



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

## Research Ethics Policy

### Version information

Version number	Comment	Date
1	Initial version	September 2017
2	Reviewed and updated in line with UKG guidance – additional principle added plus other updates	November 2022

# Research Ethics Policy

## Introduction

The Scottish Land Commission (the Commission) expects that its staff and research contractors will follow the highest practical ethical standards in delivering research. In order to achieve this it is required that all staff and contractors involved in delivering research for the Commission will adhere to the following five key ethical principles:

- Principle 1: Research should have a clear user need and public benefit
- Principle 2: Research should be based on sound research methods and protect against bias in the interpretation of findings.
- Principle 3: Research should adhere to data protection regulations and the secure handling of personal data
- Principle 4: Participation in research should be based on specific and informed consent.
- Principle 5: Research should enable participation of the groups it seeks to represent
- Principle 6: Research should be conducted in a manner that minimises personal and social harm.

## **Principle 1: Research should have a clear user need and public benefit**

Social research conducted for the Commission should aim to meet a clearly defined, legitimate and unmet need to inform our policy and practice work, and serve the public good.

Identifying a clear need as early as possible in the research design process, by conducting both internal and external engagement with relevant stakeholders, is a fundamental part of making sure that research will provide outputs which are of value. Engaging with stakeholders and groups the research seeks to represent, not only helps to ensure the effective dissemination and impact of research findings, but also is an important step in determining the most appropriate and effective research methods.

Defining the public good or benefit of both primary research and secondary uses of data requires consideration of benefits beyond just producing the statistics or research outputs. Researchers should be able to describe how those statistics or outputs will lead to public benefit, as well as who the benefits may apply to. The Research Code of Practice and Accreditation Criteria provides a useful list of examples regarding what it means to conduct research that is in the public interest or serves the public good. This includes research whose primary purpose is to:

- provide an evidence base for public policy decision-making
- provide an evidence base for public service delivery
- provide an evidence base for decisions which are likely to significantly benefit the economy, society or quality of life of people in Scotland
- replicate, validate, challenge or review existing research and proposed research publications, including official statistics
- significantly extend understanding of social or economic trends or events by improving knowledge or challenging widely accepted analyses
- improve the quality, coverage or presentation of existing research

### **Transparency**

The evidence from government-funded social research should be brought to the attention of policy makers and other users in a clear and accessible way. It should also conform to professional and ethical standards to protect against distortion and bias in the interpretation of findings.

Ensuring the transparent dissemination of research methods and findings maximises the potential public benefit of social research, by enabling the research findings to reach wider audiences. It is also an essential part in maintaining public trust in collection and use of public data. Transparency around research methods as well as research findings also enables research to be subject to scientific scrutiny and

evaluation, as well as promoting the sharing of best practice throughout the research community.

## **Principle 2: Research should be based on sound research methods and protect against bias in the interpretation of findings**

Social research done by or for the Commission must be based on sound research methods that are relevant to the research question and carried out to the highest quality standards.

When considering the most appropriate methods to use it is important to consider which methods will enable the research question to be fully and thoroughly answered, and whether different methods entail any additional risks (such as increased research participant burden). Methods should only be chosen where any additional risks are significantly outweighed by the potential benefits of using a particular method.

It is also important when considering the most appropriate method to be aware of the wider environment. This includes designing and conducting research in a way that is sensitive to cultural, socio-economic, environmental and political contexts, as well as being aware of how external events can impact on social research, in particular the conduct of fieldwork. For example, the wider implications of the COVID-19 pandemic led to remote/virtual research methods often being necessary where face-to-face methods would have been used before.

Researchers should be able to justify the need for working directly with groups of interest in favour of utilising alternative existing sources of data. In instances where direct participation is deemed necessary, the research team need to ensure research participant rights and dignity are respected and there is equitable participation.

It is important that evidence emerging from research is widely and appropriately disseminated in order to generate maximum impact. While responsibility for this will ultimately rest with the Scottish Land Commission, contractors are encouraged to highlight any opportunities to increase the impact of research that may arise during the course of the contract to the Commission.

## **Principle 3: Research should adhere to data protection regulations and the secure handling of personal data**

While there are clear similarities between GDPR and ethical principles in social research it is important to note that something that is GDPR compliant will not be ethical by default. Therefore, social researchers must consider ethics in addition to the GDPR.

