

Privacy Policy Pop-up: A Genre Analysis of Journal Websites' HTTP Cookies

Lisbeth Sinan Lendik

lisbeth@uitm.edu.my

Academy of Language Studies, Universiti Teknologi MARA, Cawangan Sarawak,
Kampus Samarahan 2, 94300 Kota Samarahan, Sarawak, Malaysia.

Abstract

Online users are made to believe that they have control over their data privacy through the selection of website cookie options. Due to transparency requirements, policies to protect online users focus on giving them more control over their data privacy. This study examines how transparency is communicated through HTTP cookies found on academic journal websites. The analysis aims to uncover the communicative practice of this web-mediated disclosure genre through the rhetorical moves and linguistic features presented in the statements. A total of ten HTTP cookies from online journals are gathered based on random selection for this analysis. The findings revealed four obligatory moves and seven optional steps. The study also finds the use of active voice, action verbs, and self-reference pronouns to be common in the statements to realise the rhetorical function of transparency in HTTP cookies. A consistent genre pattern can be seen throughout the websites which shows the adherence to regulatory requirements while maintaining unique ways of presenting the HTTP cookies.

Keywords: privacy policy, HTTP cookies, digital genre, rhetorical moves, move analysis

1. Introduction

Awareness of protecting users' personal information online has given rise to the use of HTTP cookies or better known as internet cookies on websites. Lou Montulli originated the idea in 1994 and developed cookies to enable the shopping carts feature for e-commerce stores (Moraes, 2019). According to Harding, Reed, and Gray (2001), cookies can be defined as "small, unique text files created by a website and sent to a computer's hard drive. They contain a name, a value, an expiration date, and the originating site" (p. 18). These features are embedded "to track, personalize, and save information about each user's session" (Kaspersky, 2022, para. 7). With the insertion of such trackers, people should be aware of its consequences and understand the implications of allowing one's online activities to be tracked. For instance, Chen et al. (2017) found that Internet users frequently overlook privacy hazards until they experienced first-hand monetary loss online. In more serious cases, users' personal data are sold to third parties which could lead to scams, fraud, and identity theft cases.

To get the user's consent, pop-ups in the form of digital consent such as HTTP cookies (HC) will appear the moment netizens are on a certain website particularly business websites and the messages appear to be consistent regardless of their length and choice of words. The small text files should not be ignored as the users can decide what information that websites can store based on the privacy policies. This feature allows websites to track users' "mouse clicking choices" each time they are using the Internet (Harding et al., 2001). However, there is a concern regarding the transparency of cookie banners (Bauer et al., 2021) and the legal discourse can be complicated for laypeople when reading them. As reported by Koskela (2017), transparency has become a central topic in discussions of business conduct accountability. Hence, many websites are inserting website cookies as part of their bid to be accountable for users' personal data.

Despite the lack of understanding about websites' cookies, users often proceed and click *Accept all* or *Accept* due to the need to access the website for a variety of reasons. Bauer et al. (2021) found that using cookie banners as a manipulation can increase consent by 17%. In a study conducted by Pinto, Lages, and Au-Yong-Oliveira (2020) on website efficiency and user privacy, they found that while most users are wary about cookies, eventually they will accept them to make online browsing easier. Privacy issues in the realm of the Internet are not neglected through the requisite digitalisation of short policy disclosures on websites. Laws were introduced for e-privacy rules such as in the EU (Lee, 2011) and America (Palmer, 2005) to protect netizens. With tighter

rules and regulations to protect users' rights, the HC genre will never cease to exist. Its evolution could occur as privacy policies change over time.

In this paper, the rhetorical patterns of HC will be presented by analysing the moves that constitute the genre. Furthermore, the linguistic features will be analysed to look into the language of transparency as a form of communicative strategy. This analysis contributes to an understanding of how online disclosure policies are produced, thereby enriching the existing digital genre ecology. Furthermore, the significance of studying such a genre is to understand how the websites communicate their transparency pledges in line with recent policies that protect users' privacy. Despite stricter privacy policies imposed by authorities, the bid to protect users' personal data online is still challenging which means users are still at risk. Concerns regarding big data and online privacy are escalating with the growth of big data. Thus, there is a need to perform genre analysis of privacy policy pop-ups.

