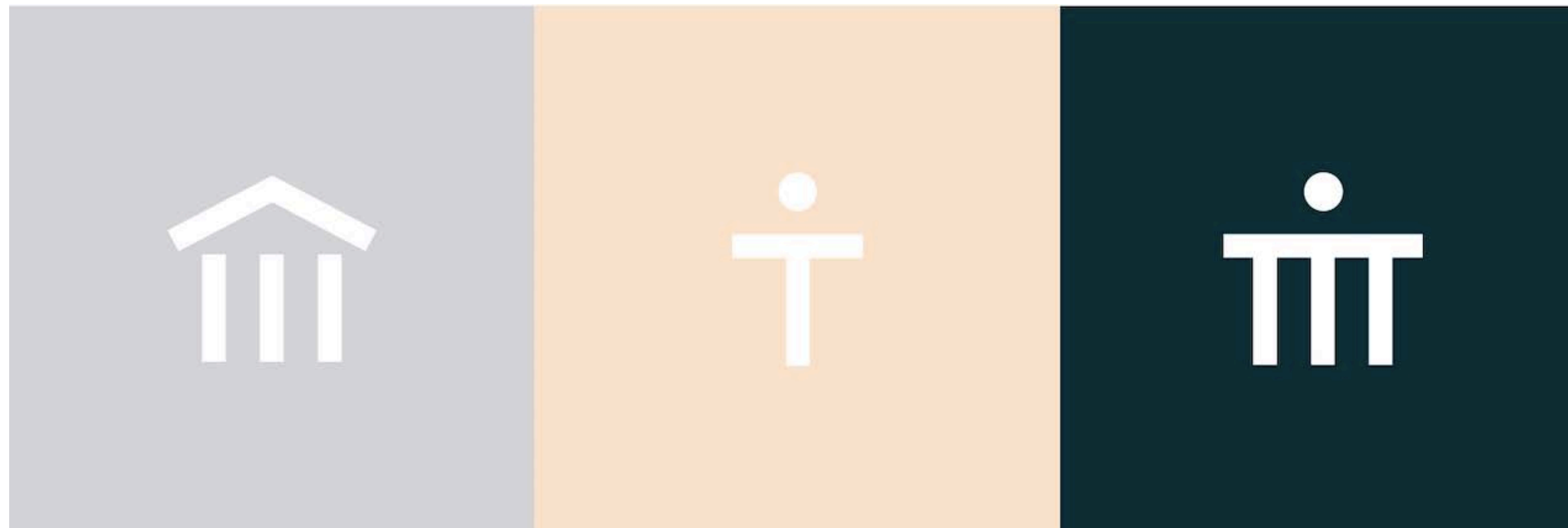


A user-centric perspective

Guidelines 3/2022 on Dark Patterns in social
media platform interfaces

“amurabi

legal innovation by design



Introduction to the user-centric approach

Who are the humans who are going to use the Guidelines?

To maximize the impact of the Guidelines, they need to address:

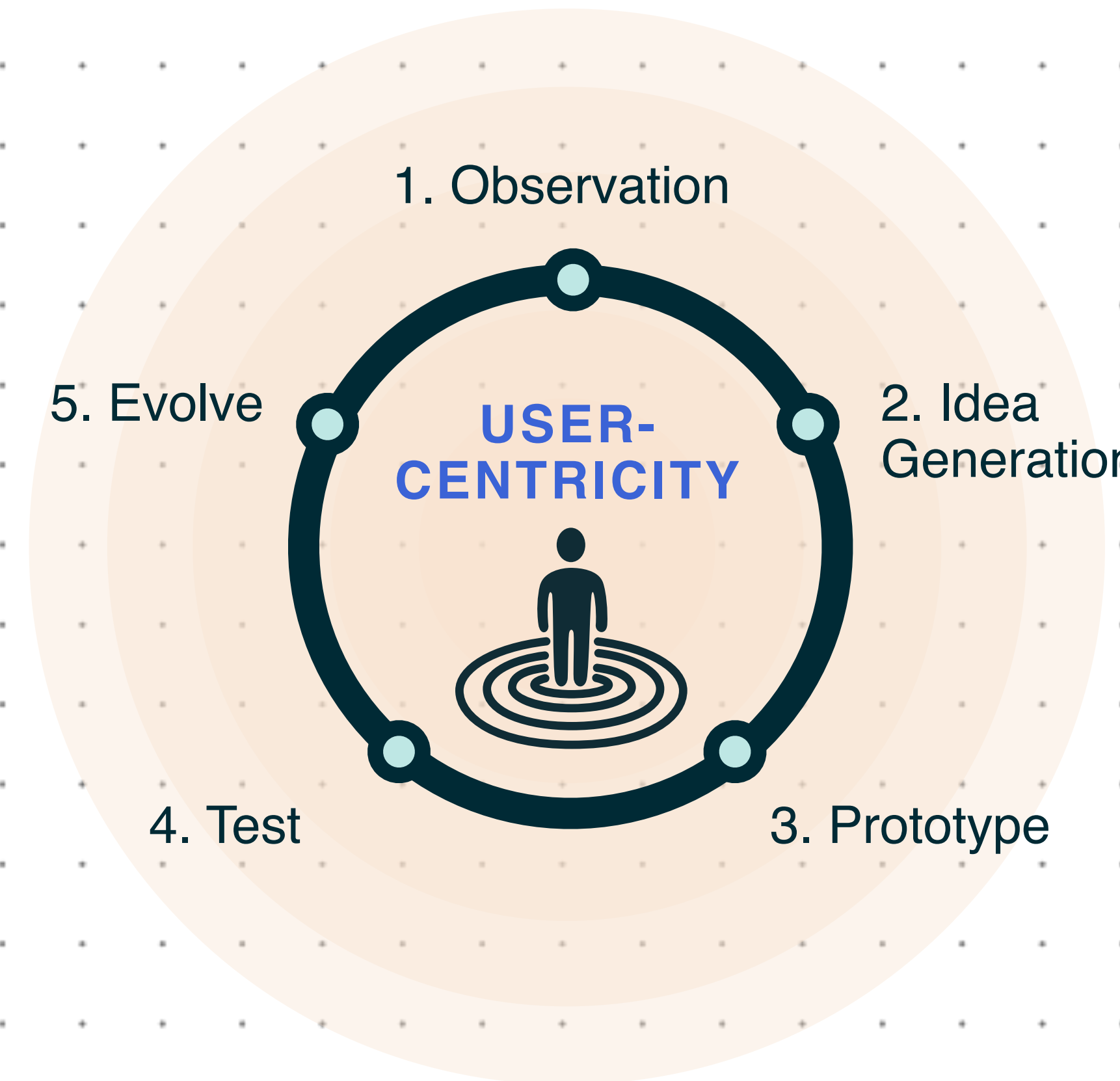
- **Social media providers:** DPOs, lawyers, decision makers...
- **Designers:** they usually know little about data protection rights
- **End-users:** they have little knowledge about their rights, nor their cognitive bias or dark patterns



Why does user-centricity matter?

According to Norman, human-centered design is required to solve complex problems. Among the principles he advocates :

- **Solving the core**, root issue.
- **Focusing on people** who are affected by the problem and could be part of the solution.



“We need experts to ensure that the facts and critical attributes are addressed, but we should leave the methods to **those who are immediately affected**”

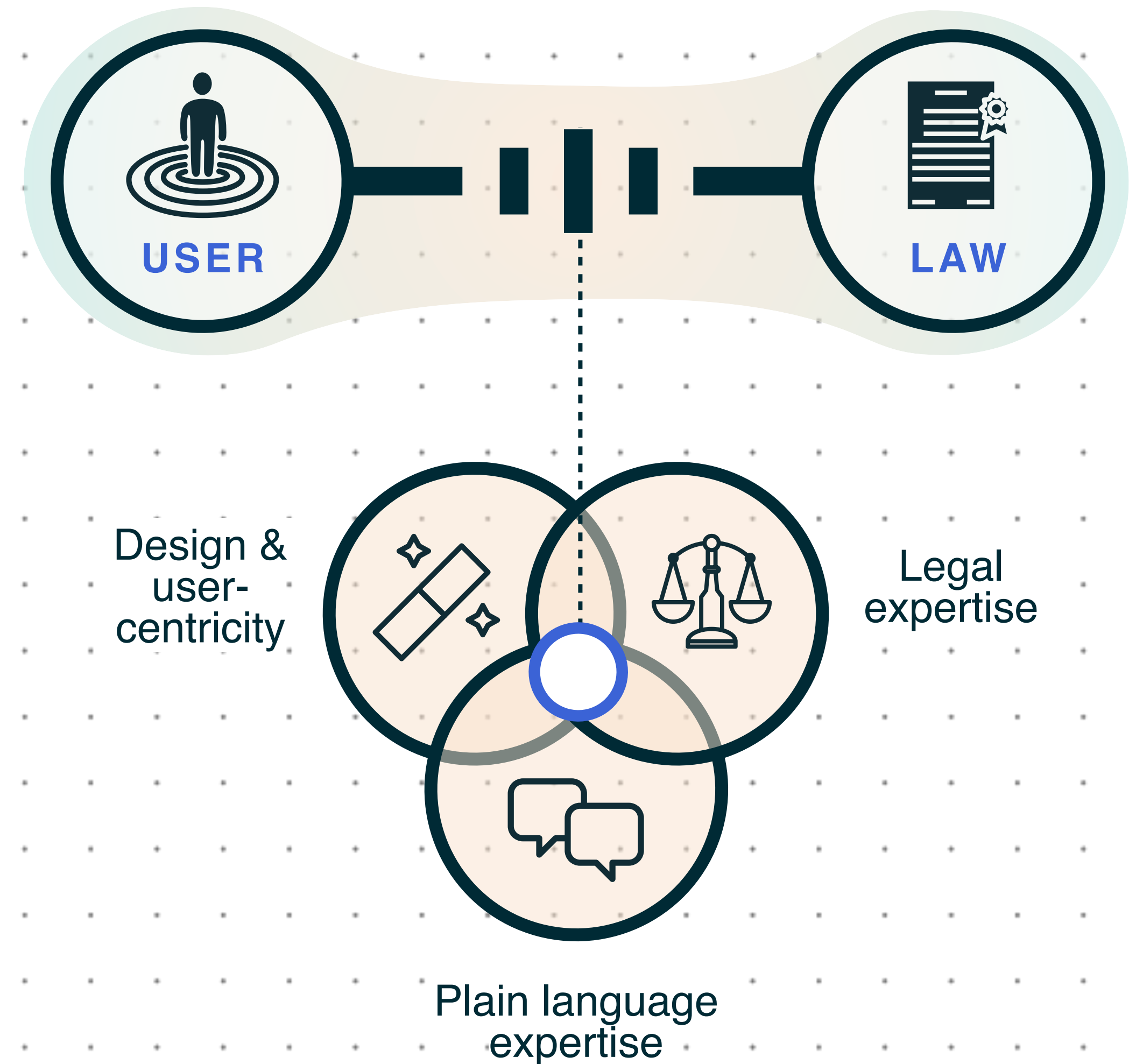
— *Don Norman*

What has user-centricity to do with the law?

The Guidelines contain **many references to users**, user experience, user interface, user testing...

But the way it is drafted and **presented only talks to lawyers.**

Legal documents usually lack usability, but it's not doomed to be this way. Applying user-centricity to legal documents enables to bridge the gap between legal documents - such as the Guidelines - and its users, thus ensuring better efficiency of the Guidelines.



How might we create user-centric Guidelines?

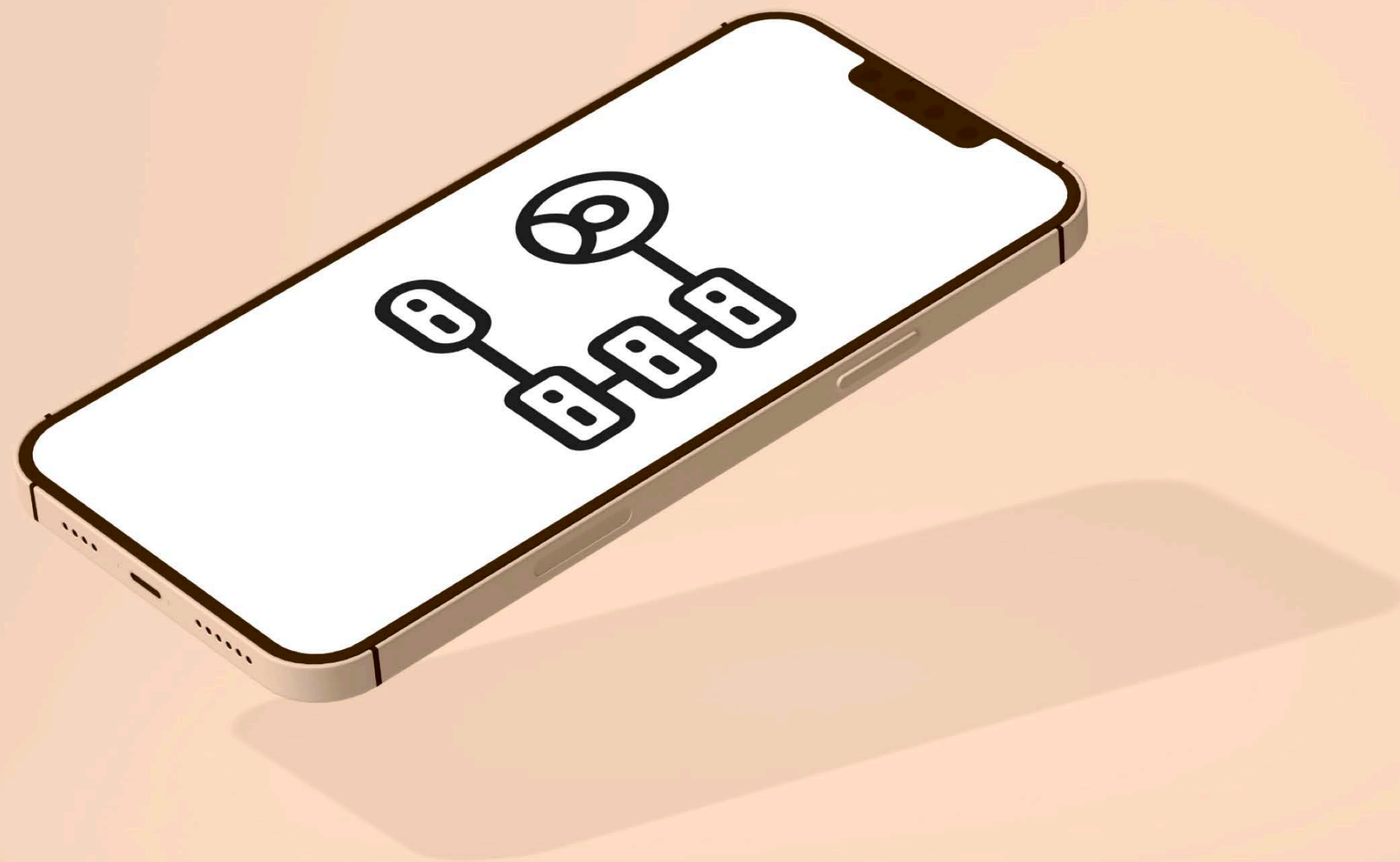


Table of content

- **01. User Research in data privacy**
- **02. User-centric best practices & User Testing**
- **03. What would User-centric Guidelines look like?**
- **Appendix: bibliography About Us**

•

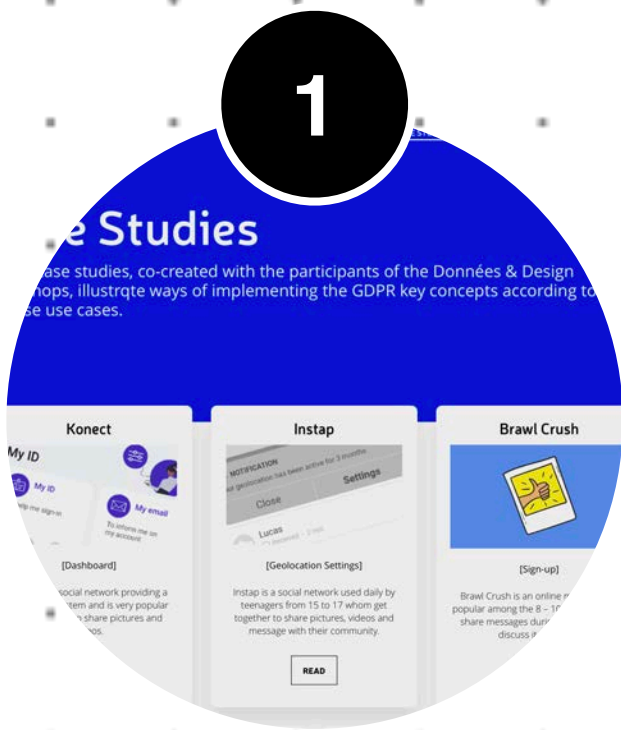
What does User Research in data privacy projects teach us?

•

The Guidelines contain many references to information design. We're sharing our main findings to apply some of the Guidelines' recommendations.

We conducted 5 projects dedicated to minors

Those projects aimed (or are aiming) at creating model interfaces and privacy policies to **empower kids and teens to understand and exercise their rights**. In the case of the CNIL project, it also aimed at creating **methodology toolkits for designers**. Each time, we facilitated **focus groups, co-creation workshops** , and **user testing with minors**.



CNIL PROJECT - 2020



ONLINE GAMING
PROVIDER - 2021



VIDEO GAME
PLATFORM 2021



2 VIDEO GAME
PLATFORMS - ONGOING

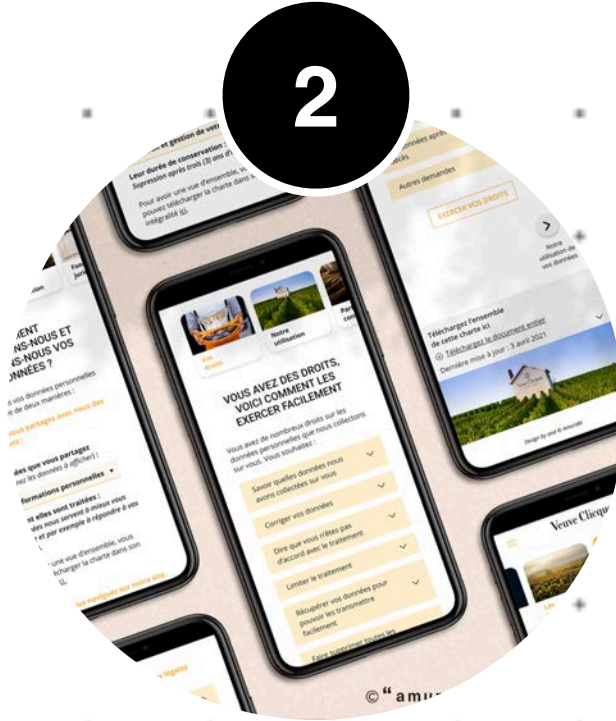
We conducted numerous projects for all users

We created a global **B-to-B privacy policy** (post GDPR) to be rolled-out in 26 countries, several **online B-to-C privacy policies** in various sectors, and a "GDPR Implementation Barometer", in collaboration with Data Legal Drive.

Each time, we conducted **users workshops** and **user testing**.



MOËT HENNESSY
2019



MOËT HENNESSY
2020



SOMFY - 2021



DATA LEGAL DRIVE
2019

Empowering designers to design legal information

Among the few designers who are aware they can (and should) design legal information, in particular to collect consent, their **main obstacles** to do so are:

- **lack of budget** within the project to design the “legal stuff”, and consequently lack of time,
- **lack of arguments** to convince their clients that it is worth for their project to design legal information such as privacy policies and
- **total lack of examples** of plain language texts relating to privacy policies*

70%

of designers answered that **they don't feel legitimate** to design a legal text and just copy-paste the text provided by lawyers*

** Online Survey on Oct 2020 to designers in France, in the context of a project with the CNIL
(see slide 16)*

Raising awareness among designers

The main issue is to **fight against the misconceptions** that designers "*would not be allowed*" to design legal text and that "*it is compulsory for legal texts to be complex*."

One way to do so is to create **short video tutorials** (2mn max), sharing both the **obligation to make information "clear and accessible"** for data **privacy** (to collect consent) and **practical tips, illustrated by screens**.

PLAIN LEGAL LANGUAGE FOR KIDS & TEENS

FORMAT : Youtube Video

DURATION : 2mn

AUDIENCE : Designers

TONE OF VOICE : Hands-on and operational

MESSAGE : Inspiration and practical advice, easy to implement in a daily design practice

VISUAL UNIVERSE : Design tutorial with animations, screen views and voice over.

> Introduction

Title of the tutorials series + voice over



Texte : How to design the legal content of the interfaces you create ? Today, we're sharing with you some advice to create interfaces where the legal content seamlessly integrates into the UX, ease the understanding and the exercise of users' rights. Kids and teens are particularly vulnerable online, and need both protection and empowerment.

Contrary to what you might think, legal content is not necessarily complex. For data privacy, it's even the opposite: information given to users to collect their consent HAS TO BE "clear, accessible and in plain language", according to applicable regulation (called the GDPR). This is true for adults, and even more so for minors. It is not only possible, but also required for responsible design, to create a "LEGAL UX" that lives up to what you create on the rest of the interface. Here's how.

> Introduction

Tutorial Title Screen

DESIGNING PLAIN
LEGAL LANGUAGE
FOR MINORS

We're sharing with you suggestions to improve the reading and understanding of legal language for kids and teens. The CNIL worked with minors aged 8 to 17 years old, through focus groups and co-creation workshops. 13 prototypes were co-created, then tested with users.

The 3 prototypes with the best user testing results are available on <https://design.cnil.fr/en/>

A smartphone screen appears, with a complex legal text



Minors' brains are "under construction": it is more difficult for them to understand complex and abstract terms, than for adults.

