

# Research Methods and Professional Practice

## June 2022

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### « Collaborative Learning Discussion 1



Alice Villar

#### **Initial Post**

68 days ago

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#### **Ethical Framework in UX: a case study analysis of Dark Patterns in UX Design**

In recent years, ethical UX design has become a major topic of study in the ethics of technology, dominating both the academic discourse and the lived experiences of everyday users as they engage with designed technological systems and services. This review is aimed to outline and explore the phenomenon known as "dark patterns".

Based on a case study provided by the Association of Computing Machinery (ACM), this review analyzes the phenomenon of dark patterns in the light of the ethical responsibilities of UX practitioners, legal, and social issues. Since ethical UX design is supposed to have the best interests of the user at its center, special attention is given to the professionalism of the computing professionals involved, providing comparisons to the British Computer Society (BSC) Code of Conduct.

As Geronimo et al. (2018) emphasize, while the design is - by definition - a persuasive act and has the potential to manipulate the user, there are occasions where designers may abuse this power. The term "dark patterns" defines instances where designers use their knowledge of human behavior (e.g., psychology) and the desires of end-users to implement deceptive functionality that is not in the user's best interest (Brignull et al., 2015; Chromik et al., 2019). Simply put, a Dark Pattern (DP) is an interface maliciously crafted to deceive users into performing actions they did not mean to do.

Di Geronimo et al. (2020) manually examined 240 of the most popular Android apps and found that 95% contained dark patterns, with an average of seven patterns per app. Documenting such strategies and patterns is a vital first step towards better recognition of such activities. One can reasonably assume that there is, at least to some degree, awareness among a majority of users that privacy dark strategies exist, and some service providers have strong incentives to violate the privacy of their users. Nevertheless, privacy dark strategies still work, as indicated by their frequent occurrence. Essentially, privacy dark strategies often work well because they take advantage of the psychological constitution of human beings. Additionally, dark pattern variability across modalities may exacerbate existing social inequalities and exploit vulnerable populations, especially for people whose primary (or only) internet-capable device is mobile. (Gunawan et al., 2021)

In the case study, Stewart received a change request that would lead to a confusing design which would probably trick users into more expensive options that they didn't want. The managers at Stewart's clients knew that these design changes would disrespect users' autonomy so as to increase revenues, thus failing to adhere to Principle 3.1 (public good as a central concern) of the ACM Code of Ethics. Stewart and his manager also failed to exemplify several principles of the ACM Code of Ethics as follows: 1.2 (avoid harm), 1.3 (honesty and trustworthiness) and 1.4 (fairness), 2.1 (respect for user's rights), 2.2 (high standards of professional conduct, and ethical practice), 2.3 (respect existing rules pertaining to professional work), 2.5 (credible testimony to users), and 3.4 (policies that support the Code of Ethics).

Ethical and social computing are embodied in the ACM Code of Ethics as well as in the BCS (British Computer Society) Code of Conduct. Regarding the BCS (British Computer Society) code of conduct, the case study violated Public Interest (1.a – "Have due regard for public health, privacy, security and wellbeing of others and the environment; 1.b – "have due regard for the legitimate rights of Third Parties"); Professional Competence and Integrity (1. F: "Avoid injuring others, their property, reputation, or employment by false or malicious or negligent action or inaction).

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## 1 reply

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Post by [Doug Leece](#)

Peer response

[68 days ago](#)

Well researched posting Alice, as an Android user I am not surprised to find 95% of the applications contain dark patterns (Di Geronimo et al, 2020). While I personally feel caveat emptor should be the first rule of any transaction the question is whether the software company violated codes of conduct while performing change requests for their client (ACM, N.D).

Those leading a company must include their customers, their customers' customer and their company stakeholders such as employees and investors as they wrestle with principles like ACM 3.1 and the public good. The case study does not state outright, but presuming the software development company is a small business rather than a large enterprise, the development company has a 47.7% chance of being out of business within five years (Gustafson, 2022).

If the company leaders had decided to challenge the customer, refusing to perform the application interface changes, it is not unreasonable to expect the client will simply get the work done somewhere else and potentially sue the company for breach of contract.

The case study indicated the client company did refund fees if their customers complained, given the willingness to provide a refund if asked, is it really the ethical responsibility of the software company to police how that company interacts with its clients? If yes, there is certainly an ethical dilemma when considering the "public good" as defined in ACM 3.1 (ACM, N.D.). Namely the impact of some customers requesting a refund versus the potential for significant loss of employment should the company fail due to the loss of this contract and negative marketplace reputation.

#### References

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