2. Literature Review

2.1 Digital Genre

The definition of genre from a linguistics perspective is "genres as types of goal-directed communicative events, genres as having schematic structures and most strikingly genres as disassociated from registers or styles" (Swales, 1990, p. 42). Earlier works on genre theories in the eighties have been situated upon printed or spoken texts based on Halliday's notion of register (Askehave & Nielsen, 2005). With the coming of the Internet, web-mediated communication gave rise to various electronic genres.

Due to its dynamism, genre creates opportunities for text analysis where emerging new genres can be gathered. For instance, studies have examined different forms of digital genres on firm-generated advertisements (Shi & Wan, 2021), negative online reviews (Wang, 2021), marketing emails (McVeigh, 2020), university recruitment posts (Feng, 2019), educational podcasts (Drew, 2017), university website homepages (Zhang, 2017), disclosure policy (Koskela, 2017), and YouTube tutorials (Bhatia, 2018) to name a few. What these genres have in common is each has its communicative purposes that seek to achieve a certain goal through the rhetorical moves performed by members of the community in a web-mediated medium.

Askehave and Nielsen (2005) point out the need to consider all aspects of hypertextual properties when analysing web-mediated texts. They proposed a model that integrates both text

and medium simultaneously to get a wholesome picture of the genre. Nevertheless, the model does not overlook the fundamental genre model and incorporates the hypertextual mode to the analysis of communicative purpose, move structure, and rhetorical strategies. Thus, the analysis of digital genres should negotiate between meaning-making and establishing genre by including a dimensional approach.

2.2 Disclosure Policy Genre

In the past, disclosure policies are often associated with companies' financial reports (Bruce, 2014). Another view of such genre extends beyond the notion of finance. As defined by Clark Williams (2008), corporate disclosure includes "any purposeful public release of information—financial, social or environmental, required or voluntary, qualitative or quantitative—that is likely to have an impact on the company's competitive performance and on the strategic decision making of its internal and external audiences [emphasis added]" (p. 237). This analysis confirms the latter definition and views HC as part of the corporate disclosure genre.

Having distinctive linguistic features, HC differs from other informational genres. This particular genre has been typified due to the privacy policies that protect users' personal information online. Despite being part of the web-mediated genre, HC remains similar to printed texts due to its linearity. More and more websites are showing HC to users to comply with privacy laws. However, to what extent will website policies be transparent depends on the law that governs the platform. Different countries have their own rules and regulations when it comes to protecting users' information online. Hence, HC may be presented differently based on the legal discourse that surrounds its production.

In a study conducted by Koskela and Kuronen (2014), three communicative purposes of companies' disclosure documents are listed: convincing investors of their company's reliability, serving as internal guidelines for employees, and fulfilling legal requirements and recommendations. Based on their corporate goals, companies may decide which communicative purpose they will adhere to. Koskela (2017) posits that disclosure policies are formed by the genre system they belong to while reflecting the socio-cultural context. Whether it serves as a 'strategic plan' or has a 'private purpose', a disclosure policy text is worth studying to look further into the language of transparency.

For this analysis, the journal's website cookies statements are selected because transparency is highly regarded within the research community. Therefore, this analysis also aims to look at the transparency of journals concerning their website policies.

3. Methodology

Data for the analysis are gathered from ten academic journal websites. By typing *top journals* using Google's search engine, the first ten websites containing HC were chosen. Results from the search engine show top-tier academic journals from various fields with high-impact factor. The HC pop-up is then extracted and each website is labelled as shown in Table 1 below. The length of the HC varies but all HC present in a form of pop-up notifications. The analysis focuses mainly on the cookies statement which describes the journal's policy regarding the information stored from visitors to their website.

Swales' (1990) and Bhatia's (2004) move analysis approach sets the foundation for the identification of rhetorical moves in journals' websites HCS. In addition, Biber et al.'s (2007) move analysis procedure was adopted to analyse the moves and steps of journals' HC websites. Finally, the linguistic features were analysed both manually and with the assistance of AntConc software, conducting basic analysis to generate word clusters and frequencies. The following are the research questions that guide this analysis:

1. What are the rhetorical patterns that are present in journal websites' HTTP cookies and how consistent are they in the data?
2. How is the journal websites' transparency regarding privacy policy communicated through the HTTP cookies statement and what are the linguistic features used?

