

# CODE OF PROFESSIONAL BEHAVIOUR



PROFESSIONAL  
STANDARDS &  
CREDIBILITY



RECOGNITION &  
ACCREDITATION



STAY  
INFORMED



ENHANCE  
PROFESSIONAL  
SKILLS



PROMOTE  
YOUR  
BUSINESS



POWERFUL  
ADVOCACY



CONNECT WITH  
OTHER THOUGHT  
LEADERS



MEMBER  
DISCOUNTS

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AUGUST 2017

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## The Australian Market & Social Research Society (AMSRS)

The Australian Market & Social Research Society (AMSRS) is the peak body for research practitioners in Australia. The interests of the nation and the community are served by the informed decision-making that results from having a research profession that adopts high standards of ethics; quality and professional development; and whose interests are effectively articulated.

Business, government, not for profit and other types of entities rely on information for their decision-making. Effective communication between the providers and consumers of goods and services of all kinds is essential to any modern society. There are many methods of gathering information, and the channels available are multiplying with the use of the internet and mobile technologies. One of the most important methods of gathering information is by using research. In this Code of Professional Behaviour (Code) research, which includes all forms of market, opinion and social research and data analytics, is the systematic gathering and interpretation of information about individuals and organisations. Research depends for its success on public confidence – that it is carried out honestly, objectively and without unwelcome intrusion or disadvantage to its participants including participants with specific needs or special needs. The publishing of this Code is intended to foster public confidence and to demonstrate practitioners' recognition of their ethical and professional responsibilities when carrying out research.

The self-regulatory framework responsible for implementing this Code has been successfully in place for many years. The use of codes of this nature and their implementation have been referred to and accepted as best practice worldwide as a recognised means of providing an additional layer of consumer protection. The AMSRS is committed to upholding the highest standard of ethics and professional standards through our Code that is supported by the AMSRS Ethics Line and a wide range of specialist guidelines.

The AMSRS works with our sister association – the Association for Market & Social Research Organisations (AMSRO) under the Research Council of Australia (RICA) in relation to the broader regulatory environment governing the conduct of research.

The AMSRS is also linked globally to 45 associations. We are a member of the Asia Pacific Research Committee (APRC) and the Global Research Business Network (GRBN). Under GRBN we also work with ESOMAR on the development of international standards.



ASIA  
PACIFIC  
RESEARCH  
COMMITTEE



## Introduction

Our Society was founded in 1955 and we have had a Code of Professional Behaviour since that time. The Codes of ESOMAR and the International Chamber of Commerce (ICC) have formed the basis of the development of our Australian Code.

Our Code has been reviewed and republished by members over the years; most recently in 2003, 2014 and in 2017.

This edition of the Code of Professional Behaviour was agreed by the AMSRS Board to be operative from 7 August 2017.

## AMSRS Guidelines and regulations

All AMSRS Guidelines, which provide additional guidance on the Code of Professional Behaviour, appear on the AMSRS website [www.amsrs.com.au](http://www.amsrs.com.au).

All AMSRS members agree to adhere to the AMSRS Constitution, Regulations and Code of Professional Behaviour. A copy of the AMSRS Constitution and Regulations can be found on the AMSRS website [www.amsrs.com.au](http://www.amsrs.com.au).

Members should keep themselves informed of any amended or new regulations. All documents can be found on the AMSRS website [www.amsrs.com.au](http://www.amsrs.com.au).

## AMSRS complaints procedure

AMSRS members are required to adhere to the Code of Professional Behaviour and to cooperate with the AMSRS to assist in the early resolution of any complaints. The AMSRS Complaints Procedure for breaches against the Code can be found in the Constitution and Regulations.

To download the Constitution click this link: <http://www.amsrs.com.au/documents/item/784>

To download the Regulations click this link: <http://www.amsrs.com.au/documents/item/786>

## General

It is the responsibility of members to keep themselves updated on this Code. If in doubt about the interpretation of the Code, members may consult the AMSRS Ethics Line service (1300 661 951) which deals with Code enquiries and advises on best practice. The AMSRS Code of Professional Behaviour does not take precedence over national law.

## **Purpose of the Code**

This Code is designed primarily as a framework for self-regulation.

