

# Privacy in Electronic-Marketing: A Theoretical Framework

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**Abstract**

*The Electronic-marketing has offered lot of options for companies to market themselves and their products effectively and inexpensively, but there is need to exercise considerable care to ensure that their functions/activities or their. Consumer concerns about unethical practices on Internet are directly having a direct effect on the take up of Electronic-marketing. While many people are willing to do exchange but a lack of trust prevent them from purchasing via Internet. Consumers still prefer traditional channels when making purchases because of Privacy issue in E-marketing. Review of literature reveal that privacy has become important concern for all online businesses, more over consumers are more aware about their personal information which has been collected by companies without their consent.*

**Introduction**

Our country quickly is moving toward new world wireless world. In last few years Internet has played an important role in many fields of Indian economy. The Internet has changed the design and implementation part of marketing strategies. This dynamic technology has provided marketers with efficient and powerful methods of designing, promoting, and distributing products, conducting research, and gathering market information. As we enter the twenty first century, the Internet has become the hottest marketing medium ever known.

Electronic-Marketing is the lifeblood of modern business. Electronic-Marketing may be defined as the process of building and maintaining customer relationship through Internet activities and to satisfy the goals of both buyers as well as sellers. As far as traditional marketing is concerned ***“Marketing is human activity directed at satisfying needs and wants through exchange process”*** (Kotler and Turner, 1981). The foundation of the marketing remains the same creating a strategy to deliver the right message to the right people. What has changed is the number of means. Electronic-Marketing means using digital technologies to sell goods and services to targeted customers. These technologies, like e-mail and websites, are a valuable complement to traditional marketing methods. Electronic marketing means the application of marketing principles and techniques by electronic media and more specifically the Internet. The terms Electronic-Marketing, Internet Marketing and Online Marketing, are frequently interchanged, and can often be considered synonymous.

The evolution of the Electronic-Marketing has created a number of ethical issues, especially in the area of privacy. Some people fear that collecting such personal information from web sites users may violate their privacy, especially if it is done without their knowledge.

**Keywords**

*Privacy, Opt-in and Opt-out, Marketing, Personal Information*

Privacy refers to the ability of the individual to protect information about him/her self. There are two types of threats to one's privacy in Cyberspace: 1 your passive or active activities on the Internet could be monitored by unauthorized parties; and 2 logged and preserved for future access and subsequently disclosed many years later without your permission. Many researches suggested that one of the primary concerns relating to privacy is the lack of the control consumers have over their personal information (Nowak and Phelps, 1995).

**Customer privacy** issues generally revolve around security and privacy of sensitive customer information related to online sales and services transactions, the collection and use of customer data and statistics, as well as the protection of a customer's right to privacy. It is also important to note that there is a distinction between private and personal information. Personal information is information containing personal attributes of a person, such as a phone number or an address that might not always be private information, although this would depend upon the person and the application. The essence is that not all personal information is necessarily private information, but by treating it as such, involuntary privacy violations could be avoided. This is especially important, as all personal information could be considered private under some circumstances.

Goodwin (1991) defines **consumer privacy** as "the consumer's ability to control (i) presence of other people in the environment during a market transaction or consumption behavior and (ii) dissemination of information related to or provided during such transactions or behavior to those who were not present." This definition leads to a classification of privacy states based on high or low control over the environment (presence of others) and over disclosure. Privacy can be divided into two parts: Individual privacy and Corporate privacy, while the individually sensitive and corporate sensitive information link and overlap, the privacy-preserving problem in each case is different. The corporate privacy issue is usually about business secrets and thus about sharing the data with other agents. In individual privacy perspective the privacy issue is not an issue if users have given authorization to use the data for the data-mining task.

Consumers are more concerned about the privacy and security of their personal information in Cyberspace and are looking for greater protections. According to a recent survey, a concern about the privacy of their personal information and communications is the top reason many consumers have stayed off the Internet (Business Week, 1998).

Consumers still prefer traditional channels when making purchases. Only approximately 1% of the total revenues on the retail sector come from e-commerce transactions (OECD 2002). Concerns with improper collection and usage of personal information by businesses or governments have been seen as critical to the success of the emerging electronic commerce. In a survey, the Federal Trade Commission (FTC) found that 99% of

online companies collect personal information from the individuals visiting their web sites (Seligman and Taylor, 2000).