User verbatim appear at the center of the screen, in zoom

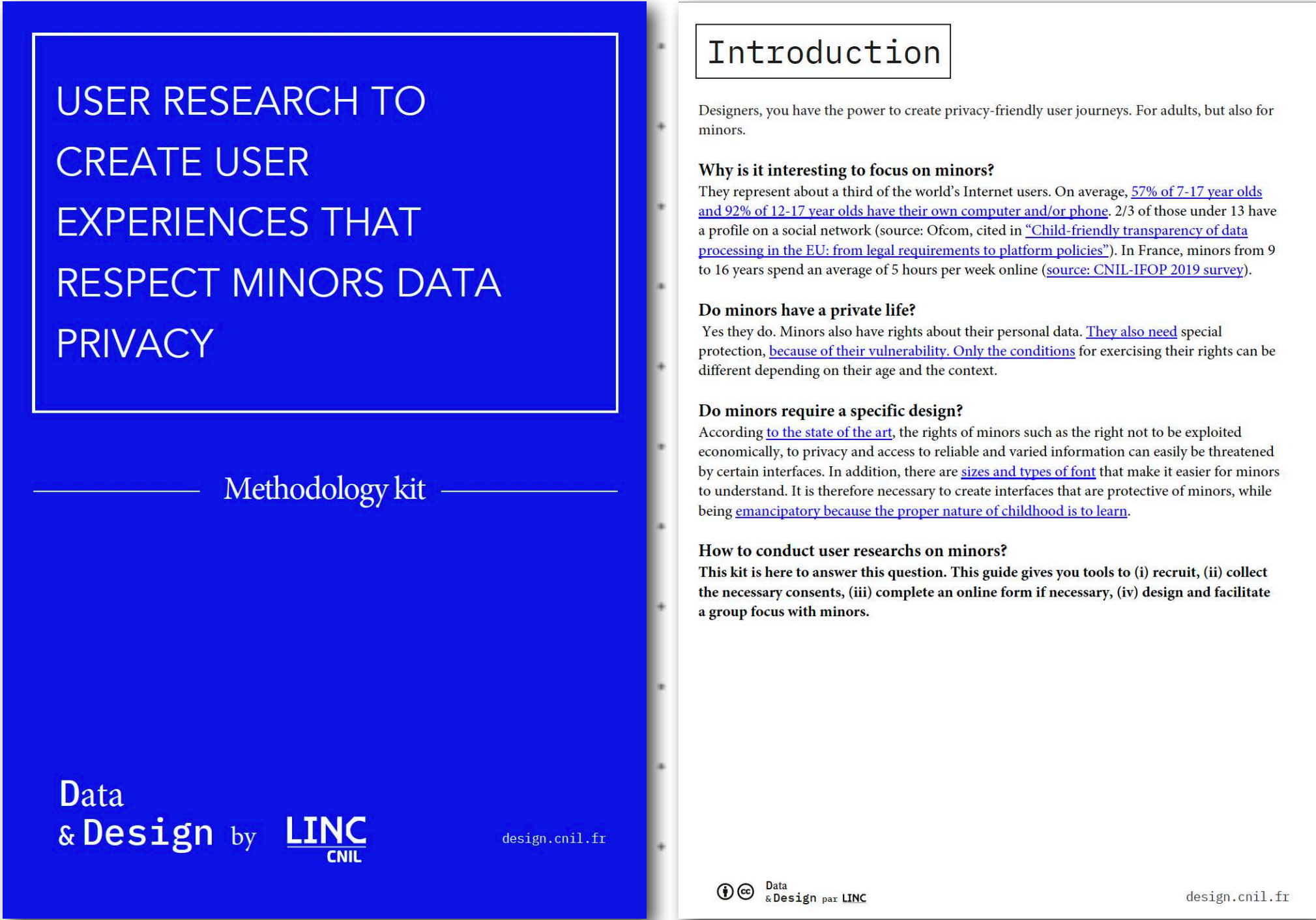
« My privacy? I know what it is; my family, my friends, my pics. » LISE, 8 ANS

« My privacy is what I decide not to show to everyone » ASHLEY, 16 ANS

It's important to put yourself in their shoes to adapt the language level. One easy way to do so is to use references which are familiar to them, like "share it with my friends, my family"...

Creating toolkits for designers

To solve the issue of lack of budget and time (cf. our survey mentioned above), a solution is to create toolkits dedicated to designers. In our project with the CNIL, we created 3 different toolkits (user research, participatory design and user testing), all under a Creative Commons licence.

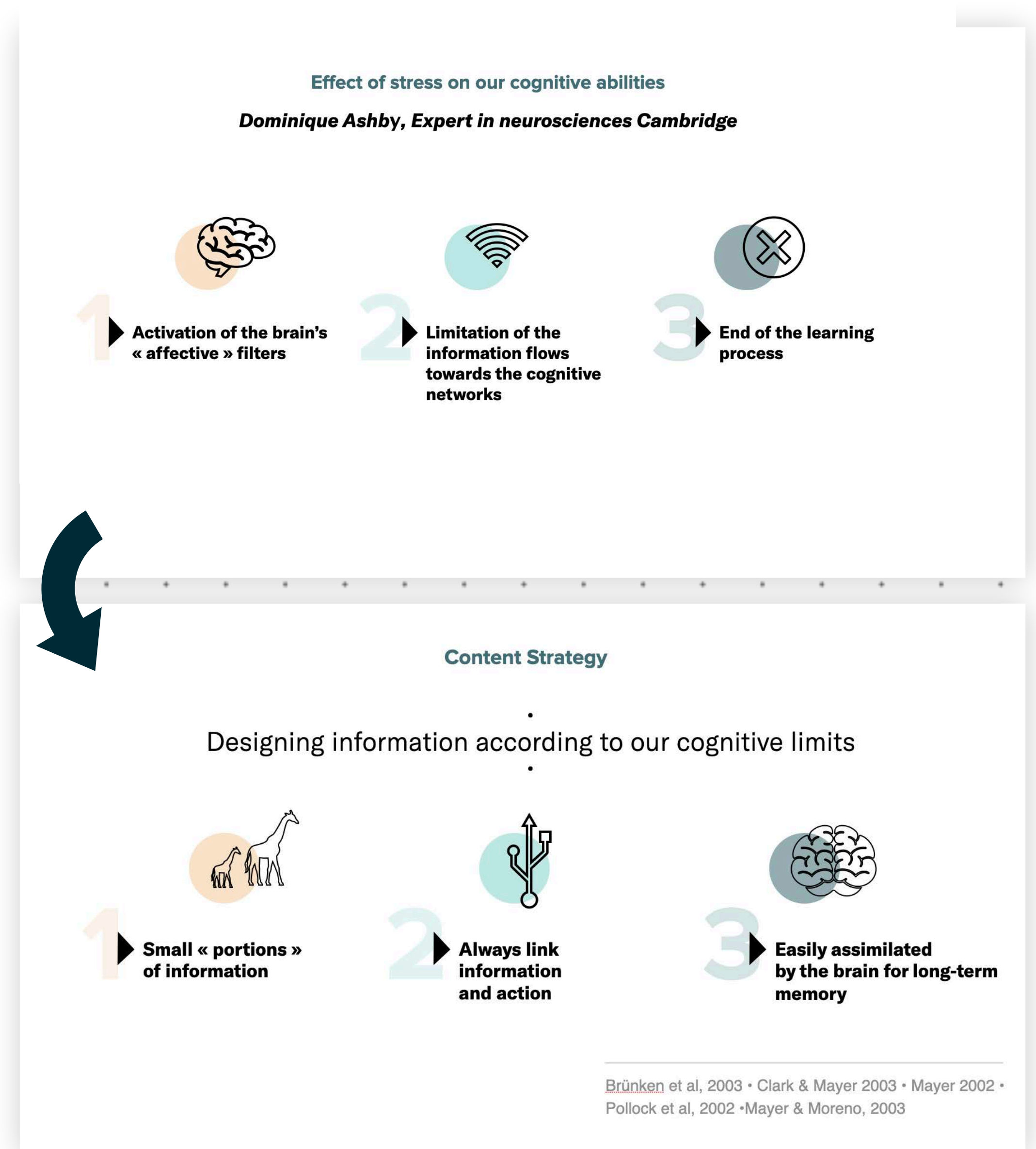


Toolkit for designers, Project with the CNIL

Rely on cognitive sciences to maximize reading & understanding

Behavioral science clearly shows that information overload creates a stress for the brain that terminates our learning process

User centricity enables to identify small portions of information, provided at the right time of the user journey, that users can easily "digest". **Plain language principles** encourage linking information and action to empower users to make their own choices.



Focus: adapting information to minors

Paragraphs 40 to 44

40. In the light of the above, **Emotional Steering** at the stage of the registration with a social media platform may have an even higher impact on children (i.e. provide more personal data due to lack of understanding of processing activities), considering their “vulnerable nature” as data subjects. When social media platform services are addressed to children, they should ensure that the language used, including its tone and style, **is appropriate so that children**, as recipients of the message, **easily understand the information provided**.³¹ Considering the vulnerability of children, the dark patterns may influence children to share more information, as “imperative” expressions can make them feel “obliged” to do so to “appear popular among peers”.



"They should ensure that the **language used**, including its tone and style, **is appropriate** so that children, as recipients of the message, **easily understand the information provided**." (Para 40)

Guidelines, Para 40 to 44
Avoiding the Emotional Steering dark pattern
especially for minors

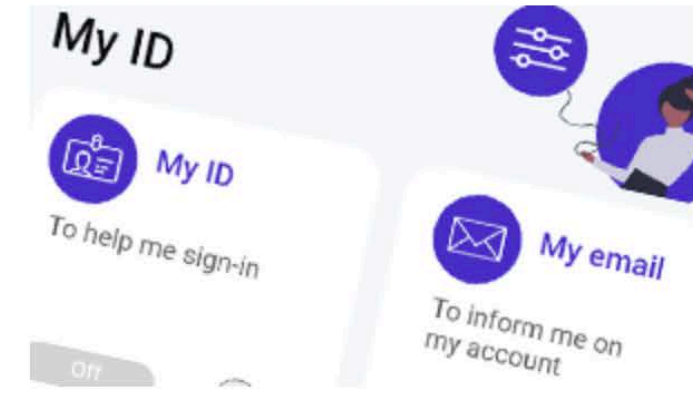
CNIL project

- **9-month project**
- Global state of the art and **benchmark**
- **3 Focus groups** with 24 minors in France, in 3 age groups 8-10 years old, 11-14 years old, 15-17 years old
- **3 co-creation workshops** (same age groups)
- **13 prototypes tested**
- **20 user testing interviews** with online mockup and 1 on-site user test in a classroom
- **Deliverables: 3 final model interfaces & 3 toolkits** for designers

Case Studies

Those case studies, co-created with the participants of the Données & Design workshops, illustrate ways of implementing the GDPR key concepts according to diverse use cases.

Konect

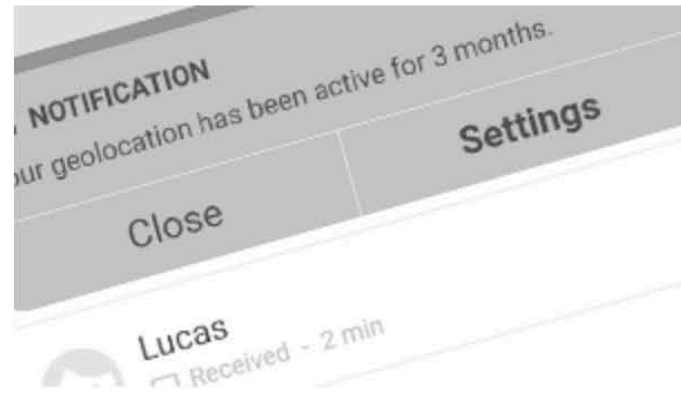


[Dashboard]

Konect is a social network providing a messaging system and is very popular among teens to share pictures and videos.

[READ](#)

Instap

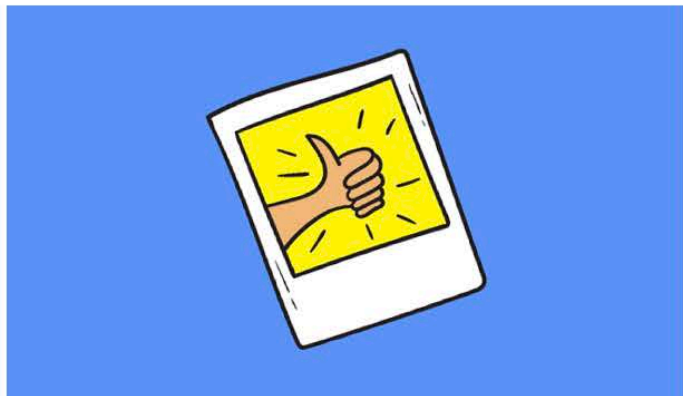


[Geolocation Settings]

Instap is a social network used daily by teenagers from 15 to 17 whom get together to share pictures, videos and message with their community.

[READ](#)

Brawl Crush



[Sign-up]

Brawl Crush is an online mobile game popular among the 8 – 10 years old. They share messages during the game and discuss it at breaks.

[READ](#)

Deliverables are published on the CNIL's lab's website: <https://design.cnil.fr/en/case-studies/>

Guidelines, Para 40 to 44
Avoiding the Emotional Steering dark pattern
especially for minors

Online gaming provider, 2021

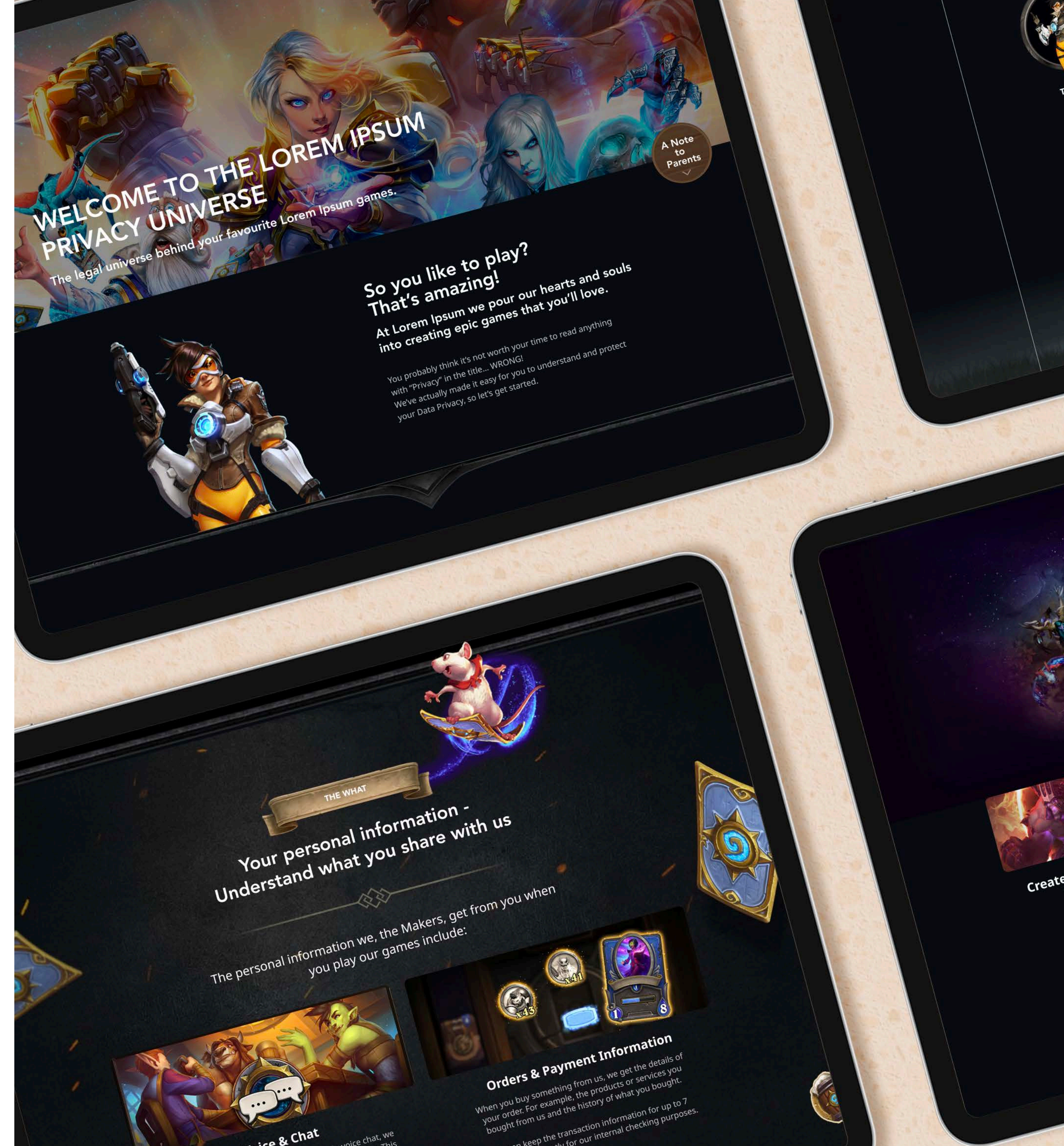
- **2-month project**
- European Benchmark
- **1 co-creation workshop** with users in the UK aged 13 to 17
- **User recruitment through a panelist**, with representativity criteria (eg socio-economic background, urban versus rural areas, gamer or not, previous interest for data privacy or not)



Guidelines, Para 40 to 44
Avoiding the Emotional Steering dark pattern
especially for minors

Video Game platform 2021

- **2-month project**
- European Benchmark
- **1 co-creation workshop** with users in the UK aged 15 to 17
- **User recruitment through a panelist**, with representativity criteria (eg socio-economic background, urban versus rural areas, gamer or not, previous interest for data privacy or not)



Guidelines, Para 40 to 44
Avoiding the Emotional Steering dark pattern
especially for minors

2 video games platforms

- US gaming platform: **4-month project**
- **4 interdisciplinary co-creation workshops**
including designers, lawyers, members of the
marketing & branding team, and members of
the customer service and mediation
- US video game provider: ongoing

privacy quest

Hey gamer! So you want to have an awesome experience on
That's how we like it too. Choose your adventure:



ADVENTURE 1

**Start your
privacy quest**

3 stories



ADVENTURE 3

**When we share
your information**

5 stories



ADVENTURE 5

**Looking after
your information**

4 stories



When
your

Upda
your

wit

Guidelines, Para 40 to 44
Avoiding the Emotional Steering dark pattern
especially for minors



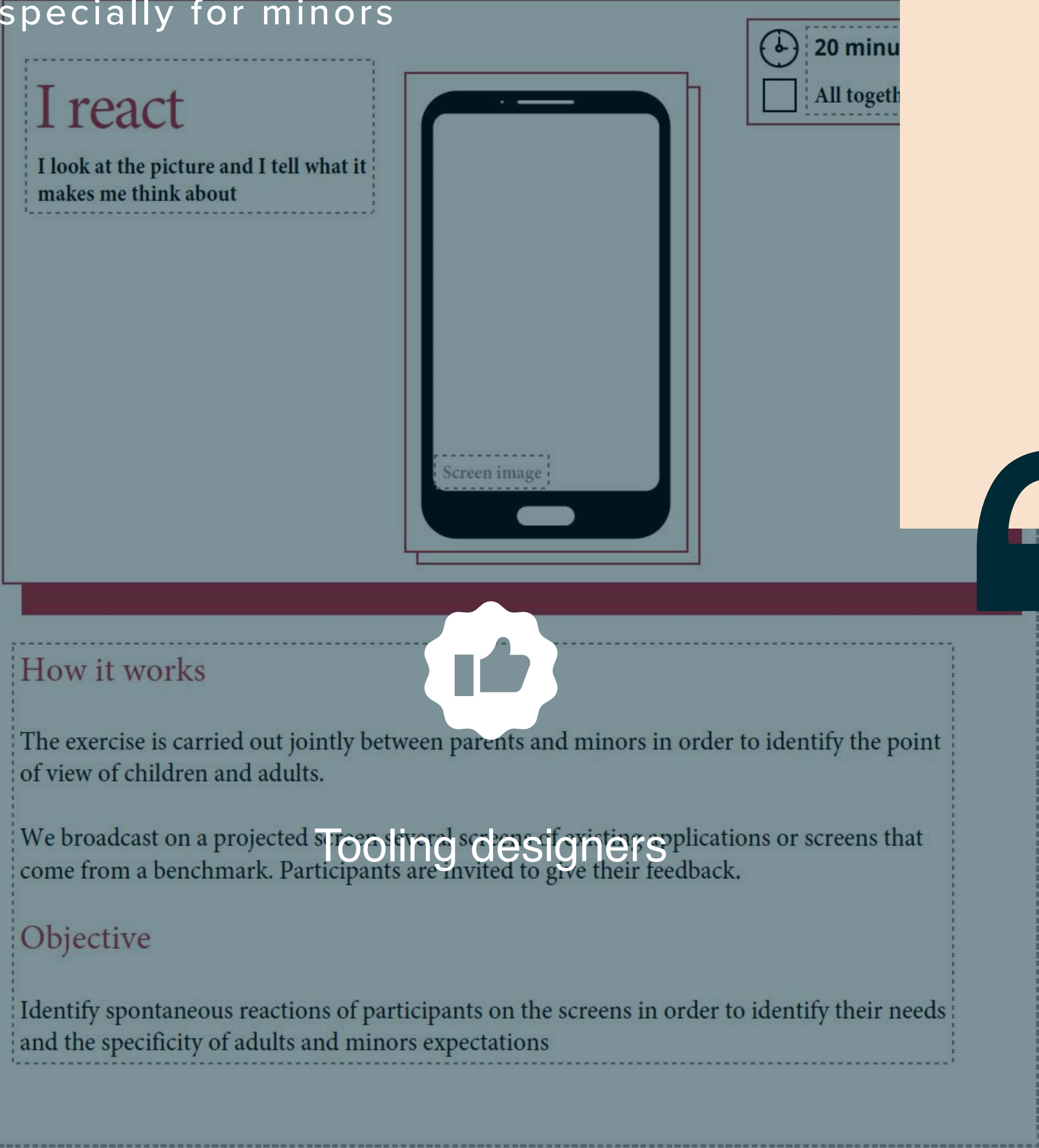
Reward for reading and
understanding privacy content!

WHAT WE RECOMMEND

Taking into account the peer
pressure teens are subject to

“

" Train Designers to be **aware about the harm caused by reward systems**, in particular in a context where underage users' peers are present, e.g. in social networks. More generally, **train designers on the high likelihood** of teenagers to take risks. "

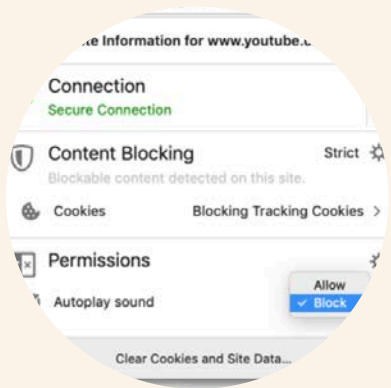


WHAT WE RECOMMEND

Taking into account minors' vulnerability

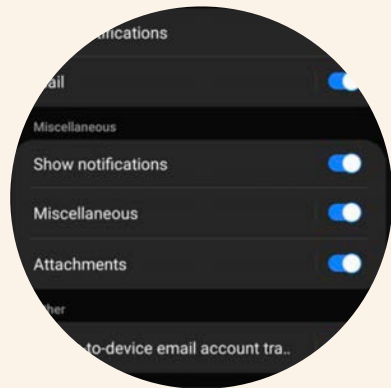
« Explain to designers **the concept of economic exploitation** of children online, and **give them tools** to avoid it »

WHAT 5RIGHTS FOUNDATION RECOMMENDS



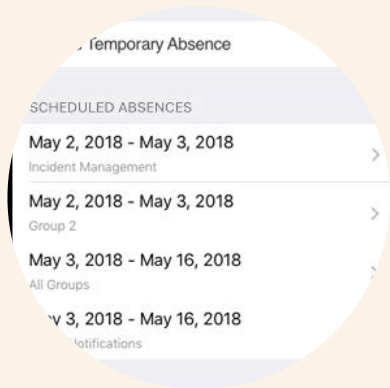
AUTO-PLAY

Turn-off auto-play by default. If the feature is reactivated, it must be disabled again by default once the child logs off or uses the internet.



