

Guideline on the Use of Mystery Research in Market and Social Research

This guideline is issued by the ADM Arbeitskreis Deutscher Markt- und Sozialforschungsinstitute e.V., the ASI Arbeitsgemeinschaft Sozialwissenschaftlicher Institute e.V., the BVM Berufsverband Deutscher Markt- und Sozialforscher e.V. and the D.G.O.F. Deutsche Gesellschaft für Online-Forschung e.V.

1. Definition

Research procedures in which the unbiased behaviour of people in certain situations is to be studied must be **concealed** from the people concerned **for methodological reasons**, since the situation would otherwise cease to be unbiased, meaning that the research objective could not be achieved. Such methods and techniques (using face-to-face, telephone, postal or electronic contacts) are summarily referred to as **mystery research**.

2. Anonymisation

As scientific procedures, the various methods and techniques used in mystery research are on principle subject to the same requirement of anonymisation as surveys and other scientific methods of market and social research. Independently of other research ethical and legal requirements, it is therefore necessary to ensure that when carrying out mystery research

- the **names** of the persons with whom contact is made (as far as stipulated or ascertainable) are **only registered by the research agency for the purpose of carrying out quality controls and without any reference to the research data**;
- the results are only communicated in a way that **effectively rules out the identification** of the persons contacted;

- the execution of the study is not observed by the client (as would otherwise be permissible for the purpose of quality controls).

Unless it can be guaranteed that at least three individuals could potentially take part in the study at a given site, the research results must not be broken down to the level of such individual sites, in order to effectively rule out the possibility of identifying the person contacted. In such cases the study sites must be merged accordingly when the research results are presented. Furthermore, when describing the research results for individual or merged study sites, no characteristics of the persons contacted must be included (e.g. sex) which would allow them to be identified.

If the smallest units studied are not the persons contacted but the sites themselves (e.g. the individual filling stations of a petroleum company) then the requirement of anonymisation applies to those. In this case, at least three study sites must be merged when presenting the research results in order to effectively rule out the identification of individual study sites.

Unless the requirement of anonymisation is observed, studies of the unbiased behaviour of individuals in certain situations must not be described as mystery research and conducted as scientific market and social research.

Furthermore, for technical reasons pertaining to data analysis, care must be taken that the smallest unit represented in the research results is based on at least three research contacts.

3. Research ethical principles

Mystery research must always be arranged in such a way as not to infringe upon research ethical principles and not to call into doubt the integrity of the individuals included in the study. It is therefore not permissible to persuade or urge the persons contacted to say certain things or act in certain ways, which they are prohibited from doing by the law or by their employer's instructions, or that violate general ethical principles.

In all methods and techniques used in mystery research, the audio and visual recording of the persons contacted is prohibited so as not to infringe on their right to their own picture and/or words. On the other hand, it is permissible to take pictures of the study sites for the purpose of carrying out quality checks, provided neither the persons contacted nor any bystanders are identifiable on these pictures, and provided that the study sites are not themselves the smallest units in the study.

If the persons contacted realize or suspect that mystery research is being contacted and enquire accordingly, their questions must be answered truthfully. If these individuals demand that no research record be made, that request must be complied with.

4. Making demands on the persons contacted

Procedures of mystery research in which people working at the study sites are engaged in conversations and/or caused to provide certain information or carry out certain activities etc., depending on the objectives of the study, interfere fundamentally with the business and other activities of the study sites. As a result,

such procedures may put those concerned at a disadvantage, for example when they are prevented from engaging in genuine advisory or sales activities and when their overall earnings depend to some extent on their advisory services or on the value or the number of goods sold. When such procedures are employed in the company of the client himself and/or in companies bound to the client by contract, it is up to the client to decide, based on the merits of the individual case, whether the individual employee concerned can reasonably be expected to suffer such a disadvantage, when this is weighed up against the prospective benefits to the company as a whole and thus to its workforce.

When such procedures are employed in companies that are not in the client's sphere of influence in the broadest sense (see also section 6), the argument that the persons contacted must accept certain disadvantages because the research results will serve the company as a whole and therefore also them, does not apply. Mystery research that makes demands on the persons contacted shall therefore only be carried out in such cases, if it can be reasonably assumed that neither the person contacted nor the company employing them will be harmed as a result. This would seem to be the case or may be assumed if

- the conversations held for research purposes are only **very short in duration** as appropriate for the research object, or
- the **products** or advice sought are **trivial**, in that not purchasing or using them does not constitute a disadvantage neither for the retailer / service provider nor for his staff, or
- the research agency's fieldworker deployed **purchase or order** a product or service at the client's expense.

5. Informing the workforce and consent or collaboration of employees' representatives

When preparing studies involving mystery research to be conducted in the client's sphere of influence, those members of the workforce who might be affected shall be informed that such a study is to be carried

out, but not about the precise time and the contents of the study and the selected sites. For methodological reasons, they should be informed a suitably long time in advance, in order not to generate atypical behaviour but to ensure instead that the persons contacted remain unbiased.

In addition, any potential rights of consent or collaboration of the appropriate work councils or staff councils should be brought to the client's attention. Such rights may exist despite the fact that the research agency guarantees that the results will only be communicated in a form that rules out any conclusions being drawn about the persons studied, because a research result that deals with the (customer-related) qualifications of groups of employees, can be used as an instrument for checking on the performance both of the individual in charge of the quality levels achieved by that group of employees and also – when teamwork is being assessed – of those employees themselves.

6. Mystery research outside the client's sphere of influence

In all studies using mystery research at sites that are not within the client's sphere of influence in the broadest sense of the word, the following applies:

1. The client must not receive a registration of the sites selected for the study or actually studied. If the client himself provides the addresses of sites to be studied, then the number of addresses requested shall be well in excess of the number required for the study. This rule does not apply if the number of existing sites is relatively small and/or all existing sites are to be included in the study.
2. Research records that are passed on to the client must not contain any addresses or other characteristics that would allow the study sites to be identified. Code numbers must be designed such that the **identification** of the study **sites** is rendered impossible.
3. The registration of the study sites must be carried out separately from the research records. Those group charac-

teristics that are necessary for data analysis (e.g. general details of location and size of the study sites) must be linked to the research records by means of a code number. The level of abstraction for these group characteristics must be chosen – depending on the details of the study – such that the study sites cannot be identified as a result.

7. Final provisions and disclaimer of liability

This guideline forms **part of the professional rules** that govern 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 scientific studies of market and social research are carried out in Germany or from Germany using methods of mystery research. It therefore also applies when such studies 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 **right to obtain information** on the other. The issuers cannot guarantee indemnity. If the situation is weighed up by other authorities now or at a later time, it cannot be ruled out that different standards may result regarding the permissibility and use of mystery research procedures.

Since this guideline is unable to cover all details of the concrete application of the rules of professional conduct as they apply to the diverse methods and techniques used in mystery research, a narrow interpretation of the principles set out in this guideline should be chosen in cases of doubt, or else the issuers of the guideline should be asked to provide further clarification.