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## **Dumb design or dirty tricks?**

### **Summary of research on complaints regarding online organisations in the UK**

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**Over the past twelve months Privacy International has received a number of complaints from Internet users claiming that some large online organisations operating in the UK market have either disabled or obstructed the deletion of customer accounts. As this practice would breach the rights set out in the Data Protection Act we conducted research to determine whether registered users of these large sites were able to delete both their account and their data.**

#### **Summary of conclusions and action**

Privacy International asked a representative sample of Internet users to take steps to delete their account. We focused on the largest and most successful UK commercial sites, including eBay, Amazon and Friends Reunited, each of which claims a user base in the millions.

The research established that the vast majority of users of these sites were unable to delete their accounts. Some, such as eBay, require a process that involves intuition, good luck or dogged persistence. Others, such as Amazon and Friends Reunited, appear to have no facility whatever to delete accounts.

Customers choose to delete online accounts for a range of reasons. Many people wish to reduce the amount of personal information held by companies and thus reduce the risk of unlawful use or disclosure of data. The decision by these companies to frustrate this action, or their lack of foresight in facilitating it, effectively prevents all but the most diligent and persevering customers from deleting their personal information from the sites.

Many online organisations (including YouTube and MySpace) include the “delete account” function as a default part of the account management page. This is seen as being important both to Best Practice and to legal compliance. No such facility has been enabled by most of the larger UK sites.

We believe that these account deletion and disclosure arrangements – or their absence - breach key elements of the Data Protection Act. No customer could reasonably be expected to invest the considerable time and effort required to investigate these sites, nor in our view should any

responsible company create such obstacles. In our view it is in these companies financial interest to hide the account deletion function, and thus they have acted in an entirely self-serving manner that denies millions of customers an important right.

The size of an online company's customer base is a key element of its market value. Maintaining growth of that customer base is therefore a core indicator of their financial worth. Obstructing the removal of accounts has the effect, intentional or otherwise, of artificially inflating the customer base at the expense of data protection rights.

As a consequence of this research, Privacy International has lodged a complaint with the UK Information Commissioner, requesting a formal investigation. This will be a test complaint, and has been directed at eBay.co.uk, which claims a user base of over ten million UK consumers.

This complaint, and the consequent action, will have relevance to eBay's activities in other countries, and will be equally relevant to other Internet membership organisations. Privacy International is currently investigating other sites across Europe, North America, Australia and Asia to determine whether similar issues arise. Where appropriate, we will lodge complaints with the relevant Data Protection regulators.

### **Case study One – Amazon.co.uk**

Amazon provided the most blatant example of companies that refuse to provide account delete facilities.

Amazon collects information on your payments, search terms, emails, items purchased, and 'information from other sources'. The Privacy 'Notice' states that the collected information on you may also be used by affiliated business they do not control, third party service providers, promotional offers and business transfers.

Under Amazon.co.uk, creating an account is relatively simple. Under 'Your Account', the main account administration page, the customer has almost complete authority over the account to change or even delete payment methods and wedding and wish lists. The name, email or password can be changed. You are also able to turn off the site's ability to keep track of search history.

However nowhere on the site can a customer actually delete an account. A trawl through all the 'useful information' statements ('customer charter', 'privacy notice' and 'privacy policy', 'security guarantee' and even 'sign out from our site') reveals nothing about closing your account, deleting your personal details, or terminating your relationship with Amazon. Even the site's search function is useless for this: you can only search for products for purchase, not for

information on how to manage your account. In fact, a search for 'delete account' even points to advertisements from 'sponsors' on how to open bank accounts.

## **Case study Two – eBay.co.uk**

eBay has become one of the Internet's most successful brand names. eBay operates online sale and auction services in 33 countries and claims a worldwide customer base of more than 180 million people, with more than ten million registered users in the UK.<sup>1</sup> eBay UK was launched in 1999 and by 2004, gross merchandise volume (GMV), the value of all successfully closed listings on eBay.co.uk, reached more than two billion pounds. eBay.co.uk has reported year-over-year GMV growth of 94%.<sup>2</sup>

eBay presents a more difficult scenario, representing companies that do allow customers to delete their accounts, but which create substantial obstacles for doing so.

