

### Part 2: Consumer Data: Introduction

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# Part 2

## Consumer Data

Introduction

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*'And that', put in the Director sententiously, 'that is the secret of happiness and virtue—liking what you've got to do. All conditioning aims at that: making people like their inescapable social destiny.'*

(Aldous Huxley 1932/1998. *Brave New World*, p. 16, New York: Harper.)

The obvious issue of consumer data in the context of consumer policy is the mass of data that consumers voluntarily or involuntarily produce and diffuse. Thereby, consumers run the risk that their data is not only being used to their benefit, but also being abused. This is particularly the case with personal and sensitive data that can clearly lead to serious harm for consumers, if this data falls into the wrong hands. Typically, in an open market economy there are commercial interests, seeking new, technical ways to access consumer data for the sake of profit maximisation. The contributions to this part show that this is an important field to be addressed by consumer policy.

Noting the socio-technical innovations of digitisation, big data and the Internet of things, Peissl and Krieger-Lamina anticipate the steady advance of scoring systems and their commercial use. Their contribution, 'The scored consumer: privacy and big data', pinpoints a lack of transparency and awareness as a major threat to consumers, since they are unable to respond to wrongful data and are ignorant to the algorithms of scoring systems; thus, scored consumers are vulnerable to intrusions into their individual privacy and automated decisions to their disadvantage. While (as stated by the authors) consumers must have the opportunity to know their scores and should be enabled to act on this knowledge, it is also pointed out that it remains debatable whether consumers should feel pressured to make decisions driven by scoring, for example, moving to another part of a city in order to get a better deal on interest rates for real estate mortgages. Observing that there are strikingly few empirical investigations from the social sciences on this subject, the demand for further research in this area is both submitted and justified.

Providing supervision over consumer scoring will most likely be a vibrant, ongoing and future discussion in the domain of law-making and administrative regulation. Scoring systems have a powerful appeal—their automatism provide the impression of precision and neutrality. However, they can also restrict people's chances in discriminatory ways. Politics and society will continue to debate ways to protect consumers from these effects.

The following contributions point specifically to intricate problems that lie beyond the antagonism between consumers and producers. Stefan Selke in his contribution, ‘Precious people. How digital alchemy transforms us into vulnerable consumers’, takes a sociological perspective. He shows that not only is the trend for self-quantification, for attaching numbers to our lives, manipulative, but also that consumers thereby lose their abilities and individuality. Still, consumers desire self-quantification, which makes them particularly vulnerable, because, as Selke concludes, ‘*You cannot save people from something they desire.*’

Similarly, Maier-Rigaud and Böning in their contribution, ‘Nudging towards a healthier life? Conceptualising the role of health apps and wearables between empowerment and manipulation’, address the question of whether consumers are their own worst enemies. Based on the concept of nudges, they show that health apps can be viewed as tools, potentially empowering users to lead a more self-determined life. Beyond this self-nudging, fitness apps ‘nudge by comparison’, which means that in a playful and competitive way values are compared and thereby self-quantification generates new norms. This creates consumer protection needs, particularly for ‘other-directed’ (Riesman) consumers who not only are prone to manipulative commercial interests, but who also seem to freely contribute to the emergence of new social norms, without a scientific evidence base or inquiring about potential further implications. This is clearly a dystopian outlook mirrored by the above quote from *Brave New World*: the most serious risk associated with consumer data lies in the subtle manipulation of consumers in order to align the desires of consumers with other hidden commercial or state interests.