Dark Patterns or Informed Consent, PI disclosure decision, and trade-off? A study exploring the value of sharing personal information (PI) with media companies in Flanders, Belgium

Imagine that a media organisation asks you to share personal information (PI) in exchange for a personalised media experience. What 'value' will you receive in return for disclosing your data? Do the benefits offered by these personalised media products and services outweigh the privacy risks you take by sharing personal data?

1. Introduction

As media users, we are not fully aware of the value of personal data that we share with media organisations. We often do not realize PI hold 'monetary value' and consequently, we underestimate our economic power in the data-driven economy (Malgieri, 2018). The consequences of the decision whether or not to disclose personal data often remain unclear (Robinson, 2017). For example, not sharing your data can result in a lower quality of service or even in no access to certain content. In turn, media organisations have a hard time communicating the benefits of personal data collection and personalisation to us, their users, in a clear and convincing way (Van Zeeland, Van Buggenhout & Pierson, 2019). Personalised products and services are advertised towards consumers as useful or valuable, while users are often unaware that they are 'paying' for the personalised offering with their PI (Kuneva, 2009). **Selling personalisation therefore remains a problem for media organisations** (Van Zeeland, Van Buggenhout & Pierson, 2019).

The abovementioned insights originate from a roundtable on PI protection challenges in the Belgian media industry. Researchers from the imec-SMIT institute (Vrije Universiteit Brussel) organised a follow-up study fuelled by the roundtable results. The aim of this study is to investigate the value of disclosing personal information (PI) to media companies, from the perspective of media organisations in Flanders, Belgium.

2. Method

We apply the e-Delphi method[1] in three consecutive rounds (Slocum, 2003; Cole, Donohoe & Stellefson, 2013), conducting online surveys to elicit opinions and attitudes from an expert panel representing stakeholders from Flemish media companies, consumer organisations, lawyers, policy makers, independent media regulators, and academics. The research process is iterative and interactive, aimed at reaching consensus in solving a problem or deciding the most appropriate course of action (Figure 1).

Based on the study findings we develop **recommendations** for media companies to clearly communicate the 'value' of a personalised offering to media users and explain the benefits and potential risks of PI-disclosure in a transparent way. By taking the initiative in developing guidelines to explain PI-collection purposes to media users in a compelling way, **we motivate Flemish media organisations to create codes of conduct for enhancing user trust that will make people more amenable to consent to sharing their data**.

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[1] "Delphi involves an iterative survey of experts. Each participant completes a questionnaire and is then given feedback on the whole set of responses. (…) This process is repeated as many times as is useful. The idea is that the entire group can weigh dissenting views that are based on privileged or rare information. Thus, in most Delphi processes the mount of consensus increases from round to round" (Slocum, 2003, p. 75).
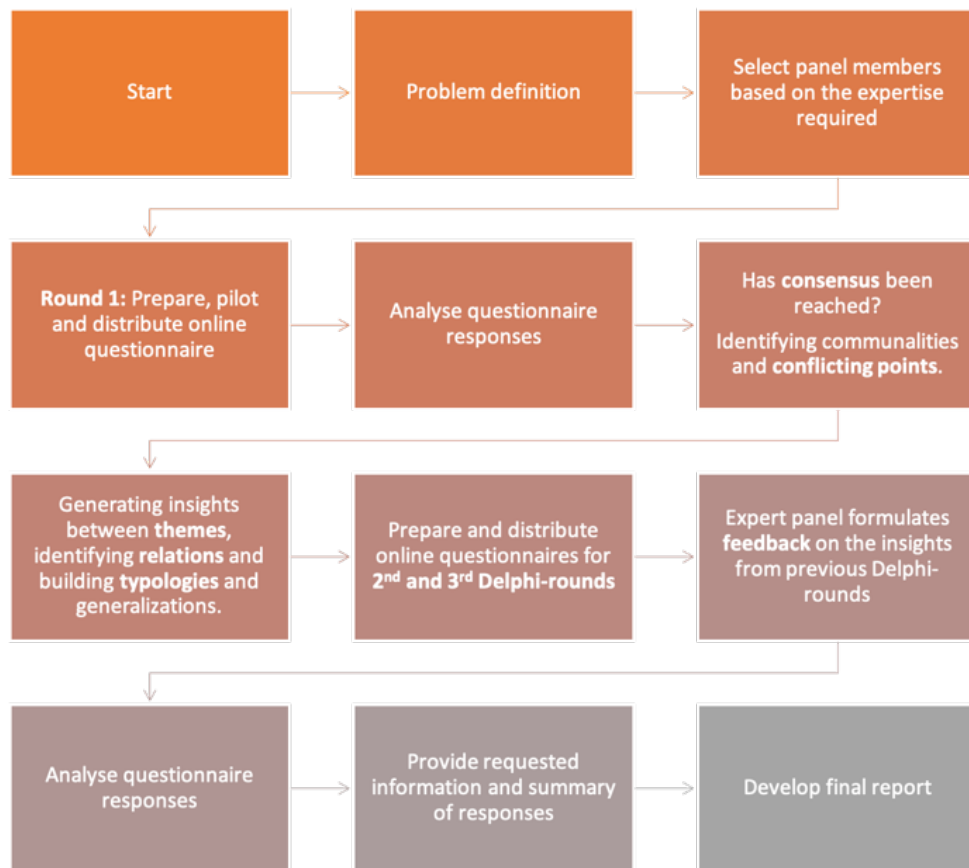
Figure 1: e-Delphi procedure