With this in mind, the Code intends to fulfil the following objectives:

- To set out the ethical rules which researchers must follow;
- To enhance the public's confidence in research by emphasising the rights and safeguards to which they are entitled under this Code;
- To emphasise the need for a special responsibility when seeking the opinions of children, young people and vulnerable groups in the community.

## **Scope of the Code**

The Code applies to all research, including all forms of market, opinion and social research and data analytics, which is defined as the systematic gathering and interpretation of information about individuals and organisations.

The Code sets minimum standards of ethical conduct to be followed by all researchers and clients whether members of AMSRS or not and the Code is to be applied against the background of applicable law.

## **Interpretation**

The Code is to be applied in the spirit as well as to the letter. Acceptance of this Code is a condition of membership of AMSRS.

The Code applies equally to researchers and clients.

Throughout this document the word “must” is used to identify mandatory requirements. We use the word “must” when describing a principle or practice that researchers are obliged to follow. The word “should” is used when describing implementation and indicates a recommended practice. This usage recognises that researchers may choose to implement a principle or practice in different ways depending on the design of their research.

## Definitions

**Client** means any individual or organisation, department or division (including any belonging to the same organisation as the researcher) that requests, commissions or subscribes to all or any part of a research project.

**Contact details** means a record of identifying information such as names, companies, position titles, addresses, phone numbers and email addresses, collected and retained in order to contact individuals in a research sample.

**Data analytics** means the process of examining data sets to uncover hidden patterns, unknown correlations, trends, preferences and other useful information for research purposes.

**De-identification** means a process of ensuring that identifiable research information is rendered permanently non-identifiable, i.e. without retaining a means by which the information could reasonably be re-identified.

De-identification is intended to be a permanent and irreversible process. Other techniques, such as the removal of identifiers, may be used to make identification more difficult but if there remains a reasonable possibility of identification, information has not been 'de-identified'. Other than by aggregation of information, it may never be possible to guarantee de-identification, and whether any particular approach to de-identification meets the standard required in the context of the Privacy Act 1988 will be a matter to be decided on the facts.

**Disclosure of identifiable research information** means passing on identifiable research information outside the researcher's organisation, whether it is physically or electronically released or transferred.

**Genuine research concerns** means where the researcher has reason to expect that the purpose of the research exercise would otherwise be defeated.

Examples of genuine research concerns include:

- Where bias due to non-response (or research opt-outs) may materially affect the information obtained in the research project,
- Where significant public interest lies in achieving high response rates,
- Where the research is a genuine study of non-response or research opt-outs,
- Where prior knowledge of the likelihood of being re-contacted may materially affect the information obtained, or
- Where the validity of a longitudinal or ongoing research project may be compromised.

**Harm** means tangible and material harm (such as physical injury or financial loss), intangible or moral harm (such as damage to reputation or goodwill), or excessive intrusion into private life, including unsolicited personally-targeted marketing messages.

**Identifiable research information** means personal information about participants in a research project. It includes any information or opinion (whether true or not) about a participant who is identified or could reasonably be identified, contact details, research status and research data. It may also include information that is not collected by means of direct questioning but by techniques such as observation or remote recording of customer behaviour. It does not include any unsolicited information.

**Non-research activity** means taking direct action towards a participant whose identifiable research information was collected or analysed with the intent to change the attitudes, opinions or actions of that individual.

**Participant** means any individual, whether representing themselves or an organisation, from whom information is collected for the purposes of a research project or who is approached for interview. It includes those from whom passive data is collected.

**Passive data collection** means the collection of identifiable research information by observing, measuring or recording an individual's actions or behavior.

**Research**, which includes all forms of market, opinion and social research and data analytics, is the systematic gathering and interpretation of information about individuals and organisations. It uses the statistical and analytical methods and techniques of the applied social, behavioural and data sciences to generate insights and support decision making by providers of goods and services, governments, non-profit organisations and the general public.

**Research data** means a record of the responses provided by participants in research at the time of collection in order to obtain a representation of a population's or sub-population's behaviour, needs, attitudes, opinions and motivations at a given point in time.

**Research purpose** means the handling of information to carry out any function considered essential to a research project or communication of the results of a research project.

