

TRUST AND CONSENT

Richard Gomer @richardgomer
Meaningful Consent in the Digital Economy Project

UNIVERSITY OF
Southampton

CONSENT

=

GENUINE CHOICE

+

**UNDERSTANDING OF THE
IMPLICATIONS**

GENUINE CHOICE

+

**UNDERSTANDING OF THE
IMPLICATIONS**

=

CONSENT

**WHAT'S
TRUST GOT
TO DO
WITH IT?**



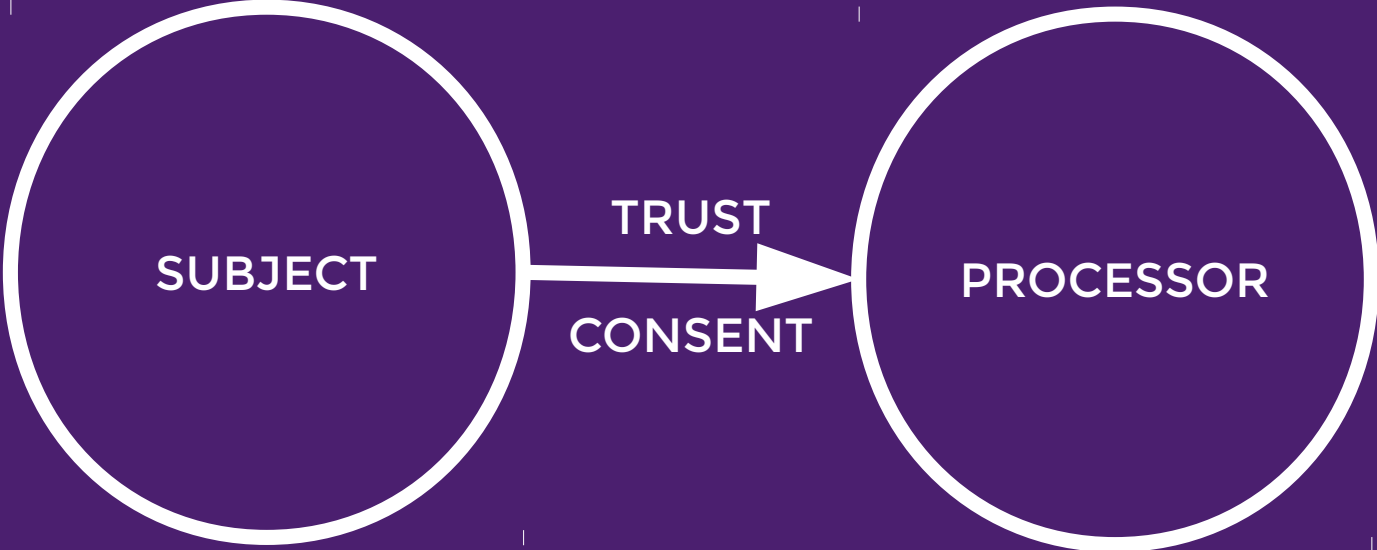
**CONSENT
CREATES
PROMISES**

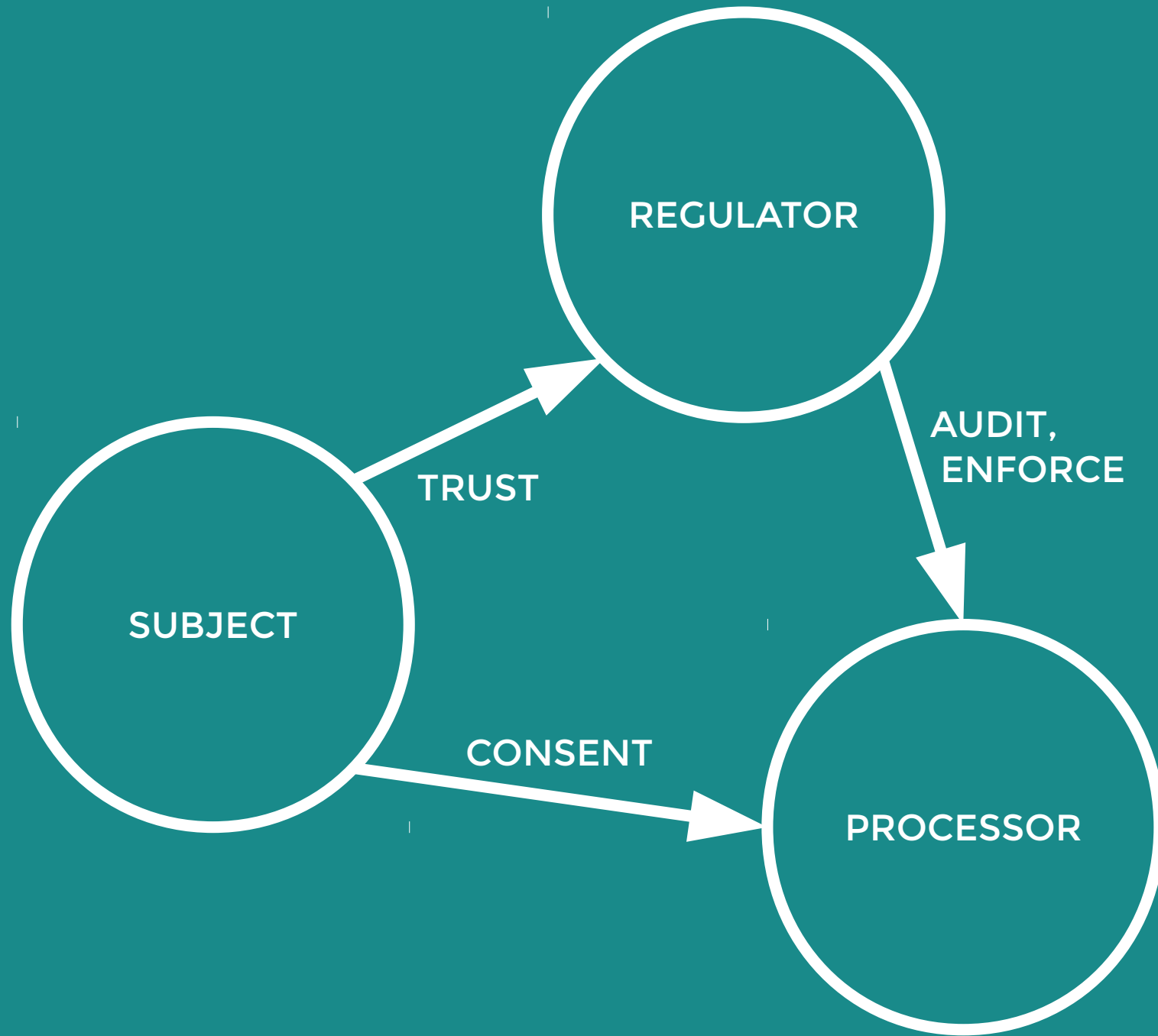
**WHERE DOES
TRUST COME
FROM?**

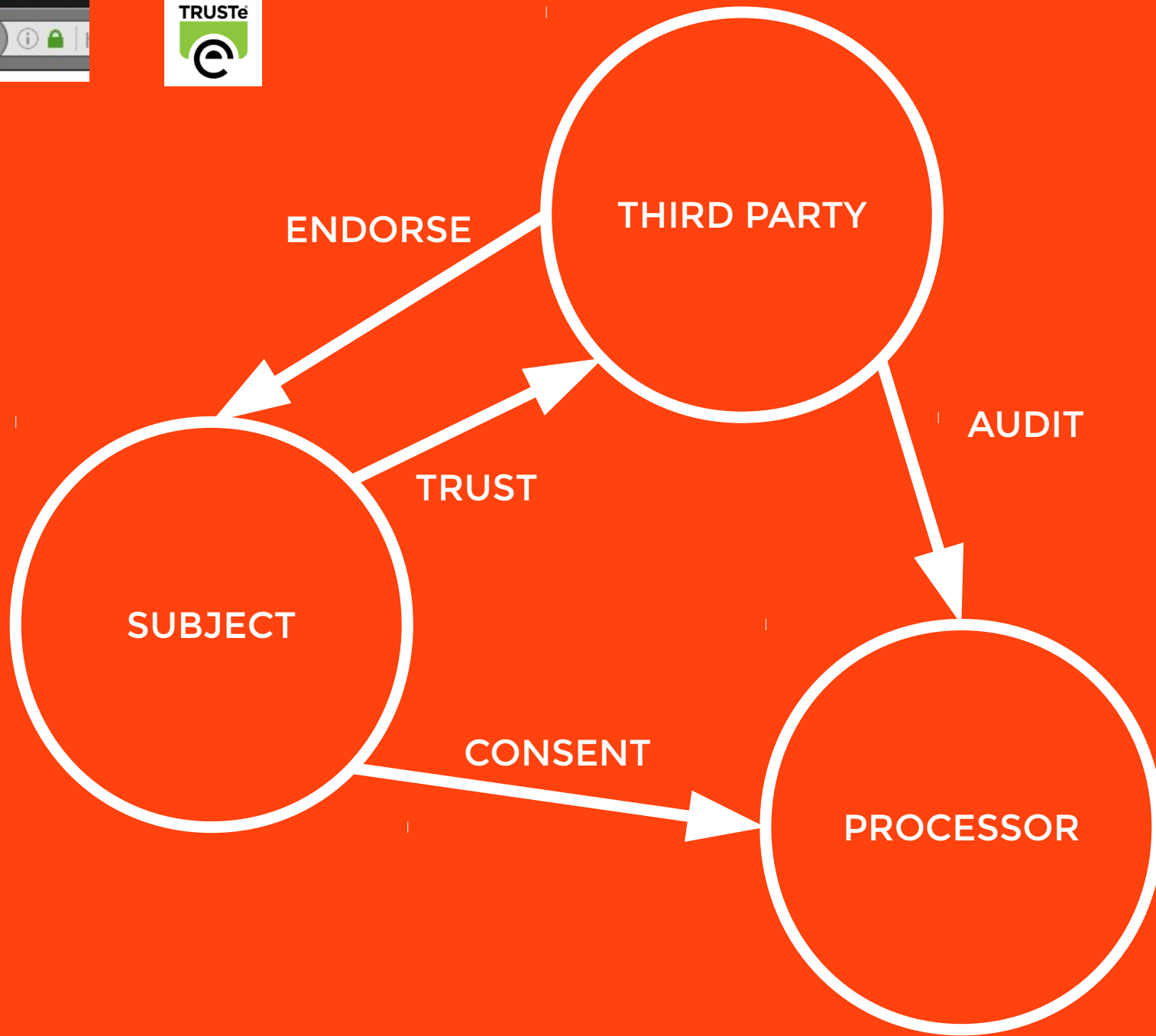
**(CONSISTENT AND
EFFECTIVE)**

