

## Collaborative Discussion 1:

### Discussion Topic: Codes of Ethics and Professional Conduct

#### Initial Post

In the case study, Dark UX Patterns, Stewart was requested by their client to change the user interface button, and he found out the new design could mislead the user by accepting the product they do not expect. Stewart raised these concerns to his manager, but this did not stop them from developing the misleading interface as his manager stated that 'these were the changes requested by the client (ACM, 2022).

The case study from the examples (ACM, 2022), shows that Stewart and his company have failed to follow the ACM Code of Ethics and BCS Code of Conduct:

Stewart assists the client in developing the dark UX patterns has violated the ACM principles 1.1, 1.2, 1.3, 3.1 (ACM, 2022) and the BCS Code of Conduct 1.a, 2.f, 3.b (BCS, 2015) as the changes he made will cause confusion and negative consequences to the users. As a computing professional, Stewart should have due regard for the public good and society's well-being and aim to avoid harm.

Stewart's manager failed to adhere to the ACM principle 2.5 (ACM, 2022) and the BCS Code of Conduct 2.e, 3.a (BCS, 2015) after Stewart reported the potential impacts and risks. As I am concerned, this topic is also related to the ACM principle (2.4) as the manager should have accepted and conducted the professional review before proceeding with the disputed request. According to principle (3.4) Stewart's company failed to follow the code to articulate policies to ensure no deceptive interface is presented to the users.

I believe the ACM principle (3.6) is also relevant as the impact on the users after the interface update should be taken care of and mitigated.

#### Reference

ACM Ethics. (N.D.) Case: Dark UX Patterns. Available from: <https://ethics.acm.org/code-of-ethics/using-the-code/case-dark-ux-patterns/> [Accessed 24 September 2022].

BCS. (2022) Code of Conduct for BCS Members. Available from: <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf> [Accessed 25 September 2022].

Association for Computing Machinery (ACM). (2018) ACM Code of Ethics and Professional Conduct. Available from: <https://www.acm.org/code-of-ethics> [Accessed 24 September 2022].

### Feedback from Bee Teck Ivan Chua

Dear WeiLin,

Thank you for sharing your thoughts, and here are additional points that we can consider:

1. Stewart's manager has also violated ACM principles:
  1. 1.5: Be fair - the design has confused the users into selecting more expensive options, they may not want.
  2. 2.1: Respective user's rights
2. As for the BCS code of conduct, the manager has violated:
  1. 1b: "have due regard for the legitimate rights of Third Parties" BCS (2022).

According to ACM principle 3.1, which is about the public good, since the company did refund their customers, I see that there is an element of ethical responsibility here and would this be considered as "public good"?

#### References:

ACM (2022) ACM Code of Ethics and Professional Conduct. Available from: <https://www.acm.org/code-of-ethics> [Last Accessed 23-Sep-2022].

BCS (2022) BCS Code of Conduct. Available from: <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf> [Last accessed: 23-Sep-2022].

### Feedback from Andrijana Klacar

Hi Hung,

Thank you for sharing your informative post on dark patterns. I enjoyed reading your summary of your chosen case study.

Stewart, his manager and clients have all acted unethically, as several of the ACM (2018) and BCS (2022) codes were violated. It appears that the design pattern was similar to a 'sneak into basket' design, which is defined as: "The user attempt to purchase something, but somewhere in the purchasing journey, the site sneaks an additional item into your basket, often using an opt-out radio button or checkbox on a prior page." (Mejtoft et. al., 2021). Mejtoft's et. al. (2021) study analysed fifty home cooking websites of which twenty-two were GDPR compliant. However, eleven out of these twenty-two GDPR approved websites were shown to use a 'sneak into basket' design, which is considered as one of the most common ways of gaining additional, yet unnecessary information (Mejtoft et. al., 2021).

Brignull (2014) interviewed the 'The Web Designer's Guide to the Consumer Rights Directive' author, Heather Burns. When asked if 'sneak into basket' dark pattern is illegal, the response was positive. I personally failed to confirm this when conducting my own research. Do you think Heather Burns is correct about this pattern being illegal?

#### References:

Association for Computing Machinery (ACM). (2018) ACM Code of Ethics and Professional Conduct. Available from: <https://www.acm.org/code-of-ethics> [Accessed 27 September 2022].

BCS. (2022) Code of Conduct for BCS Members. Available from: <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf> [Accessed 27 September 2022].

Brignull, H. (2014) Some Dark Patterns Are Now Illegal in UK - interview with Heather Burns. Available from: <https://90percentofeverything.com/2014/08/26/some-dark-patterns-now-illegal-in-uk-interview-with-heather-burns/index.html> [Accessed 27 September 2022].

