

**Best Practices for Protecting Individual Privacy
in Conducting Survey Research
(Condensed Version)**



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Foreword

In 1998, the Ontario Provincial Service Restructuring Secretariat asked ministries to assess their services to the public and to subsequently develop action plans to improve any detected service gaps. Given the anticipated volume of survey research and that survey research may involve the collection, retention, use, disclosure, and disposal of personal information, the Information and Privacy Commissioner collaborated with the Ministry of Labour and the Corporate Freedom of Information and Privacy Office of Management Board Secretariat to develop best practices for protecting individual privacy in conducting survey research.

We would like to thank the following individuals for their contribution in developing this paper and the best practices:

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Best Practices for Protecting Individual Privacy in Conducting Survey Research (Condensed Version)

The following is a condensed version of the paper *Best Practices for Protecting Individual Privacy in Conducting Survey Research*. For more information and a summary of the recommendations, refer to the *Full Version* and *Summary of Best Practices* for this paper.

As government institutions strive to become more efficient, accountable and customer focussed, they are more frequently undertaking survey research to elicit input on their programs and services. While survey research can be an important tool in shaping programs and services, it may involve the collection, retention, use, disclosure, and disposal of *personal information*.

Personal information is defined under the *Freedom of Information and Protection of Privacy Act* (the provincial *Act*) and the *Municipal Freedom of Information and Protection of Privacy Act* (the municipal *Act*) as “recorded information about an identifiable individual.” Whenever provincial and local government institutions collect, retain, use, disclose, or dispose of personal information, they are required to comply with the privacy protection provisions of the *Acts*, and their regulations.

To help your institution comply with the *Acts*, this condensed version of the best practices paper summarizes the privacy considerations at each stage in the design and implementation of survey research projects and recommends some best practices.

Survey research raises two central privacy considerations. The first is the potential collection of personal information from survey research participants. The second is the potential use of previously collected personal information for the purpose of obtaining a sample of survey research participants. With respect to the first consideration, the position advocated in the paper is that most survey research can be carried out anonymously and personally identifiable survey data is only required in very limited and specific circumstances. To the extent that the collection of personal information can be avoided, the privacy considerations will be minimized. However, with respect to the second consideration, it is often not possible to avoid the use of personal information altogether. Even where survey research is conducted anonymously, personal information may still be needed to obtain a sample of survey research participants. Therefore, individual privacy and compliance with the *Acts* will be a consideration in most cases.

For the purposes of the paper, the process of conducting survey research projects has been divided into eight stages:

- issue definition;
- research design and questionnaire development;
- pre-testing;
- sample selection;
- data collection;
- data analysis;
- reporting of results; and
- data archiving.

Stage 1: Issue Definition

In the issue definition stage, the primary consideration is clear specification of the purposes of the survey. The purposes of the survey should be specified up-front so that you can determine what information needs to be collected and provide the appropriate notification of collection, in cases where personal information is required. This is an important step since the purposes of the collection will determine how the personal information may be subsequently used and disclosed, in accordance with the *Acts*.

Stage 2: Research Design and Questionnaire Development

In the research design and questionnaire development stage, carefully consider what personal information, if any, needs to be collected from survey research participants. In determining whether or not personal information will be collected, consider who will be included in the target population, the nature of the information that will be requested from participants, and the extent to which the responses to the survey will identify or could be used to identify an individual.

To the extent that the collection of personal information can be avoided, you need not be concerned with the privacy protection provisions of the *Acts*. However, where the specific research design depends on the availability of personal information, you must take steps to ensure compliance with the *Acts*. In particular, you should ensure that you have the authority to collect the personal information, provide appropriate notification of collection, and limit

the collection, use and disclosure of that information to that which is necessary. To help limit the use and disclosure of personal information, the coding of personal information is recommended.

During the early stages of designing a survey, consider who will conduct the research, as this will determine the most appropriate way to ensure compliance with the *Acts*. Regardless of who conducts the research, the same privacy protection rules should apply to any personal information that may be involved. The privacy protection requirements should be set out either in Terms of Reference, where the research is to be conducted by institution staff, or in a contractual agreement, where an external consultant is to conduct the research. The Terms of Reference or contractual agreement should be reviewed periodically and at the completion of the survey research project to ensure compliance with the privacy protection requirements. In addition, at this stage of the survey research project, consider which survey research method complements the degree of sensitivity of the information to be collected.

Stage 3: Pretesting (fine-tuning) the Survey

Treat any personal information collected during the pretest in the same manner as you would treat personal information collected through the survey.

Stage 4: Sample Selection

Even if the survey is to be carried out anonymously, you may still need to collect or use personal information to obtain a survey research sample. For example, you may obtain a sample through the use of personal information previously collected from your direct customers or clients, through indirectly collecting personal information from another institution or third party, or by having another institution or third party contact potential participants directly on your behalf through the use of information that it maintains. There are different privacy considerations associated with each of these methods. However, regardless of which method is used, whenever personal information is collected or used to obtain a survey research sample, you should assess whether you have the authority to collect and/or use the information for this purpose, provide the appropriate notification of collection, and comply with all of the requirements for personal information banks set out in the *Acts*. Furthermore, if you are obtaining your survey research sample from personal information maintained by another institution or third party, establish a data sharing agreement with this institution or third party, stipulating the requirements for complying with the *Acts*.

Stage 5: Data Collection

In the data collection stage, ensure that personal information is not inadvertently disclosed to third parties when contacting potential research participants. Also, when collecting information from research participants, acknowledge that confidentiality cannot be completely guaranteed, except where the survey is done anonymously. Where the survey is not carried out anonymously, provide the appropriate notification of collection of personal information and obtain the informed consent of research participants. Try to avoid the indirect collection of personal information from third parties, except where there is authority under the *Acts* to do so.

Stage 6: Data Analysis

In analysing the survey research data, ensure that personal information is only used and disclosed for the purposes specified at the time of collection, unless the research participants consent to the use and disclosure of their personal information for another purpose.

Stage 7: Reporting of Results

In reporting the survey results, ensure that information is presented in a manner so that it does not identify and cannot be used to identify an individual.

Stage 8: Data Archiving

Finally, unless the survey has been done anonymously, you must comply with all of the requirements for the retention and disposal of personal information under the *Acts*, and their regulations. Also, to avoid the inappropriate and/or unauthorized use and disclosure of information, the coding of personal information before storage is recommended.