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## Whose Ethics? Negotiations and Consultations between CA Scholars and Ethical Assessment Boards

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### ABSTRACT

The institutionalization of ethical oversight into an official requirement has posed challenges for researchers in conversation analysis (CA). We report on our negotiations with Dutch ethical assessment boards (EABs) on two actual CA project proposals, highlighting the problems they raised and what the outcomes were. We highlight issues concerning anonymizing participants, using online data and EAB protocols. We then report on our initiative to invite EAB members from four universities to a workshop on ethics in CA to explain our methods and discuss issues in applying for ethical approval. We discuss the benefits of collaborating with EAB members to ultimately ease ethical procedures for CA research. We conclude that ethical research requires a collaborative approach in which EABs, researchers, and participants co-develop an answer to the question “whose ethics?” using guidelines that balance societal changes, scientific advancements, and accountability.

As ethical procedures become increasingly formalized in academia, every research project must engage with institutional agencies (usually with names such as *institutional review boards* or *ethics committees*) that oversee compliance with both institutional and legal standards. In this article we use the term *ethical assessment boards* (EABs) as a general term to refer to this kind of institutional agency. The formalization of oversight into an institutional requirement has particularly posed challenges for researchers in conversation analysis (CA) and related fields of study, in which maintaining the authenticity of naturally occurring interactions is crucial. A growing body of literature examines research ethics in various countries involving data from naturally occurring interactions. This literature has highlighted the challenges of applying ethics protocols originally designed for other types of data or research to the collection of naturally occurring interactions (e.g., Aguinaldo, 2022; Paoletti, 2014; Speer, 2014; White, 2022). It has been claimed that EAB members’ epistemological and methodological orientations influence the process of ethics review (Van Den Hoonard, 2011). For members unfamiliar with CA, the reason for collecting naturally occurring interactions instead of, say, interviews may not be obvious (cf., Aguinaldo, 2022).

Additionally, the anonymization of research participants is increasingly becoming a requirement for ethical approval (Macleod & Mnyaka, 2018). EABs often offer “‘normative-prescriptive’ approaches to anonymization contained in the a priori guidelines” (Speer, 2014, p. 281), that provide “lists of items to be anonymized” (Mondada, 2014, p. 184). However, in qualitative research like CA, guaranteeing complete anonymity to participants can be an “unachievable goal” (Van den Hoonard, 2003, p. 141), especially for data on rare phenomena (Chauvette et al., 2019; Saunders et al., 2015).

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Accordingly, CA researchers are often left with an “evidentiary burden” (Aguinaldo, 2022) and must find strategies to secure ethics approval. This can lead to lengthy ethical review processes, including multiple revision rounds, answering additional questions, and so on. Our conversations with international colleagues suggest that these problems are not limited to any specific country but are common across the broader CA community. CA researchers faced with unfamiliar standards may indeed wonder whose ethical standards are being, or should be, invoked.

In ethical applications, researchers commonly follow established guidelines, which are then reviewed by a committee. These conditions may be defining criteria that will make an application for funding succeed or fail (see Stevenson et al., 2025/*this issue*, for a list of United Kingdom funding agencies with strict procedures). Researchers have therefore often developed “best practices” to “satisfy” EABs. For instance, they have highlighted “successful strategies to manoeuvre through ethics review” (Aguinaldo, 2022, p. 326) or have posited that ethical approval “requires that researchers anticipate and satisfy concerns of the committee” (White, 2022, p. 2). This creates a clear division, risking the perception that EABs’ goals conflict with those of researchers. This opposition is also somewhat artificial, as EAB members are often researchers themselves, serving on these boards as part of their academic service. It is high time for CA scholars to take a proactive stance and reclaim discussions with colleagues on EABs about ethical issues relevant to our discipline. This calls for a nuanced approach to research ethics, involving dialogue to develop proper standards tailored to our unique type of research, rather than a simple negotiation between two parties with their own interests.

In this article, we first describe the ethical objections we encountered in two real-life cases in which we proposed CA projects to Dutch funding agencies (see also Lee et al., 2022, who reported a similar experience when proposing an ethnographic project). On the basis of our experiences there, we took the initiative to invite academics who were members of EABs from four universities to a workshop to discuss CA methods and explore issues in applying for ethical approval. The aim of this article is to discuss the benefits of collaborating with EAB members to ultimately navigate ethical and legal challenges in CA research with greater ease.