Biber et al. (2007) define a move theoretically as "each move has a local purpose but also contributes to the overall rhetorical purpose of the text" (p.32). The move analysis in this paper confirms this approach to uncovering the rhetorical patterns of HC. For this purpose, the analysis of moves and steps was interpreted manually. First, the rhetorical purpose of the genre was determined. Next, possible moves and steps are identified based on the rhetorical function through repeated categorisation. This was followed by the grouping of semantic themes before developing a coding protocol. While highlighting schematic structure as the key component of move analysis, Flowerdew (2002) emphasises the simultaneous identification of the key component along with other aspects such as communicative purpose(s), grammatical features, and lexical features. This

shall provide a robust analysis instead of focussing on one dimension. Furthermore, to interpret the steps, Moreno and Swales (2018) suggest “considering each meaningful text fragment in context and interpreting its communicative function as specifically as possible to situate it at the step, or occasionally, (sub-)step level” (p. 51).

4. Results

As shown in Table 1, all ten journals presented HC on their website with different styles and lengths. The short length of HC shows the attention given to time as users are unlikely to spend more than a minute reading the statements. Thus, it is often short and precise and comes with hyperlinks or options where users can read the full text in another pop-up. The features of cookie banners can influence users' privacy choices (Bauer et al., 2021). Although HC frequently offers users the chance to agree to various information and purposes, such information is often limited. The language for HCs are often simpler compared to the full policy statement that contains legal jargon and are written in more detail.

The HC gives the impression that users have the autonomy to decide how their information will be kept by selecting the cookie options available. Often, users will make immediate decisions based on the minimal consent statement. Agreeing to a website cookie would mean the users have agreed to the privacy policies of the website based on the statement they have read. While the HC appears to be of standard characterisation, users will need to click the hyperlinks to read the complete privacy policy. Reading the HC alone is not enough for the users to understand the extent to which they will be tracked by the cookies. However, they are expected to agree or disagree with it upon visiting the website. Hence, this analysis aims to reveal how transparency is communicated through the brief HC statements and discusses the findings in the next sections.

Table 1: Features of Cookies on Journal Websites

| Journal code | Cookie position and size | Cookie option | Hyperlink | Number of words |
|---------------------|---------------------------------|--|------------------|------------------------|
| HC1 | Left, big | Accept all cookies | - | 126 |
| HC2 | Bottom, big | More options | 2 | 151 |
| HC3 | Top, small | Accept all Decline all 'x' | 1 | 35 |
| HC4 | Bottom, small | Manage your cookie settings Accept Manage cookies | - | 42 |

| | | | | |
|------|---------------|--|---|-----|
| HC5 | Bottom, small | Learn more Got it | 1 | 35 |
| HC6 | Bottom, small | Accept | 1 | 40 |
| HC7 | Bottom, big | Accept all cookies Manage preferences | 1 | 115 |
| HC8 | Bottom, small | Cookie policy Continue | 1 | 24 |
| HC9 | Bottom, big | Accept Decline | - | 98 |
| HC10 | Bottom, small | Accept all cookies Cookie settings | 1 | 35 |

* Note: The number of hyperlinks found is part of the cookies' descriptions. Hyperlinks that do not constitute the cookies are excluded.

5. Results and Discussion

5.1 Move and Steps

Table 2 shows the results of a genre analysis of ten journal websites' cookies statements, which found four obligatory moves that occurred in the data. This is based on Kanoksilapatham's (2007) measurement of obligatory move where an occurrence of 60% and above is deemed as an obligatory move.

Table 2: Move Structure of Journals' Website Cookies

| Move/Step | Description | Obligatory/Optional | Frequency of occurrence (%) |
|-----------|---------------------------------------|---------------------|-----------------------------|
| M1 | Declaration of cookies | Obligatory | 100 |
| S1 | To benefit the journal | Optional | 40 |
| S2 | To benefit the users | Optional | 70 |
| M2 | Informing consent | Obligatory | 80 |
| S1 | Purpose of consent | Optional | 30 |
| S2 | Elaboration of consent | Optional | 50 |
| M3 | Presenting cookie options | Obligatory | 90 |
| S1 | Implied consent | Optional | 50 |
| S2 | Subscribing to website's policy | Optional | 40 |
| S3 | Giving alternative cookie options | Optional | 50 |
| M4 | Providing detailed cookie information | Obligatory | 60 |

The first move in the HC started with a disclosure statement. This move declares the openness and transparency of the journals. Having a frequency occurrence of 100%, Move 1 (M1) is an obligatory step and contains either a brief or a detailed summary of the purpose of including

HC on the websites. The following examples show the differences between a brief and a detailed declaration of cookies:

We store cookies on your device that are necessary for our website to function properly (“Necessary Cookies”). -HC1

We and our partners store and/or access information on a device such as cookies and process personal data, such as unique identifiers and standard information sent by a device for personalised ads and content, ad and content measurement, and audience insights, as well as to develop and improve products. -HC2

It was also found that the disclosure statements can be categorised further into two steps namely ‘to benefit the journal’ (M1S1) or ‘to benefit the users’ (M1S2). For example, the phrases which explained the purpose of HC for the benefit of the journal are *necessary for our website to function properly, to make sure that our website works properly, and necessary to make our site work*. Meanwhile, in M1S2, the benefits of embedding HC for the users are *to provide you with a better experience on our websites, to give you the best experience on our website, and to enhance your experience*. Out of 10 journals, 4 HC (HC1, HC2, HC7, HC10) presented M1S1 while 7 HC (HC3, HC4, HC5, HC6, HC8, HC9, HC10) complied with M1S2. Only HC10 employed both steps to perform the rhetorical action to persuade the users further by presenting M1S1 “...to make our site work” first followed by M1S2 “...your digital experience...”. Figure 1 below shows the evidence of the steps taken from the website.

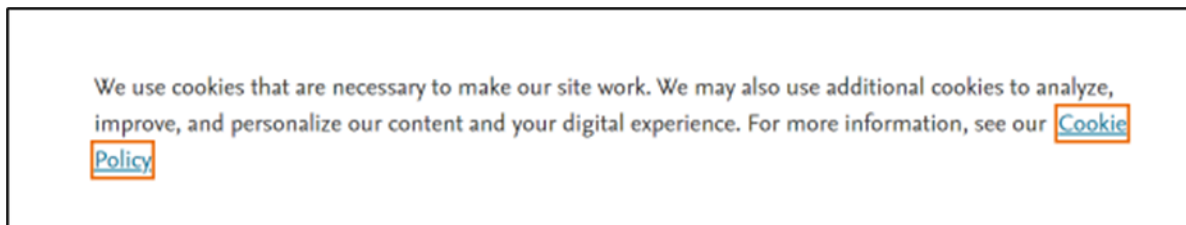


Figure 1: Example of M1S1 and M1S2 in HC10

Although it appeared as M1 is performing a declaration act, nevertheless, it includes a persuasive function through the benefits explained. Given the benefits, users are most likely to agree and accept the cookies to proceed immediately and use the website freely without being distracted by the pop-ups.

In the second move, ‘informing consent’ (M2), users were promptly informed about the consent required by the website immediately after the declaration of cookies. Out of 10, 8 websites presented this information to their users. In M2, 2 steps emerged namely ‘purpose of consent’ (M2S1) and ‘elaboration of consent’ (M2S2). The example for M2S1 can be seen in the excerpt below from HC5. For M2S1, the message is direct without further explanation regarding the kind of information stored by the website. Contrastingly, in M2S2, users can read the elaboration on how the website will store their information when consent is given, as shown in HC1, HC2, HC7, and HC9.

M2S1

By continuing to use this site, you are agreeing to our cookie policy. -HC5

M2S2

With your consent we will analyse your use of our website in order to improve it. -HC1

With your permission we and our partners may use precise geolocation data identification through device scanning. -HC2

By accepting some or all optional cookies you give consent to the processing of your personal data, including transfer to third parties, some in countries outside of the European Economic Area that do not offer the same data protection standards as the country where you live. -HC7

We use this information in order to improve and customize your browsing experience and for analytics and metrics about our visitors both on this website and other media. -HC9

It was also noted that in HC7, the journal is implicitly complying with website legislation by stating ‘...data protection standards...’. This further proves the journals’ transparency awareness concerning internet policies. In Move 2, informing consent to users is aimed at showing external members their compliance with compulsory policies.

The next move ‘presenting cookie options’ (M3) presents users with cookie options and this move can be divided into 3 steps which are Step 1 ‘implied consent’ (M3S1), Step 2 ‘subscribing to website’s policy’ (M3S2), and Step 3 ‘giving alternative cookie options’ (M3S3). By definition, implied consent refers to “a manifestation of consent to something through conduct, including inaction or silence” (Collins, 2019). In some of the journal’s websites, this action is evident with the use of verb phrases like ‘*by closing...*’ and ‘*by continuing...*’ as shown below. Users are subjected to the website’s policy once they proceed with their activity without choosing

any options such as *accept cookies* or *accept all cookies*. This was discussed by Pinto et al. (2020) about how users will eventually agree to the cookies to reduce the hassles of online browsing .

