



Ethics Guidelines and Collated Resources for Digital Research

Statement of Ethical Practice Annex

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Ethics Guidelines and Collated Resources for Digital Research

The following guidelines and resources were created by Huw Davies (University of Oxford), Susan Halford (University of Southampton), Christine Hine (University of Surrey), Christina Hotz (University of Newcastle), Wendy Martin (Brunel University) and Lisa Sugiura (University of Portsmouth).

Working with digital platforms, networks, and data often raises many new ethical concerns and unanticipated dilemmas. For example, we have to rethink concepts of informed consent and confidentiality (including anonymity), work with new, messy and often confusing definitions of the private and the public, and resolve unprecedented tensions between the researcher and the researched. The British Sociological Association (BSA) cannot provide detailed prescriptive guidelines for ethical practice across this complex and often volatile domain. We can however offer some guiding principles, methods of thinking through these challenges, and specific examples (see our associated case studies) of how these work in practice. Our principles accord with other respected professional statutory and funding bodies (including [HEFCE](#), the [ESRC](#), and the [AoIR](#)). Our position is that our inviolable duty of care to our research participants, and to ourselves, should be reflexively applied using 'situational ethics' that can allow for discretion, flexibility, and innovation. To support our guidelines, you may also find this wiki on [networked system ethics](#) useful, [this report](#) by Ipsos MORI and Demos/CASM, [this guide](#) by The University of Aberdeen on the ethics of social media research, and this [methodological review paper](#) from National Centre for Research Methods. Twitter users may also find [@IEthics](#) a useful resource.

Alongside the discussion and resources below, case studies are available on the BSA [Ethics](#) website. This document, as well as the case studies, sit in conjunction with the [BSA's Statement of Ethical Practice](#).

Our position is that our inviolable duty of care to our research participants, and to ourselves, should be reflexively applied using 'situational ethics' that can allow for discretion, flexibility and innovation.

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An Overview of Web Research Guidance

Principles of research ethics and ethical treatment of persons are codified in a number of national and international policies and documents, such as the UN Declaration of Human Rights, the Nuremberg Code, the Declaration of Helsinki and the Belmont Report. On an international level, privacy rights are primarily dealt with by Article 8 of the European Convention on Human Rights ([ECHR Human Rights Act, 1998](#)), which protects the right to respect for private and family life and correspondence. In the UK these ethical considerations are linked, but not restricted to, legislation enshrined in the [Data Protection Act 1998 \(DPA\)](#), which governs the protection of personal information. Although the Act does not reference privacy specifically, it is designed to protect people's fundamental rights and freedoms and in particular the right to privacy in relation to the processing of personal data. This means that data must be kept securely and does not lead to a breach of confidentiality or anonymity. Compliance with the Act is regulated and enforced by an independent authority, the [Information Commissioner's Office](#). Individuals who feel that use of their data has breached the principles of the DPA can report their misgivings to this office. Research may also be subject to the ECHR and the DPA; this is distinct from guidance issued by learned societies (e.g. the British Sociological Association). Legislation concerns rights, which may be enforced and involve litigation, while guidance from learned societies address codes of conduct, which if breached might be dealt with according to the specific practices of the society rather than involving the rule of law. Policies and frameworks governing ethics in research predate the Web. However learned societies offer some guidance about ethics in web research.

A good starting point is the Association of Internet Researchers (AoIR), which has produced some ethical guidelines for online research ([Ess and AoIR, 2002; AoIR, 2012](#)). Ethical judgment must be based on a sensible examination of the unique object and circumstances of a study, the research questions, the data involved, the type of analysis to be used and the way the results will be reported – with the possible ethical dilemmas arising from that case.

The British Educational Research Association Ethical Guidelines (BERA) (2011) has a particular focus on avoiding harms when considering online research. Hammersley and Traianou (2012) discussed the minimisation of harm – specifically, whether a research strategy was likely to cause harm and if so how serious it would be, and whether there was any way in which it could be justified or excused. Harms might arise from asking for consent, or through the process of asking for consent, and can apply to both the forum members and the researcher; the act of sending participation requests may in itself be intrusive.

