Cover Note

The *Design Beyond Deception* Manual Project

About

Deceptive design, now.

Deceptive design, also commonly known as "dark patterns" obscure or impair consumer autonomy or choice and trick users into taking actions that they may not otherwise take. Deceptive designs have a disproportionate impact on marginalised communities, including senior citizens, women and gender minorities, children, families with lower incomes, and people who are less digitally connected. These design choices undermine privacy, consumer protection, and trust in online products and services.

2022 was a crucial year for deceptive design regulation as policymakers in different countries began to take notice of deceptive practices. Important examples are the Federal Trade Commission in the US highlighting the rise in deceptive design and calling experts for consultation and the European Union publishing the Digital Services Act, which includes laws that tackle deceptive design. Consumer councils worldwide have begun to take up deceptive design as a problem that actively harms consumers across countries and sought to unpack how current laws can be adapted to ensure consumer protection in the digital economy. Digital antitrust initiatives in multiple regulations have also touched on the challenges involving deceptive design.

The team at the Pranava Institute is deeply thankful to the University of Notre Dame and IBM's Tech Ethics Lab for supporting this work and allowing us to work in this crucial, exciting area central to building a trustworthy and safe internet.

The threefold challenge with deceptive design

The challenges that deceptive design patterns pose are manifold. **Firstly, since they exist across various sectors**- health, finance, e-commerce, education and social media, they cannot easily be sorted, reviewed or regulated by a single actor. Literature has shown that dark patterns have consequences not just for users but also for larger ecosystems. These design choices impact competition in digital markets, data protection and privacy, consumer protection online, financial security and debt, human rights and social security across jurisdictions. These harms are now being studied by experts, as well as being consulted upon by civil society organisations which seek to urge regulators and create awareness on the issue.

The second challenge is that 'dark patterns' tag a wide range of design practices which exist online, with the common thread of 'manipulating' using human psychology to coerce, steer, or deceive users. Dark patterns, therefore, also pose a definitional challenge- who defines them, especially given that these are dynamically evolving each day?

Thirdly, there exists a shortage of awareness and initiatives which bring together stakeholders to study, identify, assess and regulate dark patterns at different scales of their application.

The focus of the current project

While academic literature focuses on sorting, creating taxonomies and finding evidence of deceptive design on the internet, practitioners such as designers within technology-building ecosystems remain unaware of the harms caused by their daily practice. Little material exists today which translates existing research into insights for practitioners while intervening to nudge them towards more responsible, ethical and trusted design practices. This manual is an attempt to bridge this gap between research across disciplines of cognitive science, psychology, human-centred design studies, psychology, social sciences, data protection and the law, and policy studies and the practical challenges encountered by design practitioners to create a practitioner-centric approach to tackling deceptive design.

Addressing the problem at the practitioner level: Designers

While several club dark patterns with privacy as the core value at stake, a broader understanding of these practices will allow us to respond at the application level- i.e. by reaching out to designers with a roadmap on how to build interfaces which are mindful of the harms and keep human values at the core of the process.

To this end, the Design Beyond Deception project seeks to create a manual of ethical design which can be used by designers independently, in teams, or within their workplace as they create digital environments and experiences. The manual aims to provide in the form of questions, reflections, values and visual prototypes which provide frameworks to help create alternatives to current practices.

Designers are at the centre of the conversation on deceptive design

This project credits immense importance to the role of design and, by extension, the role of the design community in creating a safe and trustworthy digital world. We believe that design is central to producing a digital world, as well as working with those who interact in it. We also believe that design will become a key mode of regulation to deter the several harms which follow from platforms.

Project Methodology

Creating the manual for designers involved a multi-stage process to ensure a healthy mix of theory and academic work, inputs from researchers and civil society practitioners and deep engagement with practitioners who will ultimately use the manual in workplace settings.

Step 1: Review of academic literature: The first step towards creating the manual was a cross-disciplinary review of literature which intersects with deceptive design. This included research from cognitive science, psychology, human-centred design studies, psychology, social sciences, data protection and law and policy studies. The review of the literature helped us identify four major stakeholder groups who we engaged with in the project design process.

Step 2: Scoping interviews: 12 scoping interviews were conducted with experts across disciplines to help us tap into the expertise currently diffused across disciplinary boundaries. This makes the project an exercise in interdisciplinarity. The interviews were conducted with experts from a diverse range of specialisations- ranging from Human-Computer Interaction, Data and Privacy Law, Sociology, Art and Design, Product development, Financial Inclusion, Machine Learning, Natural Language Systems and Applications, among others. These interviews helped us narrow our research focus, as well as bring sharp insights into a manual for a non-academic audience.

