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*Legal Design Roundtable*

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Ladies and gentlemen,

It is a pleasure to address you today, albeit remotely.

Thank you very much for the invitation.

The principle of privacy by design and privacy by default are fundamental components of the GDPR.

These principles aim at safeguarding peoples' privacy and personal data to a necessary extent.

By regulation, digital services are therefore obliged to ensure data minimization, purpose limitation, and transparency.

Dark patterns are a way for companies to circumvent these principles by ruthlessly nudging consumers to disregard their privacy and to provide more personal data than necessary.

That is a problem we have to address.

The attitude of manipulating consumers into sharing personal data abates their autonomous agency, which stands in contrast to the fundamental freedom of choice.

Such practices contribute to a digital ecosystem that changes individuals from service recipients to servants of the data industry.

This is not in line with our European values and it is not in line with the GDPR.

Controllers and processors must abide to the words and spirit of the new data protection culture in Europe. This is what the GDPR is about, a change in the culture of respecting peoples' rights and freedoms.

This change of culture has to be adopted by every part of society. This includes small businesses as well as tech giants.

A study of the Norwegian Consumers Council published last year reveals and compares the ways in which big companies pursue the use of dark patterns.

And it shows very clearly the mechanisms and interests behind such practices.

The study focuses on the analysis of user-centered design, which aims at creating an interface based on what the users are likely to look for, trying to predict how to accommodate their wants and needs most effectively.

It concludes that the financial incentive of companies employing dark patterns has taken precedence over respecting users' right to choose.

This is a big problem, which we must not underestimate.

I am very worried that dark patterns become an established way of circumventing people's privacy choices.

I am also worried, because there is only a small gap between nudging and recklessly taking advantage of natural human traits.

I fear that by employing dark patterns companies foster the view that humans are not autonomous individuals but rather function in technical determined ways.

When individuals are not treated as persons but only as mere aggregates of data which can be processed on an industrial scale for the profit of some companies, they are clearly not fully respected in their dignity.

Putting forward such an image of humanity is not only questioning our most fundamental social values but also lessens people's trust in digital services.

This will, in the long run, worsen the relationship between service providers and consumers.

Neither the public nor private companies can possibly intend this development.

To avoid this, the Norwegian Consumers Council has published guidelines not only for users' privacy protection, but also for companies to responsibly design their products in a way so they do not disregard people's choices.

It is such guidelines that offer a chance for companies to be pro-active, to restore trust and to show responsibility when building a digitized society.

Only together we can shape a digital society worth wanting.

I am glad that today's discussion will shed some further light on the use of dark patterns which will help us to better understand the scope of impact these practices tend to bear.

With these fundamental considerations, I want to leave you into this exciting day ahead. Thank you for your attention and my very best wishes from Brussels for a fruitful and inspiring Roundtable.