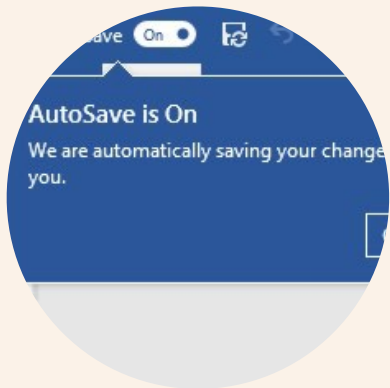
DEFAULT NOTIFICATIONS

Turn-off default notifications and alerts, such as "push" messages, pings, read receipts and any non-specific alerts.



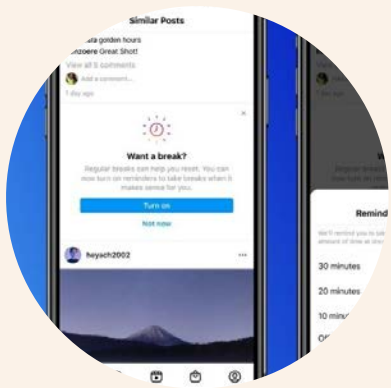
TEMPORARY ABSENCE

Turn-on by default temporary absences, in the "streaks" features



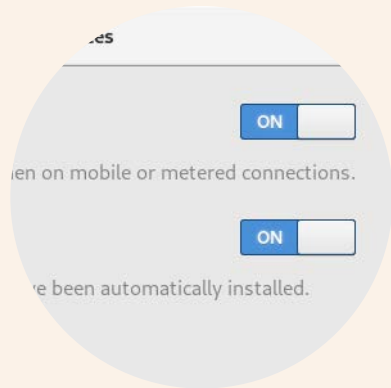
AUTO-SAVE BUTTON

Include an "Auto-Save" button, so children are not forced to stay online to complete a task.



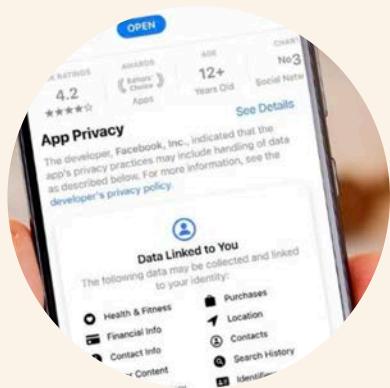
EXIT AT ANYTIME

Give opportunities to exit the application, and display reminders of time spent on the application.



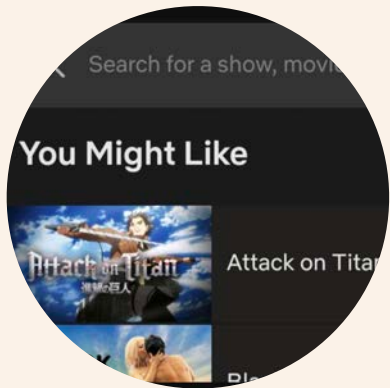
NO AUTOMATIC UPDATES

Prevent any automatic updates that emphasize or/and reactivate persuasive design features, in applications.



NO DATA COLLECTION

Create alternatives to data collection when entering the platform.



FIND ALTERNATIVES

Stop using children's data to personalize services for the only purpose of increasing their usage.

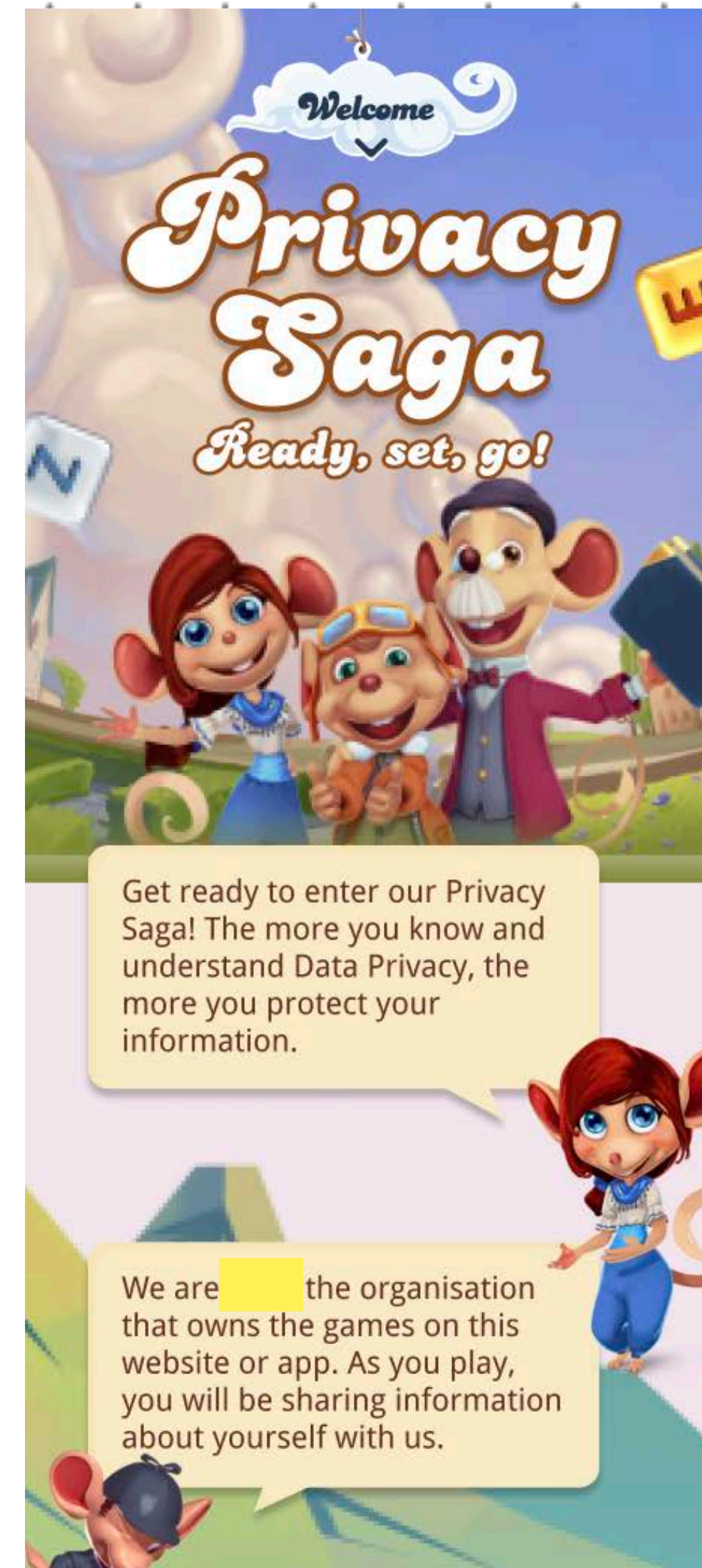
• User-centric Best Practices and User Testing Results •

Taking into account the urge to play

In a vast majority of cases, underage **users don't want to pause**, even if for a couple of seconds, to read anything before playing or getting on the network with their friends. In addition, the dosis of written information they are able **to absorb is extremely limited**. More than 2 lines is already too much.*

« All I want is **to play** »

« What are these words getting **in my way?** »

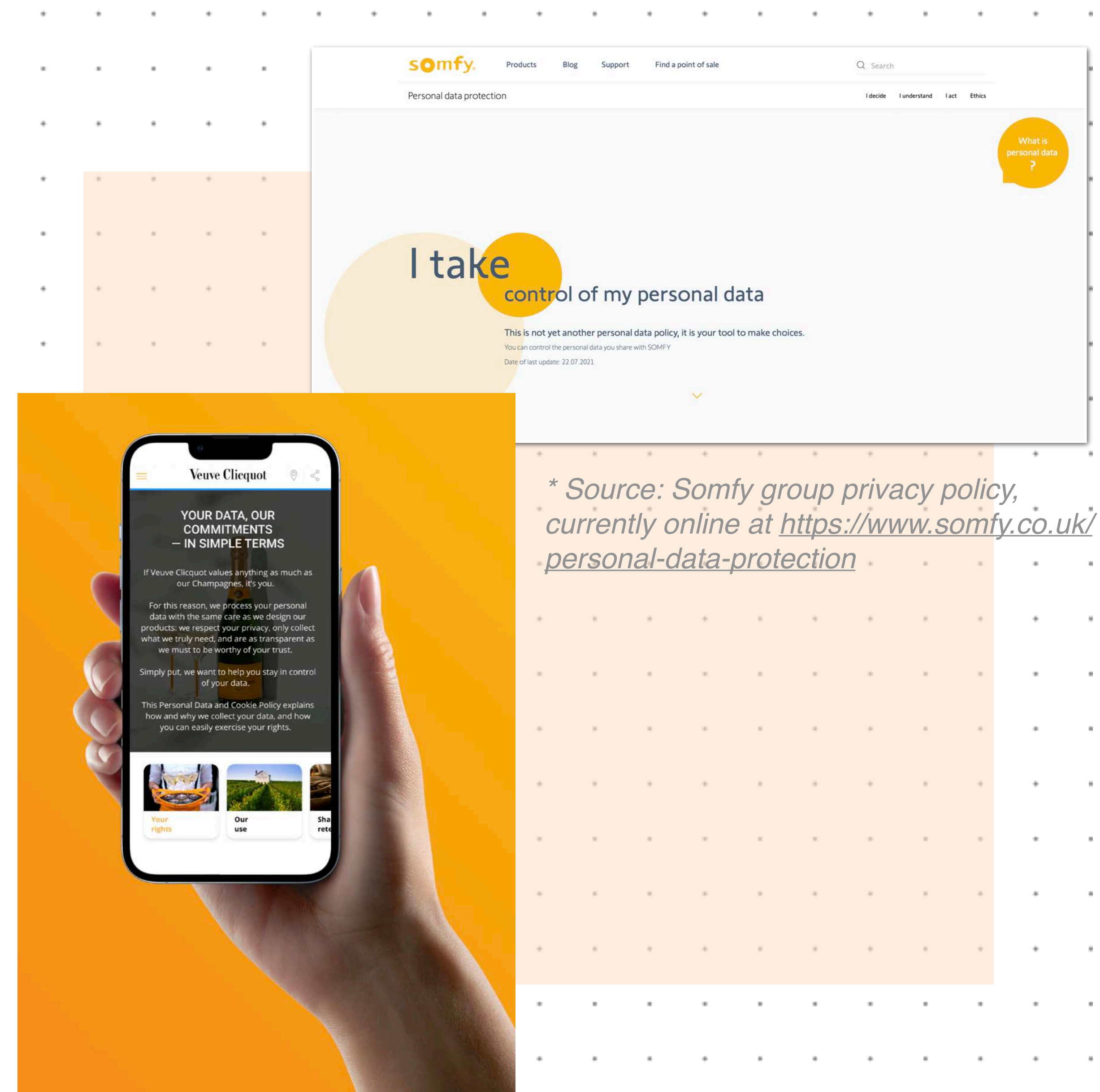


"Motivational language", i.e. UX writing should not be banned, but on the contrary leveraged to motivate users to read and engage with a privacy policy.

We work with neuroscience experts to find the best ways to motivate users to read in each case, also depending on our learnings through user research and user workshops.

Taking into account the urge to browse

The problem is the same for adults: most users will be bothered if they have to stop browsing to read. **Motivational language and user-centric structure of the information can be used to trigger engagement** - as long as the fairness principle is respected i.e. the motivational language reflects the reality.



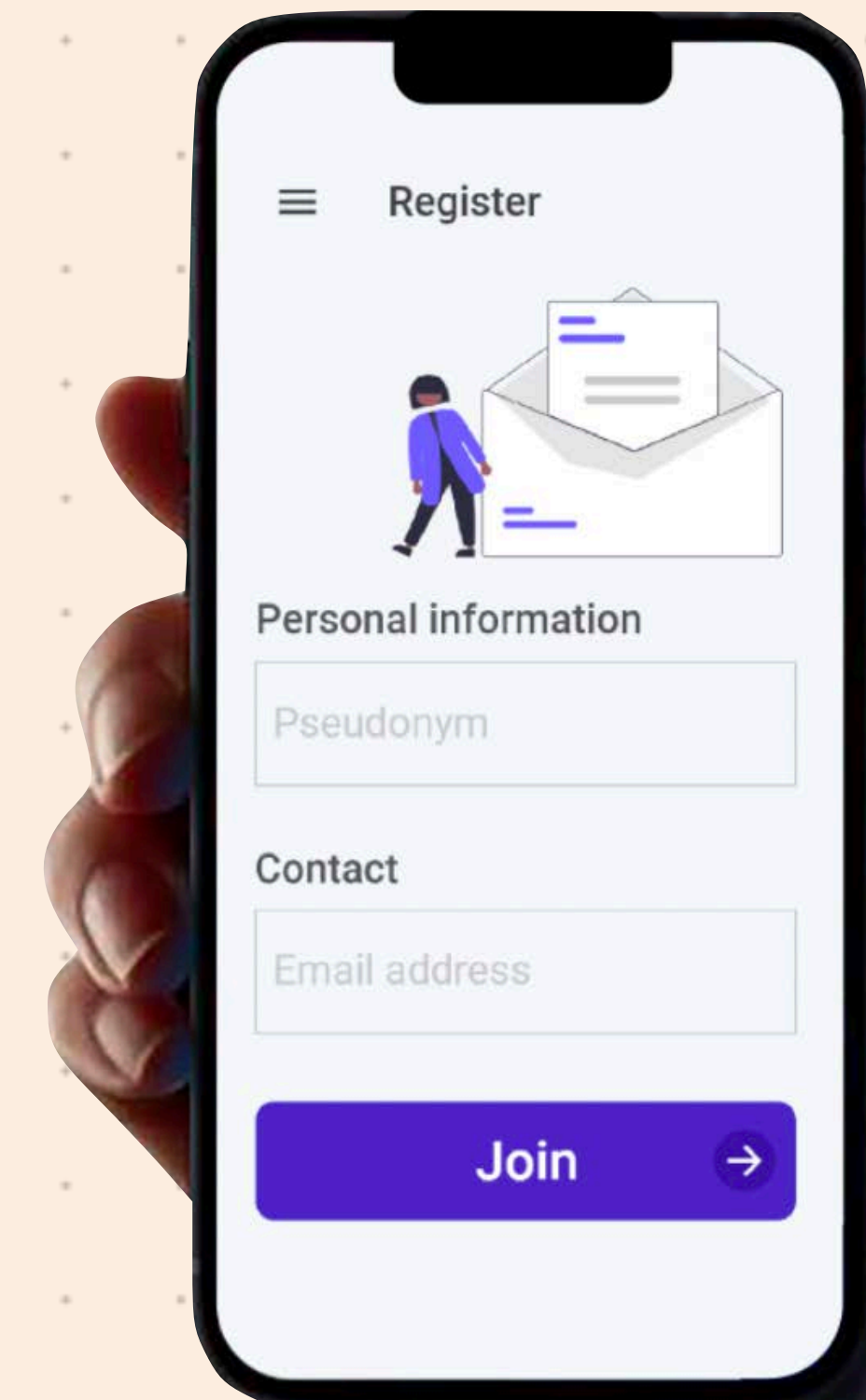
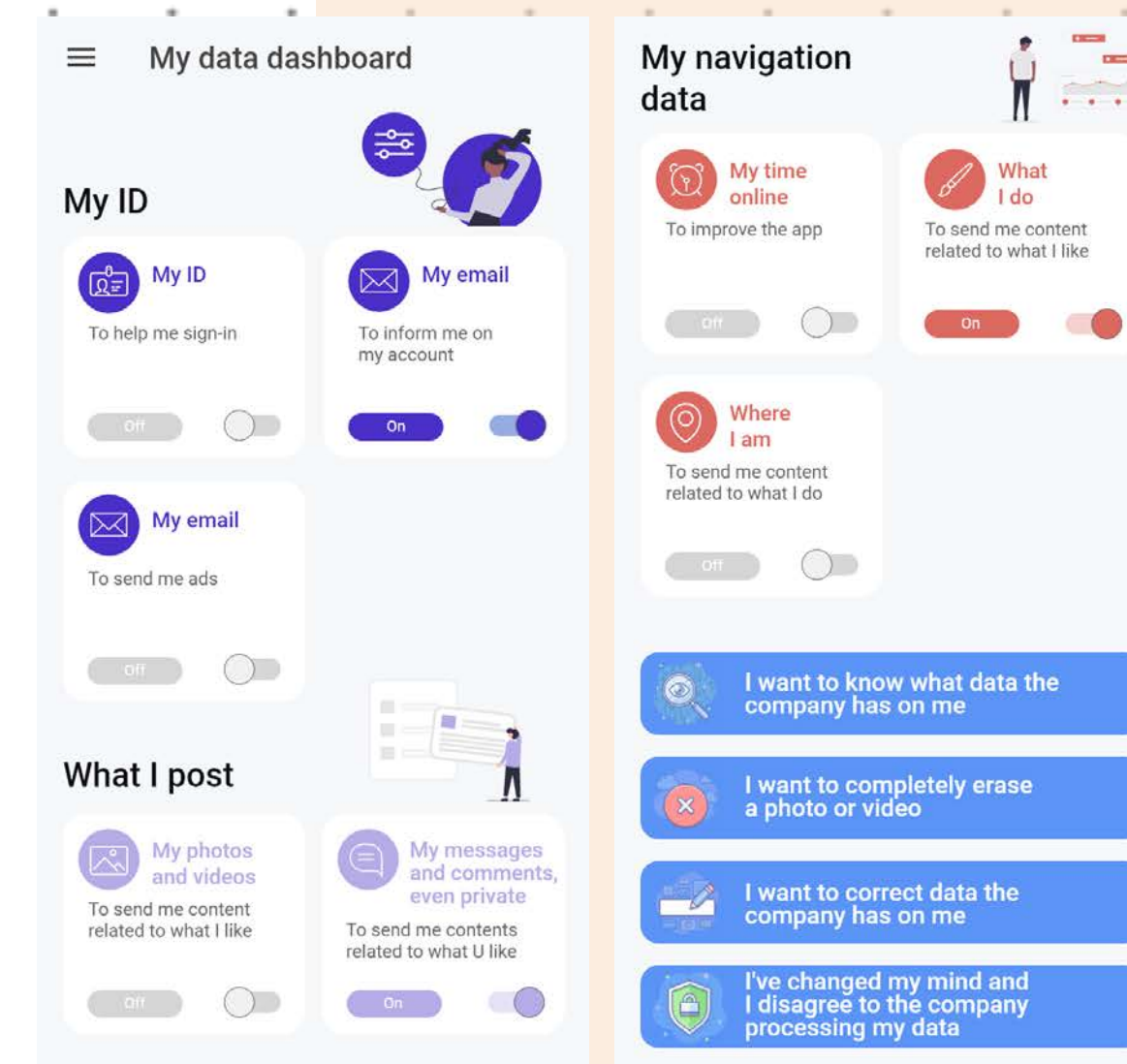
* Source: Somfy group privacy policy, currently online at <https://www.somfy.co.uk/personal-data-protection>

* Source: Moët Hennessy group privacy policy, adaptable to each of the 26 Houses of the group - currently being integrated

Empowering kids and teens with privacy dashboard

The dashboard focuses on 3 aspects:

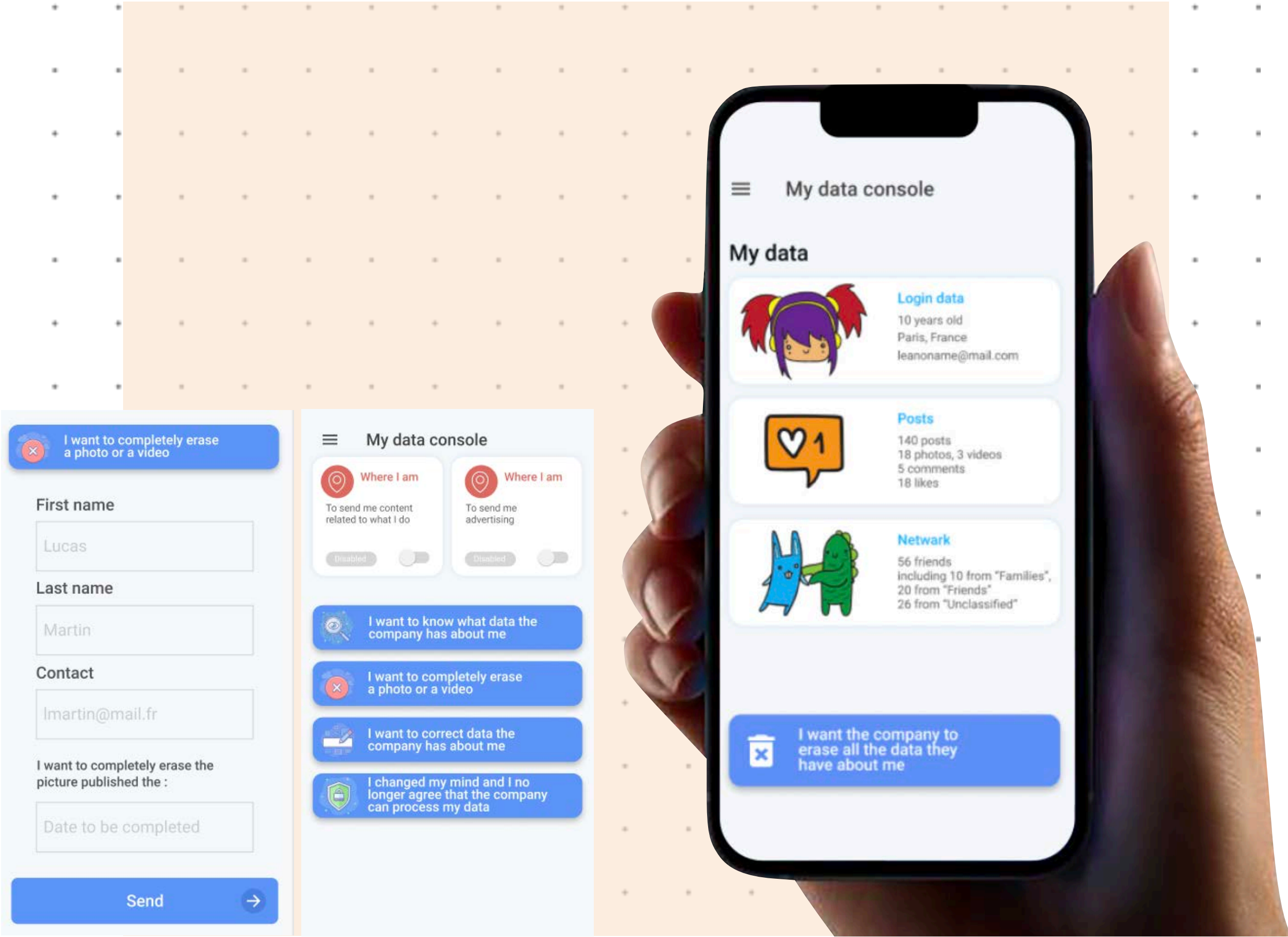
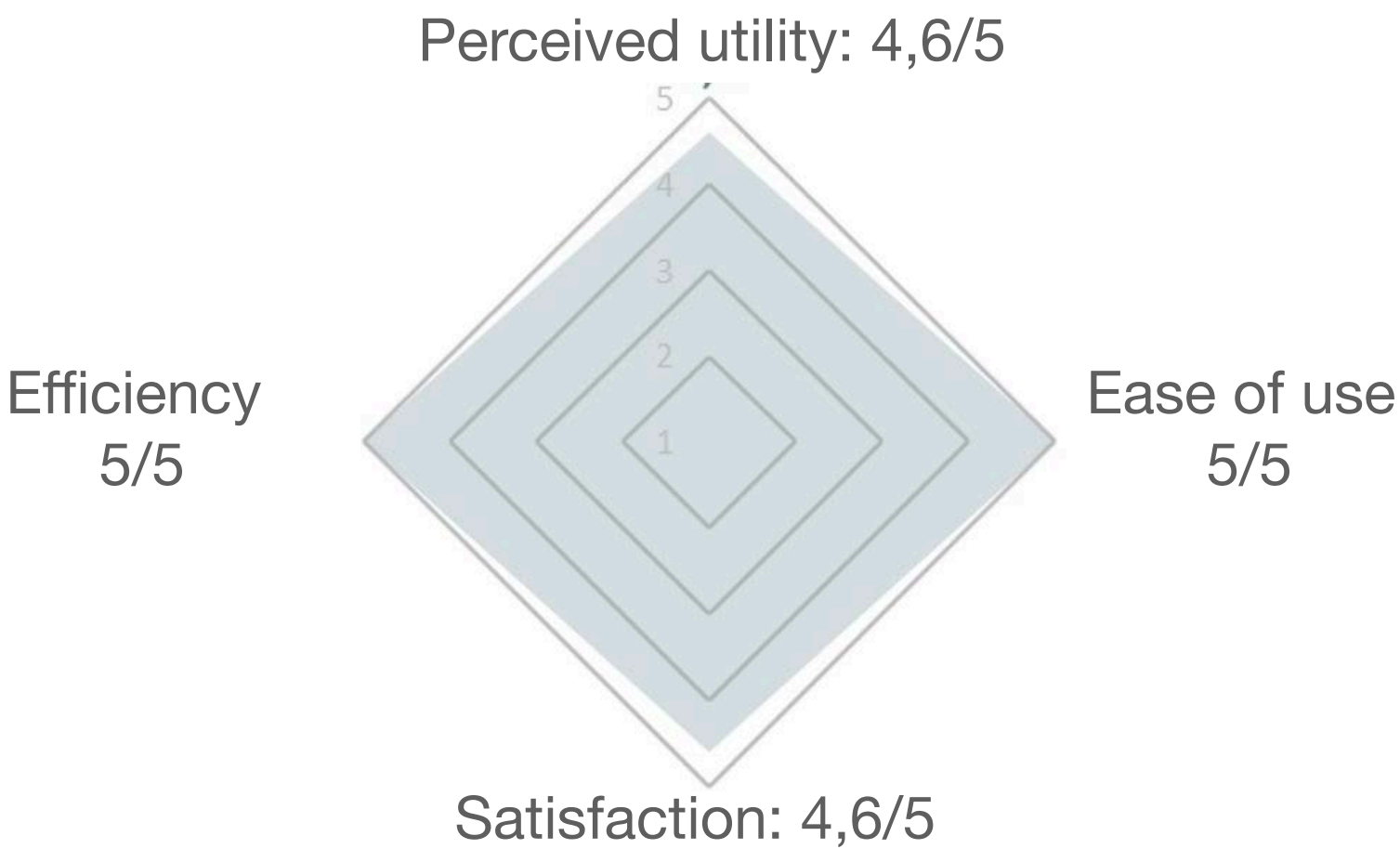
- **Centralising all the parameters** on data and rights related to the service, giving a fixed and easily identifiable action tool
- **Easing the interactions** with the different options to facilitate the control of the data while minimising the frictions of use;
- **Easing the exercise** of a right by means of dedicated, easy-to-fill forms.



This dashboard was co-created with minors in our project with the CNIL. This version is intended for 11-17 years old.

Empowering kids and teens with a privacy dashboard

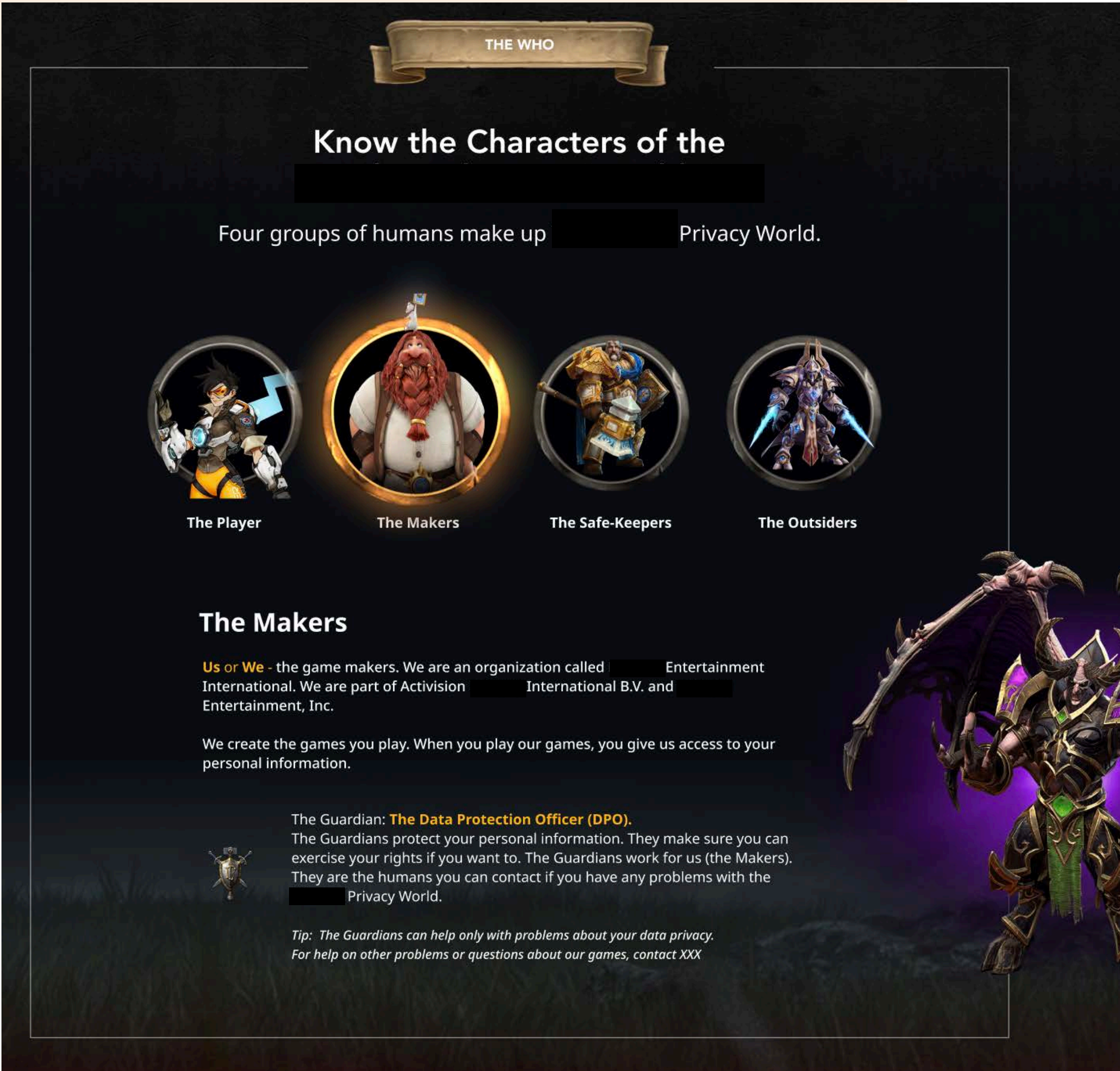
Further to user testing, we also created a specific version for 8-10 year olds. The dashboards obtained among the best results in user testing of the 13 prototypes:



This is the dashboard version for 8 to 10 years old, which contain one button per main right, and upon clicking, users get a form to easily exercise their rights. Further to user testing, we reduced the text to the bare minimum.

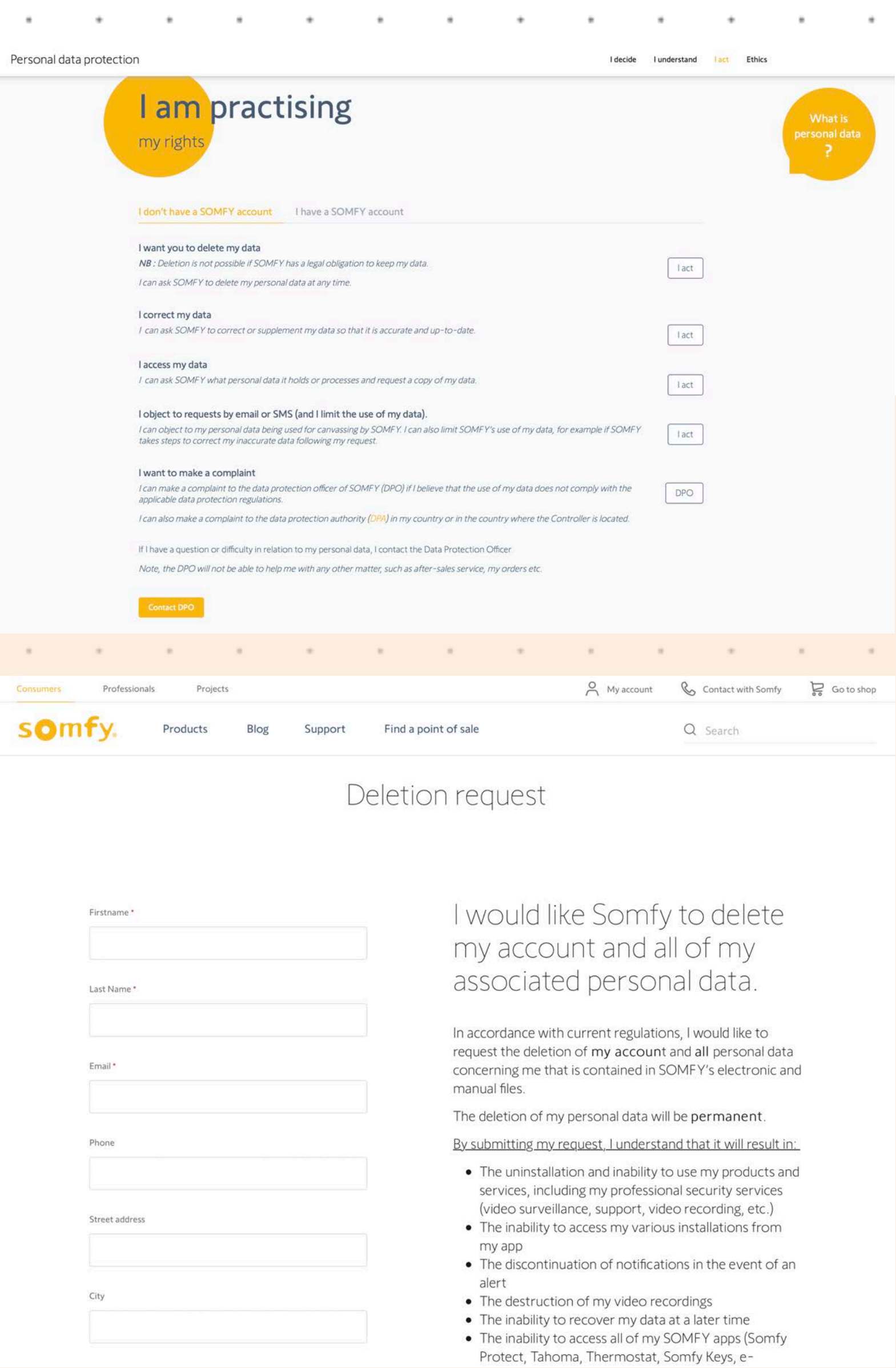
Make contact information more accessible, engaging and even fun

Here is an example of contact information made not just accessible, but engaging and actionable (clickable links), while respecting the UX on the platform.



Using accessible forms rather than links

Based on user testing, **exercise of rights forms were deemed more usable than mere links.** This is because most users have little knowledge about their rights, and confuse data privacy rights with commercial complaints. We also worked on translating the main data privacy rights into plain language e.g. "access right" does not mean much for most users, however "I want to know which personal data the company has about me" resonates with them and encourages them to exercise this right.



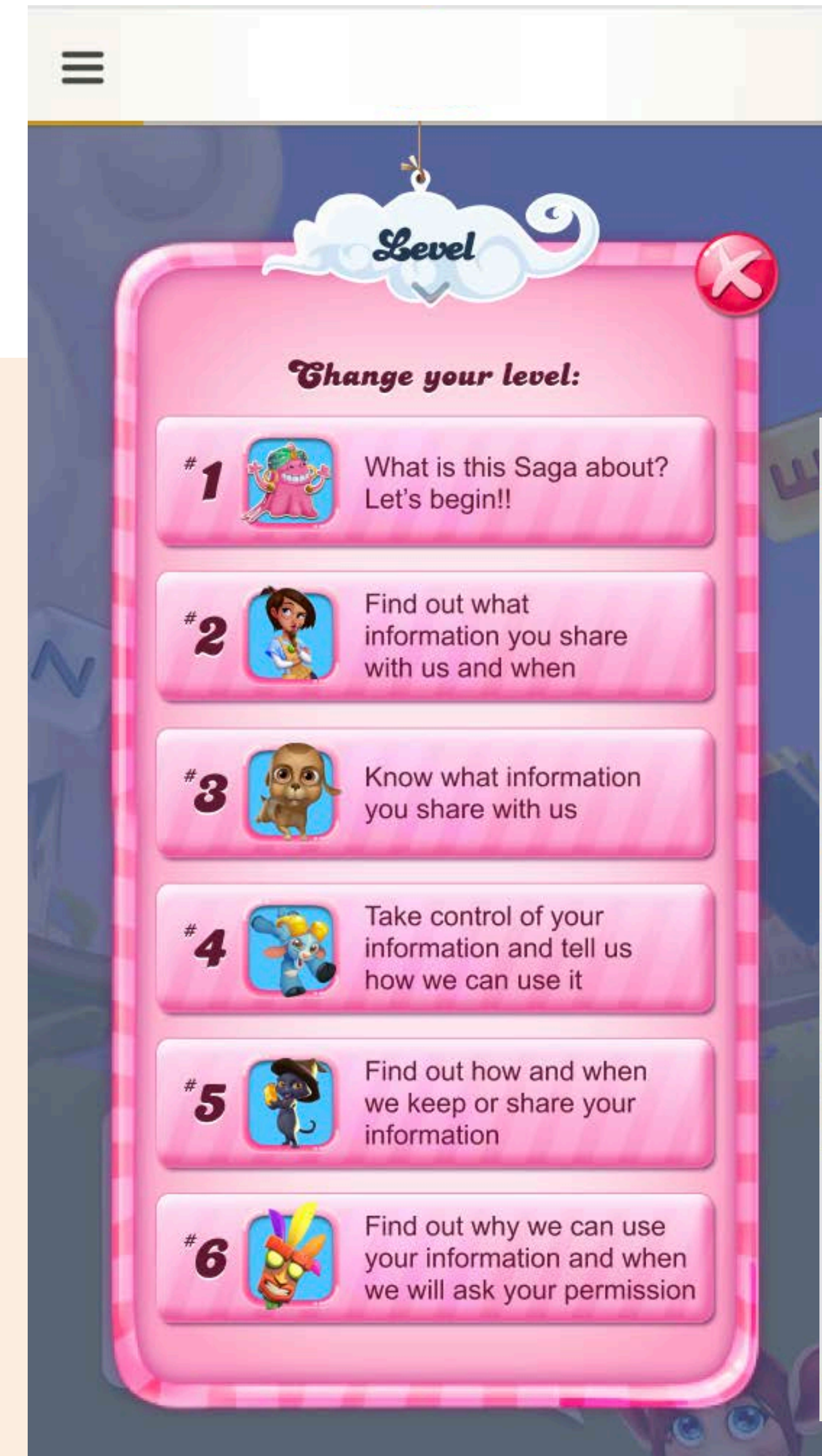
Somfy privacy policy: dedicated form to exercise rights, accessible through 1-click from the privacy policy

Inserting a navigation breadcrumb

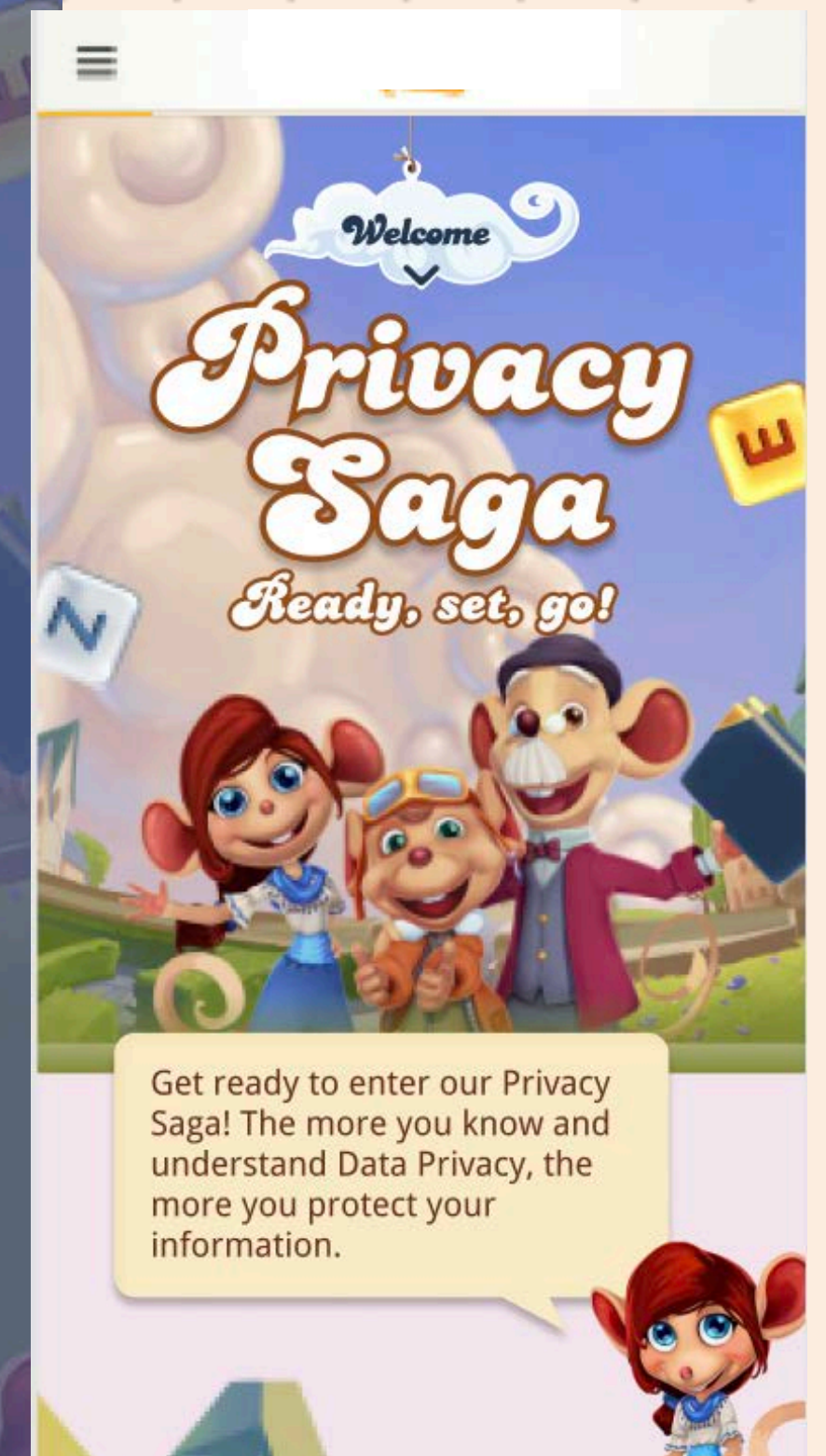
Our various user workshops suggest that **users respond better to navigation breadcrumb rather than to an overview** of the privacy policy at the beginning.

Every single project also confirmed the importance of a **welcome message** at the very beginning, away from the usual "we care about your privacy", leveraging values, like an opportunity to learn, and graphic universe that resonate with users.

E.g. ***"Get ready to enter our Privacy Saga! The more you know and understand Data Privacy, the more you protect your information"***



Anonymised example of a privacy policy breadcrumb, dedicated to underage users - currently being integrated.