The Market Research Association (MRA) guide to the top 16 social media research questions stipulates that researchers should learn about and be comfortable with important explanatory variables beyond traditional respondent demographics, such as how different websites generate and facilitate different types of data (e.g. whether data is more positive versus negative, descriptive versus condensed etc.) In social media research it is commonly understood that conversations are generally public and viewable by almost anyone, and as such the individual under observation may or may not be aware of the presence of a researcher. This can lead to the likelihood of “social observational bias”. Users may participate in social media for different reasons (e.g. personal or professional) and this can affect the type, sincerity and direction of the user’s comments, which may be unrecognised by the researcher. Informed consent is encouraged when research might prejudice the legitimate rights of respondents, and researchers should exercise particular care and consideration when engaging with children and vulnerable people in web research; however, the Market Research Society/Market and Social Research (Esomar) states that if it is public data there is no need for informed consent. These guidelines structure the choices that researchers make about procedural and resulting ethical issues.

Anonymity and data storage are presented as key ethical concerns.

The Council of American Survey Research Organisations’ (CASRO) social media guidelines suggest that where participants and researchers directly interact (including private spaces), informed consent must be obtained in accordance with applicable privacy and data protection laws. However, it is unclear whether pure observation, where data is obtained without interaction with the participant, would fall under this remit, as no direct reference to this type of research is offered.

The British Psychological Society (BPS) and the British Society of Criminology (BSC) have also updated their guidelines to include online research. These take into account the problems that may arise, such as legal and cultural differences across jurisdictions, online rules of conduct and the blurring of boundaries between public and private domains.

Cardiff University’s Collaborative Online Social Media Observatory (COSMOS) have produced an [ethics resource guide to social media research](#). This considers the ethical connotations of harvesting and archiving large amounts of ‘readily available’ online data. With a focus on Twitter, as a platform for research, COSMOS recognises that although such spaces are in the public domain, they are subject to conditions of service. Anonymity and data storage are presented as key ethical concerns. The guide delegates to the AoIR (2012) and their primary concerns of human subjects, data/text and personhood, and the public/ private divide. A useful resources list is provided.

The ESRC framework for research ethics, updated in January 2015, acknowledges the unique and often unfamiliar ethical challenges of undertaking online research, such as what constitutes ‘privacy’ in an online environment? How easy is it to get informed consent from the participants in the community being researched? What does informed consent entail in that context? How certain is the researcher that they can establish the ‘real’ identity of the participants? When is deception or covert observation justifiable? How are issues of identifiability addressed? The Association of Internet Researchers 2012 report and the BPS ‘*Ethics Guidelines for Internet-mediated Research*’ 2013 are referred to as key sources amongst the growing literature on online research ethics.

Thinking Through Ethics: Starting with Exemptions and Moving to Dialogue

Most, if not all, ethical guidelines include exemptions to informed consent and confidentiality, which can also involve anonymity. One way of thinking through ethics in your research project could be to start thinking about how exemptions to informed consent and confidentiality apply to your project. Then subsequently thinking through how these exemptions break down around the edges in practice, requiring dialogue with those you wish to carry out your research with; particularly in relation to how the concept of ‘public’ works on the Internet, the blurred distinction between private and public, and issues of mismatch between perspectives of the researcher and ‘the researched’.

