

COMP2213 - Interaction Design

Reflection 1: Trust and control design analysis and evaluation
for better data protection

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This section of the course focused on the user privacy and consent as part of the design process. The workshop aimed to teach us how to evaluate existing implementations of consenting and highlight the areas on which we could improve the current designs.

The session started with an excerpt of a sample Terms and Conditions (T&C) statement that our team had to simplify the language of to make it more understandable to the end user and then propose an alternative design for the consent page. We found it easy to agree on removing parts like “on behalf of yourself and those you represent” and more formal words like “provisions” or “discontinue” to simplify the language in an attempt to make it more accessible and attractive to the average user. However, we found it challenging to strike a balance between making the text understandable and concise as well as usable as a legal tool for eliciting consent.

As we have observed in the lectures, while such T&C might be enough for the regulatory bodies in the US, the GDPR won’t allow such document as a standalone tool for soliciting user consent as it would not solicit the proper behavioral engagement from the user to count it as “consent”. To address this, when designing the consent page, our team decided to keep the original T&C text as an option available to the user to read through and include tick boxes with the main points addressed in the T&C page in simple language. This way, at minimum, the user has to engage with the most actionable clauses of the T&C before consenting.

Indeed, we have observed this practice in a few services in the second exercise that tasked us with rating the data protection pages of various services. These services used simple language, included a link to the extended T&C/privacy policy document and described how the data will be used and with whom it will be shared. Unfortunately, the majority of services fell short of this “bare minimum” standard of consent fullness. The designs were far from the “knowing and voluntary” golden standard of consent discussed in Richards and Hartzog’s paper¹ either with “unwitting consent” by purposefully making the page hard to navigate and too loaded with information, “incapacitated consent” by making it too easy for children or persons incapable of consenting to accept the clauses frequently, at the same time, engaging in “coerced consent” by giving the only option of not using the service at all if the T&C are not accepted.

The issues became even more apparent when going through the case studies in the next exercise that presented us with consent procedures outside the internet – a victim support enrollment during a phone call and a blood test. The procedure is often rushed, not specific and often implies “situational” consent from the other party (If the person is not objecting then they are consenting). Slowing the consent process down and getting it written down for the person to read and acknowledge is the bare minimum, in our group’s opinion, to qualify the interaction as consent. Otherwise, consent shouldn’t be solicited.

I agree that going through such analysis of the consent process when designing for meaningful consent that protects both the user’s and company’s interests is crucial in the current legal and cultural context. The workshop exercises did a great job at educating me and my group on the current climate of consent policies with a few exceptionally good examples of informed consent. However, doing a better job than the competition when it comes to user privacy is not enough considering the abysmally low standards currently imposed. I wouldn’t use these exercises to improve the design of the service but rather opt to revamp completely the consent process.

Richards and Hartzog¹ come with very important principles for a golden standard of consenting. It should be *infrequent*, once the user declined a permission it should not be requested again for a long period of time. Risks should be *vividly* exposed, like a pack of cigarettes that “kill”, the consent page should show the information at risk in case of data breaches (including third parties) before the user consents. The whole process should be *treated seriously* and addressed in detail before proceeding to the service.

Otherwise, in my opinion, companies should be barred from collecting and manipulating user data or at least limited to what information they can collect until the consent process abides by these strict standards. Following the workshop, I concluded that the interaction design process in the current state is not feasible and frequently is neglected which is paradoxical for such a matter of physical and psychological integrity in the 21st century.

¹ Neil Richards; Woodrow Hartzog, "The Pathologies of Digital Consent," Washington University Law Review 96, no. 6 (2019): 1461-1504