In practical terms, research purposes include handling information to conduct analysis, maintain its accuracy, draw a research sample, carry out quality control, note the willingness or unwillingness of an individual to be contacted in relation to future research, assist in the resolution of a problem that has come to light during a research activity or to conduct further research.

**Research status** means information about whether or not an individual has been contacted or has participated in a research project but does not include research data.

**Researcher** means any individual or organisation (or that part of an organisation) that carries out, or acts as a consultant or subcontractor for research, or offers their services or the services of others to do so, including those working in client organisations.

**Sensitive information** means identifiable research information about an individual's racial or ethnic origin, health information, political opinions, membership of a political association, professional trade or trade association or trade union, religious beliefs or affiliations, philosophical beliefs, sexual orientation or practices, criminal record, genetic information, biometric information that is to be used for certain purposes or biometric templates as defined by the Privacy Act 1988.

**Unsolicited information** means identifiable information that researchers had not planned to capture or receive. Most identifiable research information handled in the context of research is solicited, in that it has been gathered systematically. However, at times researchers may receive information that they have not asked to receive. This information may be offered voluntarily by research subjects or may be captured as a by-product of other activities, for example, electronic recordings or client provided lists that contain more information than is necessary to conduct the research.



## The AMSRS Code of Professional Behaviour

### General rules of professional behaviour

**Principle:** Researchers must be straightforward and honest in all of their professional and business dealings.

1. Research must be legal, and conform to all relevant legislation, including in particular the Privacy Act 1988 and the Australian Privacy Principles (APPs).

*Comment: The requirements to ensure compliance under the APPs include practices, procedures and systems and the need to have a privacy policy which is readily available to participants from whom information is being collected.*

2. Researchers must be truthful and objective and ensure that their research is carried out in accordance with appropriate scientific research principles, methods and techniques.
3. Research must be conducted with professional responsibility and conform to the generally accepted principles of fair competition as generally accepted in business.
4. Researchers must not act in any way that could bring discredit on the research profession or lead to a loss of public confidence in it.
5. Researchers must not make false or otherwise misleading statements about their skills, experience or activities, or about those of their organisation.
6. Researchers must not unjustifiably criticise other researchers.
7. Researchers must not abuse the trust of participants or exploit their lack of experience or knowledge.
8. Researchers must take all reasonable precautions to ensure that participants are in no way harmed or adversely affected as a direct result of their participation in a research project.

**Distinguishing research from other activities**

9. Researchers must be mindful that the success of research relies on public confidence in the integrity of research and the confidential treatment of the information. Research must be clearly distinguished and separated from any marketing activity directed at individual participants, such as sales promotion, direct marketing, direct selling and similar activities.

**Disclosure of identifiable research information**

10. Participants' anonymity must be strictly preserved. If the participant on request from the researcher has given consent for their identifiable research information to be disclosed:
- a) The participant must first have been told:
    - i) to whom the information would be supplied and
    - ii) the purposes for which it will be used.
  - b) The researcher must take reasonable steps to ensure that:
    - i) the purpose could not be achieved with de-identified data; and
    - ii) only that part of the information considered necessary for the purpose is disclosed.

*Comment: A researcher may disclose de-identified information freely, provided that there is no reasonable likelihood that the disclosed information could be used to identify one or more of the individuals who participated in the research, such as where the pattern of answers could reveal their identity.*

11. Where a researcher discloses identifiable research information to a client for a research purpose of regulating frequency of contact with the individual, he or she must ensure:
- a) Only that part of the information considered necessary for the research purpose is disclosed;
  - b) If the purpose could be achieved using de-identified data, it is de-identified prior to disclosure; and
  - c) The information being disclosed relates to the individual's research status and cannot be linked to any research data and
  - d) The client has agreed to use the individual's research status only for the purpose of regulating frequency of contact with the individual.

*Comment: Participant consent is not required as the researcher is disclosing the identified information for a research purpose related to the initial reason for data collection.*

*Comment: A researcher may only disclose this information to the client after the research is completed, as its use is only for the regulation of contact with the individual for a future research purpose.*

### **Proposals, commissioning and design**

12. Researchers must inform clients if the work to be carried out for them is to be combined or syndicated in the same project with work for other clients, without disclosing the identity of such clients without their permission.
13. Researchers must inform clients, prior to work commencing, when any part of the work for them is to be subcontracted outside the researcher's own organisation (including the use of any outside consultants). On request clients must be told the identity of any such subcontractor.
14. Researchers must ensure that research projects are designed, carried out, reported and documented accurately, transparently and objectively.
15. Research proposals and cost quotations are the property of the organisation or individual who developed them unless otherwise agreed.

