

Label Expert Committee Recommendations

Extended Executive Summary

The Swiss Digital Trust Label project (SDTL) is a flagship project of the SDI Foundation aiming at the design and validation of a trust labelling framework for digital services. The targeted label (hereafter called the Label) aims to help the users to assess the level of trust they may grant to the digital services they use or intend to use.

To support the development of SDTL the SDI Foundation mandated an Expert Committee of 12 members with very different backgrounds: academic, technical and legal experts, members of consumer rights organizations, and other players from the Civil Society. The interaction with the Expert Committee members between July and December 2020 took various forms, including plenary meetings, bilateral discussions, and online questionnaires.

The first objective of this document is to synthesize the resulting Expert Committee comments and recommendations, both on the general set up of the labeling framework (section 1) and on the specific content of the label (section 2) that have been provided in a draft form to the experts. **The recommendations are marked in bold green in the document.** They all need to be reviewed (and possibly approved) by the SDI Foundation Board, and are also illustrated in a graphical and tabular form in the two figures at the end of the document.

The second objective of the document is to summarize the main strategic questions that should be answered by the SDI Foundation Board. **The strategic questions are marked in bold yellow in the document.** These strategic questions are crucial and the decisions to be taken by the SDI Board will, not only condition the labeling framework and Label content, but also impact many other aspects of the SDTL project, such as its expected time-to-market, the precise form the Label should take, and how it should be communicated to the end users.

1. Comments and recommendations on the SDTL design options

The various interactions (general meetings, bilateral ones, and the online questionnaire) led to the following recommendations:

Recommendation 1: The Label should rely on an external audit independent from the involved service provider (no self-assessment). In addition, the labelling framework should provision for a user-reporting channel and whistleblowing possibilities.

Most of the experts considered the presence of an audit as crucial for the credibility of the label, which may otherwise be suspected to be a simple marketing tool. Very few experts advocated for self-assessment, with the argument that such an approach is more realistic in the complex and dynamic digital world, and that it would make SDTL more acceptable and affordable to most service providers, the strong involvement of which is also crucial for the label.

Additional auditing aspects have been raised without leading to specific recommendations. For example: Can the service provider freely choose the external auditor? How long should the results of an audit be considered as valid? What may trigger the need for re-auditing?

Moreover, many experts stressed that the setup of the required labeling infrastructure should not be seen exclusively in the narrow perspective of the operational management of the label, but should also serve additional purposes that have been considered as equivalently crucial, such as the availability of user reporting channels, the provision for whistleblowing possibilities, or the setup of an online directory allowing for an easy search and comparison of labeled services, which may all further increase the overall added-value of the SDTL project.

Recommendation 2: The requested audits should focus on a limited set of trust-related criteria (instead of auditing processes or relying on an umbrella approach).

This design option led to a good consensus, but has been strongly debated, with several alternatives being proposed. Some experts advocated that a limited set of properties would not be sufficient and proposed an “umbrella” approach where the Label would build on top of a combination of existing certification frameworks (e.g., ISO 27001 for security, GDPR for privacy ...). Others stressed that relying on properties would not be robust enough (as such properties may change over time due to the evolution of the digital technologies), and thus proposed that the audit should rather focus on processes (e.g. auditing internal policies).

Note that the discussion with the experts has been carried out on the basis of a concrete set of properties that have been provided as a possible initial content for the Label.

Recommendation 3: The label should target both SMEs and large companies (neither only SMEs, nor only large companies).

Some experts stressed that proposing the same label to SMEs and large companies may not be optimal because of the existing strong differences in terms of financial means, business models, and communication strategies. However, most of the experts considered that a single label may still lead to interesting business cases for both types of companies, and would thus represent a reasonable pragmatic solution (only one stream of work).

Alternative suggested approaches include targeting big digital players such as Google and Apple to convince them to make the label mandatory for the apps in their stores, so as to benefit from a “snowball effect”.

Recommendation 4: The label should first be deployed at the European level, and then be extended to the rest of the world (USA, Asia ...).

Members of the Expert Committee mainly split into two mutually exclusive groups: the ones considering that, for very practical and operational reasons, it would probably be easier for SDI to promote a label in their “natural” and cultural zone of influence (Europe); and the ones considering that Europe is already benefitting from trust, security, and privacy-related regulations (such as GDPR) thus reducing the potential added value a Trust Label may bring to EU citizens, and making the promotion of such a Label at the international level (where less or no regulations exist) probably more impactful.