The recruitment of the expert panel, data collection and analysis for the first Delphi-round took place from September until November 2019. The central research questions were:

1) How do media organisations define the value of personalised products and services for media users?
2) How is value operationalized, communicated and delivered to media users?
3) To what extent is the value proposition, the personalised offer of media organisations in terms of value for (potential) customers, linked to collection and usage of media users' personal information?

The second Delphi-round was organised from January until May 2020. The expert panel formulated feedback on the findings of the first Delphi-round. In this contribution we present the research highlights of the first and second Delphi-rounds. In addition, we discuss the focus of the third and final round.

3. Findings

3.1. First Delphi-round

In the first Delphi-round we surveyed twenty Flemish media professionals, advertisers and marketeers. From media companies' perspective, personalisation primarily offers functional value to media users. Offering ease of use is more important than time-efficiency or exclusivity. Personalisation 'benefits' are predominantly improved service quality and user experience. The respondents explained why it is valuable for media users to disclose PI in exchange for personalisation by linking the added value of PI trade-offs mainly to relevance.

Their descriptions of the term however remained vague throughout the first Delphi-round. The expert panel furthermore suggested a number of strategies for media companies to demonstrate that a personalised media offer delivers value to media users:

- Focus on content, quality and innovation. For example, quickly provide the right information to the right media users;
- Show improved user experience, exclusivity and control with (free) trials and exclusive offers for media users;
- Apply marketing and communication practices to create consumer interest i.e., link a personalised experience to the media brand image.

Nineteen of twenty respondents collect PI for developing a personalised offering[2]. **Most respondents collect more PI than is necessary for personalisation and the connection between data collection and processing is often unclear.** For example, the respondents often collect media users' age and gender while also indicating these types of personal data are not necessary for the development or optimisation of personalised media products and services. Based on the findings[3] of the first Delphi-round we formulated recommendations for media organisations to communicate the value of PI-collection/processing to media users in a more transparent way (Van Buggenhout, Van den Broeck & Ballon, 2020):

- Enhance the awareness of media users about the value of a personalised offering and promote the benefits of PI-disclosure through value-based communication efforts that highlight ease of use and improved level of service offering;
- Offer added value to media users in return for sharing their personal data by applying added-value strategies when you develop a personalised offering. For example, improve operational excellence, enhance customer intimacy (products and services that are 'tailor-made for the user'), develop new products, and create new marketing concepts;
- Define a clear trade-off between asking media users to share personal data on the one hand, and the value of a personalised offering they will receive in exchange;
- Construct an USP to explain to what extent the personalised offering is unique and communicate/ advertise the benefits of personalisation towards media users;
- Collect only the data you truly need. This increases consumer trust and a sense of transparency. For example, if the media organisation is hacked or has a data breach then it loses only that data, but this is better than suffering the potentially, great losses of getting caught with more, irrelevant data than is necessary for personalisation.