The FTC has also identified core principles to guide online content providers' development of privacy policy and provide specific instructions as to how online businesses should act to increase online commerce. Fair information practices define the privacy rules for a self-regulatory regime. They are global principles that balance the privacy interests of individuals with the legitimate need of business to derive value from customer information. At the heart of fair information practices are the following five aspects that can be used to describe a web site's position concerning privacy: **Notice** that is an indicator to the consumer about what information is collected, how it will be used, whether it will be disclosed to third parties and whether cookies are used or not. **Choice** is the consumer given the choice to agree with aspects of information gathering? **Access** does the consumer have access to the information gathered? Is the consumer given the possibility to review and correct the information? **Security** concerns the protection of information transfer and subsequent storage. **Contacts** are consumers given a contact person or address for asking questions or registering complaints regarding privacy?

Privacy is a multi-faceted concept encompassing a number of specific issues. The term 'privacy' is widely used to refer to a group of related rights that are accepted nationally and internationally. In Australia, privacy is defined as "people's right to the privacy of their own body, private space, privacy of communications and information privacy" (Collier, 1995). From this definition, one can see that the key aspects of privacy relate to the privacy of the person, the privacy of personal behavior, the personal right to communicate freely and the right of a person to control information about him/herself. The rise of the Internet, which permits companies to obtain information about customers more easily than before, has brought much attention to the issue of information privacy. The information revolution, moreover, opens up important public policy issues, as companies are increasingly building comprehensive consumer databases and applying sophisticated data-mining techniques to target consumers. The issue of consumer information privacy has attracted a lot of attention from different groups world-wide: academic researchers have mainly focused on exploring privacy concerns; market researchers have focused on quantifying the share of consumer concern about information privacy violations and tracking changes over time; and public policy-makers have reacted with laws and regulations to protect consumers.

As use of the Internet has increased, many issues of privacy have risen. User wonder: will my privacy be protected if I provide information to this Internet vendor? Will my credit card remain secure? McAfee.com has earned a Trust by disclosing the following:

- ♦ What information the Co. collects or tracks.
- ♦ How Co. uses the information?

- ♦ With whom the Co. share the information.
- ♦ The Co.'s opt-out policy
- ♦ The Co.'s policy on correcting and updating personally identifiable information
- ♦ The Co.'s policy on deleting or deactivating customers name from database.

## Literature Review

In the light of grown consumer marketplace at an exponential rate and as well as Technology at the same rate has increased many times the capacity of online companies to collect, store, transfer and analyze vast amount of data from and about the consumer who visit their Web sites for shopping. Just as the Electronic-Marketing created many exciting new opportunities, it also introduced many new questions that warrant careful study. Increasing Internet usage also raises questions about how best to protect consumer privacy and prevent digital piracy. Several studies have been conducted in the past couple of years to gauge the concern consumers might have relating to their privacy rights in the age of internet. Some of the important studies mentioned below will highlight the significance attached to the privacy relating to Electronic-Marketing: Ellen R. et al (1993) found that profession faced ethical conflicts because application of these technologies commonly invades consumer privacy. Mackline Ben (1999) examined the top 200 most accessed websites in Australia. The study highlighted that over 90% of the web sites were not adequately informing the consumers of what personal information they are collecting, how it is to be used and what safe guards are in place to secure it. Basho Kalinda (2000) claimed that increase in use of individuals' personal information raise a new threat to privacy in the electronic marketplace. Information used to create customized advertising campaigns, make decision about which customers to market product to and predict consumers' future purchase. Current solutions to online privacy fail to give consumers control over how their information is used or compensation for the data they share. Douglas, et al (2001) conducted an empirical study to explore key aspects of consumer response towards shopping on the Internet. The major findings of study were: - convenience was not a major inducement in local Internet shopping, probably because of geographical proximity. For instance "Pricing" was the major motivation behind online shopping. Product variety and product brand name were also important factors. Trust was a major concern for Internet shoppers. Fareena, et al (2002) investigated the determinants and role of consumer trust in e-business. The study has empirically demonstrated that web site characteristics indeed significantly affect perceptions of trust in a web site. The study also found that consumer characteristics such as past experience with the Internet and with a particular web site, do significantly affect trust perceptions. The significant finding of the study that trusts is mediating variable between web site, consumer characteristics and consumer behaviour intent. Harris

