



# Tracked while browsing?

**Format** 2-hour workshop held at SalesWings

**Location** Lausanne

**Output**

- Mapping of the different ethical challenges related to the start-up's products
- Work on the concept of “digital responsibility” and “data ethics”

**Follow-up**

- Detailed mapping of ethical risk zones
- Document template to be sent to customers
- Document answering “nasty questions”
- Document on “data ethics” for dialogue with investors

“This workshop helped us to reflect on our company’s values regarding transparency and consent when collecting customer data. It has also been useful to us in finding intelligible answers for inexperienced users who care about the protection of their personal data.”

Olivier Droz, co-founder of the startup and initiator of the workshop.

The startup SalesWings, co-founded by Olivier Droz in Lausanne, has made it its mission to help its customers improve their sales. It offers a B2B service allowing businesses to track their own clients.

The technical solution developed by the startup identifies customers who have submitted their email address — for example by subscribing to a website’s newsletter or requesting a quote. This case concerns a fraction of people who have browsed an online store (approx. 2-5%). If these potential customers return to the store, they will be re-identified and tracked.

Within seconds, publicly available information about their interests (for example, their interests on their Facebook profile) will be collected by the startup and made available to the online store and its seller. The site’s sales manager can then write an email or pick up his phone to contact the customer directly. A personalized contact is made possible in an extremely short time. SalesWings’ offer is particularly effective for the sale of a service or product requiring specialized expertise when advising the buyer—such as sophisticated products, continuing education courses, or mortgages.

The startup is almost unknown to the general public. The end customer doesn’t see it, as it operates behind the scenes of their own customer’s online store. The startup’s activities raise many ethical challenges related to the practice of tracking and datamanagement. These challenges were at the heart of the 2-hour workshop organized with co-founder **Olivier Droz**.

## Mapping of ethical risk zones

The workshop identified the ethical risk zones of the startup. In a nutshell, these risks can be summarized as follows:

Activities of the startup	Primary ethical risk
1. Identify customers who have left their email address	Surveillance
2. Track their activities on the online store	Surveillance
3. Identification of the person	Privacy
4. Collection of personal information	Digital autonomy
5. Transmission of information to the sales department	Transparency, trust
6. Data storage by SalesWings	Privacy
7. Data use by SalesWings	Trust

## Data ethics and ethics of tracking

The workshop quickly highlighted the need to address ethical issues directly. Complying with the **legal framework** —including the new GDPR—is not enough to prevent all risks to the project’s reputation, communication, and coherence. The startup has taken every precaution to respect the law and encourage its customers to do the same. However, knowing that visitors are identified, tracked, and documented poses real challenges for SalesWings’ business customers and, in turn, for SalesWings itself.

The main ethical challenge for SalesWings and its customers is **data ethics**. For tracking companies, the challenge is existential: how to develop an ethically justifiable management of their customers’ data? Indeed, this question examines the right of clients or users to be informed about how they are tracked and recorded. Two main answers are available to the startup: transparency and consent.

## The value of transparency

The value of transparency is at the heart of data ethics. Users should have the **best possible insight** into the conditions under which their personal data are collected, used, and stored. Transparency implies honest and complete information about the methods used by the company. Its primary mission is to respond to the unpleasant impression of being spied on and followed “without one’s knowledge” during online activities.

For B2B tracking companies, the main challenges are as follows:

- How to convince one’s own customers to inform final customers about tracking practices?
- How to prepare the clearest, most comprehensible, and honest possible **communication** on the methods used to collect data?
- How can certain uses of data be justified beyond the required transparency effort?

## The value of consent

The value of consent is an essential complement to the value of transparency. Collecting, using, and storing data is only justifiable if users give their consent. The nature of this consent is at the heart of the dispute. Ideally, it should be **perfectly explicit and informed**. As a user, I choose to accept that my data will be processed on the basis of all relevant information that influences my decision. The main challenge for tracking companies is to come as close as possible to this ideal.

During his first workshop, we dealt with specific points:

- Can the fact that users have submitted their email address (for example by subscribing to a newsletter) be interpreted as implicit consent to be tracked should they return to the same website? Without other sources of information and consent, this type of consent is **insufficient**. How can an opt-out option be guaranteed?
- When users return to the website in question, is a pop-up window informing them about the cookies applied and asking them to accept the implications of these cookies sufficient to satisfy explicit and informed consent? This technical solution **approaches the ideal of consent** by requiring an active decision by the user. It’s important that the information used to make decisions is comprehensible to a lay person

These two values offer the opportunity to reconstruct the challenges mentioned above. All startup activities must be accompa-

nied by technical safeguards that ensure the greatest possible transparency and quality of consent. If it succeeds in bringing these two values to fruition at each stage of its activities, the startup will move closer to a **true data ethic**. In such a case, its main activity remains the tracking of website users, but it has been able to recognize the existential ethical challenges related to its activity and provides them with a coherent response.

## Output

After two hours of workshop, we were able to identify:

- the main ethical risks faced by the startup
- preliminary work on the values and resources that the startup can mobilize to meet these challenges.

## Follow-up

After two hours of workshop, the next steps will be:

- Development of communication documents to be provided to startup (B2B) customers
- Development of communication documents for communication with its own clients and investors

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