LIES

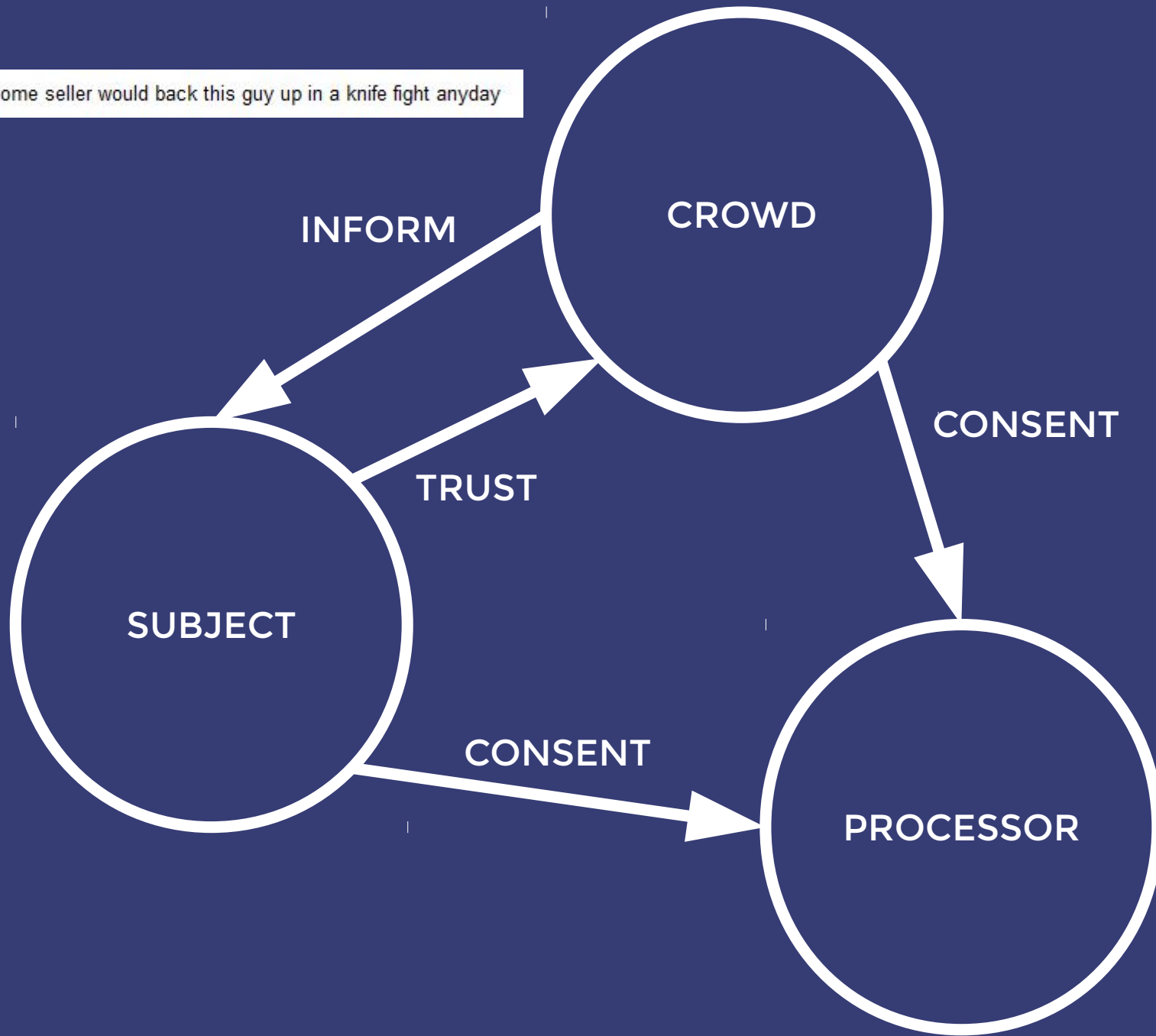
TRUST
WORTHINESS



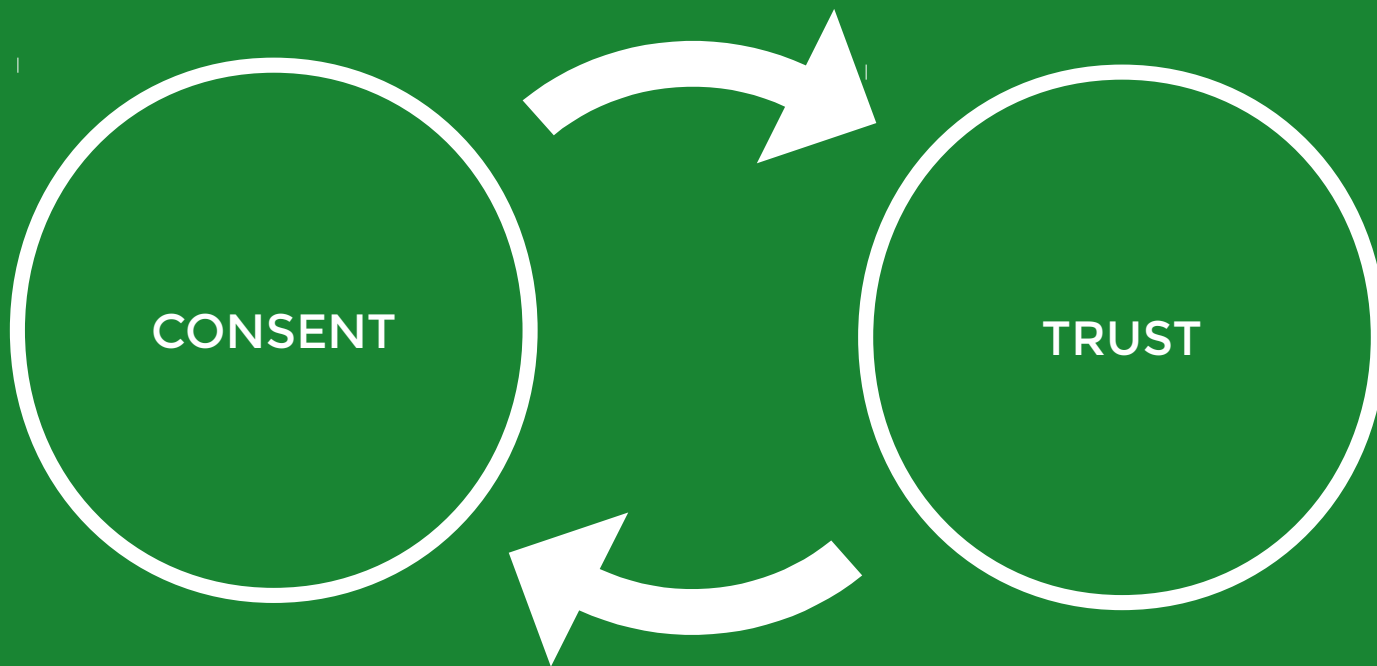




+ Awesome seller would back this guy up in a knife fight anyday



**CONSENT IS
REASSURING**



* assuming it's warranted

UNIVERSITY OF