Lisa, et al (2002) explored the ethics of business-to-business electronic commerce, with a focus on the banking sector. Important areas identified for further research-included freedom of choice, trust and transparency of business-to-business transactions and limits to responsibility with regard to the facilitation of fraud. Rich (2002) critically examined that we losing trust through technology. The field of marketing has had a history of Individuals and organizations attempting short term gain through less than ethical mean. Kossecki Pawel, et al (2003) opined building customers' trust is essential for internet supplier in acquiring consumers' loyalty, increasing their satisfaction, encouraging customers to move their spending from traditional to e-market. Beltramini, Richard (2003) provided a brief overview of the application of the FTC's lesser-known unfairness doctrine as a potential framework for better understanding emerging privacy and e-commerce issues, and specific examples were provided for illustration. Richards Sarah (2005) studied on Internet shopping by carrying out a world wide Survey of 1001 adults. The Survey aimed to identify why people do or don't shop online, what they buy and how much they spend, if they have encounter any problems and what proportion of their shopping they intend to do online in the future. This study showed some interesting trend. Over six in ten people with internet access had shopped online over the previous 12 months. Convenience was a large motivating factor for people to shop online than prices. Most people shop once every two to three months, with men being slightly more likely to do so than women. (CDs, tapes and records were the most popular items to be purchased online, followed by DVDs, videos, computer games, books and travel tickets. Fears over the security of websites was the main reason why some people with Internet access choose not to shop online. Over a third of people who have internet access chosen not to shop online because of the fear over payment security. .Katyal K. (2005) opined that our need to expand intellectual property protection must be reconciled with the existing protections for informational privacy and personal expression. Changi Nam et al (2006) studied and proposed a model incorporating antecedents, privacy concern, and intent to disclose personal information. To test the proposed model, an online survey was conducted. Ann E. Schlosser et al (2006) investigated the impact of Web site design investments on consumers' trusting beliefs and online purchase intentions. Such investments signal the component of trusting beliefs that was most strongly related to online purchase intentions: ability. **Petrovic Dejan** (2007) explored the most relevant behavioural characteristics of online consumers and examined the ways they find, compare and evaluate product information. Jonna Jarvelainen (2007) opined Security and privacy issues had drawn much attention in the electronic commerce research area, and e-vendors had adjusted their online shopping systems to convince customers that vendors and systems were trust worthy.

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A vast majority of web sites collect customer data without asking. Some of the sites offer a mechanism to let their customers “opt out” of the collection process. The time is now ripe for companies to take a more proactive approach, whereby the opt in policies must become a standard procedure. Such policies facilitate collection of data only from those customers who give the site manager permission to do so in advance. A growing number of companies are taking initiative to provide a certification program for data collection on the web (Nycum, 2000).

### **OPT-IN and OPT-OUT Privacy Policy :**

Concern about the privacy of Internet usage seems to be a major factor determining the penetration of usage of the Net, particularly for e-commerce (Hoffman et al. 1999). One issue at the center of the controversy surrounding privacy on the Internet and the role of possible government regulation is what action is required of consumers to express their preferences. For example, according to the European Union Data Directive (European Union 1995), a consumer must opt-in to any program that collects personal information such as demographics or purchase and click stream histories. By **opting-in**, they must give their explicit consent to a set of rules that govern the way that information can be used, traded or sold. In contrast, policy in the United States takes no formal stand on consumers’ needed consent and the most common practice among Internet sites appears to be an opt-out policy, requiring the consumer to make an explicit request not to be included in a program that collects personal information. The U.S. Congress has been considering legislation, which will require an **opt-out** policy, although an opt-in alternative has also been proposed. While this distinction is very salient when talking about Web privacy, it is also quite relevant in related domains, particularly what has become to be known as permission marketing (Godin and Peppers 1999). In this paper we examine whether asking consumers to opt-in or to opt-out makes a difference. Does opting-in produce different levels of participation than opting out? In addition, we explore the mechanisms underlying possible differences. This issue has important implications for public and business policy. Different forms of action assume different types of knowledge on the part of market participants. On one hand market based solutions suggest that consumers have well articulated ideas of the value of their personally identifying information. In these circumstances, customers can make informed decisions about the use of privately identifying information. For example they might avoid web sites that collect such information, demand compensation for its provision, adopt technological solutions, or willingly provide it in return for the benefit it provides in terms of customization. However, if customers have less well-articulated values about the importance of privacy and related issues, then other forms of consumer protection might be advocated

The Internet has triggered revolutionary changes in our lives. People consider it to be a reliable source of information on products and services (Gervey and Lin,

2000). However, the use of the Internet for consumer purchasing has not been growing as fast as its other uses as an information source. One explanation for this disparity in growth rates may be consumers’ reluctance to provide personal information on the Internet. For example, Ernst and Young’s survey (1999) indicated that the most important reason why consumers do not make purchases on the Internet is their concern about sending out credit card information. A survey showed that only 24.9% of consumers felt comfortable using their credit card for purchasing on the Internet (Graeff and Harmon 2002). Media scrutiny of Internet fraud, hacking, and identity theft has heightened people’s awareness of the risks of conducting transactions on the Internet.

