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ACCEPT ALL
UNACCEPTABLE?

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Data fuels the digital world. From the cookie banners that crowd our screens to data scandals such as a Cambridge Analytica, we are increasingly aware of that fact. Governments have attempted to control the flow of data through regulation, silicon valley has created privacy-preserving technologies, while big tech shifts its marketing to convince us of their commitment to privacy. But even as we become more aware of the privacy risks around big data, we are becoming more dependent on it.

In the UK, the landscape around digital technologies and privacy is in flux, making this a key time for interventions to promote and protect privacy.

In early 2023 the Westminster government announced that the Digital portfolio will move from the Department Culture, Media and Sport to a new Department of Science, Innovation and Technology, with AI marked as one of the 'technologies of tomorrow' that it will oversee.[1] This signals a move towards a focus on data as a driver of technological innovation and growth - echoed by the government's ambition that its proposed data reforms will 'boost business'.[2]

Meanwhile upcoming online safety and digital competition regulations are also likely to have effects on citizens' privacy - from promoting interoperability and consumer choice, to increasing use of identity and age verification technologies or even potentially undermining end-to-end encryption. Parallel initiatives across the world, such as the Digital Services Act in the EU, means that globally the future for privacy is about to change.

Without a coherent, long-term vision of what data privacy is, what it entails and why it matters, we risk ending up with a jigsaw of regulations and technologies that don' fit together. This policy briefing sets out what, in particular, businesses and governments can do to support a better vision and future for privacy.

THE PROJECT

This project is the result of a collaboration between the think tank Demos, the law firm Schillings, and the independent consumer data action service Rightly.

We carried out an exploratory investigation into how data sharing and data regulation practices are impacting citizens: looking into how individuals' data footprints are created, what people experience when they want to exercise their data rights, and how they feel about how their data is being used.

We then held a series of stakeholder roundtables with academics, lawyers, technologists, people

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1   UK Government. *Science, Innovation and Technology takes top seat at cabinet table*. Gov.uk, 2023. Available at https://www.gov.uk/government/news/science-innovation-and-technology-takes-top-seat-at-cabinet-table
2   UK Government. *New data laws to boost British business, protect consumers schd seize the benefits of Brexit*. Gov.uk, 2022. Available at https://www.gov.uk/government/news/new-data-laws-to-boost-british-business-protect-consumers-and-seize-the-benefits-of-brexit

working in industry and civil society, which focused on diagnosing the problems and what potential solutions already look like, or could look like in the future, across multiple stakeholder groups. Finally, we set out some policy recommendations.

You can watch a documentary produced by the project partners and TVN, alongside this report, [here](#).

KEY FINDINGS

- The data collected and inferred about users goes far beyond what data people are expecting is held on them

- Using one website or application is just one point in a chain of companies collecting and buying your data. There can be hundreds or even thousands of different companies which are using your data to target advertising

- Your data footprint includes wide-ranging assumptions about your characteristics, identity and how you are likely to act in the future: information which is sold on to enable more effective marketing

- Trying to take control of your data is complicated, time-consuming, and no guarantee of success. The systems and processes can work - but there are huge limitations for individuals trying to exercise their data rights. The process is complex and requires a great deal from the user

- Data requests are often complied with. But this isn't happening clearly or consistently. Often companies are not even able to delete user data upon request, due to other legal requirements.

There are clear ways that current practices are not living up to the standards they have set themselves, or to consumer expectations. Our roundtable discussions highlighted the importance of identifying and pursuing changes which can be implemented in the relatively short term and within existing frameworks to better protect and promote privacy.

But the status quo is not working for citizens. We need a new story and vision for data privacy: one designed with and for users. It is crucial that businesses, governments and civil society all play a role in championing the development of this future vision.

THE NEW STORY OF PRIVACY

- 'Personal data' is not one entity, and that consent to use it may change in different contexts and evolve over time.

- Privacy also expands beyond only data protection, and intersects with the enjoyment of other rights.

- Crucially, there is a *collective* discussion[3] to be had about privacy and uses of personal data, in addition to how individuals relate to and control their own data.

- Working towards this vision also means working towards technologies that embed these values in their design, so that data runs through infrastructure designed to work for the best interest of the individual and society.

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3   Sheppard, Emma. Data privacy is a collective concern. *Open Data Charter*. 14/10/20. Available at: https://medium.com/opendatacharter/data-privacy-is-a-collective-concern-8ebad29b25ce [last accessed 16/02/23]

WHO?	TIMELINE?	WHAT?
Business	Improving the short term	Adopting new ad-tech solutions that drastically reduce the amount of tracking and data collection required.
		Incorporating privacy-by-design.
		Assessing where data is likely to be collected on children and developing safeguards to reduce the amount of data collected on children.
		Develop more easily accessible terms of service.
	A long-term vision for data privacy	Invest in developing and deploying privacy-preserving infrastructure.
Governments	Improving the short term	Stronger, clearer and more easily accessible enforcement mechanisms for privacy violations, including enforcement of the UK GDPR.
		Public education campaigns and supporting greater digital literacy education in order to promote understanding of online privacy.
		Developing standards for privacy architecture, improving the user experience of interventions such as cookie banners.
		Developing standards and a process for researcher access to data.
		Develop minimum standards and guidance for how companies seeking to comply with regulation can do so in a privacy-preserving way.
		Protect simple ways that users can protect themselves online like end-to-end encryption and VPN.
	A long-term vision for data privacy	Tackle surveillance advertising model through regulation similar to the Digital Services Act.
		Use the forthcoming Digital Markets regulation as another vehicle for challenging the tech monopolies.
		Use the opportunity of the new Data Reform Bill to ensure strong data protection regulation that centres the needs of citizens.
		Use regulation to improve the transparency and accountability of AI and the algorithms used to process and analyse the vast quantities of data collected.
Collaboration between governments, businesses and civil society	A long-term vision for data privac	Develop new standards to promote interoperability and privacy-preserving data flows.

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