

# **Fairness and flexibility: consumer expectations for a more responsive personal data system**

**Liz Coll**

**Digital Policy Manager, Citizens Advice, UK**

## **1. Introduction**

This research<sup>1</sup> builds on previous Citizens Advice analysis<sup>2</sup> and stakeholder engagement, which found broad agreement that major changes are needed in the way in which consumer data is handled, but little consensus for how this could be done.

Although there is a wealth of existing knowledge on general consumers' attitudes to privacy issues and the collection and use of personal data, there is a lack of detailed, qualitative evidence regarding how consumers experience digital markets as a whole. In particular, there is little attention given to how concepts such as trust, concern, privacy, value and control in personal data are interpreted by consumers. This has led to various stakeholders applying these key terms in ways that may not align with consumers' interpretation. This lack of clarity on definitions makes it difficult to both develop sensible policy directions, or to assess the success or value of various interventions.

## **2. Purpose**

The purpose of this research was to understand what meaning consumers assign to key concepts and principles used in digital and personal data debates, and how these could be translated into practical steps to better meet their expectations and needs in the digital world. Six day-long discussion groups were held across the country, involving consumers from a range of age, gender, income and skills groups. All had experience and some knowledge of digital technology but differed in their levels of confidence and immersion. Participants were recruited to have a range of opinions about the use of their personal data in order to stimulate debate. Moderators employed a range of techniques to uncover the feelings that sat beneath their experiences including direct and indirect questioning, group and individual tasks and exploration of a selection of visual stimuli.

## **3. Key themes from discussions with consumers**

### ***3.1 The digital world for consumers is fun, free, flexible and familiar***

Consumers of all ages get deep gratification and convenience from the digital world. They appreciate the speed and ease of buying, planning, finding information, socialising and being entertained online. This is more significant than just simply saving time, or saving money. Being freed up from mundane tasks means more leisure or family time, and less hassle. Easy access to social tools like networking sites or VOIP has transformed connections between people making them immediate, easy and constantly available.

---

<sup>1</sup> 'Consumer expectations for personal data management in the digital world' Citizens Advice, April 2016  
<https://www.citizensadvice.org.uk/Global/CitizensAdvice/Consumer%20publications/Personal%20data%20consumer%20expectations%20research.docx.pdf>

<sup>2</sup> 'Personal data empowerment: time for a fairer data deal?' Citizens Advice, April 2015  
<https://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/consumer-policy-research/consumer-policy-research/personal-data-empowerment-time-for-a-fairer-deal/>

***“I don’t even notice that I’m using technology, it’s just so much a part of everything I do.”***

Familiarisation with smart, speedy and convenient service delivery at low or no upfront cost seems to hold people back from expressing reservations up front, and has set a high bar for potential solutions to meet.

### ***3.2 The digital world can also feel unbalanced, unfair, impervious and unclear***

Despite these benefits, reservations sit behind the convenience of and satisfaction with, the digital world. There is anxiety about what goes on behind the scenes and how continuing in the current vein will impact on future generations. Ironically, it is offers of such quality services at such low cost which have served to create some of these misgivings. As the convenience and reach of digital technology increases, so does dependence and the suspicion that it may all be ‘too good to be true’. There is a sense that ease and enjoyment now will have consequences at a later date.

***“The internet is like a big rollercoaster with loads of highs and lows; what I’m worried about, is the stuff that I don’t know about – the things that are hidden underneath the slide.”***

Concerns vary between consumers but originate in both direct experience and from an underlying sense that individual autonomy is being diminished by the onward march of digital technology. This leads to erosion of trust in brands and systems – but despite this, we continue to see strong continued use of such services and brands. This continued use is interpreted by many to mean consumers are comfortable with the way things are, but this study found this not to be the case.

### ***3.3 Conditioned not to care?***

***“We’ve all become digitalised now, it is just part of what we do is going on the Internet. We’ve been conditioned in a way, I think.”***

When given space to express concerns, consumers have worries about lack of control, privacy and the impact of high use of technology on the next generation and on social or family life. These concerns are not always readily expressed as people have been so reliant on the way services are delivered for so long that to change or challenge seems both difficult and unlikely to have any affect.

***“The genie is out of the bottle...I’ve been buying online for over 10 years now....”***

***“They’re so powerful – they’re not going to listen to me.”***

In addition, the immediate gratification and convenience of so many services can override deeper concerns. Others prefer not to consider what could happen with their data. As

transactions demand data, they share it, hope for the best and assume that nothing untoward will happen to them – optimism bias is a recognised behavioural trait and can help explain the discrepancy between attitude and action.

### **3.4 Knowledge and information**

***“You know less, but have to trust more.”***

The data monetisation business models of many online businesses are poorly understood. There is awareness that there is some kind of data exchange but little clarity on how it works. Consumers suspect that this lack of openness is deliberate, as information about digital brands’ business models is difficult to come by. However, being aware or making an effort to understand the exchange has not brought much clarity or confidence. Consumers who have tried to understand digital brands’ terms report they are left feeling worse as they have not been able to take control or responsibility successfully.

### **3.5 Backed into a corner: consumer choice and control**

People feel their choices online are limited in two ways: firstly, to participate at all in the digital world as it is so integral to society, and secondly, the limited choices they have when interacting with brands.