M3S1

By closing this message, you are consenting to our use of cookies. -HC6

By continuing to use our site, or clicking "Continue", you are agreeing to our Cookie Policy. -HC8

In M3S2, users get to decide on the type of cookies they wish to store when using the website. This was done by providing options for the users to choose from such as *Accept All Cookies* or *Accept*. This step indicates the users' subscription to the website's policies.

M3S2

You consent by clicking on "Accept All Cookies" or by selecting the services below and clicking on "Save and Close". -HC1

You may click to consent to our and our partners' processing as described above. -HC2

To continue with our standard settings click "Accept". -HC4

The final step provides users with alternative cookie options and allows the users to decide for themselves instead of enforcing the policies. As evident from the phrases '*You can withdraw your consent at any time...*', '*Alternatively you may click refuse...*', and '*Cookies can be disabled...*', users are given more than one cookie option.

M3S3

You can withdraw your consent at any time with effect for the future by choosing the respective settings and saving them. -HC1

Alternatively you may click refuse to consent or access more detailed information and change your preferences before consenting. -HC2

Cookies can be disabled using your browser settings. -HC5

Move 3, constitutes the principle of the journals regarding the users' autonomy of decision. This is another move that presents their bid to be transparent while acknowledging the users' rights when accessing their website. When companies list their principles which often include honesty, openness, and transparency, they regard it as rhetorically effective (Koskela, 2017). Having the

policy statement in a form of a pop-up HC is another attempt to achieve the communicative purpose of the policy disclosure genre.

For Move 4 (M4), 'providing detailed cookie *information*', some of the journal websites embedded hyperlinks in the policy statement, while a few included hyperlinks next or below the statements. As shown below and in the appendix, HC2, HC3, HC5, HC6, HC7, and HC10 provide the words as a hyperlink for the user's convenience. Some examples of the hyperlinks are *privacy policy*, *manage your cookie settings*, *learn more* and *cookie policy*. However, for HC4 and HC9, the options are included in boxes either next to the statements or below the statements. The underlined words in the examples below show the hyperlinks embedded in the HC.

You can change your preferences at any time by returning to this site or visit our privacy policy. -HC2

Close this message to accept cookies or find out how to manage your cookie settings. -HC3

To find out more and manage your cookies, click "Manage cookies". -HC4

To find out more about the cookies we use, see our Privacy Policy. -HC9

This move often signals the end of the HC. Users who are interested to read more will be led to another pop-up to read an extended version of the policy disclosure statement. Providing users with options aligns with the journals' attempt to be transparent. The authority is given to users to have access to the full disclosure policy text and later decide how their information will be managed by the cookies. Furthermore, as Koskela and Kuronen (2014) conclude, the explicit rhetorical objective of the disclosure policy genre is to persuade investors, shareholders, analysts, the media, and the general public of the company's transparency by elucidating the company's financial communication principles. However, because it addresses both an internal and external audience, a disclosure policy document might be defined as having dual purposes. While the HC may not directly conform to financial communication principles, the shared genre of disclosure policy extends this argument.

It was also observed that some of the moves found in the HC do not follow a fixed order. This is one of the dynamic or persuasive features of this genre, as they "may have obligatory, typical, and optional move elements, and move types may not necessarily occur in a fixed order" (Biber et al. 2007, p. 34). This is one of the dynamic or persuasive features of this genre, as they

'may have obligatory, typical, and optional move elements, and move types may not necessarily occur in a fixed order' (Biber et al., 2007, p. 34)."

Through the moves and steps, the communicative aim of the policy disclosure statements is achieved. Although the HC from different journals is presented according to their style, the concept is universal especially when the websites are under similar regulations. This was noted by Cornut et al. (2012) concerning strategic plans that are "specific to that organization, and yet the notion has a generic quality that draws on shared institutional understandings of what such a text should include (its substance), how it should be structured (its form) and what it is intended to achieve (its communicative purposes)" (p. 22). As a sub-genre of the disclosure policy text, the communicative purpose of HC distinguishes it from other documents, as shown by the rhetorical patterns found in this analysis.