Internet users are able to freely browse the eBay site, but are required to register if they wish to sell or bid. Registration involves the collection of a range of personal information, including phone number, date of birth, address and mandatory bank account information.

The existence of a deletion facility is particularly relevant to eBay customers. eBay's privacy policy states "Further, we can (and you authorise us to) disclose your User ID, name, address, telephone number, email address, and company name to eBay VeRO Programme participants under a confidentiality agreement as we in our sole discretion believe necessary or appropriate in connection with an investigation of fraud, intellectual property infringement or other unlawful activity."<sup>3</sup>

The VeRO Programme has membership of around 10,000 organisations and individuals.<sup>4</sup> We believe this blanket provision in eBay's terms & conditions is disproportionate and possibly insecure, and we have also asked the Information Commissioner to investigate the nature of this relationship and the scale of disclosures of personal information to the Programme's members.

Having registered with eBay to research this complaint, we visited the "My Account" section of the site. This contains four sub-sections: personal information, addresses, preferences, feedback and subscriptions. None of these sections contains a facility to delete an account.

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<sup>1</sup> <http://pages.ebay.co.uk/aboutebay/thecompany/companyoverview.html>

<sup>2</sup> *ibid.*

<sup>3</sup> <http://pages.ebay.co.uk/help/policies/privacy-policy.html?ssPageName=f:UK>

<sup>4</sup> <http://pages.ebay.co.uk/vero/about.html>

We visited the site's "help" section, clicked "using my eBay", and then proceeded to "Managing your account". This too contained no information on account deletion.

We then conducted a series of site searches, using such keywords as "remove" and "delete", but these searches resulted in query returns covering many pages. Assessment of these hundreds of search returns was impractical, if not impossible.

It was only by chance that we checked the site's privacy policy, which states: "Upon your written request, we will deactivate your account, contact information, and financial information from our active databases. To make this request, please contact Customer Support."

The "customer support" phrase links to eBay's "contact us" page. However this page is of no practical use to anyone wanting to delete an account. The page contains a single option checkbox list for the following categories:

**Listing Policy Breaches**

Report a breach of an eBay listing policy or a prohibited item

**Buying and Finding**

Ask about searching, bidding, paying for an item, or dispute resolution

**Account Security**

Report fake eBay emails, unauthorized account activity, or other safety concerns

**My Account - Registration/Password**

Ask about My eBay and changing your contact information

**Selling and Managing Your Item**

Ask about photos, fees, tools, Shops, unpaid items or problems with a buyer

**Suspension**

Ask about a suspended account, notices you've received from eBay, or sign-in problems

**Feedback**

Ask about eBay's Feedback system, or about feedback you've left or received

None of these categories explicitly or implicitly relates to account deletion.

Toward the end of this research we did discover a deeply buried direct link to a request box for account deletion. This involved visiting the “Help” section”, then clicking through “account information & billing”, then clicking through “managing your eBay member account, and finally to “closing your eBay account”, which in turn links to a request box.

We also discovered that the account deletion option could be reached by typing appropriate words into a search box in the Help section. However there are two search boxes on the Help page, only one of which will lead to the deletion link. Nine out of ten people attempting to delete their account did not consider using this method, and we therefore regard it as ineffective and burdensome.

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## ABOUT PI

Privacy International is one of the world's oldest privacy organisations, and has been instrumental in establishing the modern international privacy movement. The organisation was formed in 1990 as a privacy, human rights and civil liberties watchdog. PI has organised campaigns and initiatives in more than fifty countries. The organisation sits at the centre of a large international network of academic, research and advocacy groups. PI has been at the forefront of research and public education on issues ranging from biometrics and identity cards, to police systems and national security arrangements, to cybercrime and communications surveillance, to closed circuit television. The organisation has an extensive media and Internet presence, and produces a wide range of conferences, campaigns and publications. PI has been invited to give expert reports and testimony to numerous parliamentary committees and governmental institutions, including at the Canadian Federal Parliament, the Council of Europe, the European Commission and the European Parliament, the ITU, the OECD, the OSCE, the UK Parliament, and UNESCO.