### **Data collection and handling**

16. Participants' co-operation in a research project is entirely voluntary at all stages. Researchers must not mislead participants when asking for their co-operation.
17. Researchers must promptly identify themselves and unambiguously state the purpose of the research.
18. Researchers must disclose the source of the research sample to participants no later than the end of the collection of information, except where the researcher and the client have reasonable grounds to decide there are genuine research concerns or where there is a compelling reason not to do so (e.g. it may expose one of the parties to legal action).

*Comment: Where a researcher is relying on such an exception to depart from the general rule, he or she should make a written record of the reasoning behind this decision.*

*Protocols for revealing the source of the research sample should be agreed in advance and made clear in the instructions to interviewers or recruiters. These should include whether the source of the sample may be revealed: if so, at what point during the research it would be acceptable to reveal it and procedures for dealing with participants' requests for such details when it would be unacceptable to reveal it.*

19. Participants must be able to check the identity and bona fides of the researcher without difficulty.

*Comment: These include making the name and contact details of the researcher's organisation available to participants, without difficulty or expense, when the research information is being collected.*

20. Researchers must disclose the identity of the client unprompted, no later than the end of the collection of information, except where the researcher and the client have reasonable grounds to decide that there are genuine research concerns or where there is another compelling reason not to do so (e.g. it may expose one of the parties to legal action).

*Comment: Where a researcher is relying on such an exception to depart from the general rule, he or she should make a written record of the reasoning behind this decision.*

*Protocols for revealing the client's identity should be agreed in advance and made clear in instructions to interviewers or recruiters. These should include whether the client's identity may be revealed: if so, at what point during the research it would be acceptable to reveal the client's identity and procedures for dealing with participants' requests for the client's identity when it would be unacceptable to reveal it.*

21. Researchers must on request allow the client to arrange for checks on the quality of data collection and data preparation.
22. Identifiable research information collected and held in accordance with this Code must be:
- Collected for specified research purposes and not used in any manner incompatible with these purposes;
  - Reasonably necessary for the purpose of the research for which it is collected and/or further processed.

### **Informed consent**

23. When collecting identifiable research information from participants, including passive data, researchers must ensure that:
- Participants are informed of the name and contact details of the researcher;
  - Participants are informed of the researcher's privacy policy and that the privacy policy contains information about;
    - how the participant may access their identifiable research information being collected and seek to have it de-identified or destroyed,

- ii. the process of handling complaints of a breach of the Australian Privacy Principles (APPs) and
  - iii. the extent to which the participant's identifiable research information may be disclosed overseas;
  - c) Participants are aware of the purpose of the collection; and
  - d) Participants are aware of any quality control activity involving re-contact.
24. Researchers must only collect sensitive information (whether from a participant or from a third party) where the participant has consented, and the information is reasonably necessary for a research purpose.

*Comment: If it is reasonable and practicable to do so, researchers should collect identifiable research information directly from the participant concerned, rather than from third parties (such as another member of the household).*

*Where a researcher is relying on such an exception to depart from this general rule, he or she should make a written record of the reasoning behind this decision.*

*Comment: Researchers may receive unsolicited information during a research project. For example, a client may provide a sample for a research project and mistakenly provide additional information that was not requested. A researcher may receive photos that identify people other than the research participant. Note the requirement in the APPs to destroy, as soon as practicable, any unsolicited information or to ensure that the information is de-identified.*

### **Children, young people and other vulnerable groups**

25. Researchers must take special care when researching children and young people. The consent of a parent or responsible adult must first be obtained before collecting information from:
- a) Children, defined as under 14 years; and
  - b) Young people, defined as 14-17 years, when sensitive information is being collected.
26. Researchers must take special care when collecting information from people in vulnerable circumstances in the community.

*Comment: Such people include, but are not limited to, people with disability, those experiencing homelessness or other disadvantage, people with serious medical conditions and people from culturally and linguistically diverse backgrounds.*

## Observation and recording

27. Participants must be informed before observation techniques or recording equipment are used for research purposes, except where these are openly used in a public place and no identifiable research information is collected.