Step 3: Multi-stakeholder consultations: The next step in our process involved multiple rounds of consultations with five types of stakeholders, from academics to UX practitioners, to deeply understand the challenges encountered in tackling deceptive design and create conversations on potential solution pathways:

1. **Academics and experts** in HCI, Data protection and law, Product Design, Technology Policy, and Platform studies.
2. **Designers** from industry, civil society, non-profit sectors, and technology companies.
3. **Industry Practitioners** from startups, consulting firms, product managers and UI/UX design researchers
4. **Civil society and researchers** working at the intersection of public interest, consumer protection and digital technologies.

Step 4: Bridging Theory and Practice: The final step included bringing together research and insights into a language and format which will appeal to design practitioners and help them refine their design process.

Overview of the Manual

Our manual for practitioners, titled *Design Beyond Deception,* has seven chapters, namely:

1. **What is Deceptive Design?:** We explore the nature of 'dark patterns', the role of cognitive bias in the design, and reported user harms. It seeks to centre the designer's role in challenging deception and moving towards responsible practice.

2. **Rethinking the User:** Current ways of thinking of the 'user', especially while designing digital experiences, are limited. Focusing on context, language, community, know-how, and other human-centred ways of designing can make us craft trusted and delightful digital experiences.

3. **Designing with Values:** What values should we centre in design, and how can these values be actuated in practice? Use our Transparency-Agency-Ownership (TAO) Framework, and explore ways in which we can use values within teams.

4. **Designing for Privacy:** Tackling deception means creating online experiences where users' privacy is secure and data is safe. This section invites designers to play with our fun activities to make consent and privacy fun and meaningful for users, paving the way for better UX experiences.

5. **Culturally Responsible Design:** How do we create better cross-cultural products? How do we design for specific communities or the next billion users?

6. **When Design meets Policy:** Where do policy and design meet? As deceptive design harms increase across countries, legislators are seeking to introduce laws which will soon regulate design practices. Keeping ahead of these trends helps you build trust with your consumers and stay ahead of the curve.

7. **Designing our Collective Future:** Deceptive Design is not just a UI/UX problem. How can we think about deception in media other than screens? How can we design emerging technology so that deception is not a challenge? What's the future of responsive design?

Chapter Building Blocks

Each chapter is built using the following building blocks:

1. Thematic areas which are condensed from research in practitioner-friendly language
2. Questions for reflection
3. Frameworks for application
4. Hands-on activities
5. Probes for re-designing interface elements
6. A deck of action cards for teams and organisations

Each of these components is placed across the manual to give a complete view- from the conceptual elements to probing questions and onto hands-on activities which produce strategies or design practices which you can apply and share with the community.

Project Website

Please find the Project Website here.

Next Steps

We aim to build on these project outcomes in the following months and take this work forward. Here is an indicative list:

- **Organise workshops** using the *Design Beyond Deception* Manual for technology organisations, design groups and practitioners.
- **Publish a research series** on the issue, which brings together researchers and practitioners to investigate and tease out deceptive designs hidden in technology interfaces, contexts, and digital spaces which have received lesser attention. This series focuses on new technologies, emergent use cases, and new intersections between emerging technologies, communities and cases in the Global South, and deceptive designs within and through these. Our contributors come from diverse backgrounds- they are artists, researchers, technologists, activists and policy wonks who have come together to contribute uniquely to the discourse on deceptive design.
- **Work towards a policy agenda on deceptive design**, especially in India and other Global South Countries where the conversation is beginning to stake shape
- **Add to the global conversation** and include more stakeholders such as researchers, civil society groups, consumer bodies and public voices into the larger conversation on deceptive design
- **Build better with practitioners** by using the manual as a prompt to organise hackathons and design sprints that bridge the theory-practice divide.

The Pranava Institute

The Pranava Institute works at the intersection of Emerging Technology, Public Policy, and Society from an India-first perspective. We help organisations stay ahead of the curve on tech policy through research, strategic insight, and capacity-building. We believe in developing emic approaches to technology and creating sustainable digital futures.

The research work at the institute currently includes deceptive design, consumer protection and privacy, public digital infrastructures, and open media resources for youth. Please explore our ongoing projects here.

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