

5.4.7 On-line Survey Companies: (Added May, 2008)

Researchers planning to use on-line survey companies should acquaint themselves with the relevant laws. In particular, section 30.1 of the BC *Freedom of Information and Protection of Privacy Act (FIPPA)* which states:

- “30.1 A public body must ensure that personal information in its custody or under its control is stored only in Canada and accessed only in Canada, unless one of the following applies:
- (a) if the individual the information is about has identified the information and has consented, in the prescribed manner, to it being stored in or accessed from, as applicable, another jurisdiction;
 - (b) if it is stored in or accessed from another jurisdiction for the purpose of disclosure allowed under this Act.
 - (c) If it was disclosed under section 33.1 (1) (i.1).”

Further, the Office of the University Counsel has issued a memorandum regarding online surveys, which can be found at the following link:

http://www.universitycounsel.ubc.ca/faqs/Online_Surveys.pdf

If you have any questions regarding FIPPA legislation and online surveys please consult the Access & Privacy Manager at the Office of the University Counsel, Christina Ulveteg, at Christina.ulveteg@ubc.ca

Ideally, Canadian companies with servers located in Canada should be used for survey purposes instead of using online survey companies located outside of Canada. One of these options is UBC's Applied Research and Evaluation Services (www.ares.ubc.ca).

The BREB will consider, on a case by case basis, on-line surveys using companies located outside Canada (e.g. United States, Australia) which involve giving the survey internet address to the potential research subject to access from any computer (i.e. the company's server may collect the IP address of the subject's computer) and which do not collect demographic data that could be used to identify the research subject.

The consent form or letter of introduction must indicate the location of the survey company's server and include a description of any associated limits to confidentiality. An example of a typical statement is,

“This online survey company is hosted by a websurvey company located in the USA and as such is subject to U.S. laws. In particular, the US Patriot Act which allows authorities access to the records of internet service providers. This survey or questionnaire does not ask for personal identifiers or any information that may be used to identify you. The websurvey company servers record incoming IP addresses of the computer that you use to access the survey but no connection is made between your data and your computer's IP address. If you choose to participate in the survey, you understand that your responses to the survey questions will be stored and accessed in the USA. The security and privacy policy for the websurvey company can be found at the following link: _____”.