ASA guidance on ESRC research data policy

1. Background

The ESRC's current Research Data Policy requires of all of its grantees to offer the data produced during the course of the research for storage to the UK Data Service. The ASA fully supports the ESRC's general position on the value of making research as publicly available as possible, and we appreciate the difficulties of setting up a system which enables this for a range of disciplines with extremely diverse methodologies and subject matters. The potential to archive research data and make it available for re-use by other scholars, or indeed by the research participants themselves, can be productive in a number of contexts.

However, there are also some potential pitfalls, and in recent years a number of ASA members have contacted the Executive Committee with concerns about the ethical, practical and epistemological issues raised by the mandatory requirement to submit ethnographic data for indefinite storage and re-use by third parties. We outline some of the issues below.

After extensive consultation with its members and UK Heads of Department, the ASA wrote to the ESRC to express our concerns and requested that, due to the specific ethical and epistemological issues attending often open-ended ethnographic research, ethnographic data should be exempted from the obligation to submit data for storage and reuse.

The ESRC and UKDS engaged in an open-minded and productive discussion with us on this issue. The ASA was particularly heartened by the ESRC's agreement to give explicit recognition to the specific nature of ethnographic data and the particular questions that this raises in relation to data storage.

Nevertheless, the ESRC were unable to grant a block exemption or to allow ethnographers to submit their data on an opt-in basis. The ESRC will continue to make data archiving mandatory, and the UKDS will remain, in the final instance, the ultimate judge of which data should be archived at the end of a project.

However, the ESRC and UKDS have pointed out, in response to our concerns, that

- UKDS representatives are well aware of the potential ethical and epistemic difficulties surrounding the archiving of ethnographic data. They do not operate a one-size fits all policy, and are open to discussions with about archiving some but not all of their data. They also have systems for establishing various kinds of ongoing control by researchers over access to the archived data.

- UKDS representatives are also willing to negotiate with researchers at the outset of a project about what type of data might be suitable for archiving at the end of the research, in what form, and with what kind of access. They are aware of the ethical and practical implications of negotiating both initial and ongoing consent with research participants as the project develops.

- In practice, it is highly unlikely that the UKDS will insist on the archiving of data which the researcher considers to be sensitive or otherwise problematic, or which might become so over time. To our knowledge, there has been no case of this occurring to date.

The ESRC and the UKDS feel that the above clarification of the position allows for sufficient checks and balances to meet the main ethical and epistemological concerns raised by the ASA.

The ideal situation, from the ASA's point of view, remains one in which researchers would be allowed to submit their data for storage on an opt-in, rather than mandatory basis, but it does appear that many of the most serious ethical and epistemic risks posed by this policy can be resolved through careful planning at the application stage and through early and ongoing negotiations with the UKDS.

2. Guidance

There is a range of issues which anthropologists may wish to bear in mind as they embark upon this process of application and negotiation.

a. Anonymisation and the definition of 'data'

A classic way to avoid ethical difficulties relating to the storage of data, and one recommended by the ESRC, is through a process of anonymisation. In some contexts straightforward anonymisation will be sufficient to protect the identities of research participants. However, in most cases, the thickly contextualised nature of ethnographic data will mean that anonymisation may be insufficient to protect individuals from being recognised by others in their local or indeed national settings.

In this instance, handing over unedited fieldnotes for instance, even anonymised, for indefinite storage and re-use by third parties who do not have local knowledge or ongoing ethical relationships with the participants is likely to be problematic for most anthropologists, and contradicts our ethical codes by potentially putting the welfare or security of informants at risk.

This practical question bears on a broader epistemic issue about the definition of what counts as 'data' for the purposes of storage. We advise researchers to discuss this explicitly with the UKDS at the outset of the project.

b. consent

The ESRC and UKDS require researchers to secure consent for data sharing from research participants. In some cases, and for certain types of information, it may be appropriate to do this in a one-off fashion at the outset of the research. However, in most situations this will not be the case.

As stated in the ASA's ethical guidelines "participant observation is inductive and has the potential for uncovering unexpected links between different domains of social life. Accordingly, a degree of flexibility in research design that allows modification of topic focus - following the initial formulation of a research question - is required." Given this "open-ended and often long-term nature of fieldwork, ethical decision-making has to be undertaken repeatedly throughout the research and in response to specific circumstances."

In this context, requiring participants to give one-off consent to the indefinite storage and re-use by as yet unknown third parties of any information which might arise as part of what could be a long-term, changing research relationship over many months or years, would be unethical. In any case, few if any potential participants who fully understand the implications of such consent would (or arguably should) agree to participate in ethnographic research under these conditions. This is not a speculative concern. A number of practicing anthropologists doing ESRC-funded research have already told us that the prospect of the indefinite storage of their data in a publicly accessible database is unacceptable to potential participants and is therefore making it extremely difficult for them to conduct ethnographic research.

Participants often only agree to participate in research projects on the basis of personal trust established by the ethnographer, a trust which is built up and endures over many years. Passing data on to unknown others may be seen as a breach of that trust. And it would be equally problematic to embark upon research without making clear to participants what is likely to happen to the data collected at the end of the research.

The UKDS are aware of these pitfalls and difficulties, and they are open to various ways of negotiating ongoing informed consent for open-ended research projects. We advise researchers to discuss and reach explicit (i.e. written) agreement with the UKDS at the outset of the project regarding:

- how they propose to ensure that their informants have given informed consent to the storage of the research data;
- what kinds of data are covered by this consent;
- what kinds of access will be given to the data stored;
- the modalities by which informants may be allowed to withdraw consent from the storage of particular data later on in the process.

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