*Comment: Rule 10 states that researchers must obtain permission from participants to disclose their identifiable research information. This includes disclosure to observers of an interview or group discussion, as people's faces and voices are defined as identifiable research information.*

*This applies to all observation techniques and recordings, whatever the medium: for example in person or online.*

28. If a researcher has agreed with the client that observers are to be present, the researcher must inform all observers about their legal and ethical responsibilities.
29. Researchers must make clear to participants the capacity in which observers are present; any clients must be presented as such, even if they are also researchers and/or members of AMSRS.

## Re-contacting participants

30. Researchers may use identifiable research information to make further contact with participants for a research purpose provided that:
- a) If re-contact of an individual who initially declined to participate is involved, the researcher and the client have genuine research concerns that warrant such re-contact; and
  - b) If re-contact of an individual who has participated in a research exercise is involved:
    - i. the individual was informed of this likelihood at the time the information was collected, except where the researcher and the client have reasonable grounds to decide that there are genuine research concerns that justify not so notifying; or
    - ii. any individual who, at the time of collection, indicated a wish not to be re-contacted for research purposes is excluded unless the researcher and the client have reasonable grounds to decide that there are genuine research concerns that warrant the individual's inclusion.

## **Data provision and reporting**

31. When presenting findings or data analytics researchers must ensure that an individual's identity cannot be inferred via deductive disclosure (for example, through cross-analysis, small samples or combination with other data such as a client's records or secondary data in the public domain).
32. Researchers must ensure that findings and any interpretation of them are clearly and adequately supported by the data.
33. When reporting on the results of research, researchers must make a clear distinction between the findings, the researcher's interpretation of those findings and any conclusions drawn or recommendations made.
34. Researchers must provide their clients with appropriate methodological details of any research project carried out for the clients to enable them to assess the validity of the results and any conclusions drawn.

*Comment: Clients are entitled to detailed information about the research project, including background, sample, data collection, analysis and reporting.*

35. Researchers must take reasonable steps to ensure that findings from a research project, published by themselves or in their company name, are not incorrectly or misleadingly presented.
36. Researchers must take reasonable steps to check and where necessary amend any client-prepared materials prior to publication to ensure that the published results will not be incorrectly or misleadingly reported.
37. Researchers must take reasonable steps to ensure that their name and/or company name are not associated with the dissemination of conclusions from a research project unless they are adequately supported by the data.

*Comment: In most instances this would involve taking corrective action to address instances of incorrect or misleadingly presented research findings or conclusions, if the researcher becomes aware of this.*

## Data storage and security

38. Researchers must ensure the security of all information relating to a research project.

*Comment: Researchers should set a data retention policy for all information and allow for variation of it on a project by project basis according to client requirements. In default of any agreement to the contrary, in the case of ad hoc research projects primary field records should be retained for one year after completion of the fieldwork and the research data should be retained for possible further analysis for at least two years.*

39. Researchers must take reasonable steps to protect identifiable research information:

- a) From misuse, interference and loss; and
- b) From unauthorised access, modification or disclosure.

40. Identifiable research information collected and held in accordance with this Code must be kept no longer than is required for the purpose for which the information was collected or further processed.

41. Researchers must take reasonable steps to destroy identifiable research information or to ensure that the information is de-identified when it is no longer needed.

42. Researchers must take reasonable steps to ensure that the identifiable research information that they collect, store, use or disclose is accurate, up-to-date and complete.

*Comment: It is a requirement of the APPs that individuals may access identifiable research information held on them and correct it if they wish. However, where this cannot be done without the identity of others being disclosed (for example group discussion recordings), or where a point in time record was made that will be affected by change, researchers may refuse the request. They should make a written record of the reasons for refusal.*

*These requirements do not apply to de-identified research information. It is good practice to de-identify information as soon as practically possible.*

43. Researchers must take reasonable steps to ensure that any identifiable research information that they disclose to another person or organisation:

- a) Will only be retained, used or disclosed by the recipient of the information in a manner that is consistent with the APPs; and
- b) Will be protected by the recipient from misuse, interference and loss and from unauthorised access, modification, use and disclosure; and
- c) Will only be used or disclosed by the recipient for a specified limited purpose and will be destroyed or de-identified once this purpose has been achieved.