We will first describe the challenges encountered in two projects in which we were involved, followed by the outcomes of the workshop.

### **Case 1. Using online data from talk shows, interviews, and similar broadcast sources: Issues of copyright and anonymity**

In one project, we intended to explore the specific practices through which conflict emerges and develops in political debates, talk shows, and news interviews. We requested ethical approval to gather and examine recordings available online from the United States and the Netherlands. Although the internet offers the “‘attractiveness’ of easily accessed, massive amounts of primary and secondary data sources” (Woodfield & Iphofen, 2017, p. 1), the ethics of using online data are increasingly discussed, including in discourse analysis (e.g., Fossheim & Ingierd, 2016; Paulus & Wise, 2019; Stommel & De Rijk, 2021). Ethical issues related to our project (discussed below) included (a) using fragments from online data, (b) ensuring proper citation of materials’ owners without referencing personal data, and (c) using data without obtaining participants’ consent. (Note: We have incorporated the bullet points into the paragraph.)

#### ***Issues with copyright laws: Using quotes***

During the initial drafting of our ethics application, our EAB questioned the use of data fragments (“quotes”) from online sources in our article. Whereas using fragments typically raises ethical concerns about including personal information without participant consent (Stommel & De Rijk, 2021), our EAB was primarily concerned with copyright issues. Although each country has its own copyright laws, they all regulate intellectual property (for a general overview of copyright on linguistic materials, see Collister, 2022). The EAB noted that we needed to accurately cite the

source when using online data. Additionally, they posed that using “large” fragments from recordings is prohibited under copyright law. They advised us to paraphrase the data instead of directly quoting them. We were instructed to use direct quotes only when they contribute “substantially” to our text, and that quotes could not be used solely for “embellishing” our writing. Additionally, we were informed that quotes should be kept relatively “concise.” When asking about these length limitations, we were told that researchers should quote only what is “essential” for their study’s purpose, a criterion that varies case by case. It remained unclear to us how to handle this matter in our research, and the EAB members indicated they also lacked clear guidelines on this.

### ***Issues with privacy laws: Using data without consent***

New issues arose when we started working at another Dutch university and continued our ethics application there. At our previous university, the emphasis was primarily on copyright laws. However, the EAB at our new institution emphasized privacy laws regarding online data use. In 2016, the General Data Protection Regulations (GDPR)<sup>1</sup> came into effect in all European Union countries. Our EAB highlighted that, under the GDPR, even publicly available data cannot be used freely.

The GDPR mandates that any processing of personal data must have a legal basis. In academia, researchers often rely on two primary legal bases for processing personal data. First, researchers should try to obtain informed consent from participants, which should be given freely, explicitly, and clearly before collecting any data (Art. 6(1) GDPR). If requesting consent proves problematic or impossible, another basis for processing personal data is invoking “legitimate interest.” Researchers must demonstrate that their research constitutes a legitimate interest to process personal data. Scientific research generally benefits society, demonstrating such a legitimate interest. However, the EAB indicated that we needed to argue for the *necessity* of data processing and our commitment to minimizing impact on participants. The EAB emphasized that invoking legitimate interest is acceptable only if researchers ensure the focus is on the *conversations* studied rather than on *individuals*, necessitating anonymization of data. Following discussions in which we clarified the impossibility of full anonymization and how we report on data, it was agreed that including quotes with pseudonymized data was acceptable.

Consequently, invoking “legitimate interest” provides a solution for European researchers facing challenges in obtaining consent for data usage, especially with online data. However, tensions between copyright laws and the GDPR are apparent. Researchers must comply with proper citation practices under copyright laws, which conflict with GDPR requirements. Specifically, citing video fragments in publications involves referencing personal data, because these links direct readers to actual data.

