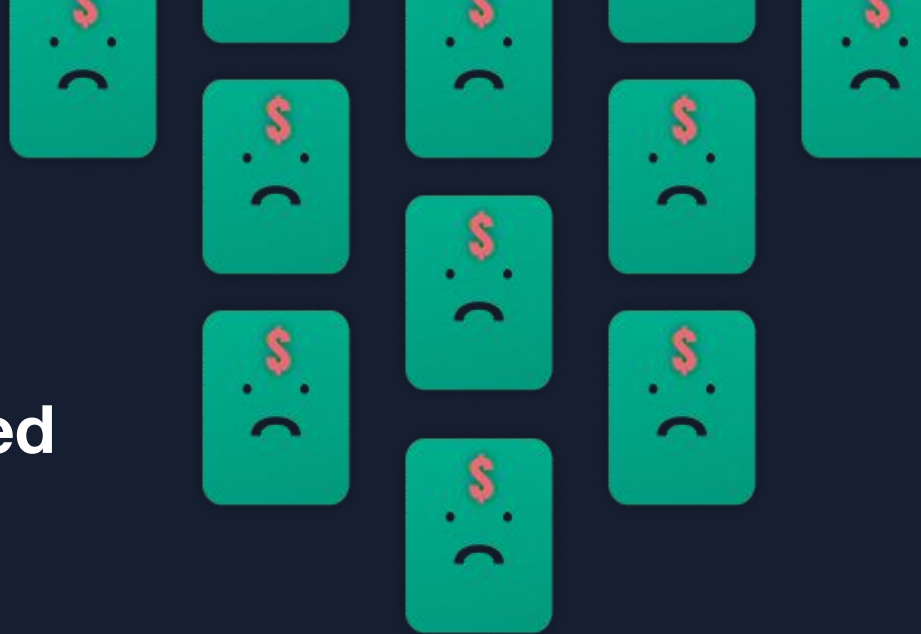


# How Deceptive Design is Used to Compromise Your Privacy and How to Fight Back

10 data protection deceptive patterns and  
countermeasures

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More than 1.5 billion people live in countries with strong data protection laws granting them the right to request a company to delete their personal data.

While most companies comply with such requests, some use deceptive patterns - misleading tricks - to avoid their responsibility.

Here are the top ten deceptive patterns and the countermeasures you can use to make your data request more effective.

This guide was developed based on the experience running [YourDigitalRights.org](https://yourdigitalrights.org). It does not constitute legal advice.



## Index

### When a company...

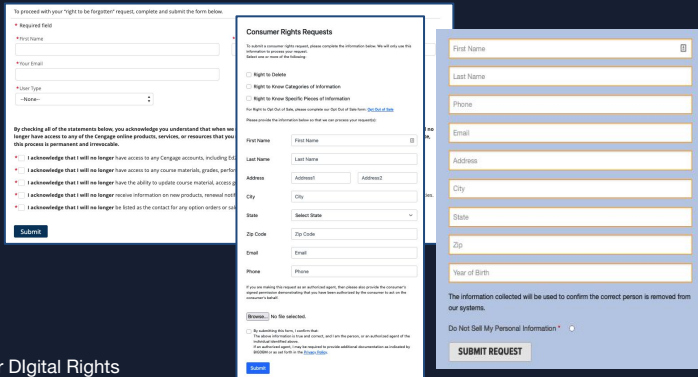
1. ... asks you to fill a form
2. ... asks you to provide excessive information
3. ... asks you to locate your data
4. ... asks you to submit multiple requests
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Escalation

About us

# #1 Fill a form

Many companies request that you fill out an online form before considering a request. Such forms are often designed to make it hard to complete the process. The European GDPR explicitly states that a company must not place an undue burden on the individual, and we can use this fact to our advantage. The same rationale often works with other regulations.



The image shows three overlapping screenshots of online forms. The leftmost form is titled "Required field" and includes fields for First Name, Last Name, Email, and Phone. The middle form is titled "Consumer Rights Requests" and includes a "Request" dropdown menu, a "Submit" button, and a section for "By checking all of the statements below, you acknowledge you understand that when we no longer have access to any of the following products, services, or resources that you request, we will no longer have access to any of the following products, services, or resources that you request." The rightmost form is a detailed contact form with fields for First Name, Last Name, Address, City, State, Zip, and Year of Birth, and a "SUBMIT REQUEST" button.

Dear [Company],

In response to your request to fill out a form, please note that I am not legally required to do so and that my original email request is sufficient.

If you believe there is any legal requirement for me to fill out a form, please send me a link to the relevant legal act.

Please confirm by email that my personal information has been deleted in accordance with my original request.

## #2

### Provide excessive information

Before fulfilling a request, companies need to verify your identity to prevent abuse. However, this verification process needs to be proportional. A simple verification email is sufficient in most cases. Some companies abuse this process by requesting excessive information (keep in mind that some companies, such as financial institutions, legitimately require a more rigorous verification of your identity).

#### Example

*If you would like us to exercise your right to object to the processing of your data, please reply to this response or contact us at [privacy@example.com](mailto:privacy@example.com) with a copy of your identification, such as a passport or driving license.*

Dear [Company],

Your request for a copy of my passport or driving license is excessive and requires disproportionate effort on my part. I have already provided all the information necessary to identify me in your systems. Therefore, I do not need to provide any further information.

Please confirm by email that my personal information has been deleted in accordance with my original request.