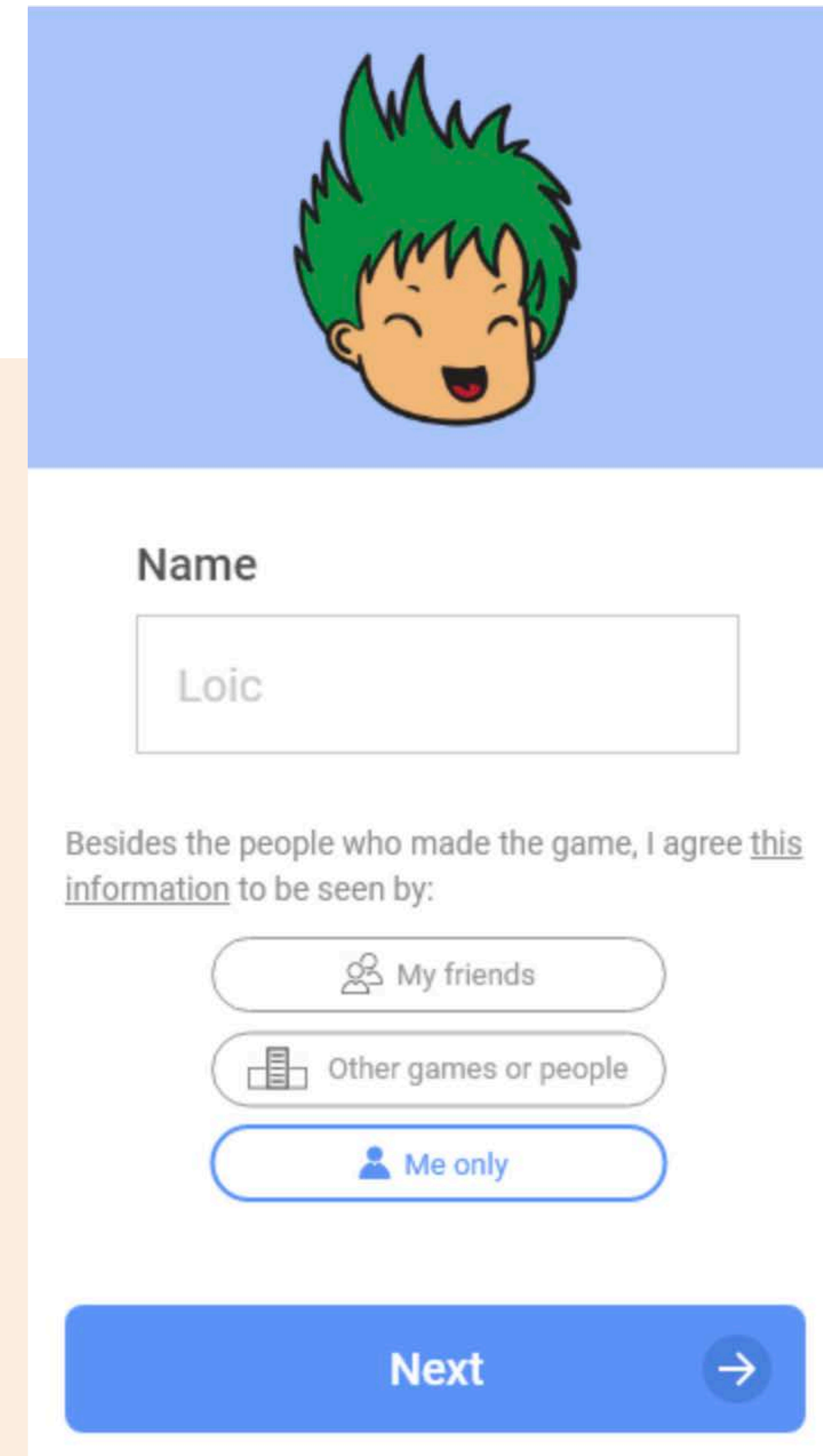
Anonymised example of a welcome message.

One data, one request

In our project with the CNIL, the co-creation workshops led to this model interface. **Control is embedded in the onboarding process itself: the direct association between the data and its visibility to others is particularly easy for children to understand** and allows them to express their preferences clearly and quickly, while being aware of the uses made of the data.

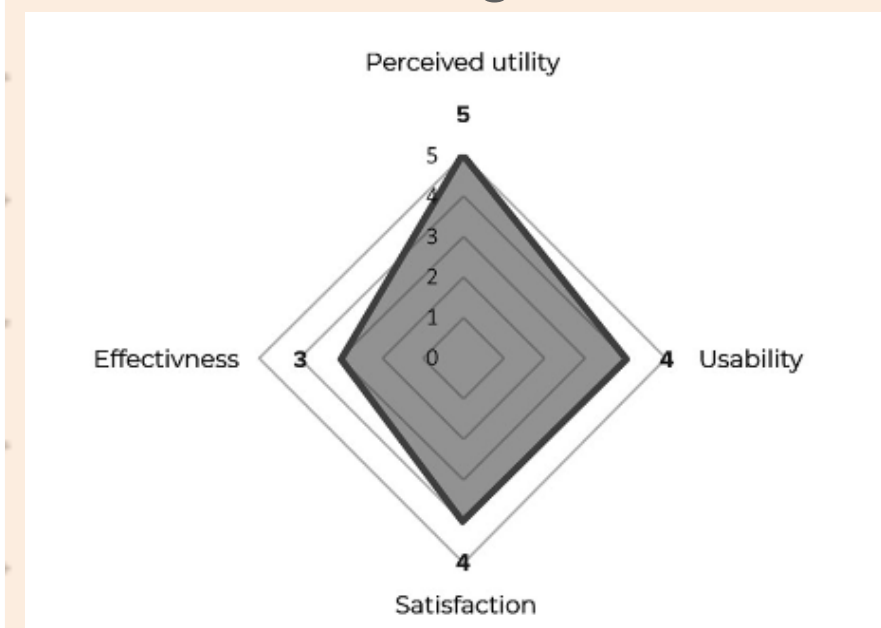
The option that is most protective of the child's privacy **“Me only” is pre-selected.**

This prototyped obtained the highest scores for 8-10 year olds during user testing, namely 5/5 perceived utility.



The interface shows a cartoon character with green spiky hair and a blue background. Below the character is a text input field containing the name "Loic". Underneath the name field is a statement: "Besides the people who made the game, I agree this information to be seen by:". Below this statement are three rounded rectangular buttons. The first button has a group of people icon and the text "My friends". The second button has a document icon and the text "Other games or people". The third button has a single person icon and the text "Me only", which is highlighted with a blue border and blue text, indicating it is the selected option. At the bottom of the interface is a large blue button with the text "Next" and a right-pointing arrow.

User Testing Result



The child, after entering his or her first name, can choose who will be able to see this information. « Me only » is the default option

Information frugality

Our user testing shows that **the dosis of information children can absorb online is extremely limited**. Thus, we further reduced the amount of text on each screen, associated with **very explicit and visible buttons**. Plain language principles were applied and tested: the wording is concrete, referring to environments and concepts known to children. Full information is also available if the child or his/her parents wish to learn more. They can click on “this information” to get more details about the data entered through an anchor link in the privacy policy that has been specifically designed to be read by children.



Age

I am ...

Besides the people who made the game, I agree this information to be seen by:

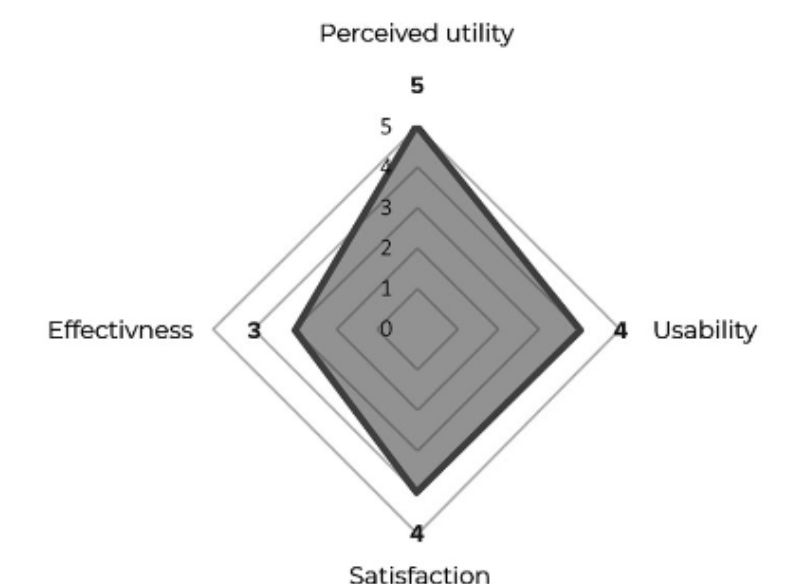
My friends

Other games or people

Me only

Next →

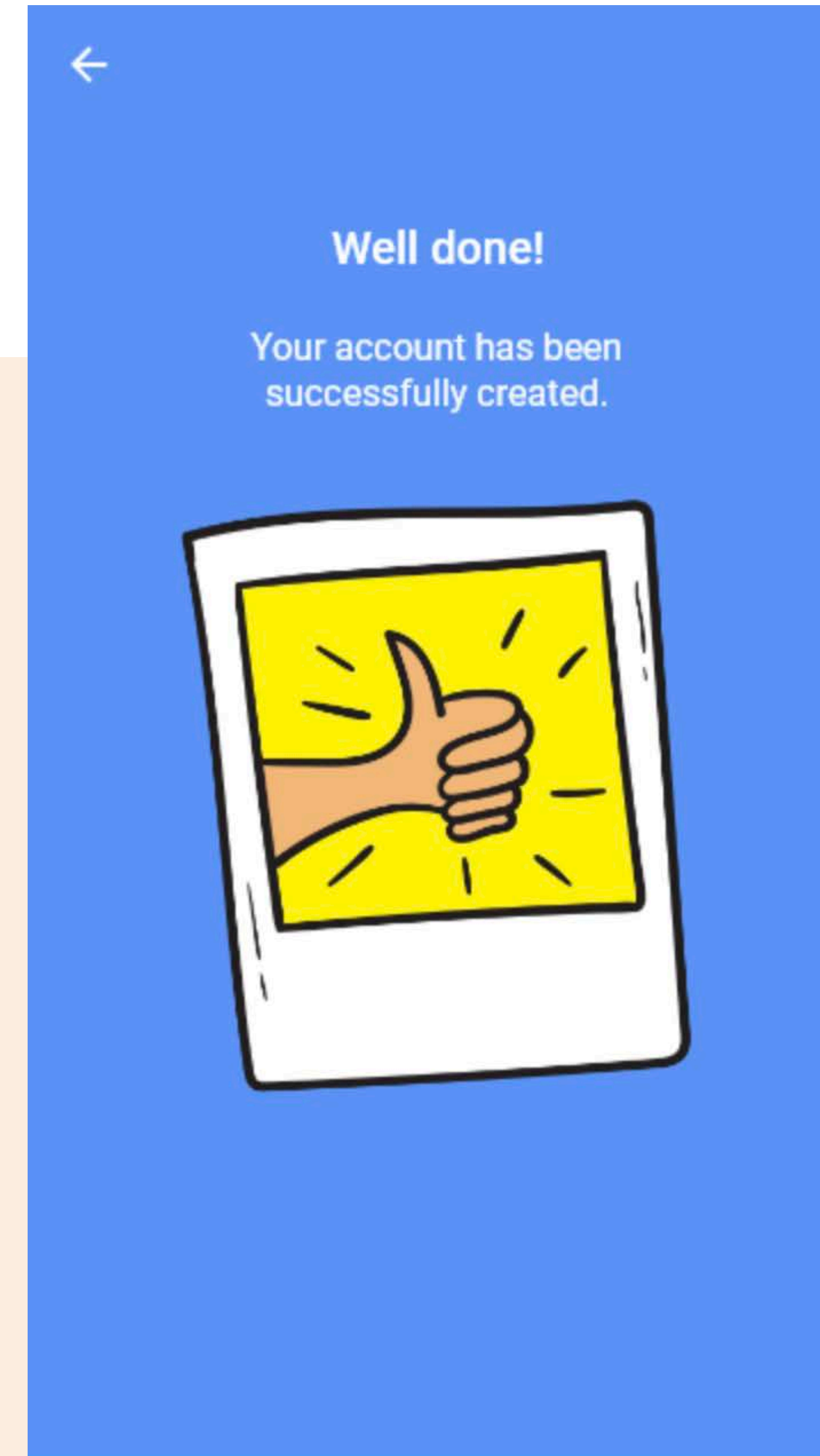
User Testing Result



The interfaces where information is entered offer didactic formulations for each of its elements.

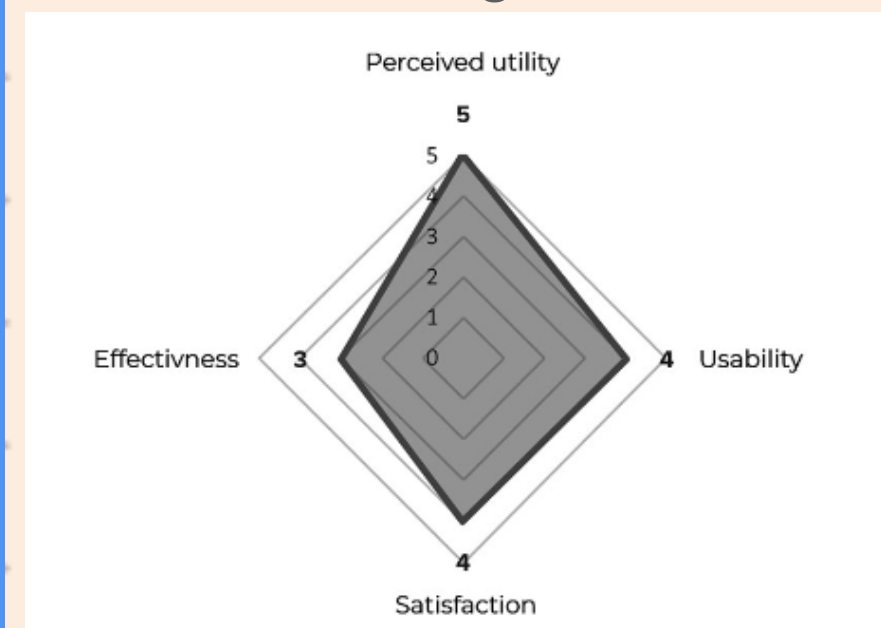
Use illustrations that echoed the visual and graphic style of the game

Among 13 different prototypes, the idea of a “cute squirrel” as a data protection mascot for young children was rejected from children beta-tester. This awareness of the possible rejection by children of representations that are too childish or disconnected from the context of the service prompted the group to use illustrations that echoed the visual and graphic style of the game. **This approach has the advantage of keeping the same visual reference for users, bringing an overall consistency to the user experience.**



When all the account creation steps are done, a confirmation message is displayed.

User Testing Result



Making information accessible in various languages

Paragraph 69

Example 16:

Variation A: The social media platform is available in Croatian as the language of users’ choice (or in Spanish as the language of the country they are in), whereas all or certain information on data protection is available only in English.

Variation B: Each time users call up certain pages, such as the help pages, these automatically switch to the language of the country users are in, even if they have previously selected a different language.



Our recommendation is to help DPOs and legal divisions creating more awareness about **data protection priorities to be reflected in the digital roadmap.**

Stick to transparency and « zero diversion »

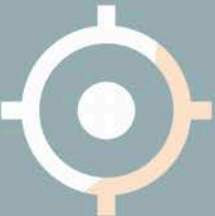
We have seen a number of **law firms newsletters about the Guidelines, saying that they ban humour. We believe this interpretation is flawed.**

Humour and motivational language should be used if it helps triggering users' engagement into reading and acting upon a privacy policy. Our recommendation is to train UX designers and copywriters as regards the GDPR **principles of fairness and loyalty.**



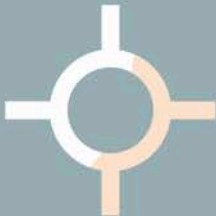
COOKIES

We use "cookies", which are not yummy cakes, but small text files sent from a web site and stored in the user's (i.e. your) web browser or mobile application. You can enable or disable Non-necessary cookies, by clicking on "Privacy and Cookies Policy" then "Cookie Settings". It's easy.



WHAT DOES A COOKIE DO?

Basically, it recognizes users and tells the website your last activity on that website. How? Once the cookie is stored and the user surfs on the same website, the data stored in that cookie notifies the website.



WHAT ARE OUR COOKIES FOR?

This site uses cookies from Google Analytics. These cookies identify the content that interests you the most and to identify certain malfunctions. Your browsing data on this site is sent to Google Inc.

We use Google Analytics reports to better understand the traffic and users navigation habits on our website, but that's only if you agree. This service transfers data to Google's servers based in the United States.

Tell us your preference with the button below.

You can also read our Privacy Policy -100% no legalese – [by clicking here !](#)

☐ NO ☒ Activate REGISTER MY CHOICE

Implementation of fairness principle: the design shows a cake transforming into a target, which better reflects what cookies do.

Developing our user testing lab

User centrality necessarily implies user **testing as an integral part of the methodology**. We developed a User Testing Lab with Mathilde Da Rocha, PhD in cognitive neurosciences. **Leveraging international standards, heuristic principles and models such as the acceptability model** by Nielsen (1993), Temporality of Acceptance, Karapanos et al, 2(009), we developped an evaluation framework. The lab is namely based on **acceptability**, **acceptance** and **usability** expert audits and tests.



*Our User testing lab with Mathilde Da Rocha,
PhD in cognitive neurosciences*

Evaluating the quality of a document

Considering that documents are artefacts, with which users will interact - or not - depending on the quality of the documents. In several projects for minors, we conducted expert audits with plain language experts: Frances Gordon and Karen Shriver, on top of user testing.

How to evaluate the quality of a document?



• Is the draft <i>navigable</i> ?	
Criteria	Score from 1 to 10
Structural signals	7/10
Structure of content	8/10
Chunking	9/10
• Is the draft <i>understandable</i> ?	
Criteria	Score from 1 to 10
Clarity of expression (words choices, phrasings)	8/10
Sentence length	9/10
Sentence structure	9/10
• Is the draft <i>usable</i> ?	
Criteria	Score from 1 to 10
User-centered	9/10
Goal oriented	9/10
Simple & direct	9/10
Coherent & consistent	9/10
Action-oriented	7/10
• Is the draft <i>considerate</i> ?	
Criteria	Score from 1 to 10
Tone of voice	8,5/10
Register	9/10
Projected Persona	9/10

2 experts

15 criteria

3 hours

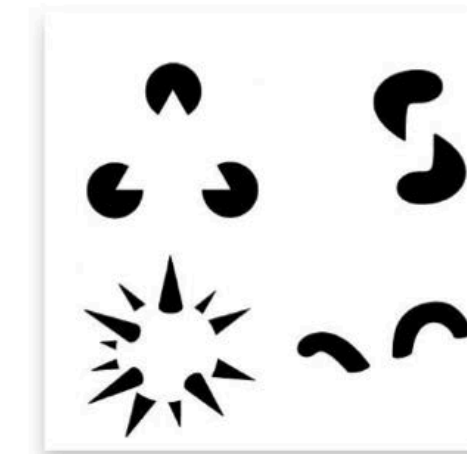
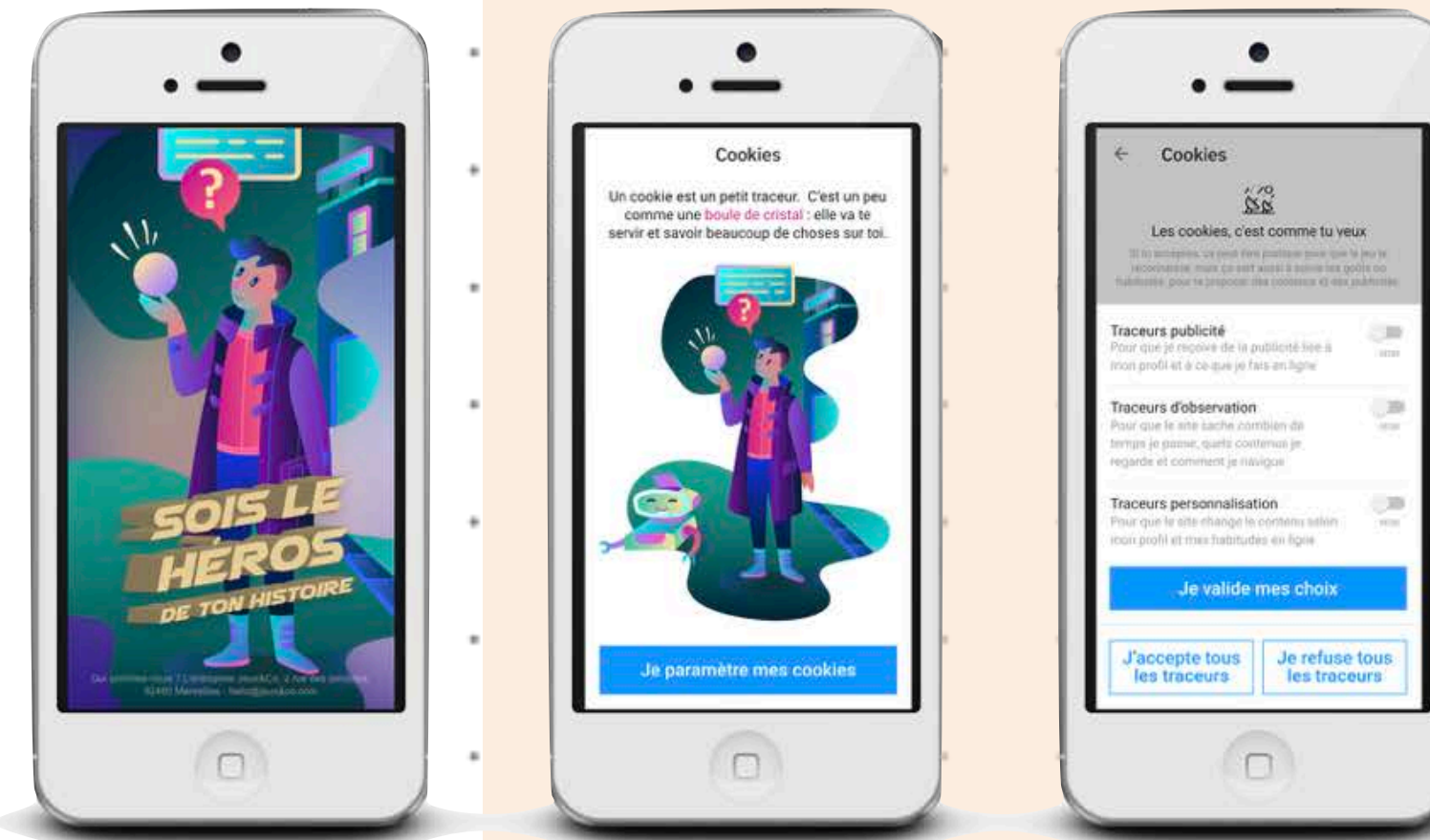
Example of expert audit

Testing with users

We have developed a variety of tests that we can choose depending on project

- Usage scenario
- Interactive Mockup (Figma)
- Cloze Test
- 5 sec test
- Eye Tracking
- Lookback
- etc.

Usage scenario for CNIL Project : « You heard about a new video game. You download it and land on this page. Show us what you do and say out loud what you understand and what you don't understand »



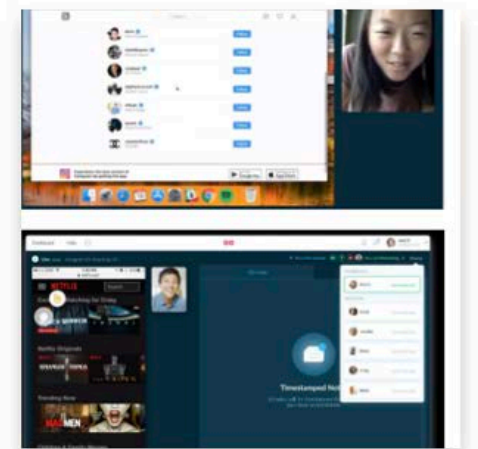
Cloze Test



5 seconds test



Eye Tracking



Lookback

Example of tests we are able to roll out

•

**What would user-centric
Guidelines look like?**

•

Creating a user journey

These Guidelines offer practical recommendations to designers and users of social media platforms on how to assess and avoid so-called “dark patterns” in social media interfaces that infringe on GDPR requirements. It is important to note that the list of dark patterns and best practices, as well as the use cases, are not exhaustive. Social media providers remain responsible and accountable for ensuring the GDPR compliance of their platforms.