### ***Did the proposal go through?***

Together with the EAB, we found solutions. Initially, the ethical approval form lacked options for researchers to invoke legitimate interest. Following discussions, the form was updated to include a new section allowing researchers to seek exemption from obtaining consent under GDPR conditions. This provided legal grounds for using online data. Hyperlinking videos in publications, thereby managing copyright issues, was permitted if individuals were pseudonymized in research papers. Additionally, direct quoting was allowed as long as quotes supported claims in a proportional manner without exceeding necessity. Consequently, despite bypassing informed consent principles, a moral framework was maintained. The research was conducted in the public interest, and crucial intellectual property rights were respected.

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<sup>1</sup>Available at <https://gdpr-info.eu>.

## Case 2. Data from online language teaching: Collaborations with external stakeholders

The second case centers on a project investigating video-mediated Dutch-as-a-second-language classes, exploring how digital mediation shapes learning and teaching interactions. During the ethics application, we encountered several challenges. The application could only be filed after the language schools specified the type of data they could provide and, thereby, confirmed their participation in the project. However, this negotiation process with the schools was also supposed to be subject to the REB's review. Furthermore, the uncertain duration of the ethics application procedure put the relationship with the language schools under pressure, and the EAB's informed consent templates did not align with our CA approach. Finally, we faced a dilemma between complying with the EAB's standard procedures and defending our approach.

### *Navigating ethical procedures in institutional research*

When researching naturally occurring interactions, especially in institutions, the research process begins well before the ethics application. For our project, we could only begin the ethical application process after having approached language schools and negotiated what our research would mean for them. We introduced our project to language school coordinators to establish collaborations and discuss data-collection specifics, including identifying suitable classes, deciding whether researchers or teachers would conduct the recordings, and determining the language of the consent forms and information letters. Consequently, the pre-research stage already involved ethical considerations in close collaboration with external partners. However, the EAB required us to justify these considerations after submitting our application. Although recognizing the relevance of these considerations, we experienced a mismatch in timing during this preparatory stage of the research. Presumably, EABs are more accustomed to methods involving data elicitation (experiments, interviews), which require less preparatory collaboration with stakeholders.

A related challenge was the clash between initial negotiations with stakeholders and EABs' streamlined procedures, which include fixed meeting times and deadlines. Only when we finally reached agreements with the language schools could we submit our ethics application. However, our faculty's EAB only meets every 1.5 months. Moreover, we were uncertain about the number of revision rounds and their duration. Meanwhile, we had to inform the language schools that data collection would be paused until we obtained ethical clearance, causing some unease on our part. We had just finalized agreements with them regarding the classes we could record, and they were ready to begin data collection immediately. This perceived in-between state challenges researchers' established authority, as they must convey their limited influence over the project's next phase and the start of data collection.

### *Working with consent form templates*

Other challenges pertain to our university's EAB templates for information letters and consent forms. These suggest different types of consent:

- general consent to participate in research, and to collect, store, and use data;
- consent to use de-identified<sup>2</sup> recordings for scientific purposes (e.g., conference presentations or scientific articles);
- consent to use de-identified recordings for educational purposes (e.g., lectures); and
- consent to share identifiable/original recordings with other scientists for future research.

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<sup>2</sup>“De-identified” is the term used by the EAB. For our case, we interpreted this term as “recordings with filters.”

Consent forms are familiar to CA researchers (for a discussion of the use in health settings, see Fatigante and Orletti, 2014; for links to existing examples, see the “Established Protocols” list on EM/CA wiki, n.d.). In our own case, we protect the privacy of research participants as much as possible by using filters and distorting voices in videos presented in academic and teaching contexts. We question the added benefit to participants of differentiating between the first three consent options. In previous research projects, we found that having many different consent options led to practical hurdles in the research process, complicating the selection of fragments for data sessions and presentations. In practice, we frequently use the same fragments in research presentations, lectures, and publications. When participants opt out of specific, but not all, it can be tempting to exclude recordings that include those participants from the entire research. This seems undesirable not only for researchers but also for participants whose data are collected and stored without being actively used for research after all. Therefore, we proposed integrating consent options to indicate that general consent includes permission to use filtered recordings both in teaching and research.