## #3

### Locate your data

Some companies, such as people finder websites and other directories, ask for a link to the place on their website where your personal data is located.

This request places an undue burden on your part. These companies don't only shift the work they are legally required to do (locating your data in their systems) onto you but also shift the responsibility. You have no way of ensuring that you have located all of your personal information in all of their systems.

#### Example

In order to complete your request, please reply to this email with the exact URL/web address in which your information is contained.

Dear [Company],

I have already provided the necessary information for you to locate me in your systems.

Your request to initiate manual research is disproportionate to my side, and even if I could do so, there is no guarantee that your system has avoided errors, typos, or other mistakes associated with my data.

Please confirm by email that my personal information has been deleted in accordance with my original request.

## #4

# Submit multiple requests

Larger companies might ask you to submit several requests, one for each product, department, or service. Such requests place an undue burden on your part. This deceptive pattern is an example of how the requirement to fill in a form is used to make the request process more onerous.

### Example



\* EAB Program Used (a separate request should be submitted for each EAB Program)

- Academic Performance Solutions
- Adult Learner Recruitment
- Advancement Marketing Services
- EAB.com
- Education Data Hub

Dear [Company],

Please delete all my data from all your programs. Requiring me to submit a separate request for each program requires disproportionate effort on my side.

Please confirm by email that my personal information has been deleted in accordance with my original request.

## #5

# Provide cookie identifiers

Sometimes, companies ask that you fill in a web form to read a cookie that was placed in your browser during an earlier visit. This request is problematic because a cookie is not a good way to verify your identity for the reasons listed in the reply text on the right.

### Example

*To make a data deletion request, you must use the forms found at <https://example.com/Privacy/Data-Subject-Rights> so that we can detect any cookie identifiers on your device.*

Dear [Company],

I have already provided all the necessary information for you to locate me in your systems. Regarding the cookie identifier, I might have deleted it, or visited one of your affiliated services with different devices at different times.

Please confirm by email that my personal information has been deleted in accordance with my original request.



## #6

### Re-interpret your request

Some companies take the liberty of re-interpreting your request as a less restrictive one. US-based companies often re-interpret a data deletion request as a “do not sell” request, an interpretation allowing them to keep a copy of your data.

#### Example

Please note that when we receive a request to “opt out,” “delete,” or “do not sell” a consumer’s personal information, we interpret these requests as “do not sell requests”.

Dear [Company],

Please interpret my deletion request as a “deletion” request rather than a “do not sell” request.

Please confirm by email that my personal information has been deleted in accordance with my original request.

## #7

# Provide a Mobile Advertising ID

Some advertising companies ask for your Mobile Advertising ID, a random set of characters generated by your mobile device. What sounds like a simple request turns out to be a challenging task. For example, to find this ID on Android, you have to search through several menu levels, and when you finally find it - it is impossible to copy. The only option is to re-type these 36 characters into a web form.

### Tip

On Android devices, it is possible to reset your Mobile Ad ID. We recommend doing this on a regular basis.

Dear [Company],

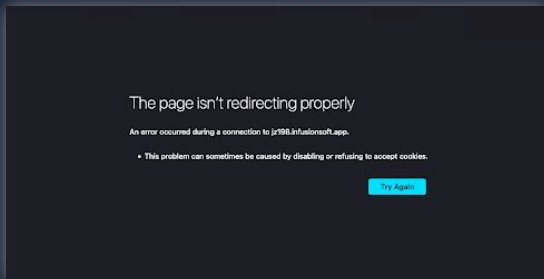
I have already provided all the information needed for you to locate me in your systems. Please use this information to locate my personal information rather than the Mobile Advertising ID.

Please confirm by email that my personal information has been deleted in accordance with my original request.

## #8

### Technical difficulties

From broken links through missing pages (404s) to forms returning error messages, these technical problems provide companies with plausible deniability, allowing them to claim that even though they want to comply with your request, they can't due to a technical issue.



[Escalate the request to a government regulator](#)

## #9

### Automatic reply

You've seen it before. You email a company with a complaint only to receive an automatic response directing you to some online resource. Often, there simply isn't a human in the loop with which we can reason.

If you believe a company neglects its legal obligations, you should complain to your government regulator.

[Escalate the request to a government regulator](#)

## #10 No reply

Perhaps the most common deceptive pattern is for a company not to reply to your request. The good news is that according to our data, the number of companies that do not respond to data requests decreases substantially over time

Unfortunately, this deceptive pattern is still quite common among companies whose business model depends on the collection of personal information, such as [data brokers](#).

[Escalate the request to a government regulator](#)

## Escalation

Most companies comply with data requests quickly and efficiently. Still, in some cases, companies refuse to comply or only partially comply.

In such cases, you should complain to your government regulator. Companies paid approximately 2.1 billion in GDPR fines in 2023 alone, and there has been a noticeable change in their attitude towards privacy as a result.

By filing complaints with regulators when you encounter inappropriate behavior on behalf of companies, you can help root out these harmful practices.

### YourDigitalRights.org

Our Smart Follow-up Assistant recommends when to escalate a request to the government regulator and automates the process.

### Europe

Email your complaint to your local Data Protection Authority (in Europe, you also have a “private right of action”, the right to take a company to court).

### Other Countries

Fill in a complaint form:

- California
- Colorado
- Connecticut
- Brazil
- Canada
- Japan
- Utah
- Virginia

YourDigitalRights.org is a free service that helps you regain control of your online privacy by making it easy to get organizations to delete or provide a copy of your personal information.

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