A reasonable consensus may be to go for an “EU first /rest-of-the-world next” approach (which, to some extent, would accommodate both of the positions, as an initial deployment at the European level may be considered as a large-scale pilot experiment for the fully international deployment), but the experts agreed that choosing a specific scope for the label is a strategic decision, tightly related to other strategic choices, such as the one of an adequate implementation partner (see section 4 below).

Recommendation 5: The Label may take the form of a “Trust Fact Table”, of a “Trust score”, or of a “Trust Seal”, but the choice of the most adequate form is a strategic decision to be taken by the SDI Board (no recommendation from the Expert Committee).

Three possible forms have been considered for the Label:

- A “Trust Fact Table” form, similar on the principle to the “Nutrition tables” used in the food industry for any processed food product;
- A “Trust score”, similar on the principle to the “Energy efficiency scores” typically used for household appliances such as refrigerators or washing machines; or
- A “Trust Seal” form, similar on the principle to the “Bio Labels” used in the food industry.

Crucially, the above three options not only correspond to different ways of presenting the Label to the targeted end users, but also (and, probably, more importantly) to different definitions of the purpose assigned to the Label.

The “Trust Fact Table” approach may be considered as purely “informative” in the sense that the Label consists in providing the end users with audited facts about the labeled digital services, but let them assess by themselves the level of trust they may derive from the provided facts for these services.

The “Trust Seal” approach, on the other hand, may be considered as a purely “normative” approach in the sense that it splits the digital services into two exclusive categories: the “labeled” (i.e., “trustworthy”) ones that have been audited as enforcing all the properties defined in the Label content, and the “non-labeled” (i.e., “not trustworthy”) ones for which the audit has shown they failed to enforce at least one of the defined properties.

Finally, the “Trust Score” approach may be considered as an intermediate one where a less binary categorization of the services on the “trustworthy – not trustworthy” scale is provided by the score, while the “informative” aspect is maintained as a factual justification of the produced score.

Although this design option has been strongly debated, it was not possible to reach a reasonable consensus among the members of the Expert Committee, as they mainly split into two mutually exclusive groups:

- The ones in favor of the “informative” approach, for whom associating any “normative” value to the label can potentially

be misleading. It would be very hard to avoid that users misinterpret the provided (binary or score-based) value as an absolute measure of the trustworthiness of the services, while it should only be interpreted within the limited scope of the properties defined in the Label content.

- The ones in favor of the “normative” approach(es), for whom providing a “Trust Fact Table” to the end users would not be realistic, as it would be very hard to guarantee that the targeted end users would truly take the time to exploit the provided facts to derive their own assessment of the trust they may grant to the labeled services.

A specific user-study has been launched in the meantime and is expected to provide, by the end of February, additional results. However, the decision about the form the Label should take is ultimately a crucial strategic that will impact many aspects of the SDTL project, such as the final version of Label content, or the way how the Label should be communicated to the end users.

Recommendation 6: The setup of a Digital Trust labelling framework should be exploited to foster the creation of an “ombudsperson” in charge of resolving user-provider conflicts related to the use of digital services.

The discussions carried out with the experts on the various aspects of the targeted labeling framework also led them to propose some suggestions going beyond the strict scope of the Label, such as the creation of an ombudsperson for digital services.

2. Comments and recommendations on the SDTL content

The bilateral discussions with the members of the Expert Committee were also very useful to gather their opinions on the initial SDTL version they have been provided with: a “Label catalogue”, consisting of 35 specific properties distributed over 4 main categories (also called “dimensions”): security, privacy, reliability, and fairness.

Recommendation 7: The proposed four dimensions (security, privacy, reliability, and fairness) represent a reasonable coverage of the aspects for a label targeting Digital Trust. “Digital sustainability” and “social responsibility” must also be considered, with a timing to be strategically decided by the SDI Board.

There has been a clear consensus among the experts that properties related to security, privacy, reliability, and fairness represent essential components for a label targeting Digital Trust. Most experts further stressed that “digital sustainability” and “social responsibility” represent two additional dimensions that must be taken into account, as they also strongly impact end user’s perception of trust. Some questioned the feasibility of adding new dimensions (which would, for example, further increase the expected cost of the requested audits), while others raised doubts on whether the proposed new dimensions truly characterize digital services (as opposed to characterizing digital service providers). Thus, deciding to include the proposed new dimensions since the beginning or to do it only at a later stage is an important strategic decision which may slow down the time-to-market of the Label, but potentially increase its chances to succeed.

