

An Investigation of Consent Dialogues on Websites

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An offer you cannot refuse...

Other options

There are many privacy controls that you can use, even when you're signed out, to achieve the Google experience that you want.

Search customisation

Control whether or not search results are affected by search activity in this browser

[EDIT SETTINGS](#)

Ads settings


Adjust the types of ads that you see from Google

[EDIT SETTINGS](#)

YouTube customisation

Control whether or not your YouTube experience is affected by YouTube search and watch activity in this browser

[BACK](#)



Some important updates and settings to review

Personal data laws are changing in the European Union, and we want to make it easy for you to view some of your data settings.

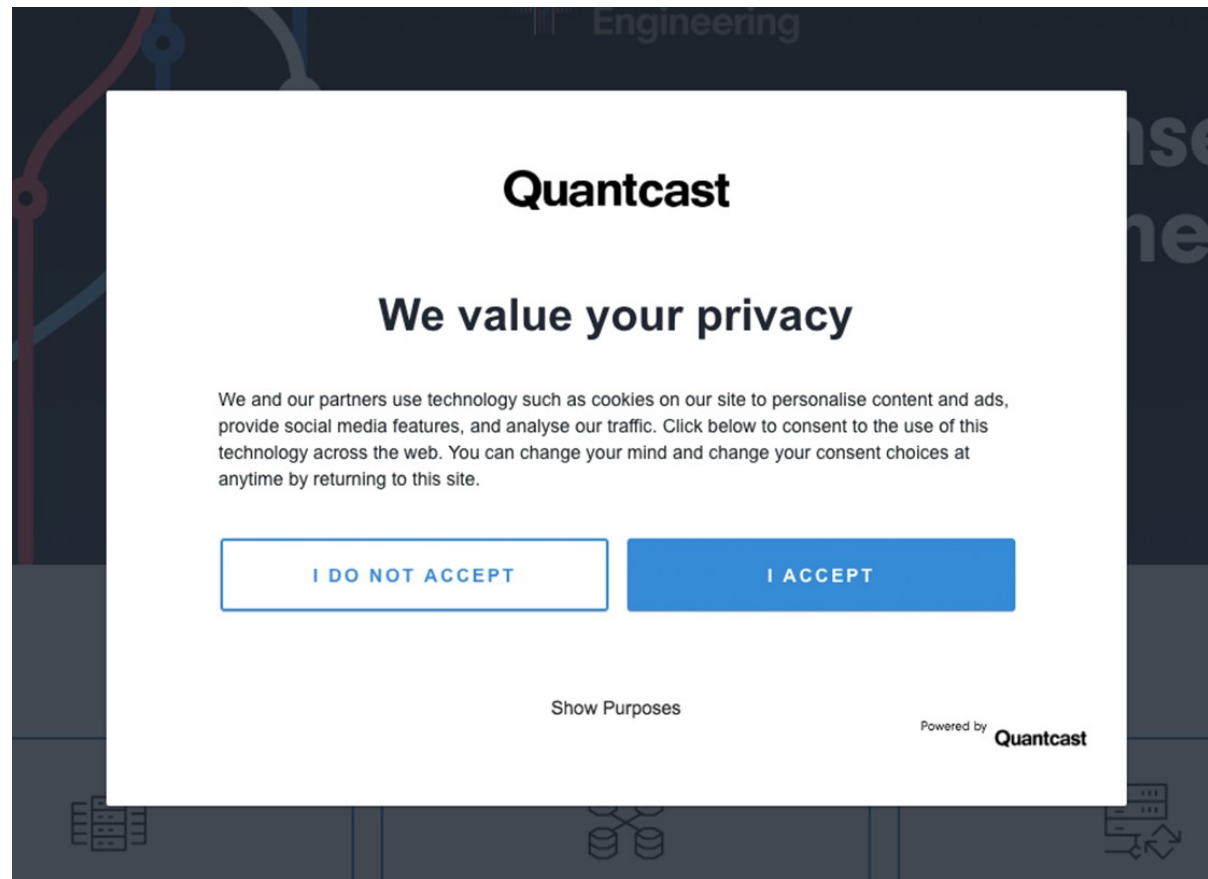
Please take a few minutes to review these updates and make choices about some specific data settings.

Here's what we'll have you review:

- ✓ How we use the specially protected personal data you choose to add on your profile
- ✓ An option to turn on face recognition
- ✓ Our updated Terms, Data Policy and Cookies Policy

[Get Started](#)

An offer you're compelled to accept?



Consent Requirements

- **Freely given**
- **Specific**
- **Informed**
- **Un-ambiguous**
- **Revocable / Can be Withdrawn**

- GDPR Art. 4-11 (2016)

So what's happening?

The image shows a screenshot of a website's privacy consent dialog box. The dialog box is white with a dark background behind it. The text inside the dialog box is as follows:

Quantcast *identity*

We value your privacy *purpose*

We and our partners use technology such as cookies on our site to personalise content and ads, provide social media features, and analyse our traffic. Click below to consent to the use of this technology across the web. You can change your mind and change your consent choices at anytime by returning to this site.

revocation

Indication of consent
Show Purposes

Powered by **Quantcast**

The annotations in red italics are: 'identity' above the Quantcast logo, 'purpose' to the right of 'We value your privacy', 'revocation' to the right of the paragraph, and 'Indication of consent' below the buttons. The 'I ACCEPT' button is highlighted with a red underline.