Southampton

r.gomer@soton.ac.uk
[@richardgomer](https://twitter.com/richardgomer)

www.meaningfulconsent.org



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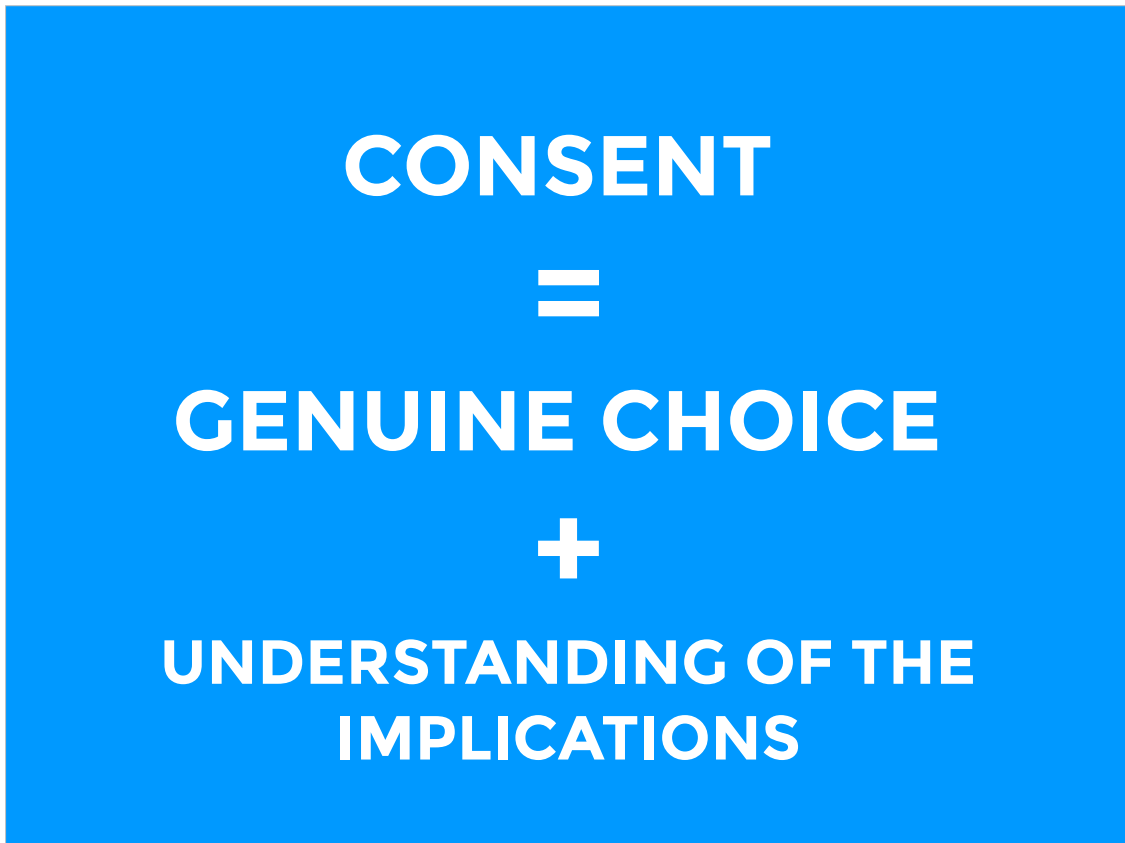
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Hey.

