Ethics & Privacy

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Towards Ethics By Default, One Step At A Time

by Vitaly Friedman
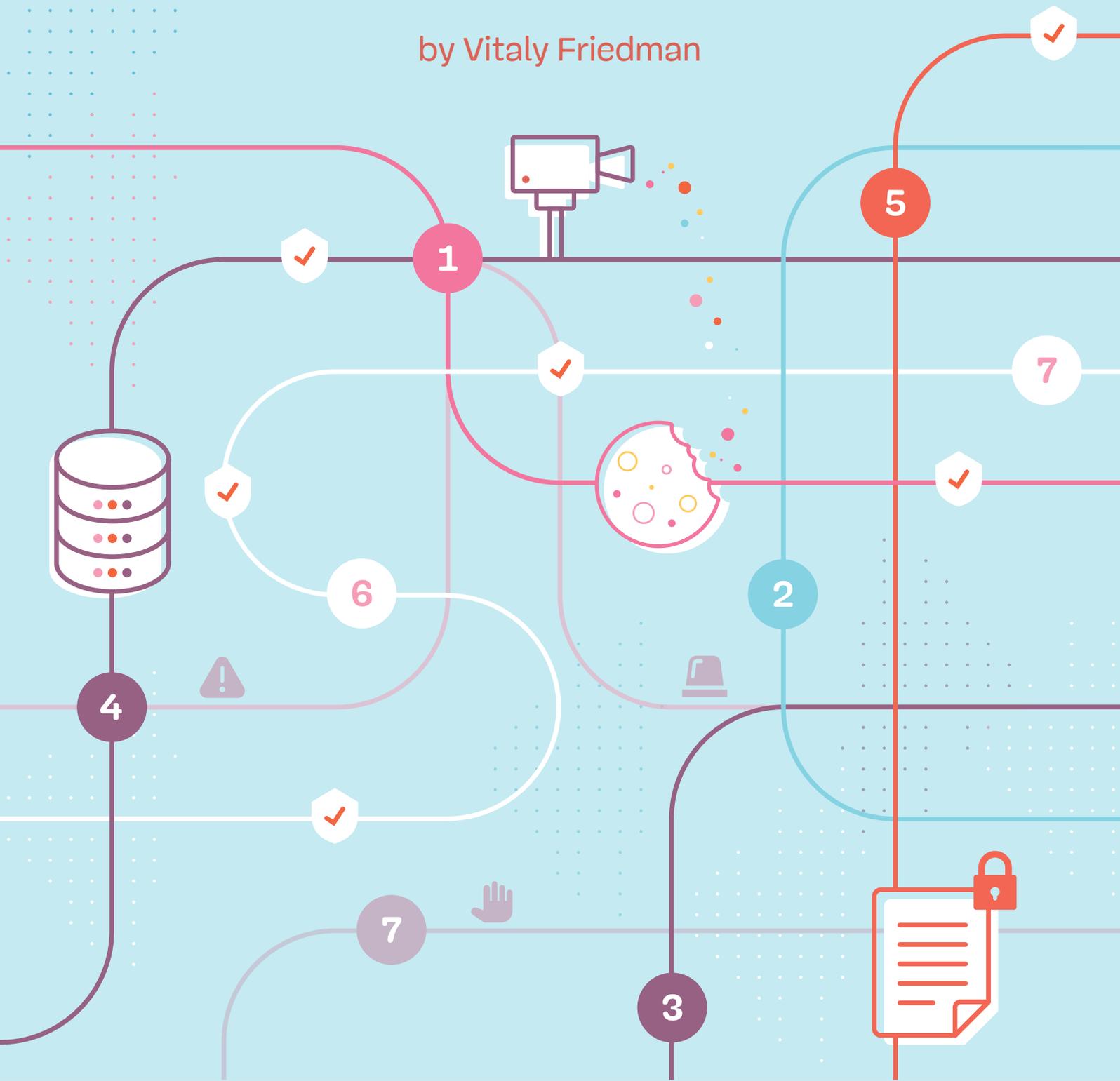
MANY CONVERSATIONS IN OUR INDUSTRY TEND TO CIRCLE around strong opinions and universal answers. Choosing a shiny new technical stack or sticking to an old-school paradigm; betting on a trendy framework or building a custom light framework of your own; using an attention-grabbing pop-up or sticking to calmer, less annoying solutions.