3.2. Second Delphi-round

An expert panel of twenty respondents participated in the second Delphi-round[4]. Firstly, we further explored how the experts define relevance for media users in regard to a personalised

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[2] In the first Delphi-round the respondents constructed value propositions for a fictional bundle of media products and services of their choosing. In this study we reflect on the PI-collection for their proposed personalised service offering and not necessarily their actual offering.

[3] For a more extensive reporting on the process and results of the first Delphi-round we refer the reader to the following article (open access journal): Van Buggenhout, N., Van der Broeck, W., & Ballon, P. (2020). Exploring the Value of Media Users' Personal Information (PI) Disclosure to Media Companies in Flanders, Belgium. *Mediální studia, 14*(1), 75–103.

[4] Ten Flemish media professionals, eight academics, one member of a sectoral advisory board in the domain of media, and a representative of an independent body in the field of data protection.

media experience. Above all, **respondents most often indicated that relevant media content, advertising and reporting matches the interests of the media user**. *Relevant media content* is described as 'useful', 'valuable' and 'important' because it meets media user expectations and fulfils their needs. Correspondingly, relevant media content closely fits the sociodemographic profile, viewing and reading behaviour, media consumption, and context of the media user. *Relevant advertising* is adapted to the buying habits and spending patterns, lifestyle, life phase and living environment of the media user. *Relevant reporting* is defined as information that is 'necessary' and 'useful' at the right time and within a certain context. It deals with themes that are in line with the media user's environment. It is also information that is considered valuable or even necessary from a social perspective. On the other hand, relevant reporting is also defined as a filter - "possible manipulation" - whereby the media user does not receive messages that are of no use to him. But it can also be reporting that keeps media users out of their information bubble. Although this must of course also be weighed against the influence of news personalization and the monitoring of news consumption of media users on democratic society.

Some respondents did not perceive a difference between the relevance of media content and reporting. While others used words such as 'actual', 'objective', 'neutral', 'necessary', 'nuanced opinion', 'avoiding or eliminating information bubbles', and 'informed citizens' more often in their descriptions of relevant reporting. **When it comes to (news) reporting, it therefore seems that a greater importance is seen in current, objective information provision than in media content in general**. The answers also seemed to have a corona-effect. For example, elements as 'useful', 'at this moment', 'necessary', 'important', and 'well-informed' were more present in the answers that were given during the COVID19-lockdown.

Secondly, we asked respondents to describe the value of personal data collection and processing defined from media companies' perspective. We identified five clusters in their answers:

1) *Business and customer intelligence*: Data is knowledge. Collecting and analysing personal data provides insight into the elusive audience i.e., their profile and behaviour. This results in better profiling and targeting of media users;

2) *Product and service development*: If media companies have better insights in and knowledge about their media users, they are able to develop better products and services that are tailored to the expectations and interests of media users;

3) *Customer relationship management*: Better products and an improved quality of service lead to higher customer loyalty. A personalised media offer that is tailored to the media users furthermore enhances their user experience and increases customer satisfaction;

4) *Economic benefits*: The revenues of media companies increase by collecting and processing personal data and selling it to third parties e.g., for advertising purposes. This allows media companies to unlock the economic value of personal data and realise commercial and societal business objectives and stand out from the competition;

5) *Positive impact on marketing and advertising*: Collecting and using personal data is attractive for advertisers because it contributes to more efficient marketing and effective advertising. Consequently, this results in higher advertising revenues.

Third, we analysed the reasons why media organisations collect more PI than is necessary for personalisation and for what purposes. We inquired from the respondents why a media provider would ask for a media user's age and gender if this does not seem necessary for offering a personalised product or service. **The answers revealed some scepticism about the motives: marketing and advertising purposes were most mentioned by the respondents, followed by target group segmentation, and selling personal data to third parties.** However, a closer analysis of the answers made it clear that the presumption of reselling was mainly among academic respondents. It was also further specified that marketing and advertising purposes would be primarily about addressing a media user appropriately.

