parties cannot access this data. If such temporary storage takes place on the server of a provider, the research agency must place the provider under the obligation to take the necessary technical precautions to ensure that third parties cannot access the data on that server or during data transmission. Temporary storage of the collected data on a server must be terminated at the earliest possible time.

## **7 Separation of research and non-research activities**

Market and social research activities must be strictly separated from any kind of non-research activities in terms of their organisation and execution. In particular, surveys and other research instruments must not be combined with advertising or sales promotion activities. This requirement to separate research and non-research activities leads to the following concrete requirements for online surveys:

- Advertising on websites or in apps used for surveys and other research instruments is not permissible. This is true even for websites set up for the purpose of recruiting respondents. The impermissibility of advertising also applies when the recruitment of the respondents or the interviews are conducted by email. The impermissibility

of advertising does not include the case in which potential participants in a study are to be recruited or made aware of the study – regardless of the methodological problems that may be associated with this.

- Websites or apps for surveys and other research instruments, email questionnaires and electronic questionnaires must not contain any links which might take the respondents straight to websites belonging to the client commissioning the study or to other websites. References to such sites are not permissible either. The only exceptions to this rule are links and references to websites that can be used by participants to obtain information about the research agency/agencies conducting the study or about market and social research in general, links to data protection declarations within the scope of the duty to inform data subjects in accordance with the EU General Data Protection Regulation, and links that are necessary on account of the research design.
- Access panel members must not be confronted with targeted advertising offers and sales promotion measures as a result of their participation. This applies not only to interactive advertising offers and sales promotion measures, but to all forms of advertising and sales promotion. Sending test products or advertisements as part of the test design for research purposes is not a form of advertising or sales promotion.

Giving incentives to respondents in an online survey must not be used as a means of advertising or sales promotion for products and services offered by the client or some other company. In addition, the requirement of anonymisation demands that the incentives are distributed by the research agency carrying out the study or a third party commissioned with this and not – because of the necessary transmission of names and addresses – by the client of the study. (See also the “Guideline on the Handling of Addresses in Market and Social Research”.)

## **8 Final provisions and disclaimer**

This guideline forms part of the Code of Conduct that governs German market and social research, resulting as they do from the law and the methodological standards, but also from common practice. It always applies when online surveys are carried out from Germany. It also applies when online surveys are carried out from abroad in order to conduct scientific research in Germany.

The principles and procedures described in this guideline represent, inter alia, the result of weighing up the personal rights of the data subjects on the one hand, and the right to conduct research, together with the resulting methodological requirements, as well as the freedom of information on the other. However, the issuers of this guideline cannot guarantee indemnity. It cannot be ruled out that, if these should be weighed up at a later time or by other authorities, stricter measures might result concerning the permissibility of the procedures described above.

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## Standard texts

### 1. A sample consent form for the use of techniques for recording user behaviour for research purposes

We ..... (research agency) would like to use/store ... (technology for recording user behaviour) on your device. ... (technology for recording user behaviour) is called ..... and is used solely for scientific purposes.

... (technology for recording user behaviour) will be used exclusively for the named research purpose(s) of this study and will be deactivated after its conclusion on .... By consenting to the storage/use of ... (technology for recording behaviour) you are helping us to conduct the research.

You can delete ... (technology for recording behaviour) from your device yourself at any time. You can of course withdraw your consent to the processing of personal data processed by means of ... (technology for recording behaviour) at any time with effect for the future, insofar as it is linked to an identifiable natural person and a data record can be attributed to you. Such a withdrawal of consent can be made by sending an email to ... (insert email address). Further data protection information according to Art. 12 et seq. EU-GDPR (including information on the controller, legal basis and your rights) can be found here: [LINK](#) to the homepage of the research agency.

May we ..... (research agency) store ..... (technology for recording behaviour) by the name of ..... on your device?

yes       no

### 2. Consent to storing the address for repeat or follow-up surveys (if required):

Thank you very much for giving us this information.

Finally, we have one further request: May we contact you again when we conduct another study for market and social research purposes? In the meantime, we would store your name and email address but keep them separate from the information you were kind enough to provide today. As with today's survey, any later survey will be analysed in an anonymous form. You can withdraw your consent at any time with effect for the future. For further information, please visit... (name internet address here).

### 3. Statement on data protection and the total confidentiality of your responses to verbal or written interviews

(Name of research agency) operates in accordance with the provisions of the European General Data Protection Regulation (EU-GDPR) and all other data protection regulations.

This also applies to a repeat or follow-up survey, where it is important to conduct another interview with the same person after a certain period of time and to perform the statistical analysis in such a way that the information from several surveys is linked using a code number.

Here too: **No data will be transferred by which you can be personally identified!**

As in the case of single surveys, the research findings are presented exclusively **in an anonymous form**. This means: No one can tell from the results which person provided the information. Overleaf, we have provided an example of the path taken by your data from the time that it is collected up until the completely anonymous table of results.

If the person being asked to participate is under the age of 18 years and no adult is currently present: Please also show this form to your parents and ask them to approve and acknowledge it.

Responsible for compliance with the data protection regulations:

\_\_\_\_\_  
(Name and full address of the research agency)

\_\_\_\_\_  
(Name of the head of the research agency)

\_\_\_\_\_  
(Name of data protection officer)

### What happens to your information?

1. Your answers to the questions are entered into the form by our employee or by yourself, for example like this:

#### What means of transport do you mainly use to get to work?

National rail service (...) Suburban/underground railway (...) Bus (...)  
etc.

2. The address and the question section are separated from each other by (name of research agency). Any discrepancies in the answers are clarified beforehand, to ensure that only correct data is processed. The address and question section are given a code number.

Anyone seeing the questionnaire, therefore, does not know which person gave the answer. The address remains with (name of research agency), but only until the overall study has been completed. It is used only to conduct random checks on the interviewers (by calling you on the phone or sending you a postcard asking you to confirm that the interview was conducted) and, where appropriate, to visit, write to or call you again later for a further interview.

3. Your answers to the questions asked are converted into numbers and stored **without your name and address** (i.e. they are anonymised) for the analysis.

4. The interview data (without names and addresses) is then analysed by a computer. For example, the computer might count all the responses per mode of transport and calculate the results as a percentage.

5. The overall result and the results of subgroups (e. g. blue-collar workers, white-collar workers) are then printed in the form of a table:

#### Which means of transport?

	Total	Blue	White
National rail service	10 %	15 %	7 %
Suburban/underground railway	5 %	7 %	3 %
Bus	25 %	20 %	30 %

6. In the case of a repeat or follow-up survey, too, your name and address will always be separated from the data in the question section. During the analysis, the computer compares the responses for each person – while performing its calculations –, but it does this using the code number (never using names!) and then prints the results anonymously, just like in a single survey.

7. In all cases:

- Participation in the interview is **voluntary**. If you choose not to participate you will not suffer any disadvantages.
- Needless to say, (name of research agency) complies with **all data protection regulations**.

#### You can be sure that

- no one will know what answers you have given.
- your name and address will not be disclosed to any third parties.
- no individual data that would allow you to be personally identified will be passed on to any third parties.

**Thank you for very much for your participation and your trust!**