In late 1990’s e-commerce was expected to expand rapidly and become a normal part of consumer’s everyday life. Nowadays some Internet-related services such as electronic newspapers and information search are widely used by consumers, but there are only few commercially successful fields of e-commerce. One of the reasons for the failure of expectations is mentioned to be consumer trust, or more likely the lack of trust (Merrilees & Frye 2003).

### **Volunteering Personal Information on the Internet:**

Accurate consumer personal information is one of the most strategic assets of a firm. Without accurate consumer personal information, firms cannot effectively perform direct marketing, customer-relationship management, and strategic production of goods and services (Henderson and Snyder, 1999; Long et al., 1999;). The importance of consumer personal information is salient as the Internet serves as a distribution channel. According to Hoffman et al. (1999), the willingness of consumers in providing personal information is one of the most important determinants of the commercial development of the Web. However, most consumers concern about their privacy information and are reluctant to provide personal information online. According to Hoffman et al. (1999), almost 95% of Web users have declined to provide personal information to Web sites at one time or another when asked, and 40% who have provided demographic data have gone to the trouble of fabricating it. A 2001 Harris Interactive survey found that about 83% of online users have refused to give information to a business or company and even over 44% online users have avoided specific Web sites because of dubious privacy practices (Harris interactive, 2001). According to Jupiter Media Matrix’s Consumer Survey in 2002, 70% of U.S. consumers are concerned about their privacy online (Jupiter Media Matrix’s Consumer Survey, 2002). The reluctance to provide information online could be attributed to some Internet characteristics. For example, the information provided online could be combined with some information (e.g., cookies or page views behavior of individuals) that are surreptitiously collected over the Internet to profile the behaviors of individuals (Dommeyer and Gross, 2003).

In addition, the collection of personal information could be performed without the consumers' awareness or permission (Milne and Culnan, 2004). Due to these characteristics, consumers would be more concerned about their privacy protection in an online environment. Thus an in-depth understanding of the strategies promoting information disclosure is of paramount importance to managers as well as researchers. In the existing literature, many researchers proposed that the "risk-benefit" tradeoff was essential to the information disclosure decision of consumers: Individuals should assess the outcomes they receive as the risk of providing personal information to firms (Culnan and Bies, 2003). Based on such an assessment, a positive net outcome should mean people are more likely to accept the loss of privacy that accompanies any disclosure of personal information as long as an acceptable level of risk accompanies the benefits. Implied by this "risk-benefit" perspective of information provision is that firms or websites could enhance the willingness of consumers to disclose personal information in two ways (Culnan and Bies, 2003): (1) offering attractive benefits to consumers or (2) decreasing the perceived risk of consumers in information disclosure. Thus, two types of instruments promoting information disclosure were discussed in the existing literature. From the benefit side, some researchers have suggested that firms should offer direct and immediate rewards in the form of discount coupons and bonus points to encourage consumers to register and provide personal information (Hann et al., 2003). On the other hand, several researchers and privacy advocates have proposed that firms could adopt initiatives, which decrease the perceived risk of consumers in information disclosure. Based on this risk perspective, instruments such as privacy notices, privacy seals from third parties, and the Platform for Privacy Protection (P3P) are emphasized in promoting personal information disclosure (e.g., Milne and Culnan, 2004; Das et al., 2003; Culnan and Armstrong, 1999). Consumers are becoming increasingly aware that their electronic purchases and other activities are being monitored, cataloged, and sold.

#### **Customers' Concern for Information Disclosure:**

In addition to the customer information that is voluntarily provided by the customers themselves, businesses can also collect information on customer online behaviour using cookies and click-stream analysis, which do not require the conscious participation of the consumer (Rust, Kannan, and Peng 2002). The dwindling cost of technology has rendered data collection, storage, and retrieval cheaper than ever before. This has led to efficient and cost-effective data mining techniques and data warehousing technology, allowing marketers to analyze and target their customers better (Markoff 1999, Richards 1997). The network environment within which customer information is collected and coded makes it easy to distribute or sell the collected information efficiently, thus combining pieces of seemingly disparate customer information to develop full, integrated profiles of customers and their behavior (Rombel 2001). Thus the consumer may not be entirely paranoid if he begins to