However, the EAB criticized our integrated consent format, emphasizing the need for explicit permission to distinguish between general participation and using filtered recordings in teaching and/or education more specifically. They also asked if participants could opt out of using video fragments, preferring to use only transcripts in research and teaching presentations. Because transcripts are merely representations that can never capture the data holistically (Duranti, 2006), this suggestion conflicts with our CA approach, in which data sessions, for instance, are integral to the research process.<sup>3</sup>

A dilemma arose between complying with standard procedures and standing up for our own choices and methods. The junior researcher felt pressured to follow the EAB’s recommendations considering their perceived authority, the official requirements, and the urgency to proceed with data collection without additional review rounds. However, the senior researcher advocated for using the integrated consent approach and explaining our rationale to the EAB, which we ultimately did.

### ***Did the proposal go through?***

To our relief, our revision was accepted, enabling us to proceed with data collection using the integrated consent format we proposed during the review phase. Throughout the ethical review process, we actively engaged in dialogue with the EAB, providing detailed explanations of our methods and considerations when necessary. We therefore believe that open communication alongside standardized EAB procedures is valuable, especially in the initial stages of research.

### **Workshop with EAB members**

Throughout the application process, researchers typically interact with EABs *ad hoc*, addressing unforeseen and contingent issues as they arise. However, there is often limited opportunity to thoroughly and proactively discuss aspects routine to CA but unfamiliar to most EABs. Therefore, we decided to organize a full-day workshop to address issues we encounter during ethics applications. The primary goal was to tackle recurring challenges inherent in interaction-analytic approaches, using insights gained from workshop discussions to improve future applications. We invited members from EABs at four Dutch universities to share their perspectives and discuss these matters.

We report on the workshop discussions focusing on three main challenges, also highlighted in the preceding case descriptions: anonymizing participants, using online data, and EAB protocols. The workshop led to an agenda to address recurrent issues in ethics applications, aiming to streamline future ethics procedures.

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<sup>3</sup>This differs when handling highly sensitive data, which we do not categorize classroom interaction as.

### ***Anonymization of participants***

Cases 1 and 2 discussed issues related to the anonymization of data presented in research outputs. The workshop discussions also focused on anonymization. It was noted that, although many researchers use the term “anonymization,” data are often not fully anonymized, making the term technically inaccurate. The EAB members mentioned that data can only be considered anonymous if they are irreversibly anonymized, meaning they cannot be traced back to individuals under any circumstances. This implies that CA never works with fully anonymized data, as researchers retain recordings and work with transcripts. Even when personal names are removed, certain details (e.g., a person’s disease) can still lead to the recognition of individuals.

The EAB members unanimously agreed that in CA research, the consent form should clearly state that full-scale anonymity is not guaranteed, which would be justifiable, as long as one is transparent about it. They also concurred that researchers should avoid using the term “pseudonymization” in consent forms, as participants are unlikely to understand it. Instead, researchers should clearly and simply explain how they handle the data.

### ***Using online data***

As noted, legal requirements restrict the use of online data. Our discussions with EAB-members raised a number of issues. As in Case 1, EAB-members emphasized the necessity of having a legal basis for using online data, as discussed in GDPR guidelines. In regard to the distinction between private and public data, there was a conflict among the EAB members, one insisting on more rigorous standards for research on private social media groups like Facebook than on TV shows, which are in the public domain. However, another member argued that even public data, such as an online BBC interview, require careful handling. A third member’s benchmark was whether individuals could reasonably expect their data to be used for research. This varied between platforms like Reddit, on which such use is not anticipated, and news interviews, for which public dissemination can be expected. This refers to a longstanding tradition in moral and legal privacy discussions, in which the concept of “reasonable expectation” is central.

The discussion concluded with a reminder that the GDPR aims to prevent unlawful data collection by large companies, not to hinder research. All members agreed that research typically serves public interests. The overall consensus was that EABs’ task is to assess if researchers articulate the significance of their research and justify the use of personal data in adequate ways.

### ***Informed consent protocols***

Many templates for informed consent do not align with CA (see Case 2). In the workshop, it was emphasized that it is common ethical practice for research to be conducted within the boundaries of consent given by participants. Therefore, data may not be used for research purposes different from those stated in the consent forms. This implies that tracing a particular practice across different datasets, which is common in CA research, is complex due to the varying consent forms used for acquiring different datasets, each formulated for different research purposes.