I'm Richard Gomer, I work on the meaningful consent project at the University of Southampton.

TRUST.

Today is about trust. But, why are trust and consent linked? Here are some ideas from our point of view, maybe by the end of today we can expand upon this!



Anyone who's seen me present on consent before will have seen this – possibly multiple times – but I think it bears reiterating.

We, on MCDE, take a broad view of consent, and today I'd like to encourage you to do the same.

There are various models, from psychology, sociology, value-sensitive design, about what consent is; but fundamentally when I say consent I mean people exercising genuine choice with an understanding of the implications those choices have.

GENUINE CHOICE
+
**UNDERSTANDING OF THE
IMPLICATIONS**
=
CONSENT

Moreover, we can turn that around. Far from the haterz “consent isn't the answer” I believe that, given actual choice and actual understanding, consent is unavoidable – we get it as a side effect!

We can, then, focus on these two properties directly, which is good, because they're both things we value in themselves in a liberal democracy.

WHAT'S TRUST GOT TO DO WITH IT?



So, to the topic of the day, and channelling Tina Turner; what's trust got to do with it?

Trust is hot, and consent is hot, in privacy and data protection circles, but the purpose of today is to understand how they relate. Consent is hard enough, without trying to tackle ALL of trust, too!

CONSENT CREATES PROMISES

Trust matters to consent, because consent creates promises.

The outcome of a consent interaction, in human terms, is an agreed set of expectations about future conduct. You can't consent retrospectively, and you can't meaningfully consent to “just whatever”.

A promise without trust is nonsense. There's no point getting a promise from someone you don't trust to honour it; you'd be better off taking “harder” measures to directly control the situation.

WHERE DOES TRUST COME FROM?

This begs the question, at least where we're trying to systematise consent, as we typically are in the DP sphere, of where does consent come from?

If trust underpins consent – in human terms if not legal – then we need a source of it...

**(CONSISTENT AND
EFFECTIVE)**

LIES

Well, trust comes from consistent and effective lies.

Provided that you can tell a believable lie, and not get caught out, you can get people to trust you!

These can be lies by omission, or outright fallacies.

So, how can we LIE more effectively?

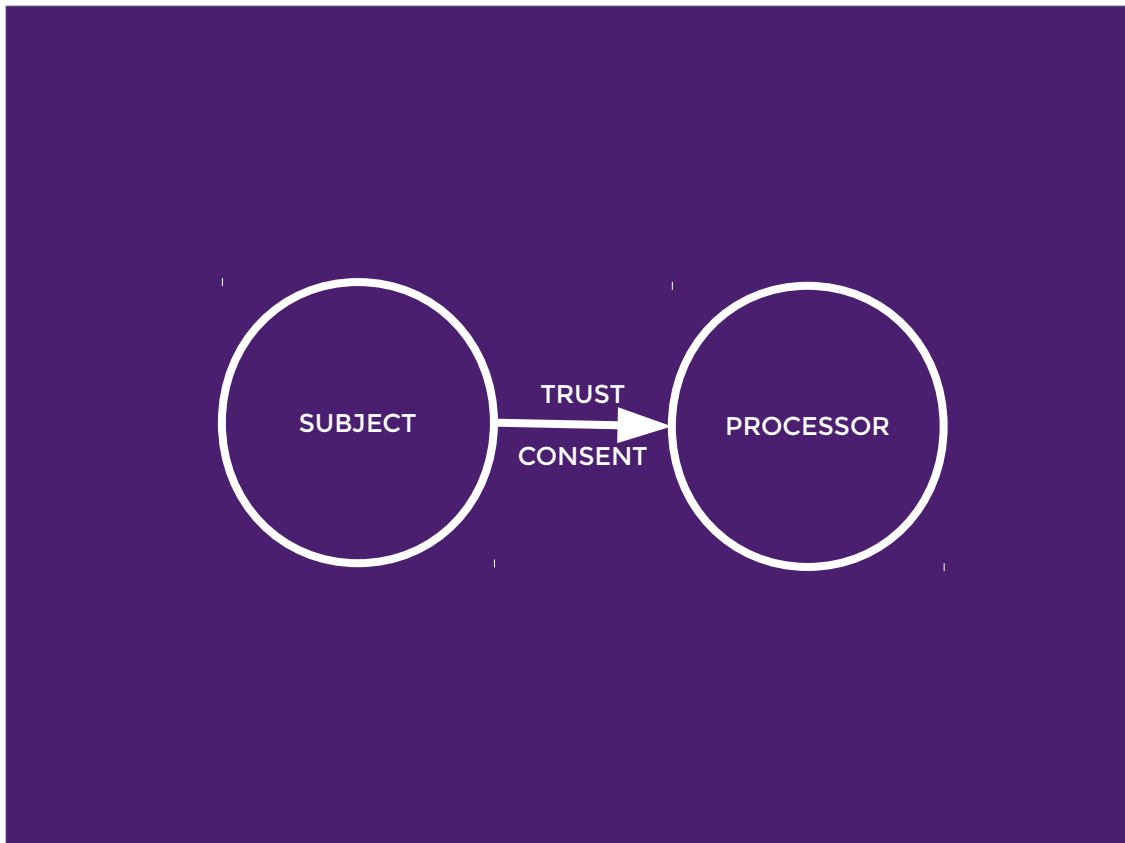
Well.... No, I'm kidding. I wanted to illustrate that trust itself is the wrong place to start in this debate.

