

Data: a new direction.

Public consultation on reforms to the UK's data protection regime.

With this letter, we wish to welcome the initiative of the Government of the United Kingdom to review the operational text of UK GDPR as well as the Government stated desire to use data to encourage innovation.

ESOMAR is the global voice of the research, analytics and insights community, speaking on behalf of over 5000 individual professionals and 600 companies who provide or commission research, analytics and insights in more than 130 countries. These members include both UK-based researchers as well as global practitioners conducting work in the United Kingdom. All community members agree to uphold the ICC/ESOMAR International Code. Together with national and international research associations, we set and promote professional standards and self-regulation for our sector and elevate the value of research, analytics and insights in illuminating real issues and bringing about effective decision-making.

ESOMAR also acts as coordinator of the Coalition for Audience Measurement, which brings together the leading global and European associations representing the interests of stakeholders providing or using proven, independent audience measurement techniques to ultimately finance and deliver media-driven information society services to the public.

The call for submissions on the operational text of the UK-GDPR has identified a number of points which could greatly enhance the relevance and operability of the legislation, whilst still ensuring equivalence, across different data jurisdictions. We support the consultation position that legislative reform should support international inter-operability.

These points include:

Chapter 1- Reducing barriers to responsible innovation

1.2 Research Purposes: We support the creation of a statutory definition of scientific research which we believe would provide researchers and practitioners with clarity and greater certainty. In this context, we support a wide definition of scientific research that should ensure that market research is included in that definition and be flexible so as to cope with the ever expanding and emergent digital environment of our sector.

We also welcome the focus on secondary data and the opportunity to review the definition of compatible purposes, consistent with the principle of “no harm” for the data subject - which is embodied in the majority of Research Codes of Conduct.

1.5 AI and Machine Learning: We fully recognize the risks associated with automatic decision making systems and welcome the opportunity to review how this field will be regulated to ensure that the individual's right to privacy and fair treatment is respected.

Chapter 2 - Reducing burdens on businesses and delivering better outcomes for people

2.4 Privacy and electronic communications: We strongly agree with the proposal to remove the consent requirement for analytics and audience measurement cookies covered by Regulation 6 of PECR. In doing so, we wish to highlight the importance of self-regulation schemes like those enforced by ESOMAR and national research bodies as a safeguard to ensure that such activities pose a low impact on users' privacy and a low risk of harm.

Chapter 3 - Boosting trade and reducing barriers to data flows

3.4 Alternative Transfer Mechanisms: International data transfers represent an essential and vital component of the research, analytics and insights sector and we believe that researchers and organisations will benefit from clear guidelines on this area.

3.4 Certification Schemes: We strongly agree that a framework of certification schemes as an alternative transfer mechanism would enable and provide for a more globally interoperable market while providing for further flexibility and assurance for organisations and researchers.

3.5 Repetitive Transfers of Personal Data: We believe that our members would appreciate and benefit from mechanisms aimed at facilitating repetitive transfers of personal data and reducing the associated costs.

While a multi-country perspective to the issues that have been identified in the text of "Data: A new direction" is key, we wish herewith to acknowledge and express both our full support and thanks for the views and recommendations that will be submitted by The Market Research Society (MRS) as the leading research association in the United Kingdom.

ESOMAR welcomes the initiative and is grateful for the MRS's comprehensive response, and remains at your disposal to provide any complementary international perspective(s) that might be deemed helpful to the process. We all look forward to the United Kingdom remaining a valued and respected global hub in the digital research world, as well as a world-leading reference in the realm of consumer (and citizen) data protection.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Raben', with a long horizontal stroke extending to the right.

F. RABEN
Director General
ESOMAR