We tend to have strong opinions about design and development, and so we agree and disagree, and argue endlessly, trying to protect and explain our views. Sometimes (and maybe a bit too often) to the point that conversations escalate and result in annoyingly disgruntled camps not agreeing on *anything*.

It's not the stubbornness that brings us there though. It's the simple fact that we all have different backgrounds, expectations, and experiences when dealing with a problem. But sometimes we end up debating answers that are all acceptable and seeking the ultimate truth in a place where it really can't exist.

This pattern shows up for the usual suspects: accessibility, performance, tooling, workflows, and naming conventions. It also repeats itself with topics that are often considered to be ephemeral: ethics and privacy.

In the past, these areas could be spotted sporadically on the remote fringes of Twitter threads and blog posts; these days we've become very aware of the frightening dimensions that collection and use of personal data have silently gained. So we've started fighting back. Fighting back by publicly complaining about privacy-related dark patterns, unsolicited emails, shady practices, strict legal regulations, and ad-blocker wars against disruptive ads from hell.

Don't get me wrong: these are all important conversations to have and raising awareness matters. But perhaps we are missing an applicable, pragmatic approach for designing and building ethical and respectful interfaces within our existing, well-established processes.

If we ask ourselves why "honest" interfaces haven't made a breakthrough yet, bypassing and pushing away all the culprits out there, it might not be easy to find an answer at first. It's not that designers want to manipulate customers, or that developers want to make experiences slower, or that marketing people want to achieve quick wins at the costs of disrupting and annoying users' experience. It's that we know too well what solutions used to work in the past, yet we have no idea what might work even better.

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In fact, we tend to rely on predictable A/B tests that give us clear answers for measurable, quantifiable insights. But when it comes to ethics and the long-term impact of an interface on loyalty, we are out there in the blue.

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resorting to questionable practices that proved to be effective in the past.

In most conversations I've had with marketing teams over the years, the main backlash against all the UX-focused, customer-protective changes in marketing was the simple fact that marketing teams didn't believe for a second that they could be as competitive as good ol' workhorse techniques.

So while, of course, calm, ethical and privacy-aware interfaces would benefit the user, moving away from the status quo would massively hurt business and make companies less competitive. Sadly enough, they might be right. Most of us use well-known services and websites that have all the despicable practices we so love to hate.

Tracking, collection and manipulation of data are at the very core of their business models, which allow them to capitalize on it for advertising and selling purposes. In fact, they succeed, and for many users, trading privacy is an acceptable cost for all the benefits that all those giants provide for nothing.

Beyond that, moving away from these benefits is remarkably hard, time-consuming, and just plain painful, so unless a company hurts its users on a level that goes way beyond gathering and selling data, they are unlikely to leave.

Many of you might remember the golden days when the first mobile interfaces were clunky and weird and slow, and when everything seemed to be out of place, and we were desperately trying to fill all those magical rectangles on shiny new mobile phones with adaptive and pixel-perfect layouts.

Despite good intentions and wondrous ideas, many of our first interfaces weren't great; they just weren't good executions of potentially great ideas.

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As time passed, these interfaces slowly disappeared, replaced by solutions that were designed better — slowly carved out of thorough efforts in research, testing, and gradual, ongoing refinements. It's rare that we see and regularly use some of those old interfaces today. Sometimes they remained locked up in app ecosystems, never updated or redesigned, but the competition pushed them away hastily. They just aren't competitive enough. Just because they weren't comfortable enough to enable users to reach their goals.