TRUST WORTHINESS

Let's get to trustworthiness before we even start asking if people do, or don't, trust us!

Businesses DO need trust itself – we have the analysis from bodies like the Digital Catapult that backs that up – but as consumers, citizens, society, we need trustworthy services first and foremost.

Trust built on anything else is not only worthless, but will ultimately be damaging to the industry. In fact, I'd argue that our trust in untrustworthy organisations is a source of some of the current trust crisis.

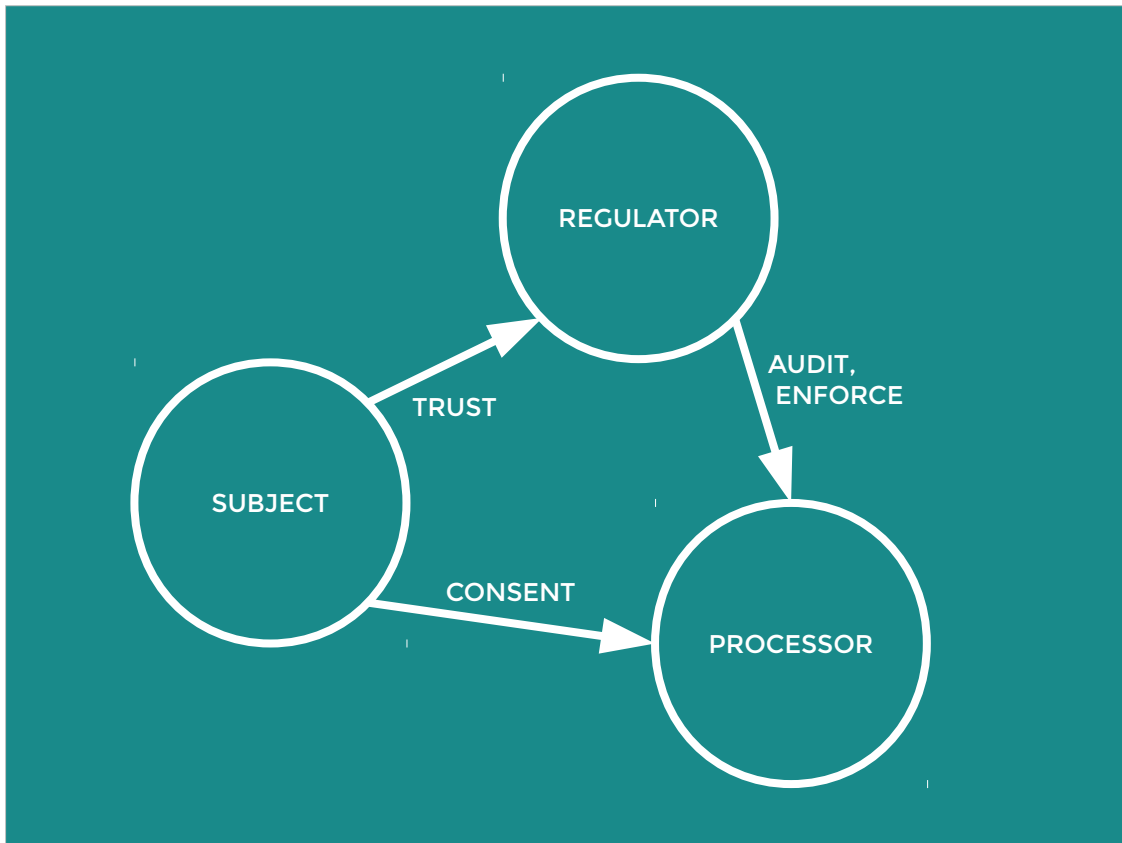


Moral stuff aside, how does trust work with consent structurally?

The simplest model is a 2-party relationship. I trust a processor, so I can meaningfully give consent to them.

This places the burden of building trust, basically entirely, with the processor. This is possible, but takes time.

This model is also particularly vulnerable, from the subject's point of view, to the lying problem.

