



PRIVACY STATEMENTS: PAIN OR PLEASURE?

We are all familiar with the privacy and cookie statements that we continuously have to accept after the introduction of the GDPR. Day by day, we are clicking the same buttons. And I bet that most of us just click 'accept' without even reading the policy statement or realizing what we are actually agreeing to. So how do we change this? How do we create privacy statements that people do read?

Since the GDPR kicked in last year, most companies have reviewed their privacy statement. Some did it quite extensively. Some did it lean and mean. Some solely focused on the content, others solely on the way it looked. And only a (lucky?) few found a way to let design work for them, creating privacy statements that are clear and comprehensible (ideally both). And only very unique group (also) succeeded in creating internal GPRD communication materials that actually stuck with - and motivated - their employees. They made design an integrated part 'of the team' and let it work for them. Just how it should be!

With the introduction of the GDPR, it was the first time ever - at least to my knowledge - that the legislator also took design into account and included this aspect in their regulations. The legislator includes the recommendation to use icons and other visual aids, making the way 'data controllers communicate with data subjects in relation to their rights under the GDPR' part of the guidelines on transparency (WP260). They advise to

use layered privacy statements (par. 8), not to use positioning or color schemes that make a text or link less noticeable or hard to find (par. 11), the use of clear and plain language, and - last but not least - recommend 'in writing or by other means such as cartoons, infographics or flowcharts' (par. 18). In other words: the regulator championed the use design as a tool to get the message across.

From my perspective as a legal designer, this is a breakthrough. Legislators are acknowledging the impact design has. Not separating the world of law and the world of design, but acknowledging that these forces - when joined together - have a positive impact on the behavior people show. Making privacy statements a pleasure to read through.

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— Author: S. van Hecke