Automated Research: The Exciting and Dangerous World of IVR, TDE and Robocalling

By Howard Fienberg

Did you know your car's warranty was about to expire? Neither did I, until I got a dubious automated call offering me several options to extend it. I reported it to the Federal Communications Commission (FCC) since it came to my cell phone, but the originating phone number was spoofed. I had no idea who called. I've received dozens of these calls now, at home as well, always with a different spoofed number. They drive me nuts.

On May 15, the Federal Trade Commission (FTC) won a temporary restraining order in federal court, stopping telemarketing company Voice Touch and its business partners from making calls. According to the FTC, this is "a massive telemarketing scheme that uses random, pre-recorded phone calls to deceive consumers into thinking that their vehicle's warranty is about to expire. Consumers who respond to the robocalls are pressured to purchase extended service contracts for their vehicles, which the telemarketers falsely portray as an extension of the manufacturer's original warranty."

"This is one of the most aggressive telemarketing schemes the FTC has ever encountered … we intend to shut them down." said FTC Chairman Jon Leibowitz in a statement.

Why This Matters to Researchers

What relevance does this have to researchers? Whether using interactive voice response (IVR), touchtone data entry (TDE) or some other automated technology, researchers should know that respondents may already be unhappy about being called by someone other than a real person. Activists, legislators and regulators will continue to amplify that annoyance, which can create real problems for the research profession.

Legislators across the country, and in Congress, continue to seek to curtail political "robocalls." Such efforts increase dramatically just before and after an election, because of the proliferation of such calls. Unfortunately, legislation intended to protect consumers from unwanted political automated calls (by requiring extra disclosures or adding such calls to a state or national Do Not Call Registry) may inadvertently circumscribe legitimate survey and opinion research calls (which merely seek to elicit public opinion about candidates, issues and policies). It all comes down to definitions and language in the laws and regulations, which are often vague and confusing. For more on the various state laws, which may require advance registration, a live operator to introduce the call, or prior consent, see the January 2009 Legislative Watch column.

By comparison, existing federal law is relatively straightforward. The Telephone Consumer Protection Act (TCPA) requires that all "artificial or prerecorded voice messages" identify the entity "responsible for initiating the call" at the beginning of the call, and that the entity's phone number be disclosed during or after the call. "The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges."

Even when free from constraint by law and regulation, other public efforts may pose problems for automated research. The National Political Do Not Contact Registry (stoppoliticalcalls.org) is a prime example. This private non-profit organization seeks to implement an equivalent to the national Do Not Call Registry, but applicable to political automated calls. Politicians can agree to use the registry's list (onto which consumers pay to be added) to scrub their calling lists. Adoption among politicians is pretty low right now and it is unclear how many people have signed up for the Registry. But depending on whether or not the organization decides to differentiate political research from other political calls, it may pose significant headaches for the research profession down the road.

Pros and Cons to Automated Research

There are long-running debates within the research profession (and the academic community) on automated research methods. While the legitimacy and effectiveness of automated polling technology might be subject to question, widespread use and reliance upon it demonstrate that it cannot be ignored. You certainly can't read political news without seeing frequent references to surveys from Rasmussen, Survey USA or Public Policy Polling and major automated surveys performed reasonably well in the last election cycle.

Automated research studies can offer some advantages over traditional telephone research methods:

- They can often be implemented and completed faster.
- They can offer significant cost savings.
- They are well suited to states or areas with smaller populations and media markets, where traditional polls – which are more expensive – are considered uneconomical (e.g., Alaska, Kansas, Washington and Nevada).
- They help avoid interviewer bias. After a few hours on the phone, fatigue can affect a human interviewer's delivery. With robopolls, the delivery and inflection can be constant across every call, resulting in a uniform survey free of interviewer bias.
- They can automatically conduct surveys in a wide variety of languages, eliminating the need for numerous multilingual interviewers. Some systems can detect accents and languages from respondents at the beginning of a call and adjust the language of the survey

accordingly.

- They may elicit more honest answers on sensitive topics, because respondents may feel less need to deceive a machine.

Unfortunately, there are some drawbacks to automated research studies:

- When it comes to high-profile political campaigns, automated surveys seem to provide reliable data on public opinion. But, according to Fako & Associates, Inc., they "tend to fail as the complexity of a poll increases. Their success in lower profile and low level races is largely unknown, because there is little data publicly released for races at this level."
- They appear less conducive to open-ended questions.
- They may find respondents less likely to participate.
- They may be subject to data quality problems, since the respondents could be anyone (or anything).
- They tend to rely more on statistical weighting and adjustments because of problems meeting demographic requirements in the sample. It is harder for an automated survey to ask to speak to the head of the household.

Best Practices for Automated Research

For researchers that go the automated route, there are a few best practices MRA recommends:

1. Disclose the sponsor or client at the beginning of the call when possible, or at the end when necessary to avoid survey bias;
2. Check state laws about advance registrations and requirements for live operator introductions; and
3. Wherever possible, just as the law requires for telemarketers, researchers should provide respondents an automated opt out (such as dialing 0 or another number during the call) to be added to the researcher's internal do not call list, and inform the respondents as such. If not automated, respondents should be able to dial 0 or 1 to be connected to a live operator for the same purpose.

In addition, for purposes of caller ID, the disclosed number should be one that the respondent can call back on. Further, it should be one that is answered during the research organization's normal business hours and one that would allow a respondent to leave a message after hours. Depending on the business needs of the research organization, such a number could be an 800 number, or other such number, which results in no cost to the respondent.

Disclaimer: The information provided in this article is for guidance and informational purposes only. It is not intended to be a substitute for legal advice. MRA advises all parties to consult with private legal counsel regarding the interpretation and application of any laws to your business.

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