I wonder if the same will happen with the new wave of privacy- and ethics-aware applications that we see appearing today. Well-designed, small applications that do small tasks very well, with a strong focus on ethical, respectful, and honest pixels, without shady backdoors and psychological tricks. We can't expect giants to change overnight, but once these alternative solutions start succeeding, they might be forced to refine their models in response. I strongly believe that taking

good care of users' data might be a competitive advantage and a unique selling proposition that no other company in your niche has.

For that to happen, though, we need to understand common pain points that users might have, and establish interface patterns that designers and developers could easily use. It could be a growing repository of inclusive, ethical patterns and components for various frameworks, with solutions and checklists to use on a daily basis. Privacy By Design[1] is one of the frameworks that goes in the right direction.

We might not agree on many things in the industry, but when it comes to ethics and privacy, we all have the same goals: produce respectful, honest interfaces while solving business requirements well and efficiently. To get there, rather than complaining about poor examples of infected, ignorant, and disrespectful interfaces, we need to explore all the little touchpoints that make up a wonderful, honest experience:

- Inclusivity and accessibility baked in by default, with components not getting broken by heavy inaccessible frameworks.

- Best practices for designing notifications UX, permissions UX, location tracking UX and not-so-notorious pop-ups.

- Best practices for designing interactions for GDPR/cookie-consent pop-ups as well as appropriate off-the-shelf tooling.

- Techniques for providing and adjusting privacy settings, with smart defaults, presets, labels and iconography.

1. *http://smashi.ng/privacybydesign*

> **❝ We just need to start shifting the conversations from universal, all-or-nothing approaches towards practical strategies for making interfaces more honest and ethical, one step at a time.**

- Practices for designing offboarding experience: that is, experiences customers have when leaving a site or a service. It would involve dealing with users' data, exporting data, and deleting data.

- Strategies for dealing with sensitive private information such as gender, age, birthday, and phone number, and how to request even more sensitive data, such as passport number or social security number (if needed for verification purposes).

- Best practices to design interfaces that require access to geolocation and camera, and how to enable users to revoke and adjust the settings later on.

- Guidelines for designing integration with third-party services and how to explain to customers what will happen to their data.

- Design patterns to create better UIs for children, older people, and disadvantaged users while respecting and protecting them and their data. That alone isn't enough, though.

We also need to explore how we can make honest interfaces the default in most projects, legacy and brand-new alike, and that means figuring out how to integrate ethical considerations into existing processes and frameworks. As the industry, at this point, we have to consider:

- How ethical approaches can meet and drive business requirements, while keeping the product competitive on the market.

- How we can integrate ethical design patterns into widely spread content management systems and frameworks.

- How browsers could adapt their behavior to protect users' privacy.

- How to measure the long-term impact of ethical and privacy-aware practices, and what metrics to use to quantify them.

- How to transition legacy projects and business logic from gray practices to a new ethical framework while not ruining the business along the way.

- Successful case studies that highlight the financial and engagement-related long-term benefits of ethical designs.

Big changes usually happen from small, continuous refinements. Of course, our goal is to create interfaces that hit all the right marks in terms of ethics and privacy, but the way there is a long one, and it's not just a switch you can flick easily. It's a process that would require years to complete.

We've done it before. We've done it with the rise of remarkably smart and beautiful interfaces in the last decade. We've learned how to design breathtaking buttons and gorgeous tables and glorious animations, and we've learned how to build accessible, performant, and reliable applications. So we can do it again. We just need to start shifting the conversations from universal, all-or-nothing approaches towards practical strategies for making interfaces more honest and ethical, one step at a time.

On the following pages, we'll try to pave the path for a more considerate and respectful landscape on the web; we'll try to find answers to at least some of the questions raised above.

We will need your help to turn it into something much bigger, though — something that would shape how the web will evolve over the years to come.

It's an exciting time to figure out a solution to a problem that is ubiquitous and desperately needs solving. Personally, I can't wait to contribute and be involved in these conversations.

ABOUT THE AUTHOR
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Vitaly Friedman loves beautiful content and doesn't like to give in easily. When he is not writing or speaking at a conference, he's most probably running front-end/UX workshops and webinars. He loves solving complex UX, front-end and performance problems.