### **Cross border disclosure of identifiable research information**

44. Particular care must be taken to maintain the protection of individuals' identifiable research information under the APPs when identifiable research information is disclosed to an overseas recipient.

*Comment: Rule 44 applies only to individuals' identifiable information as covered by the Privacy Act.*

### **Responsibility to carry out research in accordance with the Code**

45. Researchers have overall responsibility for seeking to ensure that research they undertake is carried out in accordance with this Code, and for recommending that clients and other parties to the research agree to comply with its requirements.

### **Implementation of the Code**

46. If a researcher contravenes the Code and subsequently take corrective action, this does not excuse the original contravention of the Code.
47. Any apparent infringement of the Code by an AMSRS member should in the first place be reported immediately to the Chief Executive Officer of AMSRS in the form of a complaint. The AMSRS, as appropriate, will then investigate the complaint and take such further action as may be called for. This action can include suspension or withdrawal of membership of AMSRS. The Complaints Regulation is available from the AMSRS office.
48. Failure by an AMSRS member to co-operate with a disciplinary investigation by AMSRS into a possible breach of this Code will be considered a breach of this Code.

## **Appendix A**

These codes are based on common principles and heritage, but reflect legal and cultural differences between countries.

### **Canada**

MRIA Code of Conduct and Good Practice [www.mria-arim.ca](http://www.mria-arim.ca)

### **Germany**

Declaration for the Territory of the Federal Republic of Germany concerning the ICC/ESOMAR International Code on Market and Social Research [www.adm-ev.de](http://www.adm-ev.de)

### **ICC and ESOMAR**

ICC/ESOMAR International Code on Market and Social Research

[www.esomar.org](http://www.esomar.org)

[www.iccwbo.org](http://www.iccwbo.org)

### **Japan**

JMRA Code of Marketing Research [www.jmra-net.or.jp](http://www.jmra-net.or.jp)

### **United Kingdom**

MRS UK Code of Conduct [www.mrs.org.uk](http://www.mrs.org.uk)

### **United States**

Insights Association Code of Standards [www.insightsassociation.org](http://www.insightsassociation.org)

## Appendix B

### AMSRS Guidelines:

AMSRS guideline on incentives for participation in market & social research

<http://www.amsrs.com.au/documents/item/1935>

AMSRS guideline on observing, recording and handling images of research participants

<http://www.amsrs.com.au/documents/item/1936>

AMSRS guideline on research and non-research activities:

<http://www.amsrs.com.au/documents/item/2049>

AMSRS guideline on reporting of market & social research findings

<http://www.amsrs.com.au/documents/item/1436>

AMSRS guideline on responsibilities when recruiting participants for market or social research:

<http://www.amsrs.com.au/documents/item/1333>

AMSRS guideline on interviewing children and young people:

<http://www.amsrs.com.au/documents/item/1100>

AMSRS guideline on Good Practice for Market & Social Research Interviews:

<http://www.amsrs.com.au/documents/item/197>

AMSRS guideline on making a complaint against an AMSRS member

<http://www.amsrs.com.au/documents/item/2048>

### AMSRS Fact Sheets:

AMSRS fact sheet - MSR and the Privacy Act 1988 and Australian Privacy Principles

<http://www.amsrs.com.au/documents/item/1541>

AMSRS fact sheet - MSR and trade promotion lotteries

<http://www.amsrs.com.au/documents/item/1542>

AMSRS fact sheet - MSR and Anti-discrimination Law:

<http://www.amsrs.com.au/documents/item/204>

AMSRS fact sheet - MSR and legislative requirements when working with children:

<http://www.amsrs.com.au/documents/item/1107>

AMSRS fact sheet - MSR and the Research Calls Industry Standard:

<http://www.amsrs.com.au/documents/item/199>

### AMSRO Privacy Code:

AMSRO - Privacy (Market & Social Research) Code 2014:

<http://www.amsro.com.au/amsroresp/wp-content/uploads/2014/03/The-Privacy-Market-and-Social-Research-Code-2014.pdf>

[www.amsrs.com.au](http://www.amsrs.com.au)

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