Hello, there... Dark Patterns!

Dark Patterns (<https://www.darkpatterns.org/>)

Dark Patterns are tricks used in websites and apps that make you do things that you didn't mean to, like buying or signing up for something.

“When applied to consent – does it count as psychological manipulation and make consent invalid?”

Some notable observations

- Nouwens et al. (2020) scraped five most popular consent dialogue providers on top 10,000 UK websites and found that dark patterns and implied consent are the norm – while only 11.8% were GDPR compliant.
- Human and Cech (2020) investigated sociological dimensions of consent and found GAFAM policies contained several variations of dark patterns in interaction design, visual design and textual descriptions
- Matte et al. (2020) list dark patterns within the IAB framework – largest ad networks on the internet – and showed that websites do not respect consent choices and collect data anyway
- Santos et al. (2020) expand on the above work and show (opine) “it’s not possible to fully assess compliance with the law for the majority of requirements because of the current architecture of the Web”

Why should I / YOU / WE care?

- 1) Lets assume all data collected is used to provide better ads / personalisation / benefits
- 2) This involves creating user profiles that identify attributes about age, sex/gender, interests
- 3) Raw data: collecting **everything** – location, call records, apps installed, purchase history
- 4) Inferred data: correlate raw data using algorithms to identify required attributes e.g. demographics

So far, so good...

Why should I / YOU / WE care?

- 1) You don't want to be surveilled, you don't want the benefits – is that a right we have?
- 2) Is this data accurate? Am I really a – female, housewife, 45-50 age, mother of 2?
(as you can see/tell – no.)
- 3) Who else is accessing this data? For what purposes?
(Cambridge Analytica is the tip of the iceberg)

So why consent on websites?

- Is the most closest to end-users / individuals
- Can also be applied to smartphone apps
- Legal requirements are (relatively) clear / known
- Information is (relatively) transparent and accessible making research easier
- Smaller case laws have larger implications (snowball effect: if you cannot touch anyone without permission, you cannot slap anyone without permission)

Okay ... I'm in. Let's do this!

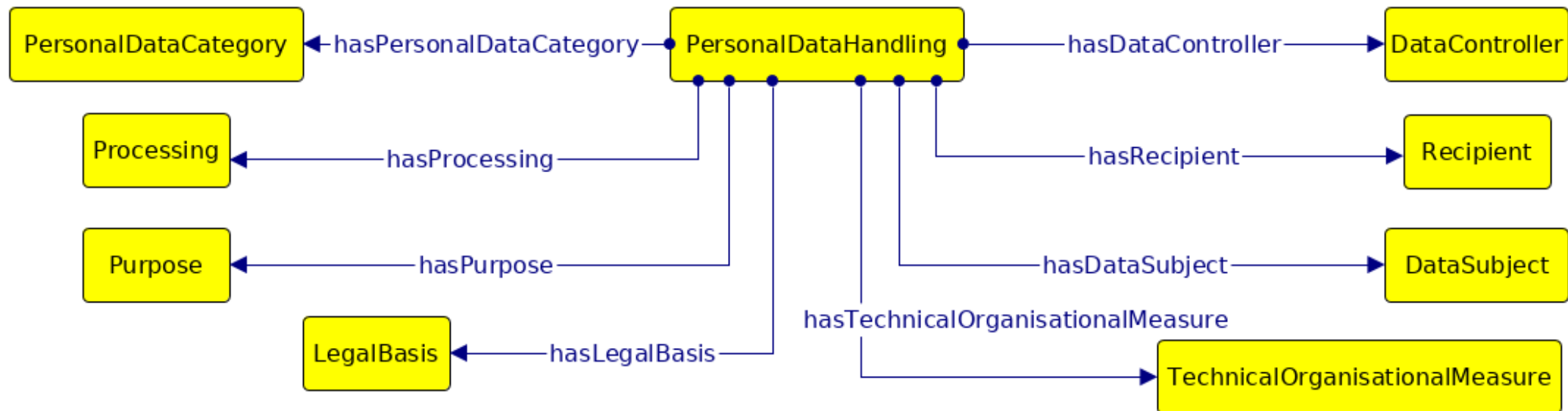
- Legal requirements talk about abstract dimensions of consent e.g. freely given
 - Real-world delves with UI/UX paradigms
 - We need to close the gap between the two
- 1) Legal Scholars – legal interpretations
 - 2) Sociologists – social expectations
 - 3) Psychologists – behaviour analysis
 - 4) Computer Scientists – let's automate that!
(that's a joke – the real reason is to analyse the underlying technological implementations)

Machine-readable metadata?

- Indicate the contents of consent for inspection
- Clear, precise (in terms of being present)
- Standardisation
- Legal Impetus??? ← lacking currently
- ISO/IEC 29184 provides some direction

Data Privacy Vocabulary

<https://www.w3.org/ns/dpv>



Consent Receipt

- Record of consent interactions – given, offered, withdrawn, refused – whatever, just log it
- Proof !!! Websites cannot claim consent if you have a consent receipt that says otherwise
- Specification (outdated)
- ISO/IEC published 29184 (2020-06) listing requirements for consent dialogues and mentioning possibility of machine-readable metadata
- ISO/IEC announced 27560 as an upcoming standardisation effort for consent receipts

that's all, folks!

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