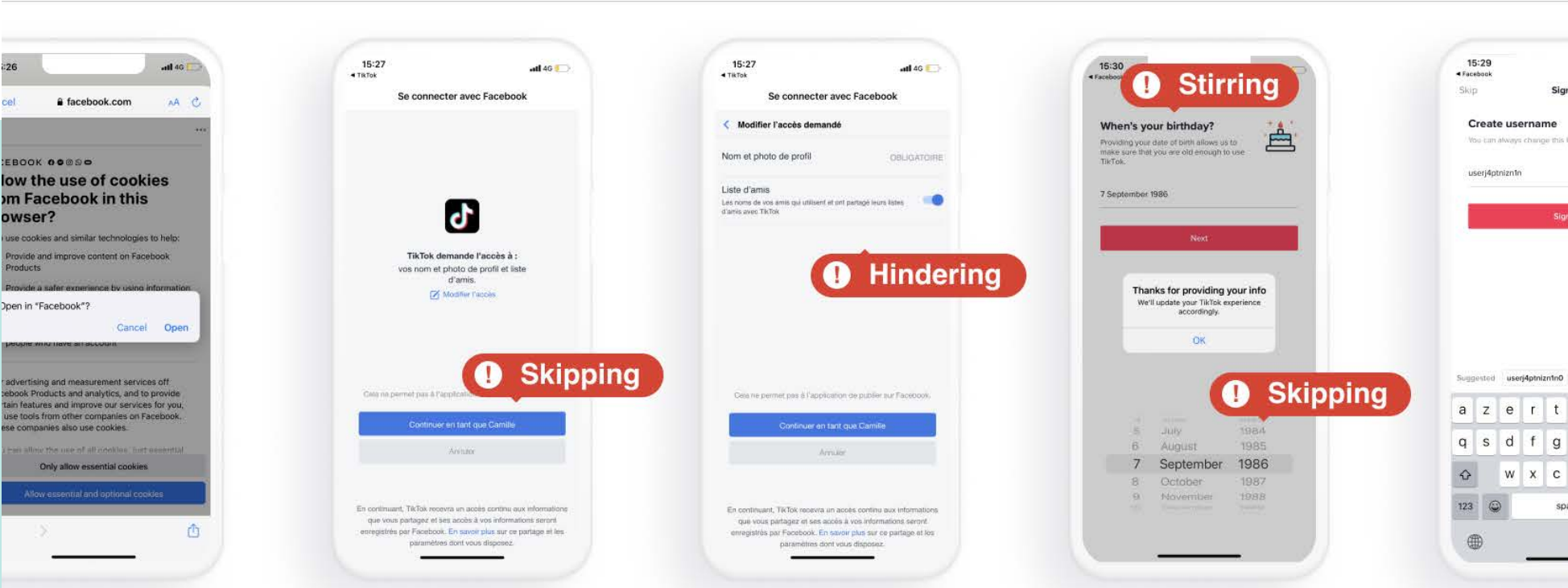
Dark patterns in social media platform interfaces

In the context of these Guidelines, “dark patterns” are considered as interfaces and user experiences implemented on social media platforms that lead users into making **unintended, unwilling and potentially harmful** decisions regarding the processing of their personal data. Dark patterns aim to **influence users’** behaviour and can hinder their ability to effectively protect their personal data and **make conscious** choices. Data protection authorities are responsible for sanctioning the use of dark patterns **if these breach GDPR requirements**. The dark patterns addressed within these Guidelines can be divided into the following categories:

- **Overloading** means users are confronted with an avalanche/large quantity of requests, information, options or possibilities in order to prompt them to share more data or unintentionally allow personal data processing against the expectations of the data subject. The following three dark pattern types fall into this category: *Continuous prompting, Privacy Maze and Too Many Options*
- **Skipping** means designing the interface or user experience in a way that **users forget or do not think about all or some of the data protection aspects**. The following two dark pattern types fall into this category: *Deceptive Snuggness and Look over there*
- **Stirring** affects the choice users would make by **appealing to their emotions or using visual nudges**. The following two dark pattern types fall into this category: *Emotional Steering and Hidden in plain sight*
- **Hindering** means obstructing or blocking users in their process of becoming informed or managing their data by making the action hard or impossible to achieve. The following three dark pattern types fall into this category: *Dead end, Longer than necessary and Misleading information*
- **Fickle** means the design of the interface is inconsistent and not clear, making it hard for the user to navigate the different data protection control tools and to understand the purpose of the processing. The following two dark pattern types fall into this category: *Lacking hierarchy and Decontextualising*
- **Left in the dark** means an interface is designed in a way to **hide information or data protection control tools** or to leave users unsure of how their data is processed and what kind of control they might have over it regarding the exercise of their rights.



FROM EXECUTIVE SUMMARY



Explicit controls

Transparency

Explicit controls

Data minimisation

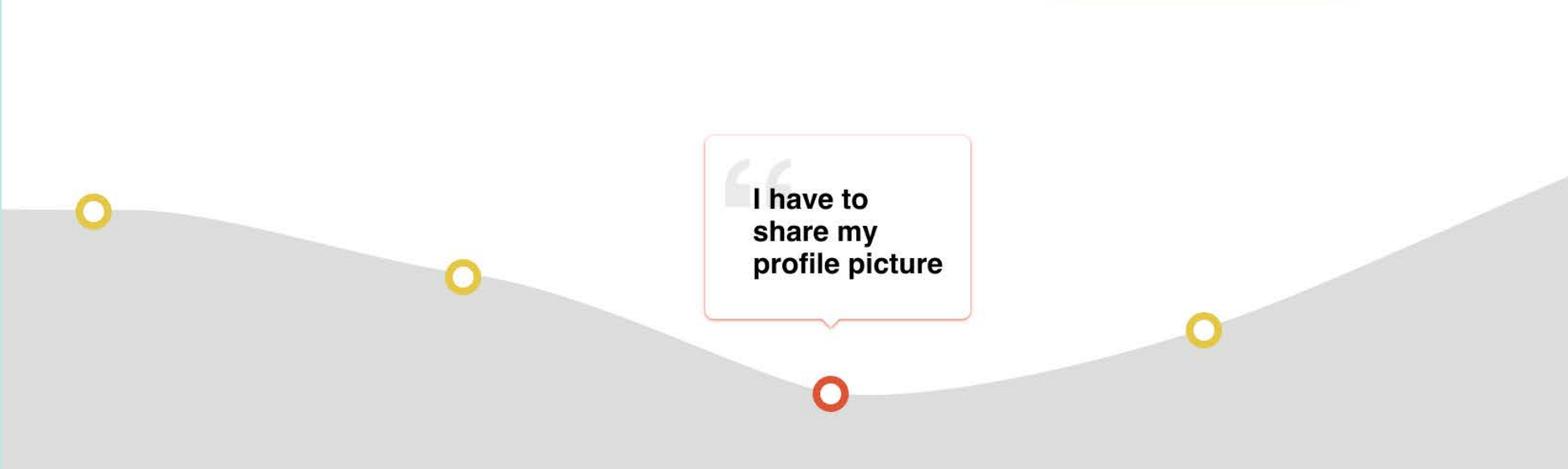
Overarching Fairness principle

Explicit controls

Overarching Fairness principle

Data minimisation

Transparency

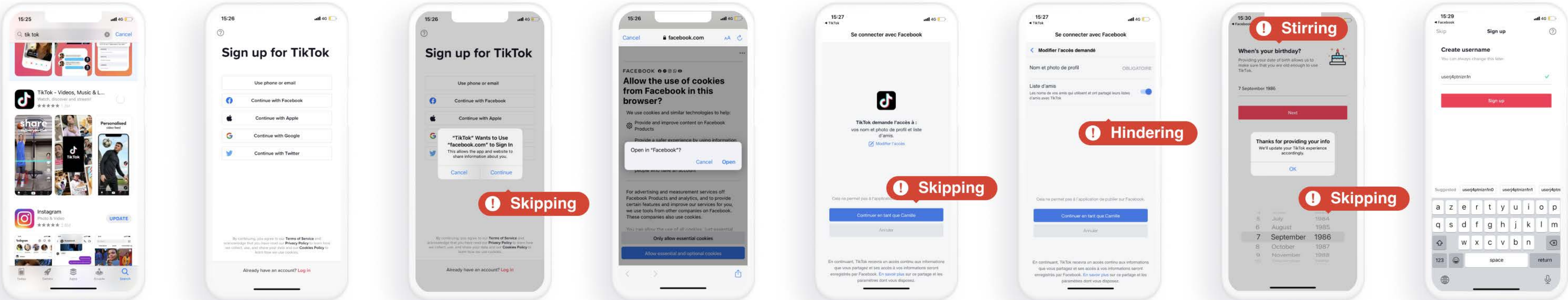


TO MAPPING OUT MAIN STEPS, DARK PATTERNS RISKS, UX PRINCIPLES AND GDPR PRINCIPLES

Activity :

- Download on Store
- Registration Screen
- Sign up with Facebook
- Pop-in 'Open in FB'
- Connect to Facebook
- Edit acces with Facebook
- Popin birthday
- Create username

Dark Patterns



UX Design Principles

Main GDPR Principles

Minimise Workload

Explicit controls

Transparency

Explicit controls

Data minimisation

Overarching Fairness principle

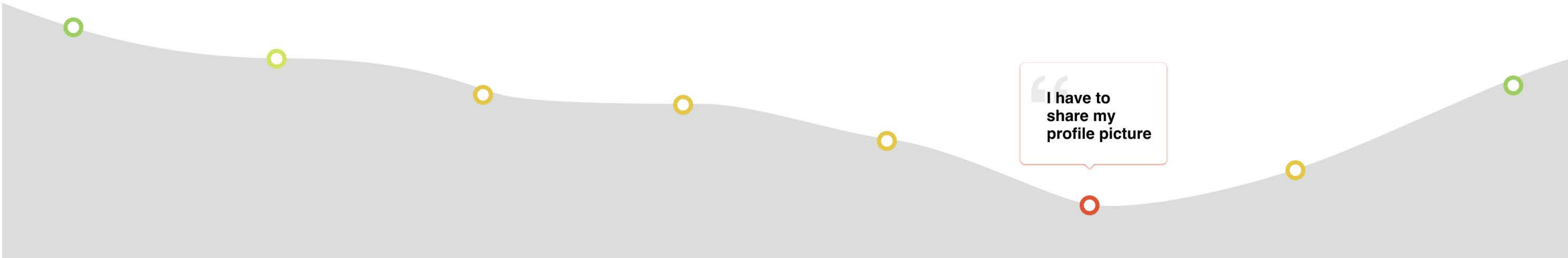
Explicit controls

Overarching Fairness principle

Data minimisation

Transparency

Emotion



ONBOARDING AND FIRST USE

Activity

Choose
Interests

Pop-in
Notifications
Authorisation

Pop-in
Find Facebook
Friends

Tutorial

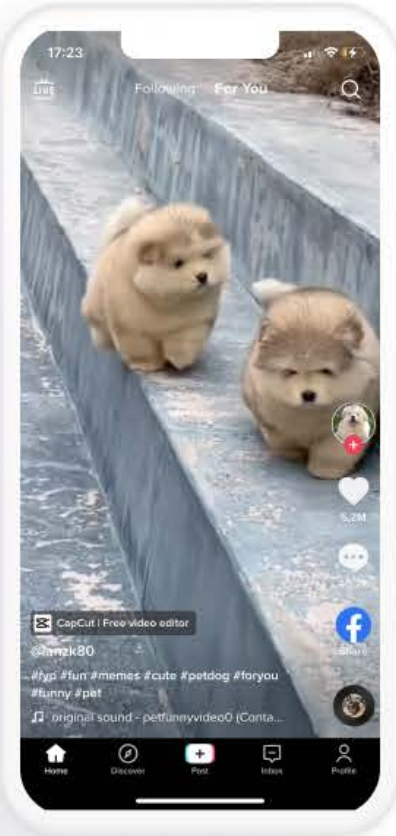
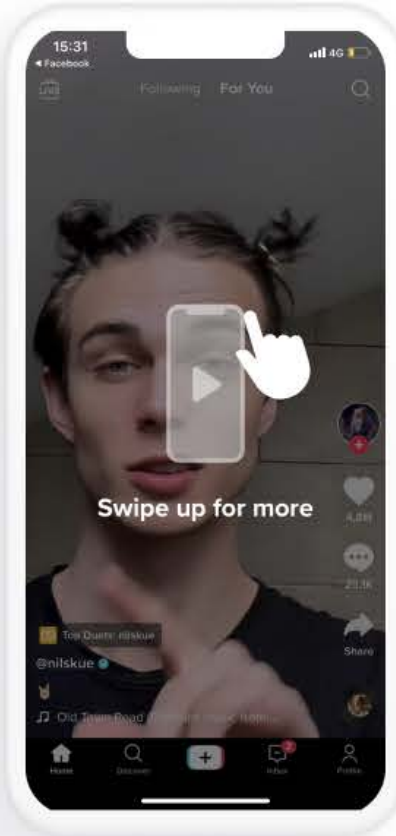
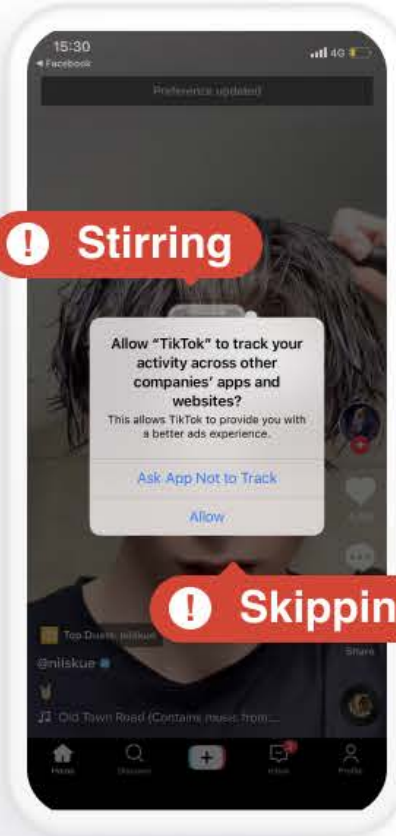
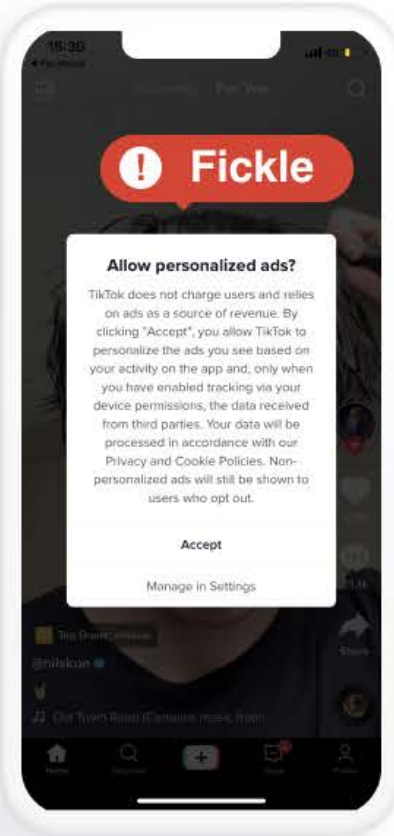
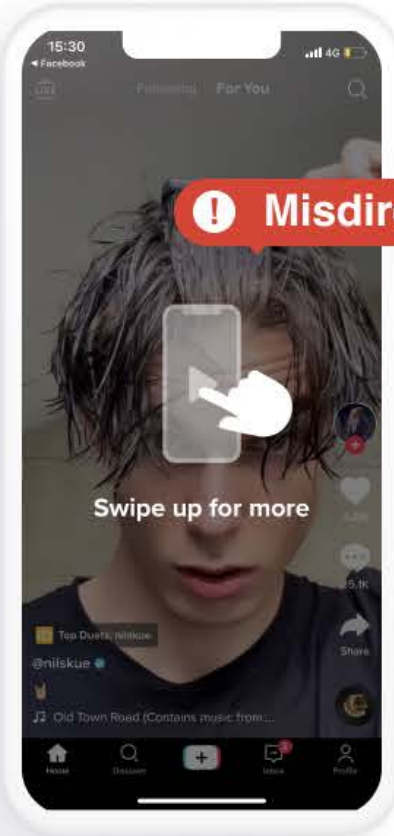
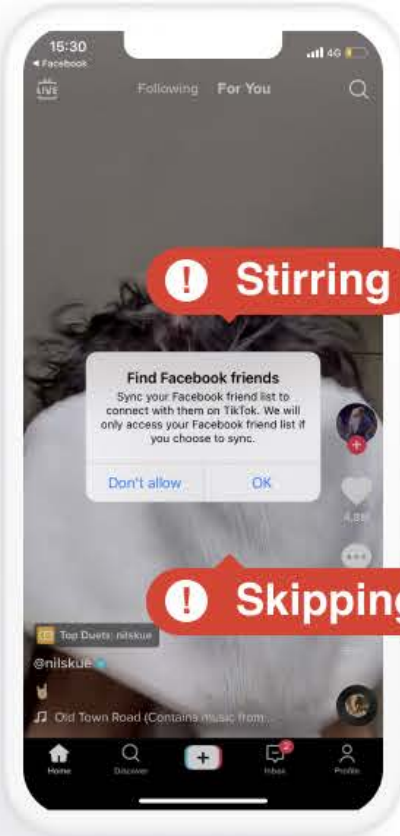
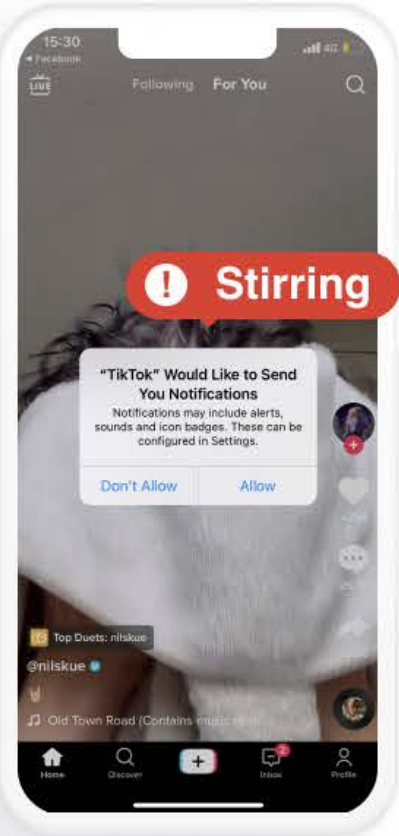
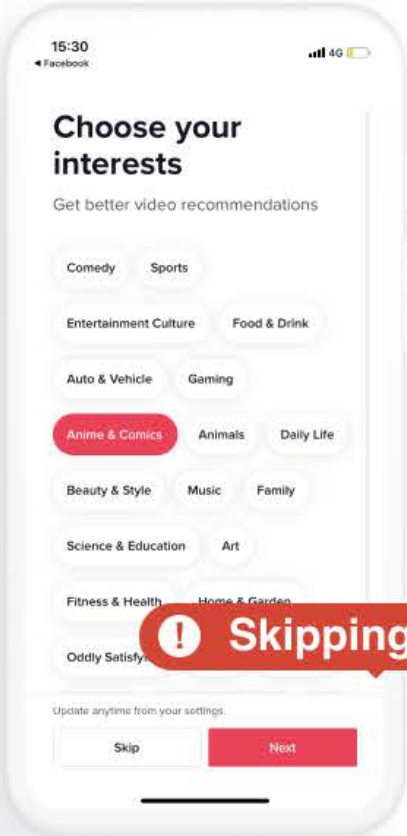
Popin
Targeted ads
authorisation

Popin
Follow activity
authorisation

Tutorial

Story
(maincontent)

Dark
Patterns



UX Design
Principles

Adaptability

Law of similary

Law of similary

Law of similary

Law of similary

Guidance

Guidance

Explicit controls

Explicit controls

Minimise
Workload

Data minimisation

Main
GDPR
Principles

Data minimisation

Data minimisation

Readability

Transparency

Overarching
Fairness principle

Data minimisation

Emotion

At last!

Oh no, not
another step

I'm fed up
with all these
pop-in

At last, I can
access TikTok !

