Beyond Consent: Evolving to Mutual Agency in Me2B Relationship

User Respect on the Web

Infancy	Adolescence	Maturity

Users secondary to publishers.

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Users as publishers.

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Users as sources of [behavioral] raw material, free for the taking.

GDPR -> Consent

Symmetrical Me2B Relationship

Consent Management & Consent Receipt Roadmap

Consent Receipt Dynamism - Static to Dynamic & Record to Agent

2019	2021	2023	2025
Consent Receipt	**Control Panel**	**Personal Privacy Agent (same as "Control Panel"?)**	**Mutual Agreement / Service Negotiation**
In practice, Consent is an automatic click-thru with little user understanding.	Users have a Control Panel to view and manage permissions with vendors.	Users have Personal Privacy SW Agents (PPAs) through which they can manage permissions with vendors.	Users are endowed with full agency and able to actively negotiate terms via PPAs.
Consent and Consent Management is solely controlled by Enterprises.	Consent Management is still solely controlled by Enterprises.	Consent Management provided by User Agents.	Consent Management provided by Intermediaries.

Consent Management Roadmap

2019	2021	2023	2025
European Policy /GDPR Consent	**Meaningful Consent**	**User Supplied Terms**	**Mutual Agreement / Service Negotiation**
In practice, Consent is an automatic click-thru with little user understanding. Consent and Consent Management is solely controlled by Enterprises.	Care is taken to ensure that users truly understand the ramifications of their consent. Consent Management is still solely controlled by Enterprises.	Tables are turned and users provide sharing terms to which Enterprises must indicate consent? Consent Management provided by User Agents.	Consent is replaced with a Sharing (or Service) Negotiation process. Consent Management provided by Intermediaries.

Consent
- reflects power asymmetry
- is disempowering
- is a binary *only* bargain

"Consent by one party permits another to act in a way that might otherwise be illegal or immoral."

- Nancy S. Kim, *Consentability*, p.7

"Consent" is NOT human friendly.

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Instead, we should be empowering user rights over their digital assets.

Legal Tools for Establishing Formal Me2B Relationships

- **Consent (Exception Management)**
  - **Service provider to User [today]**
  - **User to Service Provider**
- **License**
  - **Right to Use License**
- **Contract**
  - **Information Sharing Agreement**
  - **Licensing Agreement**

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Use case 1:
My first-time-here, digital interaction with a new-to-me brand and I just browse/windowshop [no relationship creation, and no transaction].

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**Use case 1.a:
My first-time-here, digital interaction with a new-to-me brand and I create a relationship by asking the SP to Remember Me, conveying no other rights to SP.**

Use case 1.b:
My first-time-here, digital interaction with a new-to-me brand and I create a relationship by asking the SP to Remember Me and I perform a transaction, conveying rights that cover only this transaction.

Use case 1.c:
My first-time-here, digital interaction with a new-to-me brand and I create a relationship by asking the SP to Remember Me and I perform a transaction, conveying rights that cover this transaction (Transaction Tems) and all future transaction (Relationship Terms).

Use case 3:
My not-first-time-here with a brand with whom I already have a relationship and terms, and I want to use those Relationship Terms to cover this Use Session.

Use case 4:
My not-first-time-here with a brand with whom I already have a relationship and terms, and I want to change my Relationship Terms to cover this Use Session.

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Use case 5:
My not-first-time-here with a brand with whom I already have a relationship and terms, and I want to change my Relationship Terms for this Use Session and as the default going forward.

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Use case 6:
My not-first-time-here with a brand with whom I already have a relationship and terms, and I want to change my Relationship Terms for this Use Session and as the default going forward.

Use case 7:
I want to terminate a Relationship with a SP, revoking all rights.