***“To be part of the modern world, we have to be on all of the key sites– you have no choice.... If you weren’t on these sites... people would ask what you was trying to hide.”***

They feel they have an all or nothing choice to make when accepting the terms of the relationship. They talked about choice beyond just offering different privacy or data sharing options; people also felt that they had no say over the dominant data monetisation business model followed by many digital brands.

Consumers feel the balance of power is with the large digital brands as they pioneered the digital environment and fuel enormous growth.

### **3.6 Who to trust?**

Consumers talked about trust in two ways. Firstly, the delivery of the core service to a high standard, where there were high levels of trust in digital brands processes and security of payment data. Secondly, the values of a brand and the trust that the organisation will act in their best interest: these are harder to interpret but generally there was less trust with regards to respect for privacy preferences or future intentions. Some of the same brands which consumers feel have strong data security are those that consumers feel may be exploiting their monopoly position in terms of analysis and sharing of their personal data.

## **4. Consumer expectations of personal data collection and use**

Below are some suggestions directly from consumers about how they would like to see their concerns addressed and more confidence and trust built:

#### **4.1 Smart information that builds knowledge and enables action**

- *Clearer language*: guidance on how data is used and how to decide the right choice for a person, needs to be presented in a simple, easy-to-understand language that avoids legal jargon.
- *Easier visualisation*: terms and conditions could be translated into simple language or symbols, so they could be understood at a glance.
- *Tangible information*: more tangible information which they felt would be easier to act on, such as specifying how many companies their data would be shared with and for how long.
- *Processes and business models*: information about both the way in which data is collected, and how it makes money, to have a context that allows them to understand what a fair, trusted exchange looks like.

#### **4.2 Control made easy and choices made meaningful**

- *Responsive*: a system that responds to their preferences, and changing needs and that enables easy ways to make decisions on how their information is used.
- *More standardisation*: a standardised format, style and wording (where feasible) for terms and conditions and privacy policies to reduce confusion.
- *Exception notifications*: where any type of data practice that was outside the normal expectations would be made prominent.
- *Ability to review and retrieve*: options to review their selections and potentially change their mind, with the help of cooling off periods and periodical reminders, reverse tracking of information and option to delete or retrieve.
- *Option to personalise privacy settings*: bespoke, tailored options that meet their specific needs. To strike the balance between granularity and minimal effort, several more experienced digital consumers wanted personal data intermediaries to manage the complexity of privacy and sharing settings with multiple providers on their behalf.
- *Choice and autonomy*: more choices over terms of the data exchange. Despite different thresholds for what they might be willing to pay for a service, all welcomed the idea of there at least being a choice available over whether to access something in exchange for their data or another method.

#### **4.3 Unambiguous values and responsible practice**

- *Transparency and clarity*: digital brands to have clearly defined values, and commitment to the ethical use of their data, and be more transparent about the value they get from consumer data.
- *Accountability*: a much clearer line of sight to enforcement which would see minimum standards upheld. This would make consumers feel protected, and reassured that an independent body is holding the digital brands to account.

## 5. Working together to meet consumer expectations

As referred to earlier, delivering on these expectations and creating a way of doing things that inspires more confidence must be understood in the context of the enjoyment, freedom and convenience that the rise of digital technology has given people. New approaches will need to build knowledge, deliver choice and control with a minimal effort required of consumers, and with a minimal impact on their familiar online experience. Consumers feel this is within digital companies' capability, given the sophisticated, personalised delivery of services they offer and are thus frustrated that more choice, control and transparency are not available at the moment.

However, delivering on these expectations presents companies with some difficult choices, particularly given the data monetisation model of so many large online brands. As well as high service expectations, consumers' privacy preferences are often contextual and fluid. Their concerns are entwined with bigger questions of where technology is taking society, government and employment, as opposed to always being able to pinpoint issues to specific company practice - although these certainly fuel or even embody concerns. Therefore, effort is required by all parties involved in the delivery of digital services - policy makers, regulators, businesses and consumers themselves. The recommendations below are a starting point for company practice and supporting regulation.

## 6. Recommendations for company practice and supporting regulation

### *Company practice*

- Recognise that long term trust will be built by understanding what consumers want and on what terms. They are likely to be building from a low position of trust in terms of privacy and data handling, and so build engagement with that in mind.
- Make sure trust is integral to design and operation, not a bolt-on at the end.
- Demonstrate trust credentials by going beyond compliance requirements.
- Demonstrate accountability, either through adherence to robust external schemes or by directly answering to consumers if they are unhappy with practice.
- Develop clear and accessible processes for consumers to complain or seek remedy.
- Explore and test the many different models and approaches available to see how successful they are at delivering some of the things that consumers say they would like.

### *Regulation and policy*

- Strengthen data portability requirements - consumers should be able to access and copy their consumption or transaction data in an open, easily comparable and sharable format.
- Open up opportunities for intermediaries to innovate around communicating terms and conditions in easily digestible ways, for example by ranking and scoring them. Requiring them to be published in an open, standardised format would make this easier.

- Recognise that detriment and harm in digital markets can take multiple forms, and do not only equate to financial loss. Just as important are harder to measure harms such as loss of confidence and trust.
- Recognise the way in which both the essential nature of being online and the small number of large companies dominating delivery of online services could limit consumers' ability to exercise choice in the way they can in other markets.

**July 2016**