

The Reasons Behind Tracing Audience Behavior: A Matter of Paternalism and Transparency

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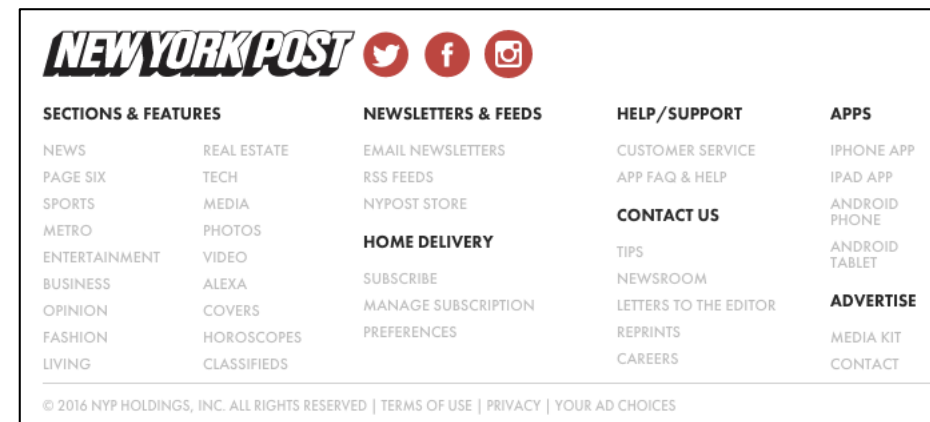


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What are the reasons behind tracing audience behavior given in privacy- and cookie policies?

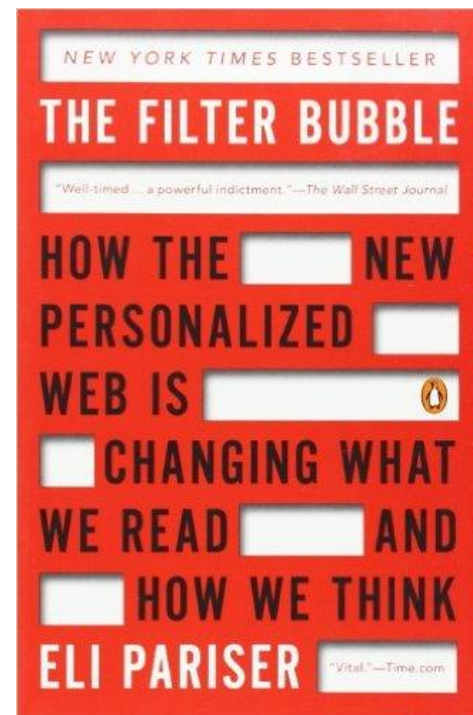
- Predominately qualitative content analysis of privacy agreement texts and cookie consent information collected from 60 news sites in the US, Sweden and the UK.
- Focus: In a news context the reasons that are provided for using audience data.
- Texts were collected between 10/4/2016 and 10/6/2016
- The coding instrument consisted of 6 variables



Paternalism and reasons for collecting data

Paternalistic intervention is when someone else makes decisions for an individual, presumably in the interest of the individual (See for example Dworkin, 1972, Le Grand and New, 2016 or Clarke, 2002).

How is paternalism expressed in provided reasons for collection of behavioral data on news sites?



The background to this article

Projects about ethics and internet behavioral data or use of big data:

- Distinct (€75.000)
 - 2014-2016
 - Main focus: What kinds of personal data are individuals willing to share depending on their pre-understandings of digital consent to share data.
- Sjyst data!





Opinions toward the collection and re-use of personal information on the Internet, 2015 (percent)

	Agree completely	Somewhat agree	Somewhat disagree	Disagree	No opinion	Total (percent)	N
It is good that companies are collecting information about Internet behavior to improve their services	3	18	18	42	19	100	1580
I accept that my personal information is sold to third parties	3	19	17	45	16	100	1584



Measures taken by individuals to protect their privacy on the Internet, 2015 (percent)

	Agree completely	Somewhat agree	Somewhat disagree	Disagree	No opinion	Total percent	N
Limit personal information on the Internet	47	33	5	2	13	100	1 586
Carefully read terms and conditions when registering on sites or apps.	15	29	20	18	18	100	1 591

A public reading of the policies connected to the average Norwegian's apps in a mobile phone took 32 hours