Activity

Profile

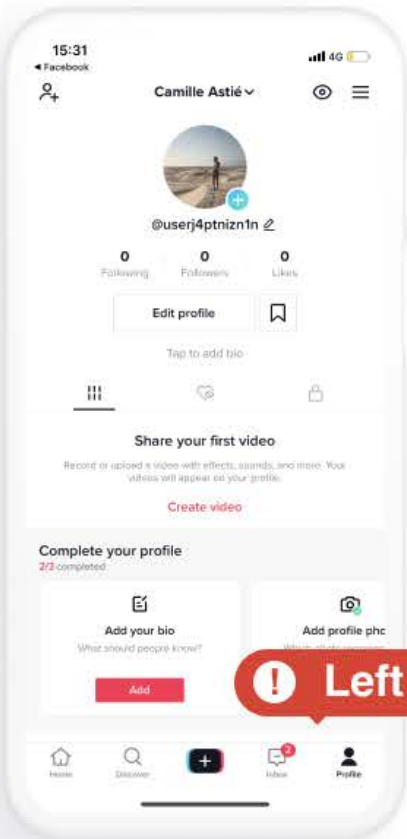
Menu

Settings
and Privacy

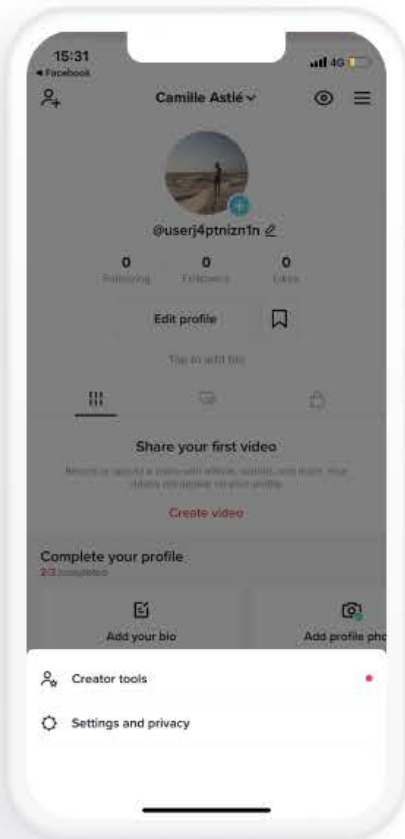
Privacy
Policy

Wall
of text

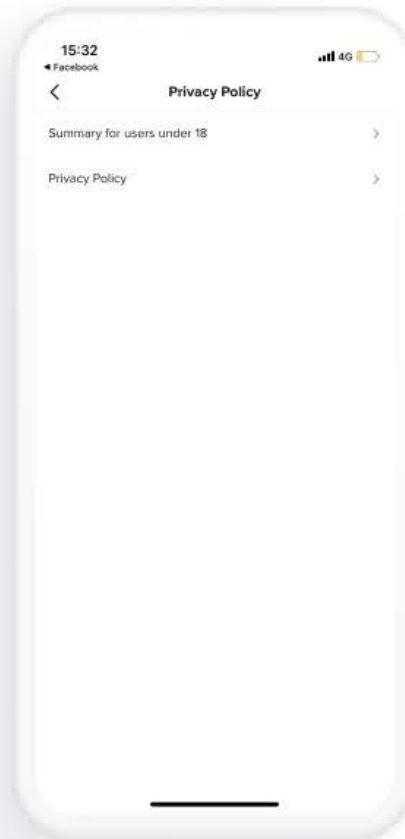
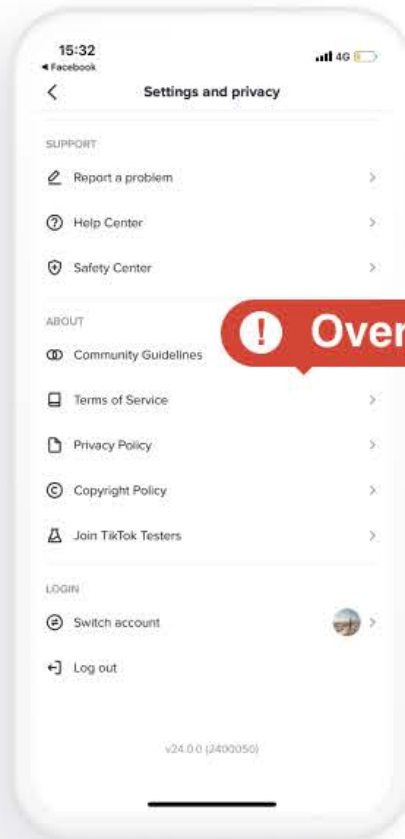
Dark
Patterns



! Left in the dark



! Overloading



! Fickle

! Left in the dark

UX Design
Principles

Minimise
Workload

Minimise
Workload

Minimise
Workload

Readability

Compatibility

Autonomy

Main
GDPR
Principles

Emotion

“ I don't want
to read all
this text

LEAVING TIK TOK

Activity

Manage Account

Why

Advice

Download TikTok data

Processing

Continue

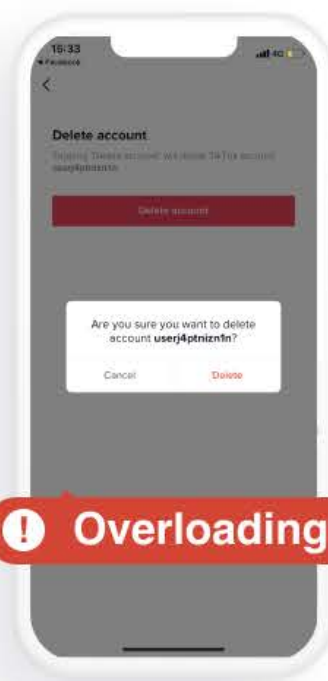
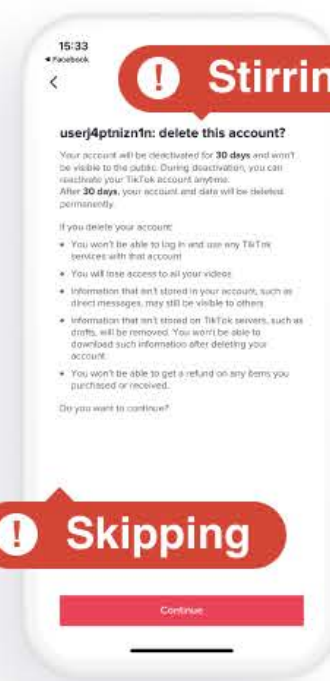
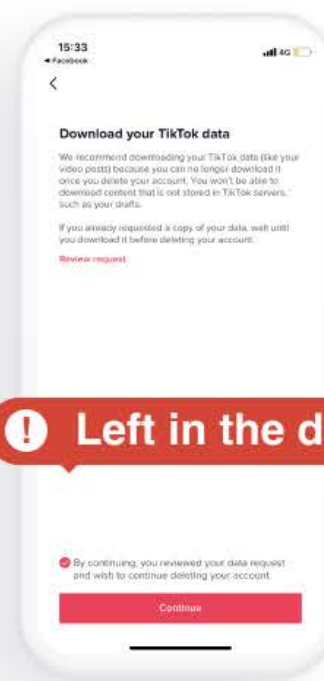
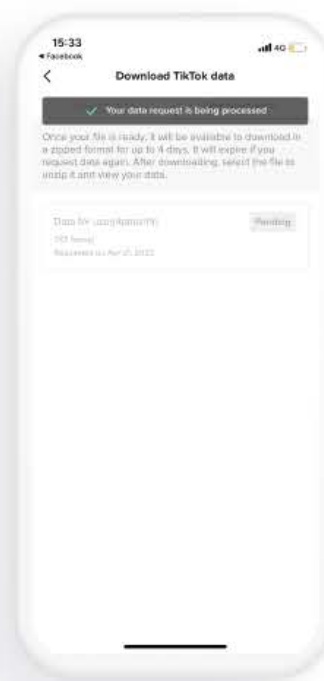
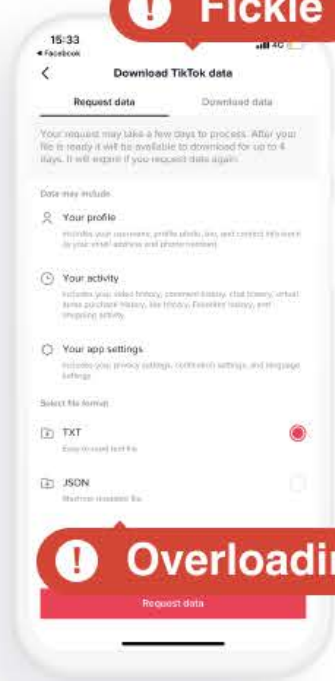
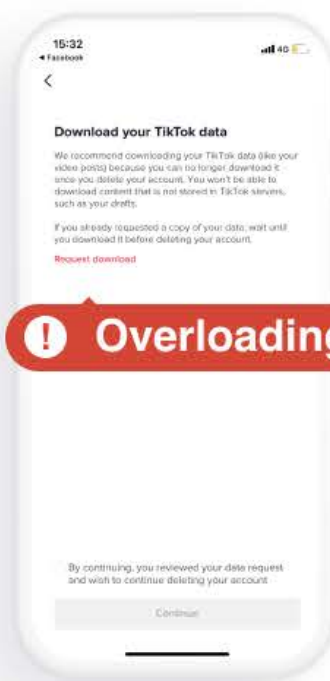
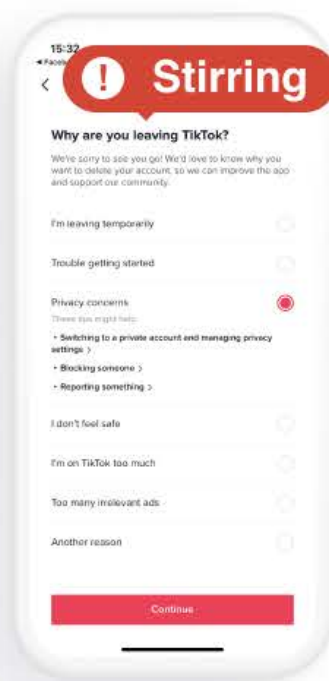
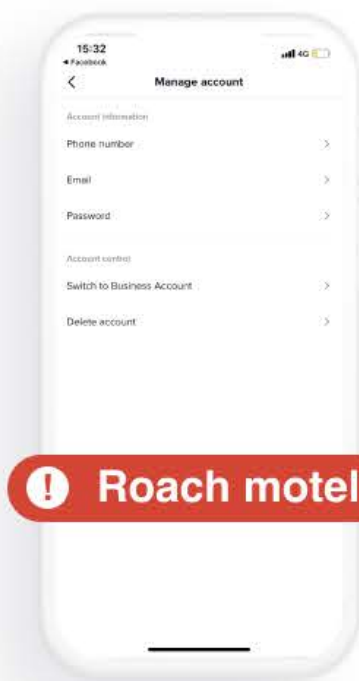
Account will be delete in 30 days

Verify account

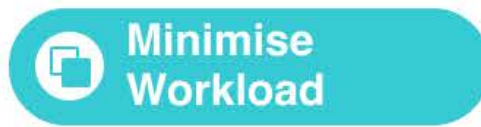
Delete screen

Popin confirmation delete

Dark Patterns



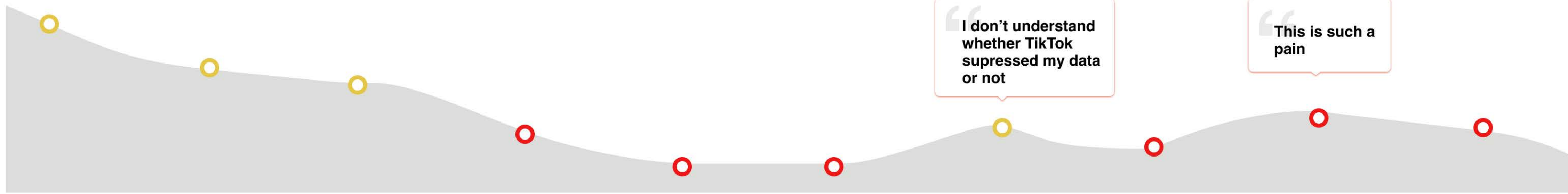
UX Design Principles



Main GDPR Principles



Emotion



"I don't understand whether TikTok suppressed my data or not"

"This is such a pain"

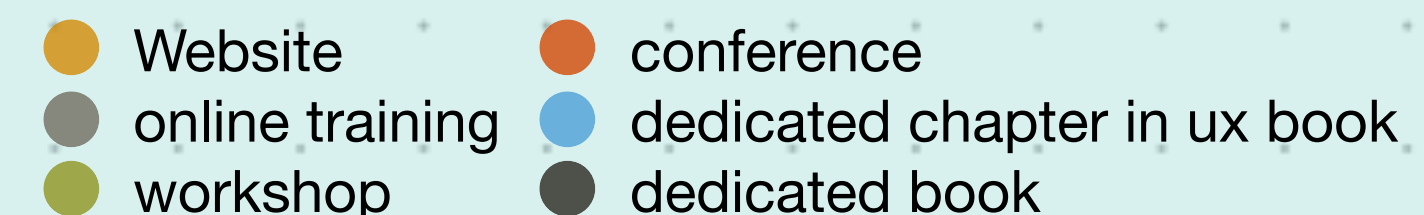
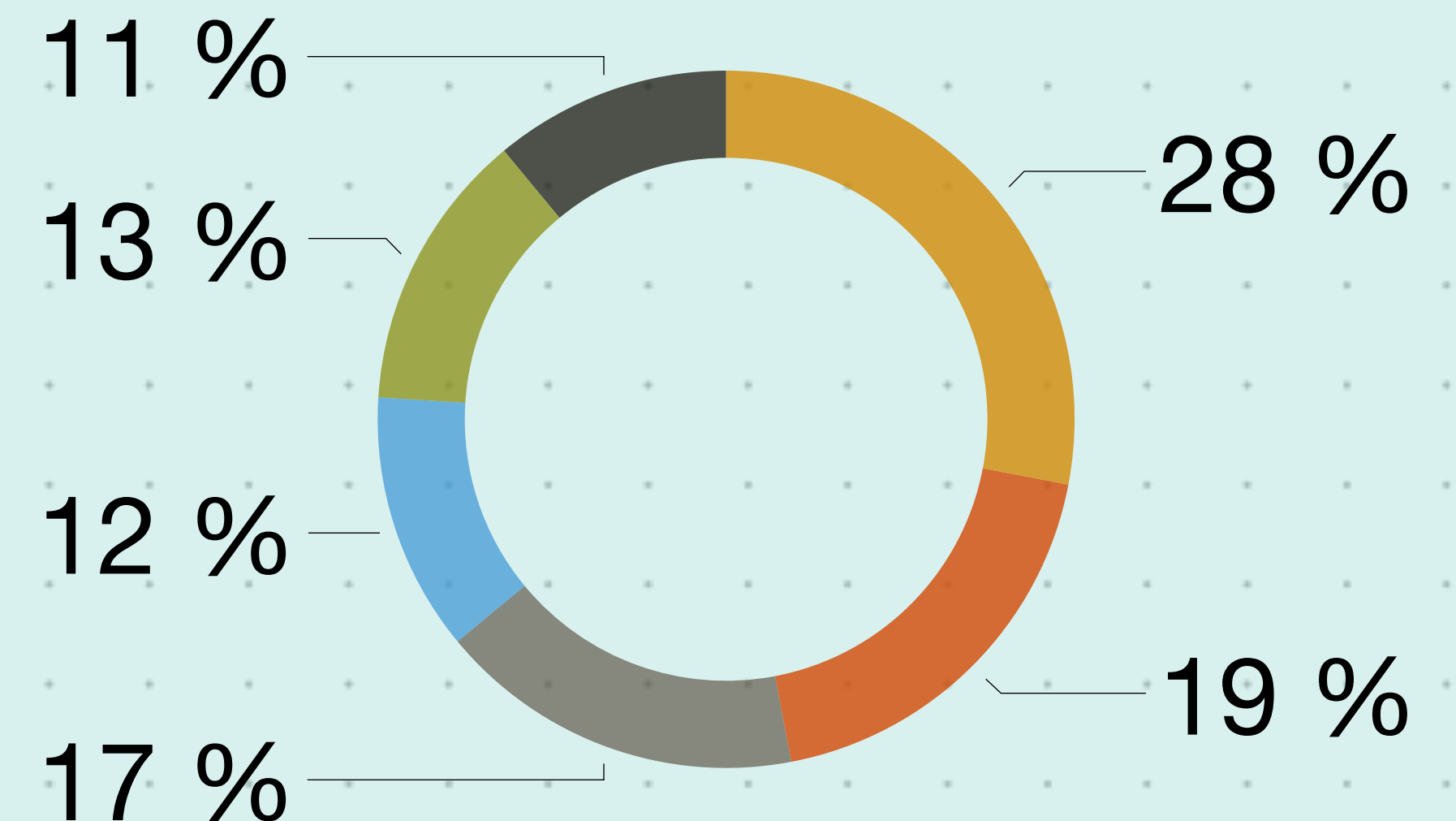
There is a real need for educating designers to good practices regarding dark patterns

We conducted an online survey among UX designers in April 2022. We obtained **87 answers from UX designers**:

- **78% are familiar with the term « dark pattern »**. *Note: the control question, asking them their own definition of dark patterns shows that overall, get the manipulation idea.*
- One respondent made **an interesting parallel about a fraud**: a design meant to deceive users would be the design equivalent of the legal concept of "dol" under French law (i.e. wilful misconduct rendering a contract

85%

of respondents would want more information and training on dark patterns



Advice from experts we interviewed to complete our survey



CÉLIA HODENT

Game UX Expert - PhD in psychology, Author of the Gamer's Brain, What UX is really about, and Psychology in Video Games

« **UX is the opposite of dark patterns.** UX Design is all about protecting the users' wellbeing, before considering economic stakes for companies. **It can be win-win, but true UX design can never be detrimental to users.** »



KARL PINEAU

Media Design Lab director at l'Ecole de Design de Nantes , and co-chairman of Designers Ethiques

« **Any design is meant to orient users, i.e. in a way to manipulate them.** The problem arises when design orients users towards the needs of the service, not the needs of users themselves »



CYRIL SCHMITT

UX Specialist, CEO of äbiity Design Studio

« **Deciding what's right or wrong is necessarily a complex issue,** it touches upon designers' ethics, but also the companies' own ethics »

WHAT DO YOU RECOMMEND TO AVOID DARK PATTERNS?



CÉLIA HODENT

Game UX Expert - PhD in psychology, Author of the Gamer's Brain, What UX is really about, and Psychology in Video Games



- ★ Users should learn how to **recognize them** and to be better aware of the fact that there are specific techniques to **exploit our cognitive bias**
- ★ Companies should be more **aware of the psychological impact of the pressure** they put on users and should develop ethical charters
- ★ Shareholders should also be liable, **though penalties** imposed if dark patterns are used
- ★ **Designers should be better trained from a scientific perspective:** one can read many things on "dopamine shots" for example, which are not scientifically grounded. Training on dark patterns require academic and scientific precision
- ★ White patterns are just good UX design: UX implies the interface ton be transparent, it means that users must fully understand what is done with their personal data. **UX design requires informed consent!**

WHAT DO YOU RECOMMEND TO AVOID DARK PATTERNS?



KARL PINEAU

*Media Design Lab director
at l'Ecole de Design de Nantes , and co-
chairman of Designers Ethiques*

- ★ **The problem with dark patterns is the business model itself** of data economy: as long as we'll have two-sided markets with a supposedly "free" side, the price to be paid by users will remain their data. **Data economy triggers dark patterns.**
- ★ UX designers do not think enough about users' free will, **these past years they have been too preoccupied with reducing frictions.**
- ★ My advice would be first to **go back to the fundamental principles of UX design**: interface is at the service of users, not the other way round. In addition, the solution is frugal online services.
- ★ I would also **question the actual profitability of targeted advertising**: few companies know the actual cost of it and thus overestimate its ROI.

WHAT DO YOU RECOMMEND TO AVOID DARK PATTERNS?



- ★ Train **UX designers** on the various types of dark patterns
- ★ Make the **GDPR more accessible and easier to read**: it's a lot of good intentions, but it's full of dark patterns itself: information overload, small print, jargon...
- ★ Have a **clear definition** that resonates with designers, with **practical examples**
- ★ The Institute for Responsible Digital Services ("Institut du Numérique Responsable") created a charter for responsible and sustainable digital services: <https://institutnr.org/charte-numerique-responsable>. It's a first step, but **there is a strong need for a common reference framework for all UX designers.**

