RESPONSE TO COMPETITION AND MARKETS AUTHORITY CONSULTATION ON THE ONLINE PLATFORMS AND DIGITAL ADVERTISING MARKET STUDY INTERIM REPORT

12th February 2020

Doteveryone is the responsible technology think tank. We're fighting for better tech, for everyone. We want to see a world where responsible technology is the new normal. We're working to change how tech is made and used so that it supports a fair, inclusive and sustainable democratic society.

Our work explores how technology is changing society, shows what technology that considers its social impact can look like, and builds communities and networks to improve the way technology shapes our world.

6) Do you agree with our analysis and findings in relation to consumer control over data, as set out in Chapter 4?

1. Doteveryone welcomes the report's analysis and findings in relation to the challenges consumers face to manage their data, and the need to reduce the friction platforms impose on users to do so.
2. Our People, Power and Technology research[1] validates many of the report's findings in relation to public digital understanding, and also points to deeper behavioural and motivational barriers people face to control their data.
3. **We are resuming this work programme in 2020[2] and expect to publish our insights in May.** We look forward to engaging with the CMA on these issues upon the completion of this research.
4. **Our 2018 People, Power and Technology research surfaced a major public understanding gap around technologies.** Only one third of people are aware that data they have not actively chosen to share has been collected. A quarter have no idea how internet companies make their money.
5. We identified five blindspots in the public's understanding of digital services, indicating one of the reasons for the high level of mistrust in the technology industry.
   - How adverts target you - 45% are unaware information they enter on websites and social media can help target ads.
   - How your personal information is collected - 83% are unaware information can be collected about them that other people have shared.
   - Where your news comes from - 62% don't realise their social networks can affect the news they see.
   - How products and services make money - 24% don't know how tech companies make money.

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[1] https://www.doteveryone.org.uk/report/digital-understanding/
[2] https://www.doteveryone.org.uk/2020/02/introducing-people-power-and-technology-the-2020-edition/

6. Doteveryone's research has found that people care deeply about the use of their personal information - 95% say it's important to know their data is secure, 94% say it's important to know how their data is used. And they would like more control over it — 91% say it's important to be able to choose how much data they share with companies.

7. But this **demand for transparency and control is not being met by online services - 51% don't feel able to control how much data is shared with online services, and 89% of the public would like to have clearer terms and conditions on online platforms.**

8. And nearly half of survey respondents agreeing to T&C's without reading them, because the companies 'will do what they want anyway'. This points to the deeper distrust of technology companies and widespread disempowerment felt as a result of a lack of viable alternatives in many areas of online services and a lack of transparency in how online services operate.

9. **Our Engaging the public with Responsible Technology research[3] has surfaced wider behavioural and motivational barriers people face when managing their preferences on online services.**

10. Research participants expressed an appetite to take on more responsibility for managing their own personal data, but also highlighted a lack of infrastructure or services available to them to do beyond online services' own privacy settings, where they exist.

11. The friction and complexity often found within these user settings, coupled with a lack of standardisation across services, means that in practice few people have the time or resources to manage their data preferences across all platforms they use. Research participants called for innovation to make applying privacy preferences across all online services used, describing a "privacy mode" analogous to airplane mode that would apply privacy preferences across all online services used on a given device.

12. **We are partnering with the Behavioural Insights Team to deliver follow-up research to prototype a service that meets this demand for the streamlined application of data privacy preferences across different online services,** and we would welcome an opportunity to engage with the CMA as this research develops.

13. Research participants also wanted feedback loops that convey to them the tangible impact of changing their privacy settings. A simple example of this can be seen on the Brave web-browser, which indicates the number of adverts which it has blocked whilst in use.

14. These feedback loops should also extend to information around how individual actions can tie into wider collective action with other users of online services: user research from our Better Redress programme[4] suggests people are more motivated to report data-related issues if they can see others also have, and can understand

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[3] https://www.doteveryone.org.uk/download/3225/
[4] https://www.doteveryone.org.uk/project/better-redress/

how these collective complaints may lead to systemic change through regulatory action or changes to the design of online services.