Personal data is any information that relates to an identified or identifiable individual. It must be collected and processed in line with the GDPR 2016 and the Data Protection Act 2018.

### **Summary of the GDPR seven key principles to processing personal data for research purposes**

<b>Principle A: Lawfulness, fairness and transparency</b>
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- There must be a lawful basis for collecting and using personal data. The ICO have an interactive tool to help document which of the six lawful bases is most appropriate for a project.<sup>12</sup>
- The collection and use of personal data should not have adverse effects on individuals and be handled in a way they would reasonably expect.
- Researchers should be clear, open and honest about how personal data will be used in a way that is easily accessible and easy to understand - as well as being a legal requirement, this is good ethical practice for ensuring informed consent.

#### **Principle B: Purpose limitation**

- Researchers should specify why they are collecting personal data to comply with accountability obligations and ensure transparency.
- Privacy notices should be provided when collecting personal data to ensure that participants understand why their personal data is being collected, what will be done with it and who it will be shared with.
- Research findings must not be used for purposes other than those they were collected for. New consent should be sought from the research participants for the new purpose.

#### **Principle C: Data minimisation**

- Personal data should be relevant to the research and limited to what is necessary for the purpose of the research.

#### **Principle D: Accuracy**

- Researchers should take reasonable steps to ensure personal data is recorded correctly and where necessary the data should be updated periodically. The source and status of the personal data must be clear and any challenges to its accuracy should be carefully considered and incorrect data rectified. It is good practice to keep a note of these.

#### **Principle E: Storage limitation**

- Personal data should only be kept for as long as it is needed and if no longer needed should be deleted securely.
- The length of storage should be justified, and research participants made aware of the intended retention period. Where available, researchers should refer to individual departments' data retention policies.

#### **Principle F: Integrity and confidentiality**

- Personal data should be processed and stored securely. Researchers should analyse the risks associated with data processing and put in place the appropriate level of security to prevent the data being compromised (this may include pseudonymising and/or encrypting data).
- It should be made clear to research participants what measures will be taken to ensure confidentiality.

#### **Principle G: Accountability**

- Researchers must take responsibility for what they do with personal data and must have appropriate records in place to demonstrate compliance with the above principles.

The ICO encourages the anonymisation of data wherever possible. Care should be taken to ensure data is truly anonymous under the GDPR. If individuals could be re-identified through any reasonably available means, the data is only pseudonymised and the researcher is continuing to process personal data. In those instances, researchers should consider whether the data can be made anonymous.

Where anonymous data is to be used for secondary data analysis, particular care must be taken to ensure it retains the anonymity of respondents. Special care should be taken with small or very localised samples, and with the rich data generated by qualitative research, which may enable research participants to be identified from their characteristics alone.

The identity of all research participants and potential participants (including information about the decision to participate) should be protected throughout the research process. For example, by ensuring that participants are not identified or identifiable in the research outputs. Clear and transparent procedures should be developed to protect the identities of any research participants. Names and addresses should only be collected if pertinent to the research in question and should be kept securely and separately from responses to minimise the likelihood of breaches of security and anonymity. Suspected data breaches must be reported in accordance with ICO guidance.

Information relating to a deceased person does not legally constitute personal data and is not subject to GDPR. However, researchers should consider ethical issues around the disclosure of, or access to the deceased person's data, such as collecting and processing the personal data of relatives.

## **Principle 4: Participation in research should be based on specific and informed consent**

Informed consent is the cornerstone of ethical social research. Research participants should provide their specific and informed consent based on accurate information outlining what it means for them to take part.

Consent can be considered a legal basis for processing personal data, as set out in the GDPR. The ICO sets out the requirements needed for obtaining explicit consent from research participants. This includes ensuring consent is being given freely, the ability for research participants to refuse consent without detriment and be able to withdraw consent easily at any time. If researchers are not using consent as a legal basis, it is still important to consider the points raised here so research participants can make an informed decision about taking part.