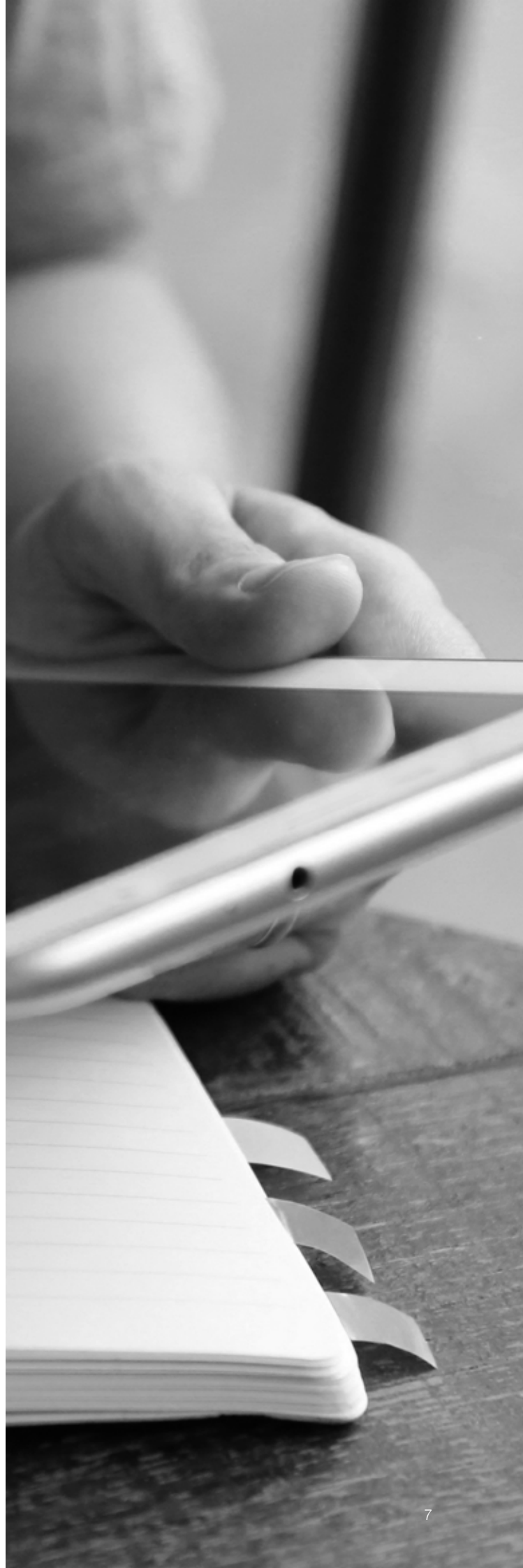
This is not an attempt to avoid consent and confidentiality by identifying loopholes, rather it is a suggested initial pathway through a vast amount of information and complex issues. It can also be seen as a way of drawing an outline around the space that requires consent and confidentiality, and identifying entry points into that space in order to understand why and how consent and confidentiality are crucial factors in your research relationships. There are many other pathways, and others may be more suitable for your research project. This pathway refers to a selection of points from a much wider range of sources and ethical issues. For a comprehensive overview of points raised by ethical guidelines in relation to the Internet see the above section **Overview of Web Research Guidance**, and for an understanding of situational ethics see the below **The Ethics of Care & Situational Ethics**.

Several exemptions cluster around the idea of the public, where research may take place in public space, or make use of publicly available information.

Table 1 below collates exemptions to informed consent and confidentiality from various guidelines and texts regarding visual and online research (please refer to original texts to fully understand exemptions in context). Several exemptions cluster around the idea of the public, where research may take place in public space, or make use of publicly available information without seeking informed consent or applying confidentiality. They range from more open statements such as ‘Confidentiality is not required with respect to observations in public places’ in the International Visual Sociology Association’s (IVSA) ‘Code of Research Ethics and Guidelines’ (Papademas and IVSA, 2009: 254); to more restricted criteria such as ‘unless consent has been sought, observation of public behaviour needs to take place only where people would ‘reasonably expect to be observed by strangers’ in the British Psychological Society’s *Report of the Working Party on Conducting Research on the Internet* (BPS, 2007: 3). Reading the texts in detail provides more precise pointers on how this research could be conducted ethically, for example, the IVSA sanctions the use of recording technology in public places without informed consent, when those observations are ‘naturalistic’, ‘it is not anticipated that the recording will be used in a manner that could cause harm’, and the recording technology is used ‘visibly’ (Papademas and IVSA, 2009: 256) (i.e. presumably those people in the public space could be aware they are being recorded and have the opportunity to dialogue with the researcher, object, or remove themselves from the space). However, seemingly clear guidelines are rendered unstable in practice by the blurred distinction between the public and the private (AoIR, 2012: 6-7; BPS, 2017: 3; BSA, 2017: 5; BSAVSSG, 2006: 7; Kozinets, 2015: 138). As indicated by the British Psychological Society exemption cited above, people may be acting in public but not reasonably expect to be observed by strangers, let alone for those observations to be used in research. This can lead to a mismatch between the expectations of the researcher and ‘the researched’ regarding the public/private distinction.

