Digital deception decoded

Prioritising transparency for enhanced user trust

In the digital realm, online services often employ subtle yet misleading tactics to influence user behaviour by coercing them into actions that may not align with their best interests. These tactics are pervasive, spanning from food delivery apps to popular news websites. In response to this, the Department of Consumer Affairs introduced Guidelines for Prevention and Regulation of Dark Patterns, 2023. With the primary objective to curb dishonest practices and promote transparency in the virtual marketplace, these guidelines protect consumer interest and apply to all platforms, sellers and advertisers providing goods and services in India.

The Central Consumer Protection Authority issued guidelines on the following parameters:

False urgency involves creating a false sense of urgency or scarcity, such as overstating limited quantities of a product or service or showing false popularity, to mislead users into making immediate purchases.

Basket sneaking involves the addition of extra items like products, services, or donations at the time of checkout without the user's consent, increasing the total payable amount.

Confirm shaming involves the use of audios, videos, or any other means to create a sense of fear, shame, ridicule, or guilt in the user's mind, convincing them to purchase a product/continue a subscription or service.

Forced action means coercing the user to buy additional goods, sign up for an unrelated service, or share personal information in order to purchase the product/service originally intended.

Subscription trap makes subscription cancellation overly complex, hides the cancellation option, asks for payment details/authorisation for auto-debits to avail a free subscription, or provides ambiguous and cumbersome instructions for cancellation.

Bait and switch refers to the practice of advertising a particular outcome based on the user's action but deceptively serving an alternate outcome.

Drip pricing involves revealing the elements of prices after purchase confirmation (charging a higher amount during checkout), advertising a product or service as free without disclosing the need for in-app purchases for continued use, and blocking access to a paid-for service unless additional purchases are made.

Disguised advertisement refers to the use of masking advertisements as other content types, such as user-generated content or news articles, which blend in with the rest of an interface and deceive users into clicking them.

Nagging involves persistently pushing the user with requests, options, or interruptions to effectuate transactions for commercial gains unless explicitly permitted otherwise.

Trick question refers to the deliberate use of vague language, like confusing wording or double negatives, to prompt users into taking a specific response or action.

Software as a Service billing (SaaS) is the process of collecting payments on a recurring basis in a SaaS business model by exploiting positive acquisition loops in recurring subscriptions to covertly extract money from users.

Rogue malware is the practice of using ransomware or scareware to deceive users into believing their computer has a virus, urging them to purchase a fake malware removal tool that actually installs malware on their computer.

Key advantages of adopting and implementing the guidelines

Enhanced reputation and trust
- Trustworthiness: Operating ethically and transparently builds trust with users and stakeholders.
- Positive brand image: Demonstrating a commitment to fair practices can enhance brand reputation.

Improved user relationships
- Positive user experience (UX): Ethical design fosters a better UX, leading to increased user satisfaction and loyalty.
- Increased user retention: By avoiding deceptive practices, companies retain users who appreciate honest and clear interactions.

Reduced legal risks and penalties
- Compliance: Avoiding dark patterns helps avoid legal liabilities, fines, or penalties associated with deceptive practices.
- Mitigated lawsuits: Compliance reduces the risk of lawsuits from users or regulatory bodies.

Long-term sustainability
- Stability and longevity: Ethical practices contribute to the company's long-term viability by fostering sustainable relationships with users and stakeholders.
- Reduced churn: Satisfied customers are more likely to remain loyal, reducing churn rates.

Competitive advantage
- Differentiation: Ethical behaviour can set a company apart in the market, attracting users looking for trustworthy and transparent services.
- Positive marketing impact: Highlighting ethical practices can be a compelling marketing point, attracting ethically conscious consumers.

Innovation and long-term growth
- Innovation opportunities: Ethical design encourages creative problem-solving and innovation in UX, leading to long-term growth.
- Attracting talent: An ethical reputation can attract top talent that values a company's commitment to integrity.

Regulatory adaptability
- Preparedness for future regulations: Companies complying with existing regulations are better equipped to adapt to future regulatory changes in a proactive manner.

Grant Thornton Bharat's solution offerings

We provide a comprehensive set of services and solutions that can help customers and entities identify and analyse dark patterns. Our in-house team of experts evaluates dark pattern compliance as per the guidelines and uses a three-step assessment and detection methodology.

STEP 1: Examine the application/platform with the following checks:

- Asses various types of dark patterns such as misleading information, hidden costs, forced action, etc.
- Analyse interfaces for elements that might confuse or deceive users
- Follow user journeys to identify points of friction or deception
- Scrutinise wording and information provided to users for ambiguity or misleading aspects
- Evaluate design choices (colour, size, placement) that may trick or mislead users
- Check how data consent is obtained and if privacy settings are clear
- Gather user reviews to identify recurring issues related to confusing design elements
- Compare design choices with established UX/user interface (UI) best practices
- Seek input from professionals specialising in UX, ethics, or legal aspects
- Create a detailed report outlining identified dark patterns with evidence and examples
- Propose alternative designs or solutions to rectify dark patterns
- Periodically revisit to check for improvements or the emergence of new dark patterns

STEP 2: Examine the policies and internal documentation with the following checks:

Proposed step

Comprehensive review of five aspects:

- Customer-facing application functionality and each of the workflows, notifications (in-app, emails, and SMS)
- Targeting through advertisement channels on the basis of cache, cookies, history, or any other customer's details captured on the app and platform (including clicks)
- Customer servicing policies for each service/functionality delivered to the customers
- Internal customer communication policies and standard operating procedures for employees and third-party towards servicing customers, especially towards 'targeted marketing' through multiple channels to customers
  - Customer service, with specific evidence
  - Recommend actionable items for compliance
- Sales process, customer targeting, and marketing approach document

Methodology and timelines

- Study of policy
- Interaction with the customer support team, marketing and sales teams, product team and digital marketing team through multiple channels

STEP 3: Conduct sentiment analysis to derive actionable insights

- Formulate a comprehensive questionnaire to analyse consumer behavioral insights
- Create a repository of dark patterns, documenting issues and categorising them based on severity and implications
- Map user journeys to identify manipulative design elements and usability issues from the user's perspective
- **Prioritise issues based on their frequency and impact on customer retention, conversion, and compliance**

STEP 4: Provide a recommendation report for improvement(s) in the following aspects:

- Specific changes in apps, platforms, websites, and notification engine
- Customer communication and digital marketing and advertisement approach
- Policy and internal communication-related changes
- **Overall strategy shift in customer marketing**

STEP 5: Benchmark solutions in accordance with industry best practices

- Identify best practices in the industry and
- Optimise solutions in alignment
- Recommend changes to the overall UI/UX design to minimise business losses and enhance customer retention and satisfaction

Our experts – Assessment of dark patterns on digital platforms

Dharmender Jhamb

Partner,
Financial Services Transformation
E: dharmender.jhamb@in.gt.com

Naveen Malpani

Partner and Consumer and
Retail Industry Leader
E: naveen.malpani@in.gt.com

Bhupinder Jit

Director,
Financial Services Transformation
E: bhupinder.jit@in.gt.com

Connect with us on

- @Grant-Thornton-Bharat-LLP
- @GrantThorntonIN
- @GrantThorntonBharat
- @GrantThorntonBharatLLP
- @GrantThornton_Bharat
- GTBharat@in.gt.com