A woman with short brown hair and glasses, identified as Randi Flesland, is seated at a black desk. She is wearing a dark jacket over a striped shirt. In front of her on the desk are a stack of papers, a pen, and a glass of water. Behind her is a large screen displaying a grid of 40 popular mobile application icons, including Angry Birds, Candy Crush, Fortnite, Dropbox, Gmail, Apple Music, Pandora, NRK TV, Instagram, Snapchat, Spotify, Talking Tom, WhatsApp, Yelp, YouTube, Facebook, Messenger, Gule Sider, Kindle, LinkedIn, Amazon, Netflix, Jordan Brand, Snapchat, VG, V-apps, and Word. A blue banner at the bottom left of the screen contains the text 'RANDI FLESLAND Forbrukerdirektør' next to a stylized 'F' logo. At the bottom right, a black banner displays the text 'Det er over 260 000 ord' followed by a timer showing '00:00:40'.

RANDI FLESLAND
Forbrukerdirektør

Det er over 260 000 ord 00:00:40

Vi leser brukervilkår minutt for minutt

The background to this article

Projects about ethics and internet behavioral data or use of big data:

- Distinct
- Sjyst data (€ 1 million)
 - 2017 – 2019
 - How can we create and validate ethical measurement systems for traffic data?
 - Where are the boundaries for when the audience perceive their integrity online has been compromised?



What is the challenge?

- In studies on ethical aspects and methods for measuring behavioral data we have seen that
 - The audience are not willing to share data on the internet with companies and authorities
 - The awareness of that we are already sharing data is low
- If the general public were aware, would they allow companies and authorities to collect as much as they do?
- Audience trust is crucial for journalism, what happens when people understand that media companies are just like any other company in terms of monitoring their users?

Until now, current legislation permits companies to use passive consent..

(32) Consent should be given by a clear affirmative act establishing a freely given, specific, informed and unambiguous indication of the data subject's agreement to the processing of personal data relating to him or her, such as by a written statement, including by electronic means, or an oral statement. This could include ticking a box when visiting an internet website, choosing technical settings for information society services or another statement or conduct which clearly indicates in this context the data subject's acceptance of the proposed processing of his or her personal data. Silence, pre-ticked boxes or inactivity should not therefore constitute consent. Consent should cover all processing activities carried out for the same purpose or purposes. When the processing has multiple purposes, consent should be given for all of them. If the data subject's consent is to be given following a request by electronic means, the request must be clear, concise and not unnecessarily disruptive to the use of the service for which it is provided.

The General Data Protection Regulation, (EU) 2016/679

Results: Identified reasons

	Reason	N	%
1	Personalize or customize ads	48	80
2	Enhance user experience	39	65
3	Personalize or customize content	37	62
4	User metrics and research	34	57
5	Contact the user	27	45
6	Deliver the product or service	21	35
7	Remember user preferences for log in, user polls etc.	21	35
8	Share with third party	20	33
9	Provide what the user requests	18	30
10	Fulfill laws and regulations	15	25
11	Maintain the site	14	23
12	Make recommendations for the user	12	20
13	Provide comments functionality	11	18

	Reason	N	%
14	Answer user questions	9	15
15	Prevent fraud, protect copyright	9	15
16	Enhance shopping experience	8	13
17	Allow sharing of content	7	12
18	Develop new products and services	6	10
19	Deliver on multiple platforms	6	10
20	Save time, enhance efficiency for the user	6	10
21	Keep the user safe	4	7
22	Provide location based services	4	7
23	Provide services for free	2	3
24	Send information about the user relationship	2	3
25	Generate revenue	2	3
	Total	382	636

Conclusion

- The majority of the companies try to avoid being paternalistic
- Sentences are based on that monitoring users is
 - in the interest of the users (no paternalism at all)
 - or that the technology is in need of data, not the companies (technology paternalism)

Conclusion

- One determining factor: How consent was obtained
- All stated reasons may be regarded as soft paternalism
 - interferes with the users rights to make voluntary decisions
- Weak paternalism
 - Collecting behavioral data using cookie consent is a coercive form of analyzing why, how and when people are accessing the site

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This article analyzes privacy agreement texts and cookie consent information collected from 60 news sites in three countries (U.S., UK, and Sweden) within the context of

Thank you!

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