We additionally examined how to recognize and prevent the manipulation of media users to disclose more PI than is in their best interest or in accordance with their wishes ('dark patterns'). The respondents were shown an example of a cookie request and clicked on the elements that they perceive as misleading or manipulative for media users (Figure 2). In particular, **it is indicated that opt-out is more manipulative than opt-in. The use of a large button with a thumb and the positive green colour for the default option of sharing as much data as possible is also considered manipulative**. In addition, respondents indicated that the explanation about personal data processing should not come under the "Save" button.

Eight of twenty respondents think that to avoid these kinds of manipulations, **neutrality should be enforced in the representation of different options**. According to a quarter of the respondents, the explanation should use clear language and three respondents indicate that the explanation should be more extensive. One respondent suggested that manipulations should not be prevented; after all, most users would immediately accept everything:

Figure 2: Misleading elements in a cookie request (heatmap)

> "The question is whether all manipulations should be prevented. What is the purpose of accepting or changing cookies? "Allow the user to change his cookie preferences." However, we see that in almost all cases, users do not. If 99% of users immediately accept, why should we make the two buttons equal in terms of user experience?" (data expert at an internet and telecom provider).

Finally, we inquired from the respondents if and how media companies can or should communicate to media users that sharing personal data is a form of 'paying'. At first sight, their opinions on this are divided into for and against (Figure 3). The respondents who are advocates of the idea emphasized that **it is important to inform media users about the economic value of personal data**. Media users can pay with money or data. They receive added value in return for sharing personal data. In addition, these respondents considered the trade-off of sharing personal data in exchange for a personalised media offers as a fair deal.

The respondents who were against admit that when personal data is used for advertising purposes, this is actually a form of 'payment'. They put forward however that privacy is a human right and that the value of personal data cannot be determined in a univocal nor unambiguous way. Additionally, these respondents mentioned that proposing payment with personal data is legally incorrect.

Figure 3: Sharing personal data as a form of 'payment' (respondent quotes)

Discussion

During the second Delphi-round most respondents indicated that media users will not experience the benefits of personalised media products and services as 'value' in return for the personal data that they share with media companies. These respondents often described **an unequal value exchange between media organisations and media users**. For example, the *return* for media users does not outweigh the value they attach to their personal data. Mainly benefits are created for media organisations. There is a discrepancy between the added value of a personalised media offering for media users and the added value of the collection and use of personal data by media organisations. Media users are insufficiently aware of the value of personal data they disclose to media organisations. People don't give

enough thought to what they have given away. Consequently, they do not make informed PI-disclosure decisions. It is therefore important to create even more awareness about the fact that data generated by us should actually remain ours at all times. In contrast to the current "all-or-nothing" scenario, a better balance needs to be struck between the personal data collected by media organisations and the benefits of personalisation for media users.

The data collection for the **third Delphi-round** started in June. The data analysis and final report are planned in September 2020. We will further explore i.e.:
- Which sector-wide agreements can be made between Flemish media organisations to enhance transparency of personal data collection and use for personalisation purposes?
- How can media organisations prevent an unequal value exchange and verify that media users experience the benefits of a personalised as 'value' in exchange for sharing their personal data?
- How to enhance the data literacy and awareness of media users about the value of personal data?
- Should media organisations take a position in the discussion concerning the idea that sharing personal data is a form of 'payment', and how best to make this position explicit in their communication to users?

The next steps are then to use our research findings as **an incitement for media companies to develop a code of conduct that aims at transparent communication towards media users about the value, benefits and risks of personal data collection, processing and personalisation**. For example, we will organise an online group discussion (anonymised and in real-time) in collaboration with the VUB Chair Data Protection on the Ground, to create and refine guidelines and protocols in the Flemish media industry for personal data processing and personalisation. We will invite an expert panel of media professionals, academics, consumer organisations, policy makers, independent regulators, advisory boards, and lawyers to participate in this online brainstorm.

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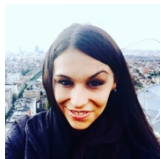
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