Best practice guidance: consent in internet-based research

Scope of this guidance.
Internet-mediated or internet-based research may range from simple online surveys delivered via platforms such as Qualtrics, to in-depth and large scale data mining of material already posted online eg on blogs, discussion fora or social media sites. “Big data” research and the technologies used to implement it may also come under the heading of internet-based research (IBR). Informed consent is a key ethical issue in IBR, where participants and researchers do not often meet face to face, and therefore it is harder to establish the age and competence of individuals to consent freely, and with understanding, to research participation. This guidance will focus on consent in smaller sample sizes, since consent in big data or non-reactive (eg analyses of “found text”, data mining) IBR is often impractical, and the research must instead be ethically justified via public interest arguments.

1. Public/private online space.
The blurring of the distinction between public and private online space and data is of particular moment to any consideration of informed consent. This is because some argue that research conducted on materials posted on public online spaces uses data “in the public domain”, and therefore consent is not needed. Others argue that whether online space can be considered public or private is always in flux. Therefore more care must be taken in both consent and data management processes, to respect individuals and their privacy.

2. Legislative aspects.
Legal considerations of copyrighted material play into the public/private material debate, and thus into the ethical issues arising in IBR. Researchers should always check whether material they wish to use is protected by copyright law, as this means it does not fit the definition of “in the public domain.” Visual data posted on social network sites is often “owned” by the web service provider as well as the user who posted the data; thus there may be occasions when multiple permissions are needed in order to use internet-based data for research.

3. Recruitment.
It is important to recognise that identification and recruitment of participants in IBR is challenging and has ethical implications. In high risk research, researchers may be expected to authenticate subjects offline prior to commencing consent and data collection procedures online (see also Section 5 Consent processes for minors). This could include sending PINs generated for the purpose of a given research project to registered households (via, for example, an electoral register). Research subjects (authenticated by being the registered householder at an address) could then use PINs to enter online research environments.

1. Note on avatars or “personas”.
Even though individuals may use avatars or personas to create separate online identities or “alter egos”, identification and recruitment of these entities is subject to the same ethical considerations as the individuals themselves, with perhaps a greater caution about linkage between data arising from the persona and the true underlying identity.

4. “Valid consent”.
Current guidance (see References section) differs in its recommendation for what constitutes valid consent in IBR. Common to the guidance, however, is the view that the type of consent obtained should be proportional to the risk of the research to participants. This will affect whether consent should be documented (using a separate form), whether that documentation should be in hard or soft copy (eg some guidance expressly forbids “electronic” documented consent where documented consent is required), whether consent may be evidenced via other “implied” means, or whether it may be waived altogether (in the case of data which is truly in the “public domain”).
I. “Implied consent”. For certain types of low risk research, such as completion of a simple online questionnaire, completion and submission of the questionnaire implies that consent for the use of the questionnaire data has been given. Importantly, the questionnaire must be preceded by written information about the project and its aims (including how the research may be written up and published, e.g., in a student thesis or peer-reviewed journal). It is also good practice to include a small number of check boxes or radio buttons such as “I am over 18” and “I agree to take part in the research by completing this questionnaire” alongside a “Submit” button leading to the questionnaire itself.

II. Simple language. IBR is particularly susceptible to over-technical language and researchers recruiting lay subjects should make every effort to explain participation in non-technical language. This extends to using simple visualisations of complex online environments.

III. Control and Privacy. Researchers should also make clear whether metadata (data which a lay user may not be aware of, but which may provide researchers with more information than participants would intend to provide e.g., time stamps on tweets or posts) are intended for collection, or whether cross-referencing of data sources is planned. Both the use of meta data and cross-referencing carry a greater risk of privacy breaches for individuals and could affect their autonomy over their online information.

5. Consent processes for minors.
As with other types of research, it is expected that consent from a parent or legal guardian is required in IBR which recruits minors (defined in this guidance as children under the age of 18, though exceptions may be made for youths classing as “Competent Youths” (see related guidance on this topic in the Frequently Asked Questions (C12) section of the CUREC website). Some guidance goes as far as to recommend offline processes for obtaining parental/guardian consent before conducting research with minor or mentally incompetent adults.

6. Maintaining consent during and after research participation.
As with other types of research, participants in IBR must be free to withdraw themselves and their data at any point in the research. This means that in “reactive research” (where participants interact with research materials or researchers themselves to generate fresh research data), researchers should clearly signpost ways in which participants can withdraw e.g. by using a “withdraw” or “exit here” button and there should be dialogue boxes describing that data will not be retained.

7. Consent and confidentiality.
Privacy and confidentiality represents a significant part of the protection afforded to research participants by informed consent. It should therefore be noted that privacy and confidentiality of data is particularly hard to manage in IBR because researchers are not in control of online communication networks, leading to the risk of third party interceptions. Therefore researchers should avoid giving absolute promises of privacy or confidentiality in consent processes, especially where the data to be collected are sensitive. As part of information-giving prior to seeking consent, researchers should consider using disclaimers e.g.:

I. General disclaimer: “Although every reasonable effort has been taken, confidentiality during actual internet communication procedures cannot be guaranteed”.

II. For research using third party websites to administer surveys: “Data may be stored on backups or server logs beyond the timeframe of this research project”. 

III. For interviews conducted over email: “Email is an unsafe form of communication for private responses. This is because email can be easily hacked. Therefore you should only take part

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1 For a fuller discussion of this, see Gleibs, I. H. (2014), Turning Virtual Public Spaces into Laboratories: Thoughts on Conducting Online Field Studies Using Social Network Sites. Analyses of Social Issues and Public Policy. doi: 10.1111/asap.12036

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in the study if you/your company are prepared for your responses to be made public, even though the research write-up will not link any responses to individuals/companies.”

8. References:
II. (for a more detailed discussion of the public/private distinction, and some useful examples of social network site (SNS) research) Gleibs, I. H. (2014), Turning Virtual Public Spaces into Laboratories: Thoughts on Conducting Online Field Studies Using Social Network Sites. Analyses of Social Issues and Public Policy. doi: 10.1111/asap.12036
IV. Background note (written by CUREC member, Ms Lorna Carter) to the AfRE seminar “SOCIAL MEDIA AND THE INTERNET – ALL IN THIS TOGETHER?” held at University of Sunderland on 20th May 2014