view online marketing efforts with reserve, especially since marketing practices on the internet give customers little control over their information (Franzak, Pitta, and Fritsche, 2001). Consumers today expect to provide retailers with a certain modicum of personal purchase information in order to facilitate transactions. They have also proven receptive to sharing personal information under certain situations and with businesses and other organizations they trust and few consumers view all requests for and uses of personal information as invasions of privacy (Dommeyer and Gross, 2003). Furthermore, most consumers are willing to give up some privacy simply to participate in a consumer society (Milne, 2000; Phelps, Nowak, & Ferrell, 2000). However, consumers are also likely to believe that retailers have profited at their expense if information about personal purchase patterns is sold to other marketers (Graeff and Harmon, 2002). It is imperative to recognize there are two sides to this marketing exchange, and there are sets of rights and duties on both sides; as well as a need to consider the ethical issues of human dignity and value, autonomy, territoriality, anonymity, security, and protection (Mascarenhas, Kesavan, and Bernachhi, 2003).

#### **Scarce Commodity in Electronic Marketing**

Information privacy is a scarce commodity in cyberspace. The technical infrastructure of cyberspace makes it remarkably simple and inexpensive to collect substantial amounts of information identifiable to particular individuals. Once these data have been collected, information technologies make it very easy and cheap to process the data in any number of ways (for example, to make profiles of particular users' interests).

**Personal Identifying Information** E-mail address, Name, Postal address, Telephone number, Credit card number, Fax number, Social security number, **Demographic Information** Age/date of birth, Zip code/city/state, Sex, Preferences/interests 76 21.1% Occupation, Other demographic, Income, Education, Family information. There is no doubt that developments in computer technology have led to an increase in the availability of online data for use by marketers. Many of this personal information are available for purchase directly from vendors who develop, manage and market the data. One form of data that marketers have used for many years is the mailing list which consists of name, address, telephone numbers, and other pieces of information that are useful in producing targeted marketing campaigns. In the past, mailing list databases consisted of information on individuals or companies and were available primarily in output format such as computer papers, index cards and magnetic data tapes that required a mainframe computer to process. However, in recent years, these mailing lists have become more high tech and are now available as marketing databases on the internet (Krassen, 1998). Marketers can use these databases for a variety of purposes, specifically to:

- ◆ Identify prospects

- ♦ Determine which prospects or customers should receive a particular offer
- ♦ Deepen customer loyalty
- ♦ Reactive customer purchase by automatically sending out promotional offers (Kotler, 2000)

Privacy has consistently been identified as a chief concern of Internet users throughout the past decade. According to Flaherty (1989), individuals can assert privacy interests in information about themselves in the right to: Individual autonomy, Be left alone, A private life, Control information about oneself, Limit accessibility, Exclusive control of access to private realms, Minimize intrusiveness, Expect of confidentiality, Enjoy solitude, Enjoy intimacy, Enjoy anonymity, Enjoy reserve and Secrecy.

### Customer Awareness of Privacy Protection:

It is quite widely believed that consumer awareness of privacy protections is lacking. Consumers likely harbor misconceptions about business practices affecting consumer privacy (Dommeyer et al, 2003). It has been suggested that consumers who are knowledgeable of privacy practices and options for safeguarding their own information may experience more perceived control and, thus, less privacy-related anxiety (Foxman et al, 1993; Nowak et al, 1995; Phelps, et al, 2000). Nowak and Phelps (1992) study found uncertainty and misinformation about the sources of personal information available to marketers. They concluded that much anxiety about privacy is based largely on ignorance. Those respondents who were most concerned about threats to personal privacy were also those most likely to erroneously believe marketers have access to any and all sources of personal information. Further, they were less aware of actions they could take to protect their own privacy. Milne and Rohm (2000) reported even less consumer knowledge of name removal procedures from a national database of direct mail purchasers. 58 percent reported no knowledge. A *American Demographics* survey found only 30% and 24% of respondents, respectively, have asked to have their name removed from a mailing list or telephone list (Paul, 2001). Many in Milne and Rohm's (2000) study also demonstrated limited awareness of the types of information stored in marketing databases, including awareness of the fact that marketers store credit card and purchase history information. Nowak and Phelps (1995) suggest consumers' knowledge of data collection can be identified as either full knowledge of collection and use, knowledge of collection but not of use, or ignorance of both collection and use. The threat to consumer privacy is minimal under the first condition (full knowledge) and greatest under the last condition where consumers do not know of the collection or the use (Graeff Harmon, 2002).

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