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Sharing is daring: An experiment on consent, chilling effects and a salient privacy nudge

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Privacy law rests on the assumption that government surveillance may increase the general level of conformity and thus generate a chilling effect. In a study that combines elements of a lab and a field experiment, we show that salient and incentivized consent options are sufficient to trigger this behavioral effect. Salient ex ante consent options may lure people into giving up their privacy and increase their compliance with social norms – even when the only immediate risk of sharing information is mere publicity on a Google website. A right to be forgotten (right to deletion), however, seems to reduce neither privacy valuations nor chilling effects. In spite of low deletion costs people tend to stick with a retention default. The study suggests that consent architectures may play out on social conformity rather than on consent choices and privacy valuations. Salient notice and consent options may not merely empower users to make an informed consent decision. Instead, they can trigger the very effects that privacy law intends to curb.

JEL: A13, C91, C93, D03, K29

Keywords: Behavioral law and economics, Privacy law, Chilling effects, Consent, Right to be forgotten, Dictator games, Social image, Social norms, Nudges

‘...the very minute a thought is threatened with publicity it seems to shrink toward

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