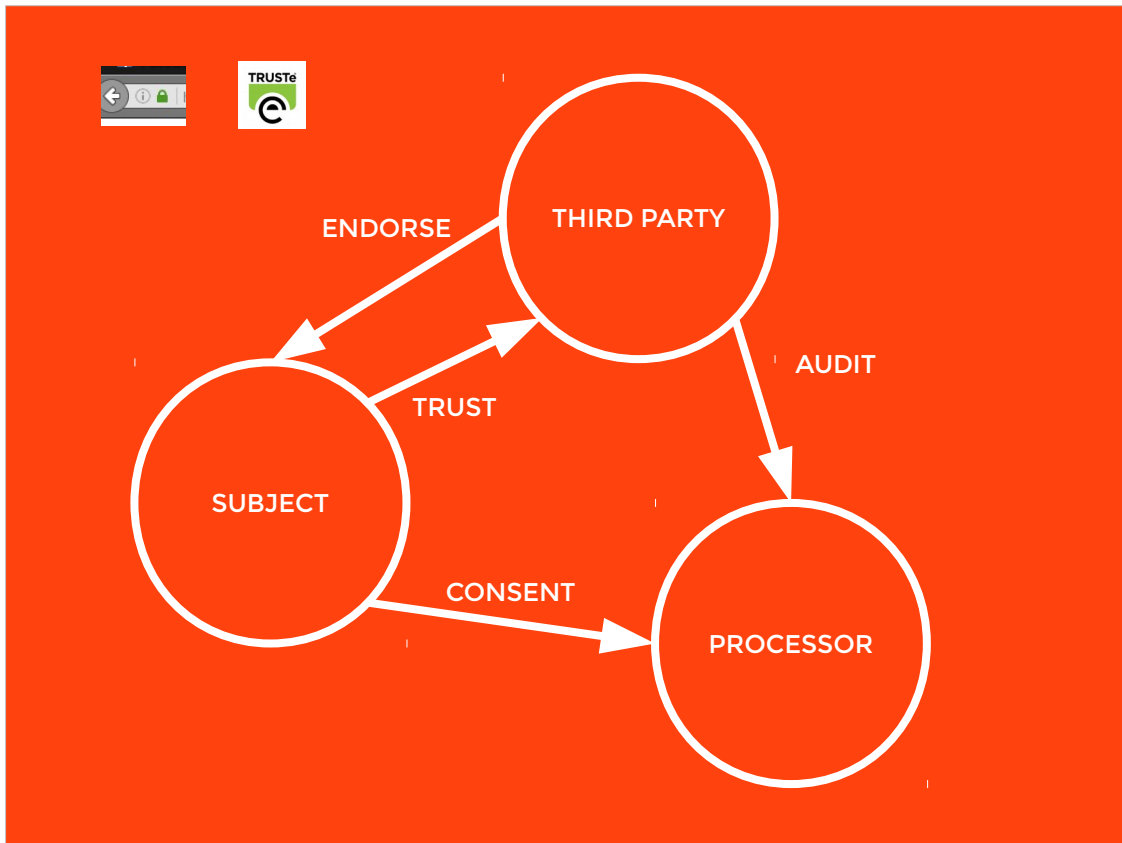


We can expand on that by adding a third party to the mix. This is, in theory, the model that we have in the EU.

In this case, I don't need absolute trust directly in the processor, provided that I trust the regulator to be adequately auditing and enforcing rules that require the processor to behave trustworthily.

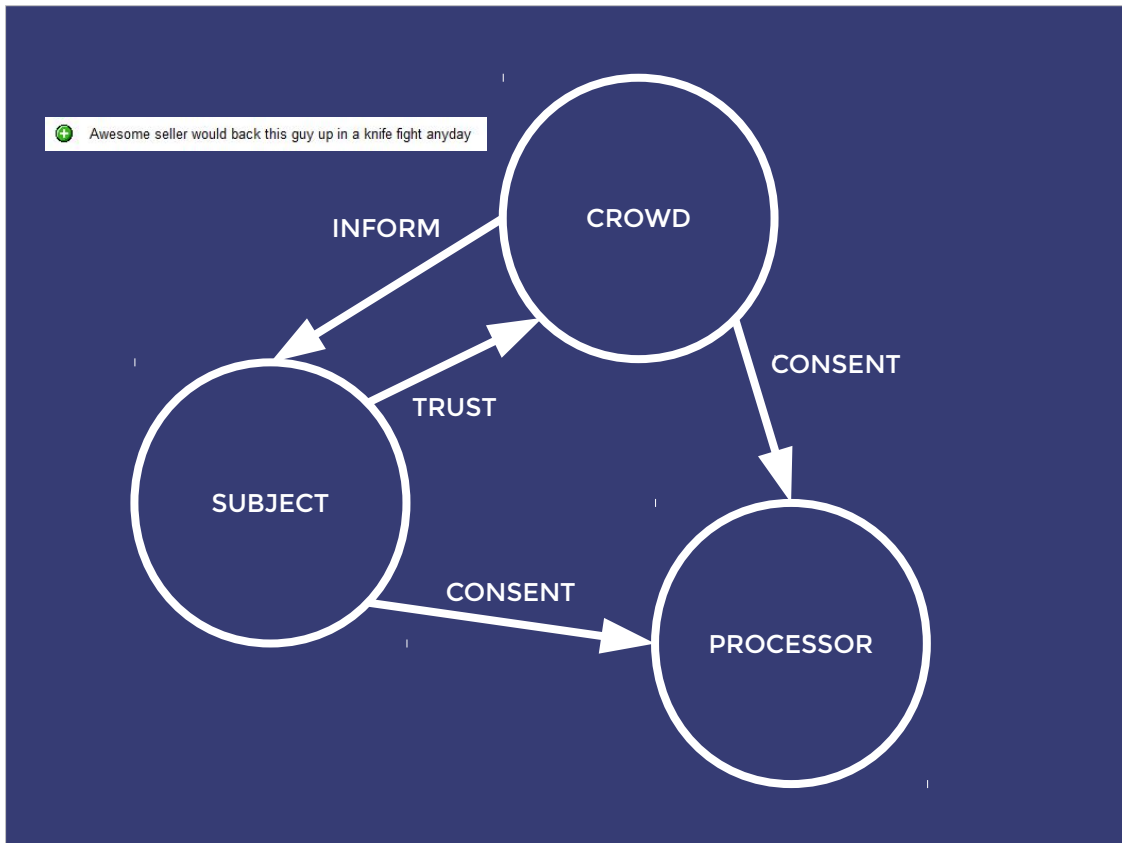
This can – with large enough regulatory sticks – even become an economic arrangement; trusting processors because it is to their economic advantage to be trustworthy.