Recommendation 8: A Label content mainly consisting of transversal properties (i.e. properties not for a given application domain) represents a reasonable start, but it should be further extended with application specific properties, with a timing to be strategically decided by the SDI Board.

Most of the service properties present in the provided label content draft were transversal, i.e., relevant for many digital services across a broad range of application domains. Several experts stressed that such a design decision may not be optimal, as application specific properties relate to distinctive aspects that are often considered as very important by the end users interested in digital services within a specific application domain (e.g., banking, gaming, electronic commerce ...). However, all experts recognized the difficulty (in terms of required resource and competence) to deal with application specific aspects which, by definition, can be extremely diverse. There has been a consensus recommend to evolve towards application specific properties as well, but the timing for such an expansion is a strategic decision, which may again slow down the time-to-market of the Label, but potentially increase its chances to succeed.

3. Additional strategic questions (not directly related to specific recommendations)

Deploying the Label, or “Which should the best implementation partner be?”

The experts raised many questions about the strategy required for the SDI Foundation to secure the necessary conditions to successfully deploy the Label. In particular, there has been a clear consensus that such a deployment would represent an

extremely challenging task, and that the SDI Foundation should strongly consider to search for an adequate “implementation partner”, able to provide the expertise, resource and reputation required for a successful collaborative deployment.

The experts also stressed that the choice of a specific implementation partner is a strategic decision that may strongly impact the decisions related to some of the other design options, such as the targeted scope (European or international).

Positioning of the Label, or “How Swiss should the Swiss Digital Trust Label be?”

Since its very early days the SDTL project is focusing on has been presented as a “Swiss” Digital Trust Label. However, the precise definition of what “Swiss” should mean has remained quite elusive, as several interpretations have been considered, among which: “Swiss” as a geographical scope (i.e. a label to be deployed in Switzerland), “Swiss” as a reference to the idea of excellence usually associated with the notion of “Swiss made”, and “Swiss” as a pointer to the localization of the entity responsible for set up and management of the Label (which may, for instance, be under the responsibility of, either a Swiss federal office, or a Swiss institution such as SDI, or a group of Swiss institutions such as SDI and an implementation partner, typically in the “Genève internationale”).

While the original “geographical scope” interpretation (i.e., a Label deployed in Switzerland) has never been considered as truly interesting/useful, the other two have raised a continuous debate focused on the central question of deciding how much “Swiss” control could /should be preserved for the deployment of the Label, especially if the deployment is made at a fully international scale. It has been widely agreed that this “positioning” question corresponds to a strategic decision, which is tightly interrelated with the choice of the implementation partner that may be selected for the deployment of the Label.

4. Additional feedback (not directly related to specific recommendations)

The experts spent a fair amount of time to review the Label content and provide specific comments about it:

- The properties covering aspects related to non-discriminating access, user addiction or services specifically targeting young children has been considered as too superficial, and the experts have suggested that the corresponding Label content should be, either improved, or removed from the initial version of the Label content. Similarly, the absence among the considered properties of the nature of the code used to implement the digital services (Open-source code vs. Proprietary code) has also been criticized.
- The formulation of the Label content should be further reviewed from a legal perspective, both to increase its formal consistency, and to provision for a clear definition of the distribution of the legal liabilities over the various involved players (the institution responsible for the Label, the auditors, and the service providers);
- The Label content should include a glossary containing precise definitions for the important terms (e.g., “digital service”, “best practice”, “critical security parameters”, “AI-based algorithms”, etc.) used to formulate the service properties. It should further include “auditing guidelines”, i.e., a specific document providing clear instructions for external auditors, in order to guarantee a good consistency between audits performed by various auditors.

Finally, the Expert Committee also provided valuable feedback on various general aspects of the SDTL project going beyond the evaluation of the SDTL design options and content. In particular:

- About the cost of the deployment and operational management: The experts unanimously stressed the importance of not under-estimating the cost of the deployment and operational management of the label, which has been often estimated as several orders of magnitude higher than the one required for the design of the label itself.
- About the management of the evolution of the Label content over time: Many of the experts stressed that the highly dynamic digital technologies require mechanisms allowing to regularly modify/adapt the Label content over time. There has been a good consensus that the required mechanisms should build upon *public* and *transparent* consultation procedures, as it is usual in standardization bodies. Some of the experts also noticed that opening the Label content management to contributions from a broad audience would further strengthen the credibility of the Label and probably raise its acceptance by its target users
- About communicating on the Label: The experts unanimously stressed the importance of the communication, by SDI and by the service providers, about the Label’s content and purpose to its target audience: an inadequate communication,

typically one that would raise false expectations among the users, brings-in liability issues and may fully ruin the chances of the Label even with the best possible design.