Mejtoft, T., Frangsmyr, E., Soderstrom, U. & Norberg, O. (2021) 'Deceptive Design: Cookie Consent and Manipulative Patterns' *34th Bled eConference Digital Support from Crisis to Progressive Change*. Online, 27-30 June. Maribor: University Press. 394-404

#### My Feedback to Adrian Boscu

Hi Adrian,

Thanks for sharing your thought on this topic.

'During the last two decades, malware has really entered the scene of industrial cyber espionage with the recent occurrences of very sophisticated targeted information stealers' (Gaute, 2015). Computing professionals shall show commitment to working in

the public interest, instead of ending up as a tool of malicious parties who involve malicious software and spam.

I believe Rogue Services has violated ACM principles 2.5 (ACM, 2022) and the web hosting services Rogue provided should be evaluated comprehensively in all aspects. As Rogue Services was taken offline, it led to a significant drop in spam and botnet traffic (ACM, 2022). In this case, do you think the unethical actions of computing professionals can cause a larger scale of damages than Cybercriminals?

### References:

ACM (2022) ACM Code of Ethics and Professional Conduct. Available from: <https://www.acm.org/code-of-ethics> [Last Accessed 07-Oct-2022].

BCS (2022) BCS Code of Conduct. Available from: <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf> [Last Accessed 07-Oct-2022].

Gaute, W. (2015). The Role of Malware in Reported Cyber Espionage: A Review of the Impact and Mechanism. Information 2015, Vol. 6, Pages 183-211, 6(2), 183–211. <https://doi.org/10.3390/INFO6020183>

### Summary Post

Dark patterns, also known as "deceptive design patterns", are the type of website and application interface designs that target tricking users to purchase more products than they expected or noticed with the misleading or insufficient information provided (Harry, 2019).

In the case study I investigated (HungWei, 2022), Stewart assisted to implement the misleading button as the change requests from their client and the order by his manager even though he is aware of the consequence and negative impact it could bring to the users. As the button changes are identified as a Dark UX pattern, it caused numerous users to purchase the products they didn't intend (based on the truth of the increase of both sales and refunds) which is expected by the client who requested the Dark pattern (ACM, 2022).

In this case, it indicated that the awareness of the Code of Ethics (by Stewart) has limited influent to prevent the Dark Patterns from implementing. ACM and BCS Code of Conduct do not have the same effect as the law, and the law regarding the Dark Patterns is not well publicized (Harry, 2019).

The critical argument raised by Bee Teck Ivan (2022) is that does the client follow the ACM principle 3.1 by offering the option for their users to refund after the purchases

resulted from the misleading interface. As 'the public good should always be an explicit consideration when evaluating tasks' (ACM, 2022), I disagree with this point. Although the client mitigate the damage they made by accepting the refund, they should have avoided the Dark pattern on their interface before the users get 'tricked'. The extra time the users need to spend for applying a refund is considered as a cost to the users as well, which does not fit the public good.

Another interesting point made by Andrijana (2022) is the 'sneak into basket' design. In the interview with Brignull (2014), Heather Burns stated that the hidden cost and some Dark Patterns are illegal in the UK. Whilst, the law has not been well publicized and regulated, it only protects the users by ensuring the right to recourse for a refund on a local level. It means the law does not effectively curb the existence of Dark Patterns.

To summarize, the ACM Code of Ethics and BCS Code of Conduct raised the ethical awareness of computer professionals, but the outcome can still be limited if it is not fully supported by legislation.

## Reference

ACM Ethics. (N.D.) Case: Dark UX Patterns. Available from: <https://ethics.acm.org/code-of-ethics/using-the-code/case-dark-ux-patterns/> [Accessed 09 October 2022].

Association for Computing Machinery (ACM). (2018) ACM Code of Ethics and Professional Conduct. Available from: <https://www.acm.org/code-of-ethics> [Accessed 09 October 2022].

Andrijana, K. (2022) Peer Response. Available from: <https://www.my-course.co.uk/mod/hsuforum/discuss.php?d=325959> [Accessed 5 October 2022].

BCS. (2022) Code of Conduct for BCS Members. Available from: <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf> [Accessed 09 October 2022].

Bee Teck Ivan, C. (2022) Peer Response. Available from: <https://www.my-course.co.uk/mod/hsuforum/discuss.php?d=325959> [Accessed 5 October 2022].

Harry, B. (2014) Some Dark Patterns Are Now Illegal in UK - interview with Heather Burns. Available from: <https://90percentofeverything.com/2014/08/26/some-dark-patterns-now-illegal-in-uk-interview-with-heather-burns/index.html> [Accessed 09 October 2022].

Harry, B. 2019. Dark Patterns. Technical Report. Harry Brignull Dark Patterns website, <https://www.darkpatterns.org/> [Accessed 09 October 2022].

HungWei, L. (2022) Initial post. Available from: <https://www.my-course.co.uk/mod/hsuforum/discuss.php?d=325959> [Accessed 6 October 2022].