And, a lot of the users that we speak to do assume trustworthiness, particularly of large organisations, on this basis.



A slight generalisation of that third-party model gives us a voluntary regulation model, in which a processor voluntarily engages with a third party to endorse their trustworthiness. We see this in programmes like TrustE, and it also underpins the web of trust that we use to create trusted connections over HTTPS.

Because subjects can't assume enforcement based on jurisdictional grounds, some kind of endorsement needs to be provided. In the case of HTTPS certificates, this is done mathematically via certificate signing; but in other cases could be via a visual trustmark.



Finally, we've seen in other systems the use “the crowd” as the third party. This is how reputation systems like eBay feedback, or Uber driver ratings work to foster trust. It's an idea also present in the blockchain – you can trust the record provided that most of the actors in the network are honest.

We take the wisdom of the crowd as a given in this type of scenario and, perhaps miraculously, it does seem to work well in most cases. It is kind of vulnerable to lying, provided you can lie to EVERYONE, because, of course, unlike a regulator or trust scheme, the rest of the crowd typically has no more access to the processor's internal practices than a single individual.

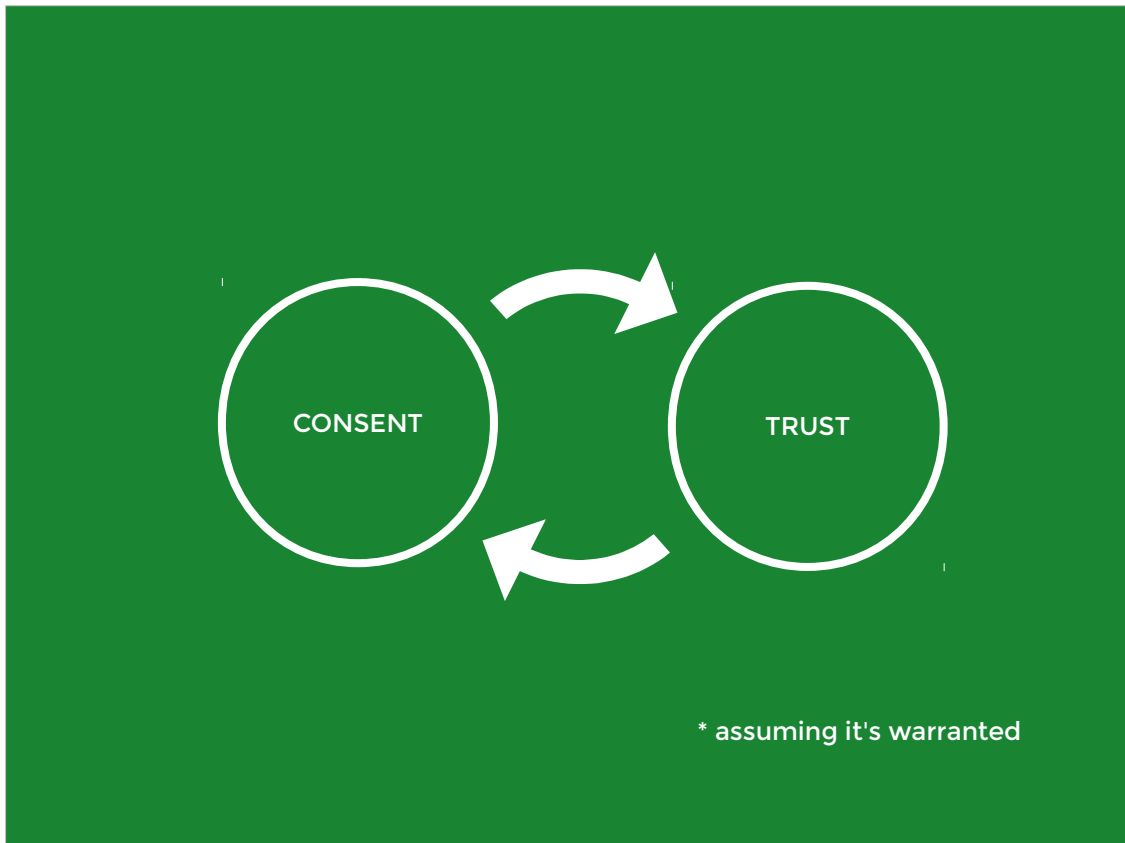
CONSENT IS REASSURING

So trust underpins consent, at least in theory.

There's also evidence to suggest that the reverse is true, though – that consent can create trust in itself.

People's logic seems to be “why would they ask if they weren't going to honour it?” - and they (en masse, at least) value being given the choice in itself, even if they go on to consent to everything that's asked!

In this context I suspect consent (understanding + control) is more effective than just the possibility to control, because in the absence of understanding people seem to be nervous – I've not seen it tested directly, though.



So, I want to leave you with this idea of consent and trust being mutually re-enforcing. These are not challenges that can be tackled in isolation.

Even without a legal requirement for consent, we need its constitutive choice and understanding in order to create trust, and even without the current focus on trust that we see in the industry, we need trust in order to make those consent decisions meaningful.

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r.gomer@soton.ac.uk
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There is obviously still some way to go before we have such a metric, but I hope you are at least intrigued at prospect if not convinced on the theory!

I hope that this venue may be one avenue to take this work forward, and open up some genuine innovation in consent interaction.