In any case, further issues are raised by how the concept of ‘public space’ applies online. That is, although information online may be freely and easily available to read, does that mean this is information in ‘public space’? In *Netnography Redefined*, drawing on Bassett and O’Riordan’s claim that it is faulty to view the Internet as a type of place or social space (2002), Kozinets argues that ‘the Internet is actually textlike and spacelike [and] these qualities exist both separately and simultaneously’ (2015: 135). Where the Internet is conceived of as a (published) text, the primary issues would not necessarily be informed consent, confidentiality and anonymity, rather the issues would be authorship, the obligation to credit authorship, copyright, Creative Commons, or any other license or terms and conditions, under which the text is made available online. In this vein, Kozinets highlights Bassett and O’Riordan’s approach (2002), where ‘citation or quotation of the clearly published and publicly displayed information – including it would seem, previously private data, such as an author’s name – is the correct and ethical course of action’ (Kozinets, 2015: 136). However, you may not know whether an author should be credited, or treated as anonymous, unless you consult with the author her/himself, and even authors sharing work in the same online space may have different perspectives on this (Bassett & O’Riordan, 2002, in AoIR, 2012: 13-14).

Some information shared online comes with specifications on how that information may be re-used, for example through Creative Commons licenses which allow a range of options, from completely free re-use by anyone, to only re-use of the entire work in non-commercial ways (Creative Commons, 2016b). Bearing in mind that although people using Creative Commons licenses are giving others some level of permission and direction in advance, they may still welcome and hope for contact and dialogue with others who are interested in their work. In any case, some people sharing online may not know about these options, may be sharing via online tools that do not offer these options or simply enforce other terms and conditions, or may not have thought fully in advance about other people re-using their information. Even if you are legally allowed to re-use some online information, there are still no absolute guarantees that those who share their information on the Internet will feel 100% happy with you using their information in your research, and will not feel they have been harmed in any way.



Again, this can be understood as a mismatch problem. Mismatch is an issue which can potentially be addressed with a dialogic and situational approach. The Association of Internet Researchers (AoIR) Ethics Working Committee has developed a very useful practice-focused set of recommendations based on a 'dialogic, case-based, inductive, and process approach to ethics' (AoIR, 2012: 5). The recommendations include a detailed set of questions which researchers can use to help themselves reflect about ethical decision making in their project. Many issues are explored, and mismatch is raised:

What is the ethical stance of the researcher?

(For example, a mismatch between the ethical stance of the researcher and the community/participant/author may create ethical complications). (AoIR, 2012: 9)

Would a mismatch between researcher and community/participant/author definitions of 'harm' or 'vulnerability' create an ethical dilemma? If so, how would this be addressed? (AoIR, 2012: 10)

The AoIR uses the term 'dialogic' to describe two-way ongoing communication between the researcher and the community/participant/author; whilst other potentially useful sources may talk in terms of collaborative or participatory approaches. In *Visual Methodologies*, Rose emphasises 'that collaborative research (that is also reflexive) is an effective strategy for ethical research' (Banks, 2001, in Rose, 2012: 335-336). There are many practices which may have transferable advice on developing communication in your research project, such as the long standing *Participatory Action Research* (Fals Borda and Brandão, 1986), the more recent *Insights Into Participatory Video* (InsightShare, 2006), and traditions of collaborative artistic practice (such as: Ribalta et al, 2005; Baiocchi, 2006). If your research is focused on large scale data, obtaining informed consent, let alone developing communication with the people at the source of the data, may seem challenging or impossible (Rotman et al, 2012: 211); begging the question, how could issues of mismatch ever be resolved? The British Psychological Society offers some defined limits on the researcher's responsibility which could be helpful in instances of mismatch: the risk that the researcher needs 'to consider and inform participants about' is 'the extent to which their own collection and reporting of data obtained from the internet would pose additional threats to privacy over and above those that already exist' (2007: 3).

