

To: Information Commissioner's Office  
Stephen Almond, Executive Director, Regulatory Risk

3rd April 2024

Dear Mr Almond and members of ICO,

**Re: Call for views on “consent or pay” business models**

My name is Vicky Wyatt and I'm a campaign Director at [Ekō](#) (formerly SumOfUs), a global movement of 22 million consumers, workers, and investors committed to protecting people and our planet.

Our movement has been consistently at the forefront of advocating for the protection of individuals' rights under GDPR, particularly with regard to the data collection practices of major tech conglomerates like Meta, Google, and TikTok.

A few months ago, Ekō launched a petition where [over 54,300 people](#) around the world demanded that the European Data Protection Board (EDPB) extend across the rest of Europe, Norway's ban on behavioural advertising. And with much relief, the Board agreed. However, Meta quickly introduced a subscription model to circumvent that EDPB decision. A number of civil society organisations have already said that this new subscription model marks the end of genuine and free choice. Subsequently, several [Data Protection Authorities](#) have asked the EDPB for a final decision on the legality of this new model.

Together with [28](#) other organisations representing millions of citizens across the world, we have written to the EDPB urging it to uphold the rights enshrined in the GDPR and **deny the legality of the 'consent or pay' model and we hereby extend this request to the ICO**. According to the [ICO's website](#), the 'UK GDPR' remains in effect and, "the key principles, rights and obligations remain the same" as the EU's data protection law.

We noticed that the ICO has launched a consultation on 'consent or pay' subscription models, with the aim of finalising regulatory guidance on these models to make them legally compliant with existing data protection laws. As a campaigning organisation with a strong track record of advocating for data protection rights, we are extremely concerned that the ICO's guidance may help businesses circumvent the fundamental principles enshrined in the UK GDPR: lawfulness, fairness, data minimisation and purpose limitation.

When 'consent or pay' models are permitted, individuals lose the 'genuine and free choice' to accept or reject the processing of their personal data, a fundamental principle enshrined in the UK's GDPR law. It allows any website, app or other consumer-facing company to force individuals to pay for their fundamental right to privacy by forcing individuals to accept the use, sharing or selling of personal data, or pay a fee that is prohibitive for many on lower incomes.

[A recent study](#) calculated the costs of the consent or pay model for those living in the EU, which we believe are also applicable to the UK. The research estimated that if all companies follow Meta's fee structure, an individual with an Instagram and Facebook account would pay €251,88 per year. With European users estimated to have an average of [35 apps on their phones](#), a family of four, each with their phone, would face an annual bill of approximately €35,000 per year. The punitively high financial cost of this type of 'consent or pay' model means that most individuals would be forced to forfeit their [Data Protection](#) rights. It is clear that ICO anticipates this model could be expanded to other businesses, not just social media platforms - making the cost even higher for an average individual or family.

Put simply, allowing the 'consent or pay' model to continue will exacerbate inequality. Taken to its extreme, millions of people may no longer be able to access basic information and services online.

It is widely acknowledged that the illegal harvesting of people's data for targeted behavioural advertising has far-reaching consequences beyond the mere annoyance of intrusive advertisements. Social media platforms' business model relies on collecting vast amounts of data for advertising purposes. This means the platforms' algorithms prioritise content which keeps as many users engaged for as long as possible. This has led to outlandish conspiracy theories, [disinformation](#) and violent content going viral with real-world consequences such as the [disruption of democratic elections](#), and [white supremacist violence](#).

Thank you for your attention to this critical issue. We look forward to your prompt response.

Sincerely,

A black rectangular box redacting the signature of the Ekō campaign director.

Ekō campaign director

*Ekō is a community of 22 million people committed to curbing the growing power of corporations. We want to buy from, work for and invest in companies that respect the environment, treat their workers well and respect democracy. We operate in seven languages, and span across the globe.*