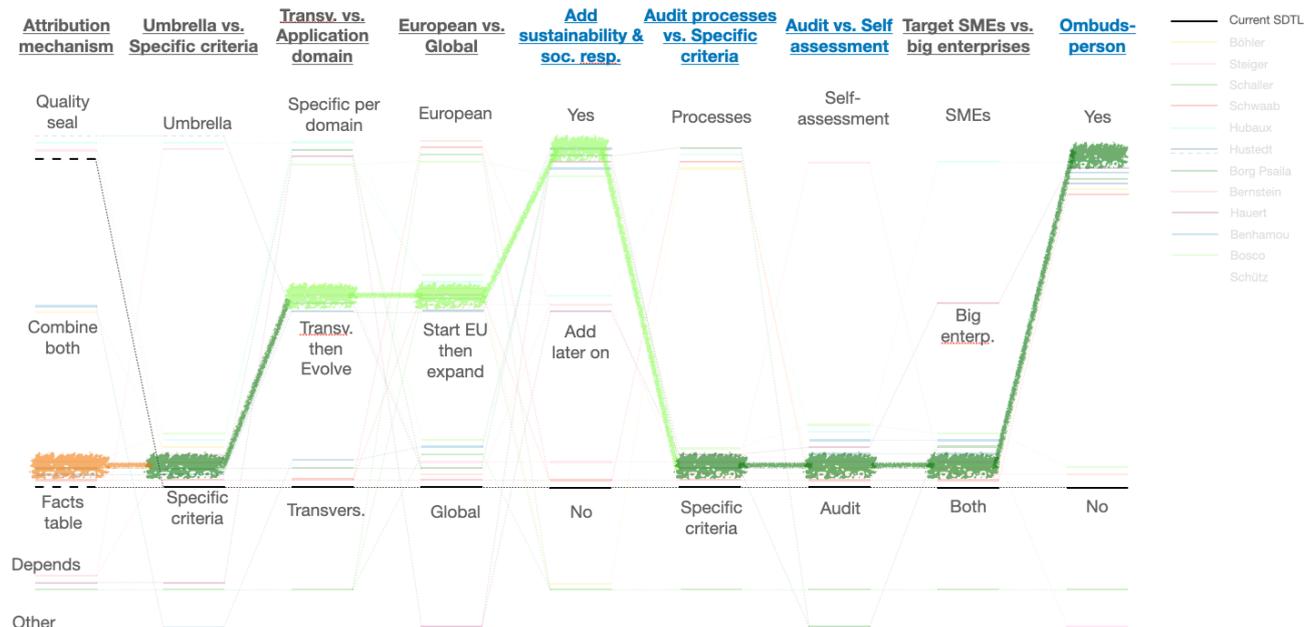


Figure 1: Graphical view of the recommendations

Design option	Description	Current positioning of the Expert Committee	Recommendation
1	Audit vs. Self-assessment	Clear support for Audit	Rely on an audit; add whistleblowing; add user reporting channel
2	Focus on a specific set of criteria	Clear support	Focus on specific criteria; add Open Source
2'	Auditing criteria vs. Auditing processes	Clear support for auditing criteria	Audit criteria
3	Target SMEs, Corporates or both	Clear support for both	Target SMEs and large companies
4	EU scope vs. Global scope	Support for starting with EU scope and extending to global scope later	Start with an EU scope and extend to a global scope in a second step. Timing is a strategic issue.
5	"Facts table" (Informative approach), vs. "Trust seal" (Normative approach) vs. "Trust Score".	Opinions are split across the options.	The target option is a strategic decision to be made.
6	Ombudsperson or not	Clear support for Ombudsperson	Consider the involvement of an ombudsperson in the labelling framework
7	Add sustainability and social responsibility	Support for adding them Sustainability and social responsibility.	The committee acknowledges the considerable overhead, making the additional delay a critical strategic issue.
8	Transversal criteria vs. Application specific criteria	Support for starting with transversal criteria and cover application specific ones later	Start with transversal criteria and expand to application specific ones in a second step. Timing is a strategic issue.

Figure 2: Tabular view of the recommendations