5.2 Linguistic Features

The use of first-person pronouns, action verbs, and modal verbs is evident in the analysis of HC as shown in the table below. In Table 3, the phrase 'we use' tops the list as it appeared 7 times among the ten HC. Harwood (2005b) contends that authors who write academically switch back and forth between exclusive and inclusive "we-use" for rhetorical effects, such as making readers feel more invested in or receptive to their claims. Despite being a different genre, the use of *we use* in the HCs is similar to the rhetorical effect of academic writing. In addition, this promotes the understanding that the whole organisation abides by the law that legislates website cookies. Almost all HCs used *we* except for HC8, where the only pronoun used was *our*, whereas other HCs combined both *we* and *our* in the statements. This suggests the dominance of self-reference words in the HC as it was frequently used. By using the self-reference pronouns, the journals emphasise their website policy and claim the responsibility for it. This claim is crucial to convince the users of their seriousness in obliging to legal practices.

Table 3: Use of first-person pronoun 'we'

| No. | Cluster | Rank | Freq | Range |
|-----|----------|------|------|-------|
| 1 | we use | 1 | 7 | 1 |
| 2 | we will | 2 | 3 | 1 |
| 3 | we and | 3 | 2 | 1 |
| 4 | we also | 4 | 1 | 1 |
| 5 | we are | 4 | 1 | 1 |
| 6 | we may | 4 | 1 | 1 |
| 7 | we store | 4 | 1 | 1 |

Action verbs such as *use, are, store, function, analyse, process,* and *click* are among the most commonly used verbs found in the HC. These verbs suggest the journals' ongoing effort to be transparent with the users. Koskela (2017) observes that organisations value transparency alongside other values like openness and trustworthiness. From the HC gathered, the journals' practice is aligned with the findings from the previous study. Other than action verbs, modal verbs were used in the statements. The modal verbs such as '*will*' and '*may*' express future activities and possibilities of the actions that the journals will take upon getting consent from the users.

This analysis also found the active voice exceeded the passive voice in all moves. The use of active voice informs users of their ongoing effort to improve users' experience online while giving users the choice to decide how they are tracked. The direct expressions justify the 'openness' of HC. For example,

HCI

We store cookies on your device that are necessary for our website to function properly ("Necessary Cookies"). With your consent we will analyse your use of our website in order to improve it. We also use cookies for this purpose ("Analysis Cookies").

HC3

We are using cookies to give you the best experience on our website, but you are free to manage these at any time. To continue with our standard settings click "Accept". To find out more and manage your cookies, click "Manage cookies".

Muangsamai (2018) found that the use of active voice in health and medical science reports makes it easier for the audience to relate to the participants in the study. Similarly, the use of active voice in HC is seen as a way to soften the legal discourse and convince the users to agree to the website's policy.

Though no statement of compliance was found, showing the HC is an implicit action that shows the journals' compliance with relevant legislation. The function of HC seems to assert that the journals are adhering to privacy policies and follows them to declare awareness of transparency issues. Furthermore, this demonstrates the journals' code of ethics which is an important aspect of academia. As posited by Koskela (2017), it is reasonable to suppose that transparency as a specific goal is promoted in disclosure policy texts via discursive qualities that aim to influence the genre's performative effect. Transparency acts as a communicative act to ensure all parties are well informed of the governing policies.

6. Conclusion

The analysis revealed four obligatory moves and seven optional steps. As reputable organisations, the journals adhered to the regulations surrounding the personal data privacy of their users hence the inclusion of cookies on their website. Also, this is noted as a way to convince other parties such as legal bodies that the journal is transparent and abides by standard practice. This action was performed using the moves and steps found in the analysis. Furthermore, linguistic features such as active voice, passive voice, self-reference pronouns, action verbs, and modal verbs were identified in the HC data. Above all, active voice, action verbs, and self-reference pronouns are commonly used in the HC analysed. These features helped to realise the rhetorical functions of the moves in the HC.

Despite the common incorporation of website cookies in recent times, this analysis was limited to academic journals' websites. Also, the limitations in terms of sample size and the absence of the author's survey are acknowledged. Similar studies could be extended to include such web-mediated texts especially websites that require users to sign up and share their details. From business to government-owned websites, the awareness of the importance of users' privacy is no longer ignored. Looking at HC from different websites may inform a better understanding of what constitutes a website cookie and how it protects the company and its users. The users should be aware and informed about how websites track or keep their information. A transparent policy is only fair for both the user and organisation. Moreover, different countries have different policies and their website cookies may be presented differently. Thus, future research could delve into finding similarities and differences between them and extending the genre by including HC developed based on different policies.

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