CYRIL SCHMITT

*UX Specialist, CEO of äbiity
Design Studio*

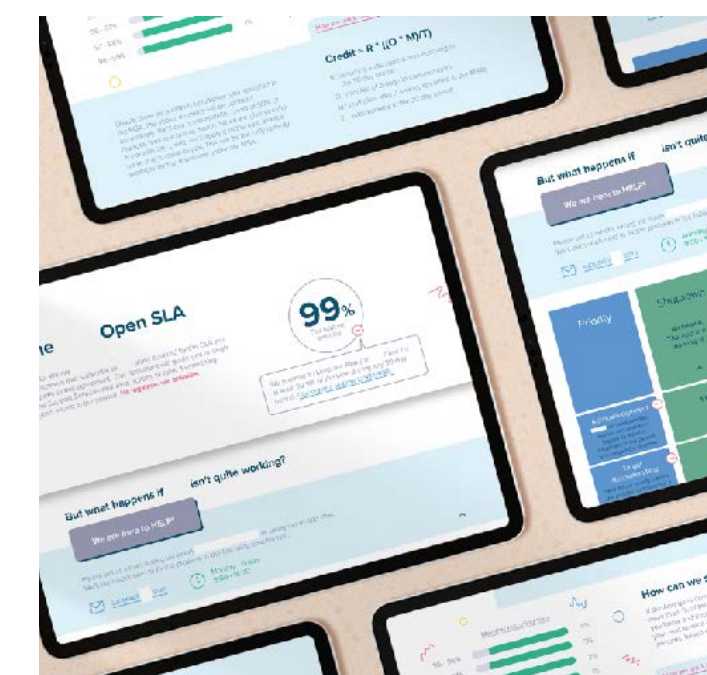
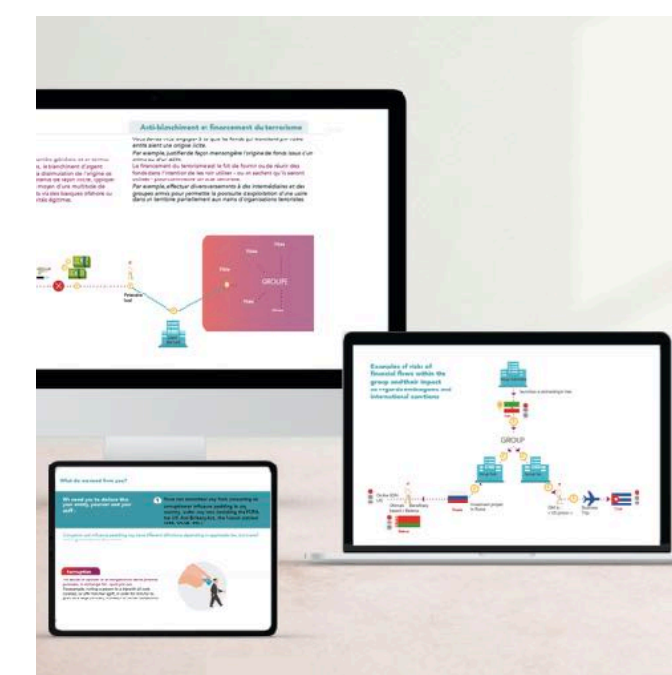
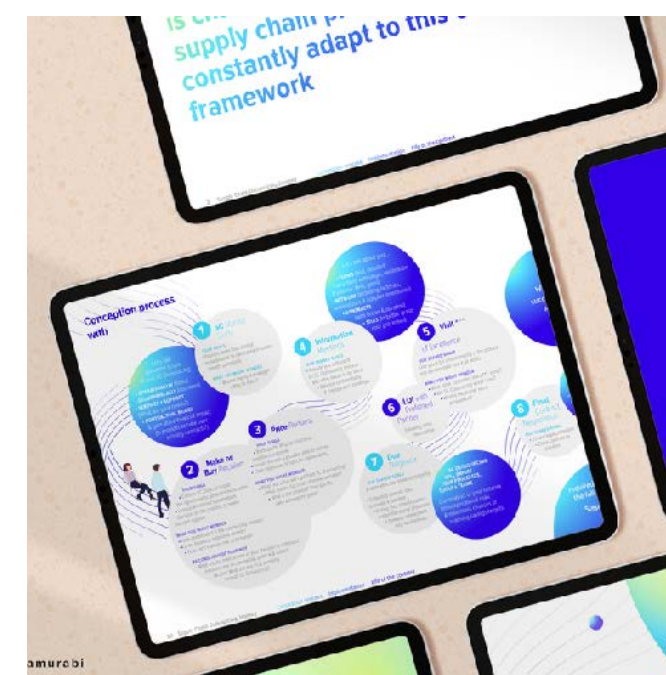
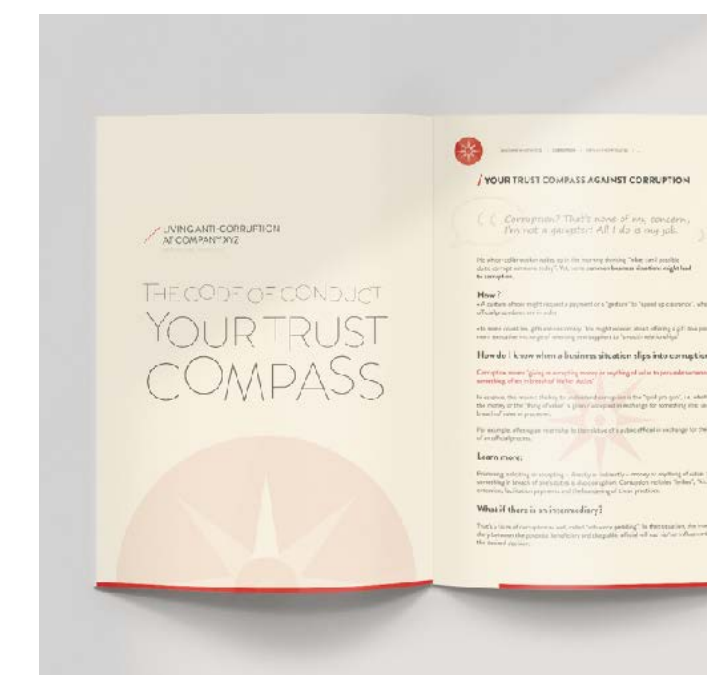
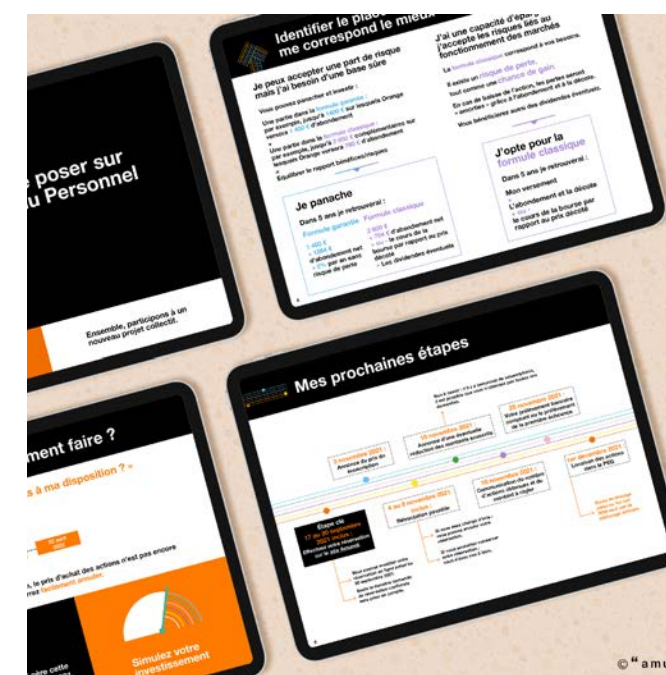
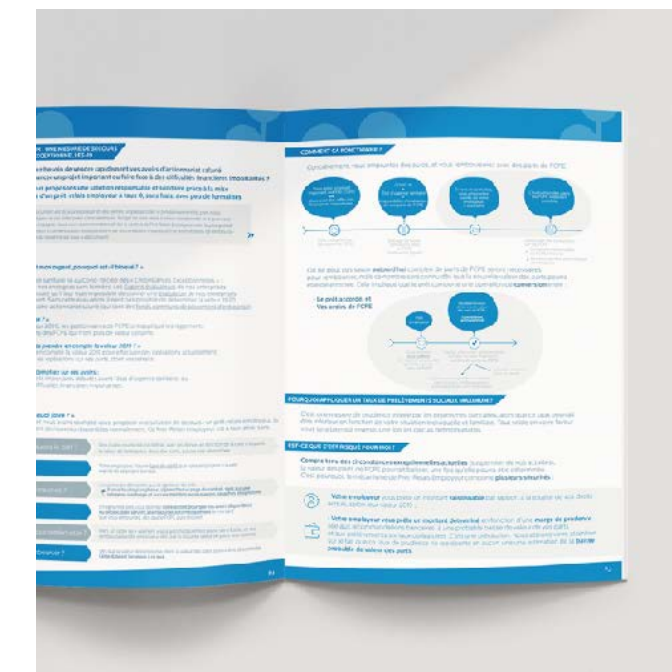
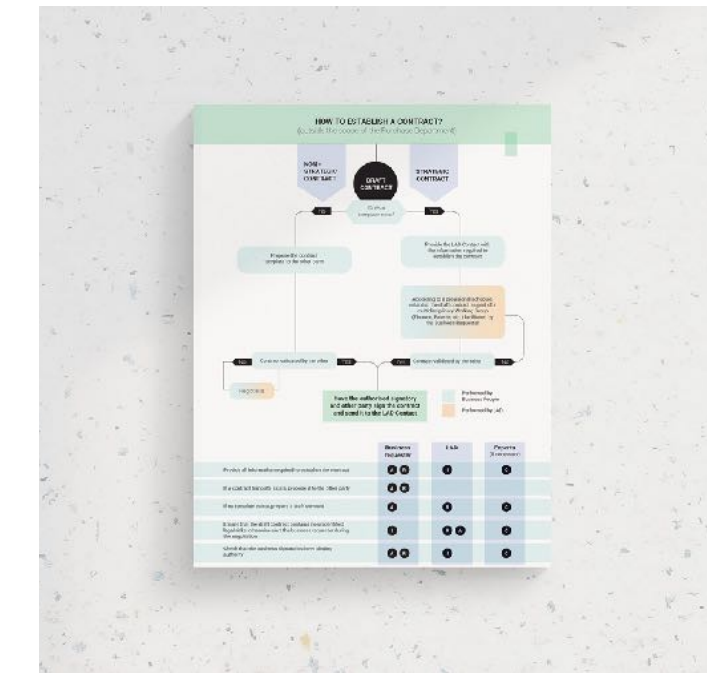
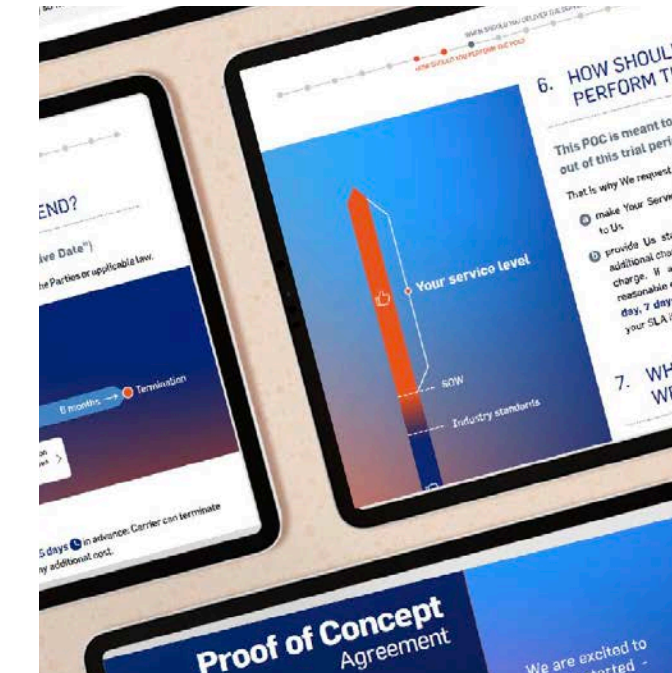
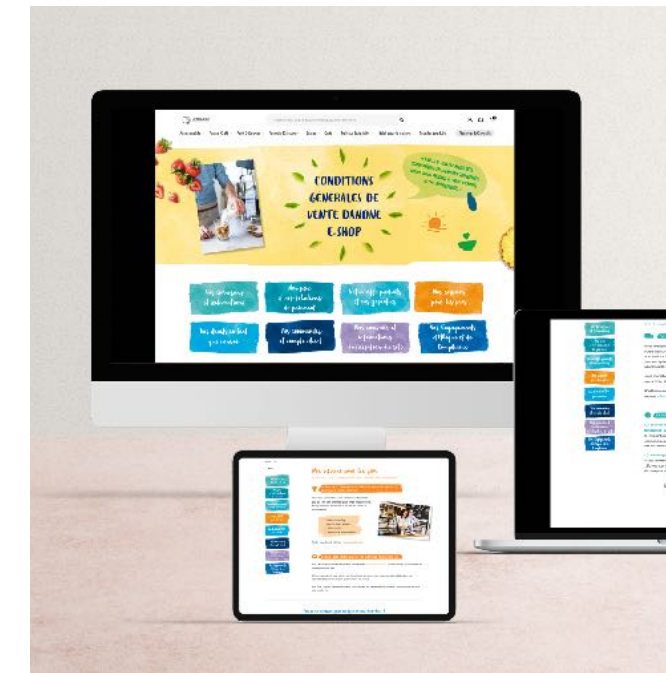
Appendices

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About us
Bibliography

•

We are a legal innovation studio



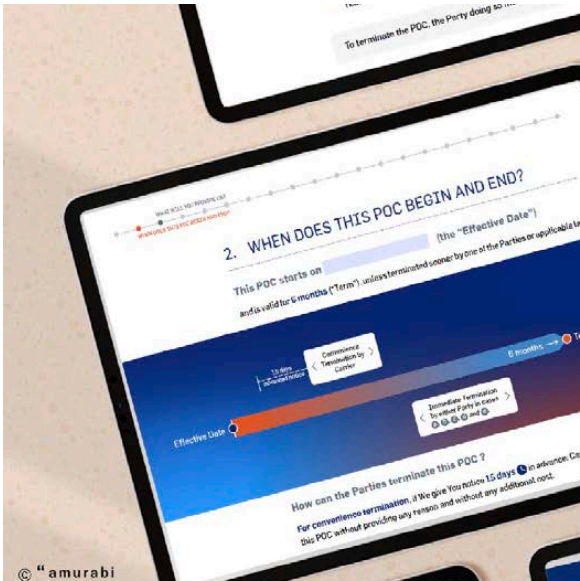
We make complex
information **intelligible**

through **design**
plain language and
neurosciences



Ever expanding fields of action

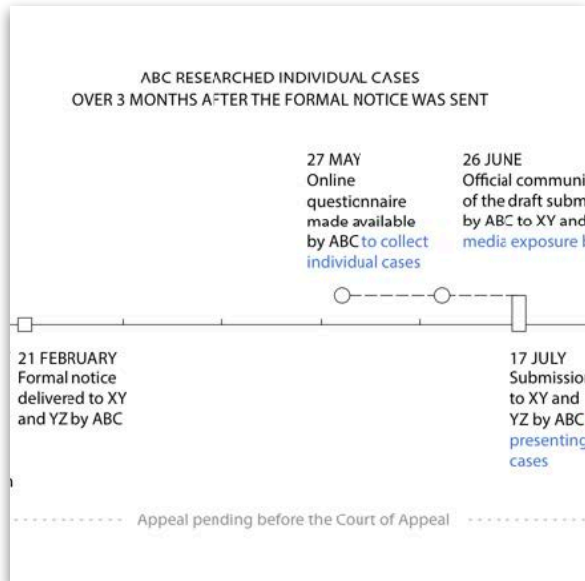
01 Contracts



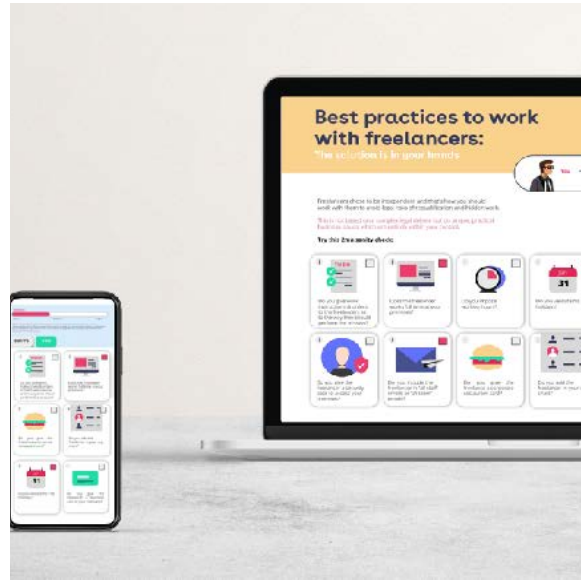
02 Processes



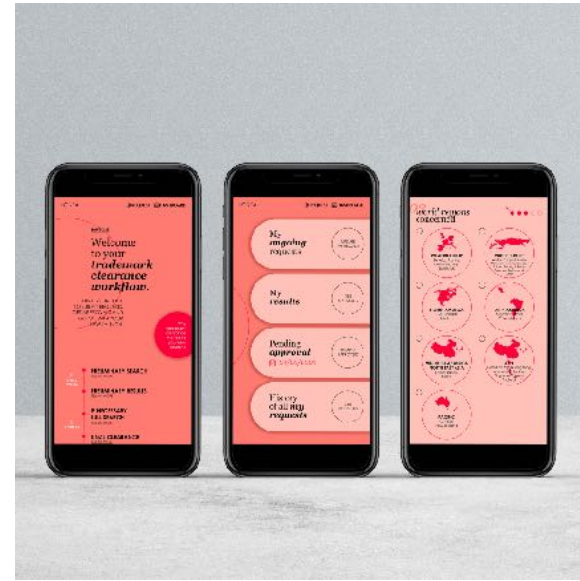
03 Litigation



04 Compliance & Training



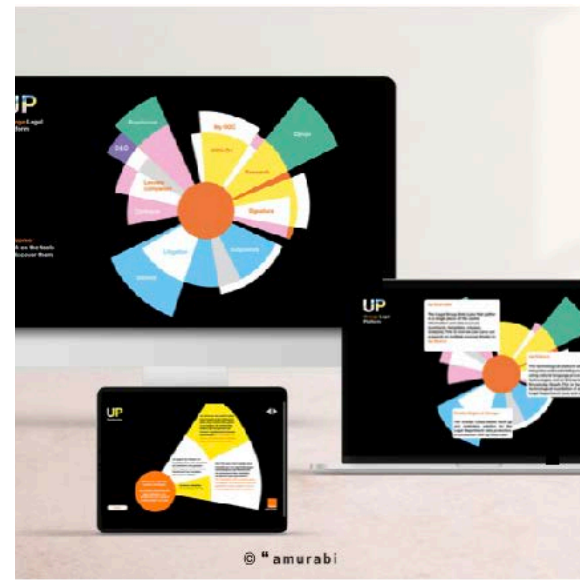
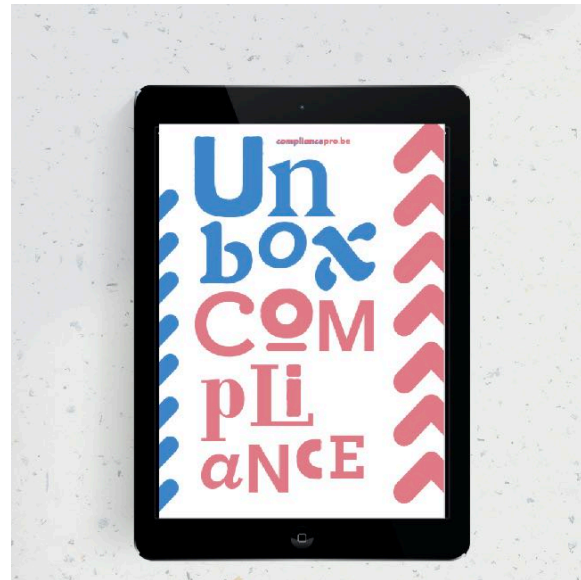
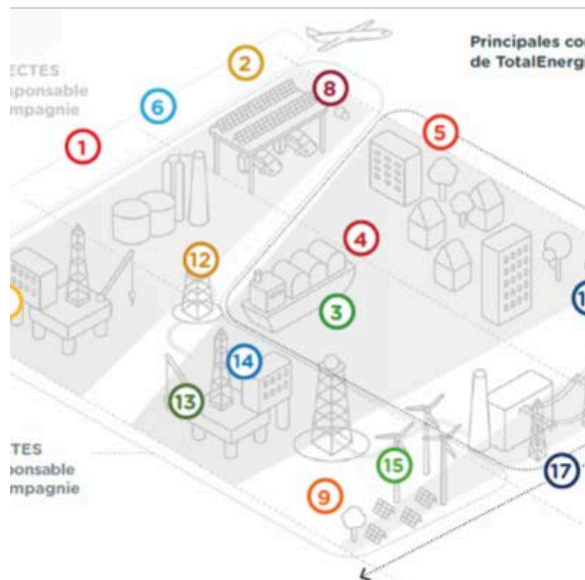
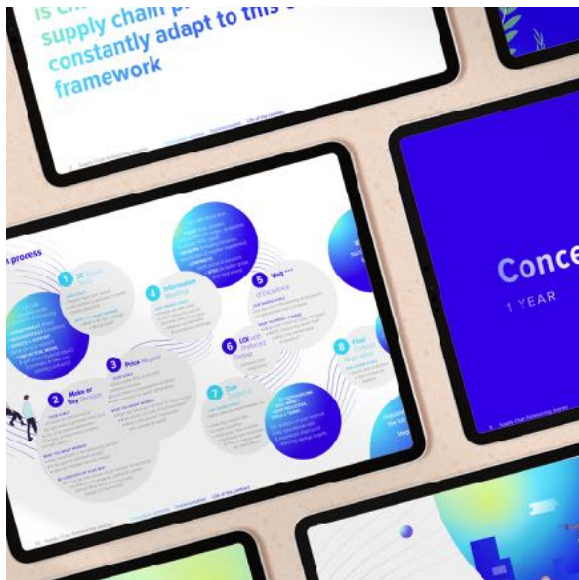
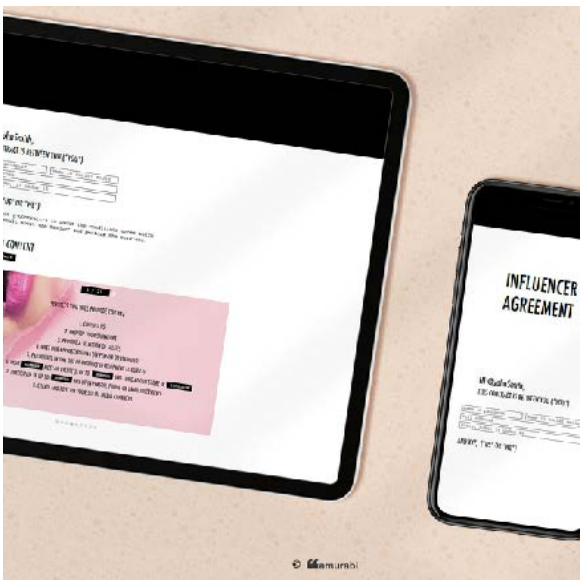
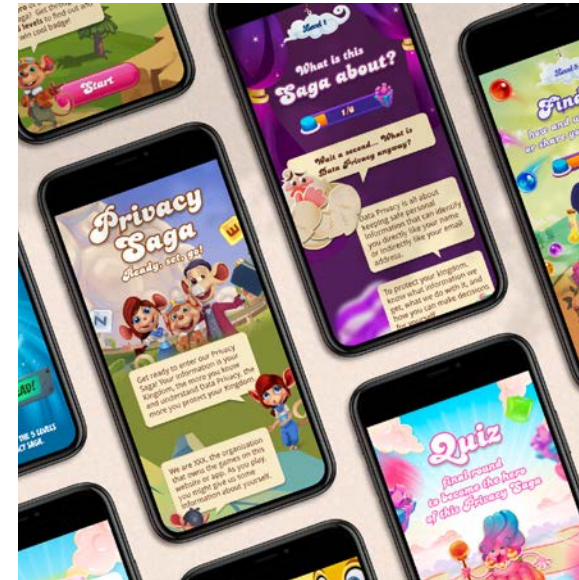
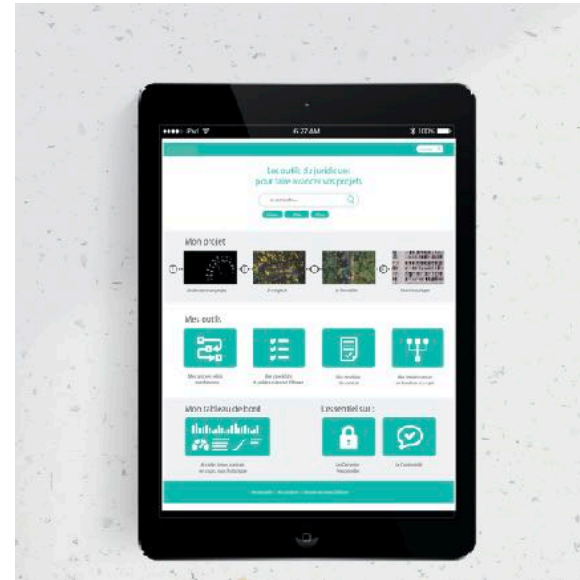
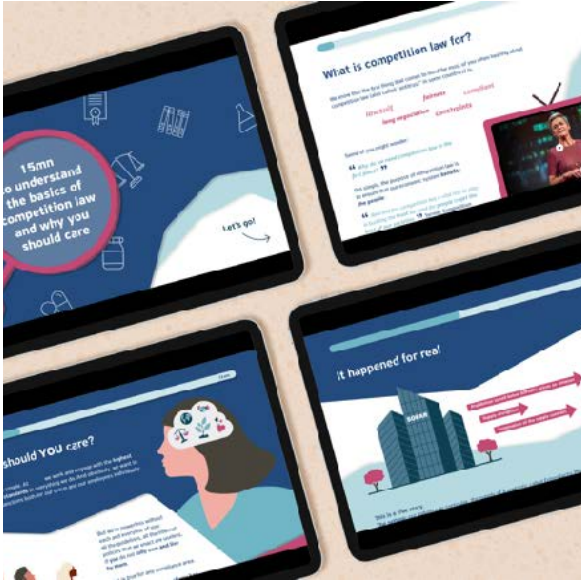
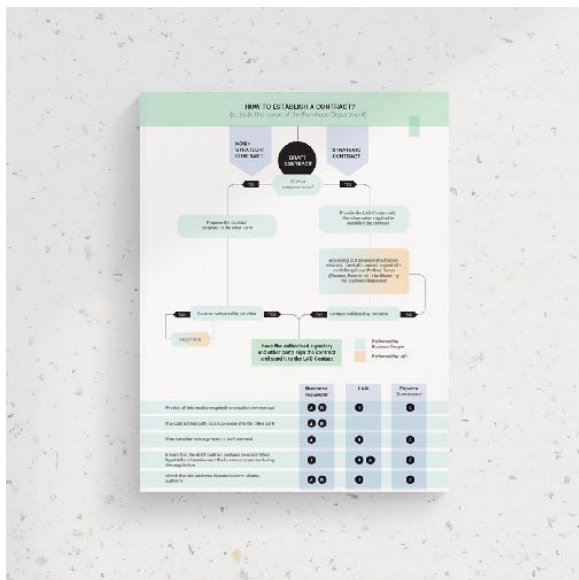
05 Digital Transformation



06 Data protection



07 Public sector



Recognized expertise

Happy to be recognized
as pioneers in legal design
across Europe and in the US



We based our data and studies on:

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