### **Checklist for achieving valid consent**

To achieve valid consent, the information required for research participants to make an informed decision must be prominent, concise, in plain language, and separate from any other terms and conditions. If appropriate it should be provided in different languages, Braille or audio recorded (Any such requirements should be discussed

with the Scottish Land Commission). The information provided to participants should include:

- A summary of what the research is about and what it is being used to inform
- Details on who is conducting the research and the organisation it is for
- That they have the option to refuse to answer any individual questions without explanation
- That they can withdraw from the research at any point up to a specified date (usually dictated by data analysis and reporting), who to contact and how to contact them if they choose to withdraw at a later date
- Whether or not they will be identified in reporting
- How their data and responses will be processed, stored or shared with any other organisations
- Whether any audio or visual recording equipment will be used
- • Whether expenses are covered (travel, subsistence, accommodation) and if an incentive is offered

The consent process must start with giving research participants information about the research, the opportunity to reflect on this and ask any questions. The researcher should obtain explicit consent through reiterating the terms of the research, which the research participant must agree to before taking part. It is important to remember that consent must be sought from participants each time they take part in research, for example in separate waves of a longitudinal study or if they are being re-interviewed as part of another separate piece of research.

Secondary data analysis, including systematic reviews and research synthesis, must be conducted in a way that is consistent with the respondent consent given in the original study. Where it is expected that your research will make use of methods that are clearly significantly different to those originally outlined to the participants, you may have to seek separate consent for research.

## **Principle 5: Research should enable participation of the groups it seeks to represent**

Robust and meaningful research must engage the groups it seeks to represent. Therefore, enabling participation of these groups must be an integral part of its design and considered at the start.

Reaching and recruiting participants from a range of backgrounds and identities ensures the research can meaningfully and accurately include the views of those who will be impacted by the policies the research will inform. This includes the consideration of protected characteristics such as ethnicity, gender, sex, and sexual orientation amongst others. Researchers should identify potential barriers to participation and take measures to facilitate participation where practical.

## Possible measures for enabling participation

- **User-involvement** - co-production or consulting with stakeholders when designing research helps to make sure that research is relevant and necessary. Consulting with hard-to-reach groups and/or their representatives on research design to ensure that possible barriers to participation are identified and minimised.
  - **Recruitment and sampling-** consider how the design of these will ensure fair representation. Care should be taken where methods such as snowball sampling are employed; this might be the only way to access harder to reach groups, but may introduce challenges around excluding, rather than enabling, participation. It is also important to consider the implications of excluding sparsely populated areas in highly clustered sample designs and considering the case for over-sampling under-represented or hard-to-reach groups; and
  - **Ensuring information, venues and formats for meetings are accessible to all** – for example, providing access to translators or translated materials where required, ensuring locations are safe and private for all participants, providing induction loops for those with hearing impairment or guides for the visually impaired, and offering meetings/sessions at different times of the day.**Methods of data collection** – for example, offering a choice between self-completion and interviewer-assisted interviewing where respondents may have difficulty reading or comprehending written material, or where the content of the research is particularly sensitive or may be triggering. Or a choice between online or paper completion for those without access to the technology or internet.
- Assistance with costs incurred in research participation** - for example, to help with childcare whilst participating in the research, or transport costs to and from research venues

An appropriate budget for any costs that contractors expect to incur as a result of these types of actions should be budgeted for within the original project proposal.

## Principle 6: Research should be conducted in a manner that minimises personal and social harm

Researchers have a responsibility to consider any possible harmful consequences of research processes and outcomes. They must ensure these consequences are identified, assessed, and minimised at all stages of the research and for all groups involved in the research, including for:

- The research participants actively taking part
- Organisations to which the research participants belong
- Any wider social groups with an interest in the research topic
- The researchers themselves
- Individuals who choose to opt out of the research



Harm is defined as any threat, or potential threat, to physical, social and psychological well-being. This may include injury, illness, feelings of distress or fear as well as the disclosure of sensitive or embarrassing information without care.

Research should not be inappropriately intrusive (in terms of method, relevance of the questions asked, or time commitment), raise false hopes, adversely affect the reputation of the participant in their social group or organisation, or cause avoidable anxiety or distress.

The risk of perceived intrusion can be minimised by avoiding unnecessarily long interviews, ensuring research methods are appropriate to the research question and ensuring that research participants time is spent providing information that is clearly needed and not available from other sources.

Researchers should try to anticipate and guard against any possible harmful consequences of participation in research. This includes ensuring that interviewers have been properly trained and subjected to appropriate employment checks.

**Date for next review: November 2024**