In conclusion, starting with exemptions to informed consent and confidentiality can help structure one way of thinking through ethical process in your research project – including ultimately the kind of consent and confidentiality you may need. Whilst guidelines, terms and conditions, and licenses may suggest there are cases in which informed consent and confidentiality are not strictly speaking necessary, there are other layers of considerations which can still lead you into dialogue with those you wish to carry out your research with. As the AoIR asks, 'If an ethics board deems no consent is required, will the researcher still seek subjects'/participants' consent in a non-regulatory manner?' (AoIR, 2012: 11). Firstly, regardless of the regulations, your understanding of ethical and high quality research may involve having dialogic and consensual relationships with those people you carry out your research with; you may want to share your research, exchange information, network and build longer term relationships with those people. Secondly, due to the potential for mismatch between the perspectives of the researcher and 'the researched' – for example with regards to the private/public distinction and crediting authorship-vs-anonymity – communication may be necessary to identify and negotiate mismatch. Thirdly, especially since digital research is still an evolving area, unexpected issues may arise, and having communicative relationships in place gives the research project a better chance of resolving any problems.

Finally, on that last note, we should remember that 'the fields of internet research are dynamic and heterogeneous [as] reflected in the fact that as of the time of this writing, no official guidance or 'answers' regarding internet research ethics have been adopted at any national or international level' (AoIR, 2012: 2). Aside from ever-changing technological contexts, and the unstable public/private distinction, the AoIR also identifies the complex and unresolved relationship between data and persons: 'Is one's digital information an extension of the self?' The data/person relationship is a central issue for research ethics, as ethics aim to minimise harm, and harm is typically understood in relation to 'persons' (2012: 3, 6-7). This all leads back to reiterating a dynamic, situational, process-based and dialogic approach to ethical digital research; where you anticipate that unforeseen situations, issues, and technologies may arise, and you are prepared to engage in an ongoing way.

Table 1	Exemptions from informed consent and confidentiality (limitations to these exemptions are in bold)
Public places, publicly available information, public organisations, governments, public officials and public agencies	<p>“Confidentiality is not required with respect to observations in public places, activities conducted in public, or other settings where no rules of privacy are provided by law or custom. Similarly, confidentiality is not required in the case of information available from public records.” (Papademas and IVSA, 2009: 254)</p> <p>“Visual researchers may conduct research in public places or use publicly-available information about individuals (e.g. naturalistic observations in public places, analysis of public records, or archival research) without obtaining consent.” (Papademas and IVSA, 2009: 255)</p> <p>“In the UK and the USA, anyone is allowed to take photographs in public places, even if the photo shows a private place” (Rose, 2012: 334)</p> <p>“There may be fewer compelling grounds for extending guarantees of privacy or confidentiality to public organisations, governments, officials or agencies than to individuals or small groups. Nevertheless, where guarantees have been given they should be honoured, unless there are clear and compelling public interest reasons not to do so.” (BSA 2017: 5; BSAVSSG, 2006: 6-7) “unless consent has been sought, observation of public behaviour needs to take place only where people would ‘reasonably expect to be observed by strangers’” (BPS, 2007: 3)</p> <p>Public Domain Mark 1.0 (Creative Commons): “This work has been identified as being free of known restrictions under copyright law, including all related and neighboring rights. You can copy, modify, distribute and perform the work, even for commercial purposes, all without asking permission.” (Creative Commons, 2016a)</p>
Non-regulatory consent	<p>“If an ethics board deems no consent is required, will the researcher still seek subjects’/participants’ consent in a non-regulatory manner?” (AoiR, 2012: 11)</p>
When people agree to being identified	<p>“Reasonable bases for using identifying information [include] public images of individuals or agreed usage of images by research participants who elect to have information released” (Papademas and IVSA, 2009: 254)</p>
When people should be credited as authors	<p>“If an individual or group has chosen to use Internet media to publish their opinions, then the researcher needs to consider their decision to the same degree that they would with a similar publication in traditional print media.” (Bassett and O’Riordan, 2002: 244)</p> <p>“The authors opine that citation or quotation of the clearly published and publicly displayed information [online] – including it would seem, previously private data, such as an author’s name – is the correct and ethical course of action” (Kozinets on Bassett and O’Riordan, 2015: 136)</p>