During the workshop, a solution regarding informed consent centered on formulating research questions. By framing research questions more broadly, researchers could use data in multiple research projects. EAB members emphasized that this flexibility allows researchers to use data for a variety of research purposes. Moreover, even with strict EAB consent templates, researchers still have some freedom in formulating consent/information forms as long as the exact scope of participant consent is clarified (e.g., showing recorded fragments in both educational and research contexts).

## CA scholars and EABs: An agenda for the future

From the workshop, an agenda was developed to tackle recurring challenges in ethics applications for CA research, using insights gained from workshop discussions. One solution proposed during the workshop was the implementation of fast-track application procedures after approval for researchers within the same department using identical methods and data archiving methods. This proposal recognizes the efficiency and consistency that can be achieved when researchers share similar methodological frameworks and data handling protocols. Streamlining ethical assessments benefits both EABs and researchers by reducing administrative burden and accelerating the start of research projects. This approach not only facilitates smoother workflow but also ensures adherence to rigorous ethical standards and regulatory requirements. Since the workshop, the EABs involved have been internally considering this, collaborating with us as CA researchers. The workshop also fostered closer collaborations between us and EAB members. We now engage in dialogue with EAB members before and during the ethical application process, rather than addressing issues or questions in an *ad hoc* manner.

In a rapidly changing world, research is continuously evolving, driven by advancements in technology, shifting societal norms, and emerging global challenges. This means that ethical guidelines and rules will, at best, constitute a living document, requiring adjustments to accommodate the ever-changing scientific landscape and the shifting (and often conflictual) societal norms regarding scientific accountability and privacy concerns. In this dynamic context, the traditional model of EABs operating as gatekeepers seems increasingly inadequate. Instead, a collaborative, dialogical, and co-constructive approach—involving EABs, researchers, and participants—is essential to ensure that ethical standards not only remain relevant and inclusive but also adapt to relevant societal changes. In this article, we have documented our efforts to engage EABs from various Dutch universities to start this dialogue and, we hope, to establish an adaptable yet sustainable practice for ethical approval in CA research.

This process of co-construction involves genuine engagement of all stakeholders. EABs, researchers, and participants need to continuously discuss emerging ethical issues. Co-construction also involves reflective processes in which EABs, researchers, and participants collaboratively develop, review, and refine ethical guidelines in response to scientific and societal developments. Ethical guidelines should not be static documents but living documents and frameworks that evolve through continuous feedback and reflection. Establishing feedback loops in which researchers and participants can provide ongoing input ensures that ethical standards are continuously improved and adapted to new contexts and challenges.

The development of ethical approval procedures should be considered not only in relation to matters of privacy and data management but also in light of the development of open science protocols for qualitative research. Society increasingly demands academic research that is both relevant and accountable, reflecting pressing issues and demonstrating transparency in methodology and outcomes. Accountability is crucial for fostering trust and building rapport with societal partners and participants. However, the demands of open science often run counter to considerations of data management and privacy, especially in qualitative research using naturally occurring interactions (Albert et al., 2025/*this issue*; Huma & Joyce, 2022; see also Stevenson et al., 2025/*this issue*). Carefully balancing these considerations will constitute a continuous societal challenge that needs to be resolved *in situ* for concrete and specific research questions. However, the outcomes of ongoing deliberations among EABs, participants, and researchers, along with resulting best practices and resources, will be crucial for future research. They should be publicly accessible and shared on open-access platforms.

During the workshop, all EABs demonstrated a willingness to engage with an open attitude. This fostered discussions on important societal and theoretical questions, as well as the types of research needed to address them, leading to the development of co-constructed ethical guidelines. These guidelines are more relevant and applicable to contemporary research practices, reflecting the collective insights and experiences. Also, involving other stakeholders (cf. Case 2

above) and participants in ethical decision-making processes fosters greater trust between researchers and studied communities, potentially increasing participant engagement (but see Stommel & De Rijk, 2021). So whose ethics are we dealing with? In the end, we all want ethically appropriate research and it is, ironically, the conversation about ethics with others that leads us there.

## Disclosure statement

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