15. Whilst our research programmes show there are actionable solutions that can be developed to empower individuals to manage their data, **we caution against placing too much emphasis on public engagement at the expense of other levers for change.** Two out of three People, Power and Technology respondents believe the government should act to ensure companies treat their customers, staff and society fairly. There is an appetite for regulation from the public.

16. For participants in our Engaging for Responsible Technology programme, taking on greater responsibility for managing their online lives was contingent on online services and regulators taking on greater responsibility as part of a wider "social contract". This responsibility includes promoting more responsible design of existing platforms ("dark patterns"[5] that nudge users towards privacy intrusive options were explicitly mentioned as unfair, for example), and fostering an ecosystem of support services and alternatives to major online services.

10) Have we identified the appropriate range of potential interventions to address the sources of market power for Google and Facebook?

17. Our Regulating for Responsible Technology research found many regulators are struggling to keep up with the pace of technological change, and surfaced a need for greater regulatory coordination and collaboration to respond to cross-cutting online services.

18. In response to these challenges, we call for a regulatory oversight body Office for Responsible Technology with three responsibilities: to give regulators the capacity to anticipate technological change and coordinate this landscape; to inform the public and policymakers with robust evidence on the impacts of technology; and to support people to seek redress from technology-driven harms.

19. Redress is a key lever through which the public can hold big tech to account and address power imbalances between users and major online services. Through our Better Redress programme we are developing a one-stop-shop for the public to seek understand and exert their digital rights when things go wrong and access redress where it's available.

20. This research[6] has shown there is a clear need to raise standards within online services own complaints functions, and to also rethink and strengthen forms of independent support for people to assert their rights online. **The CMA should look to address the following structural challenges inherent in systems of redress for online services:**

   a. **Defining meaningful outcomes for redress in the online context**. Regulators should conduct research to define a fair price for compensation for issues

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[5] https://fil.forbrukerradet.no/wp-content/uploads/2018/06/2018-06-27-deceived-by-design-final.pdf
[6] https://www.doteveryone.org.uk/wp-content/uploads/2019/12/Better-redress-evidence-review.pdf

experienced on free-to-use online services, or explore alternative forms of redress where financial compensation isn't appropriate

b. **Developing structures of redress that are fit for the scale and pace of online services**. For large online services with billions of users, it is not feasible for all users complaints to be heard by human adjudicators in an independent body without incurring unreasonable costs. The Advertising Standards Agency's use of virtual avatars to surface ads targeted at children,[7] and "report not complain" functions for users to flag problematic ads without expecting a response are examples of alternative approaches showing promise in the digital space.

c. **Making it easier for individuals to navigate fragmented and complex systems of redress.** Although 92% of respondents in our People PowerTechnology research said that they would like a single place where they could find their digital rights online, only 28% currently know who to turn to when things go wrong. We see clear potential for a one-stop-shop model to triage people to support online, that we will be exploring through the development of our prototype service.

21. Data portability and opening up online services' datasets to competitors have been proposed by many, including in the Furman Review, as an antitrust measure. This has significant data privacy implications. The industry body COADEC has also voiced concerns that the forthcoming online harms regulation will disadvantage SMEs whilst benefiting the Tech giants.[8]

22. In this context, the need for regulatory coordination and collaboration we call for in Regulating for Responsible Technology is particularly urgent. The Furman review's call for co-ordination in the policymaking process across these and other areas is welcome. **The CMA must continue to collaborate deeply with other regulators and policymakers to ensure current and emergent digital regulation work in complement, not in tension.**

23. These collaborations could involve shared foresight activities between regulators and the Centre for Data Ethics and Innovation, joint investigatory units and data sharing across regulators (building on existing memorandums of understanding), developing combined guidance and engagement for public to bring together information about their rights/protections across different pieces of regulation to reduce complexity, and engaging with government on a cross-departmental level.

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[7] https://www.asa.org.uk/news/harnessing-new-technology-gambling-ads-children.html
[8] https://twitter.com/coadec/status/1115160196832215040