Creative Commons and Copy Left	<p>Attribution Creative Commons License: "This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. Recommended for maximum distribution and use of licensed materials." (Creative Commons, 2016b)</p> <p>Attribution-NonCommercial-NoDerivs Creative Commons License: "This license is the most restrictive of our six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can't change them in any way or use them commercially." (Creative Commons, 2016b)</p> <p>"Copyleft is a general method for making a program (or other work) free, and requiring all modified and extended versions of the program to be free as well." (Stallman, 2016).</p>
Community/participatory research	<p>"Various research methods do not require anonymity. Among these are: community/participatory research, and individual case studies involving individuals who consent to using identifying information (e.g. own names and visual representations)." (Papademas and IVSA, 2009: 254)</p>
Use of recording technology	<p>"Visual researchers like other members of the public have the means and right to record images that may, at the time, not seem invasive. Subsequent use of these images must be circumspect, given legal standards of public domain and fair use standards." (Papademas and IVSA, 2009: 255)</p> <p>"Use of Recording Technology. Researchers obtain informed consent from research participants, students, employees, clients, or others prior to photographing, videotaping, filming, or recording them in any form, unless these activities involve simply naturalistic observations in public places and it is not anticipated that the recording will be used in a manner that could cause harm. Efforts to respond ethically to unintended circumstances and consequences are necessary in a multi-mediated environment. Reasonable efforts may include the visible use of technology" (Papademas and IVSA, 2009: 256)</p>
Illegal activities	<p>"Images depicting illegal activities, including criminal damage, sexual violence and hate crime do not have the privilege of confidentiality." (BSAVSSG, 2006: 3)</p>
Legal privilege	<p>"Research data given in confidence do not enjoy legal privilege, that is they may be liable to subpoena by a court and research participants should be informed of this." (BSA, 2017: 8)</p>

The Ethics of Care & Situational Ethics

The underlying principle of our research should be care for our participants and others who are in any way involved in or affected by our research, as it is conducted, when it is analysed and when it is published. Our responsibility is to ensure that we maximise the benefit and minimise the harm for anyone involved in and/or affected by our research driven by values of protection, respect, dignity and privacy. Institutional ethics processes are broadly underpinned by the same principles, which are embedded in prospective and bureaucratised templates and operate according to institutionally ratified forms of peer and lay evaluation. When we apply for ethics approval through institutional processes we commit in advance to a prescribed set of practices that uphold ethical principles.

Each research situation is unique and it will not be possible simply to apply a standard template in order to guarantee ethical practice.

The BSA fully supports these institutional ethics processes as they apply in members' universities and other relevant organizations. Digital social research is expected to abide by the same principles and processes of ethical approval as other forms of social research. At the same time, we recognise that there may be a mismatch between processes that were originally intended for traditional forms of data and data collection and the ethical challenges that arise with new forms of 'already existing' data available in the public sphere, where we have no control over how data are collected and where the principles of consent cannot readily be applied, particularly if the data are at scale.

Furthermore, that digital research may raise new ethical challenges for researchers e.g. in linking individuals to each other or linking data about an individual from multiple sources to provide an overview that may not even be apparent to that individual. We are in poorly and even uncharted territory here.

The view of the BSA digital ethics group is that we should not necessarily rule out digital research that does not conform to ethics processes originally designed in a very different context, nor can we provide guidelines that encompass all forms of digital research that may become possible in future. Each research situation is unique and it will not be possible simply to apply a standard template in order to guarantee ethical practice. Rather, we should consider the situational ethics of digital research, taking very carefully into account the context and the implications of conducting this research rather than referring only to absolutes of right and wrong and to issues explicitly addressed in existing ethical guidelines. For further information on this we refer you to the UUK *Concordat to Support Research Integrity* (2012). In cases where they are conscious that their digital research raises ethical challenges, sociologists *must* always secure institutional ethics approval prior to commencing research, and we encourage discussion of situational ethics with ethics committees, most of whom are well aware of the challenges in this area and the need to think creatively about these. Where situational ethics are applied in the ongoing process of research, these should be the subject of documentation and report, if necessary to the appropriate ethics committees. In addition we must apply the ethics of care and situational ethics to protect researchers' interests as well as those of our participants. Working online and with new forms of data, particularly working with social media, may place researchers in vulnerable positions, making them publically visible and at risk of abuse. All steps should be taken to protect researchers and research should not be undertaken if there is an appreciable risk.

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