

Introductory notes on “Terms of Service; Didn’t Read”

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Pipes BCN - Hangar - “interface dictatorship”

The design challenge for the “Terms of Service; Didn’t Read” project (ToS;DR <http://tosdr.org>) is to provide a meaningful interface for web users to access the legal information parsed in terms of service and privacy policies.

Why the current interface is broken

The current state of interfaces with terms of service and privacy policies (ToS&PP) is broken for users: we call this the biggest lie on the Web because a large majority of users of web services have not read the ToS&PP they supposedly agreed to when they sign up.

What does this interface currently consist of?

In the majority of cases, user consent to ToS&PP is given through a checkbox meaning that the user has read and agreed to ToS&PP.

Access to the most important information parsed in ToS&PP is made difficult in 3 ways:

- ToS&PP are linked from the sign-up form with little or no information providing context;
- ToS&PP themselves are usually too long and/or too difficult to understand.

- too long: the average PP is 7,669 words long; about 15 pages of text¹
- too difficult: the overall readability of ToS is rather poor² which emphasises the importance of “plain-English” v. “legalese.”
- ToS&PP change all the times (see our other project, ToSBack).

Who does this interface serve?

The checkbox interface is useful for the service provider as proof that users acknowledge they give their “consent” – consent is often a required condition to allow the service provider to legally make use of the information provided by users and users’ activities (for instance, under the EU directive 95/46 on the protection of personal data).

Why is it not fixed yet?

Because the information parsed in ToS&PP is mostly of legal nature, there is an incentive to be conservative and maybe over-protect the interests of the service providers, especially when most terms are drafted by them or for them. However, we can see that with enough incentive, web services can adopt a radically different approach and promote their terms when they are more privacy-friendly than their competitors’ (e.g. DuckDuckGo).

In other contexts, the interface to ToS&PP information can be different. For instance, ToS&PP of Wikimedia, which govern the Wikipedia, are drafted by the community and submitted to a collaborative process as well. The result is visible in 2-ways:

- ToS&PP are usually more fair towards users;
- ToS&PP are easier to access and to read.

¹Aleecia M. McDonald and Lorrie Faith Cranor. The Cost of Reading Privacy Policies. I/S: A Journal of Law and Policy for the Information Society, Winter 2008; Online T&Cs longer than Shakespeare plays – who reads them?, Which? Conversation, <http://conversation.which.co.uk/technology/length-of-website-terms-and-conditions/>

²See for instance, Google’s terms and conditions are less readable than Beowulf <http://theconversation.com/googles-terms-and-conditions-are-less-readable-than-beowulf-19215>

ToS;DR's 4 levels of complexity

To remedy this problem and provide a meaningful interface to ToS^oPP, ToS;DR was designed with 4 levels of complexity.

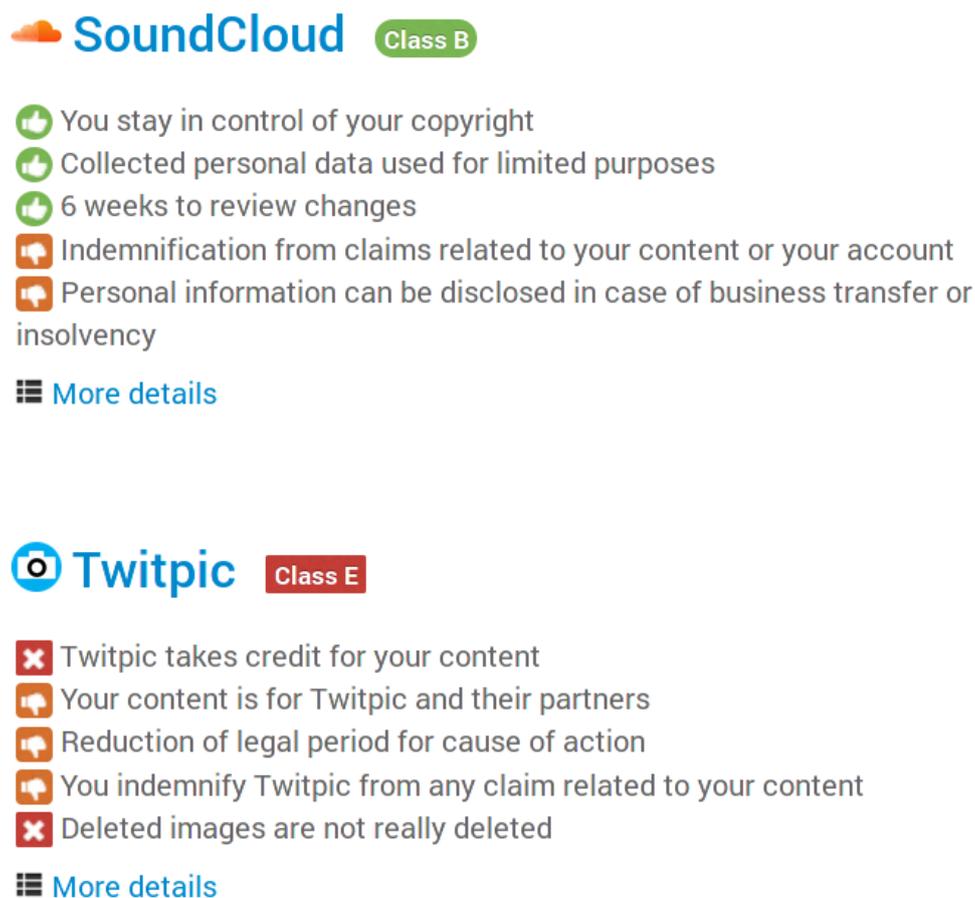


Figure 1: 2 examples of ToS;DR reviews

A class rating system per-service

Provided that enough data has been submitted and reviewed by ToS;DR volunteers, the ToS;DR project assigns a class to web services for their ToS^oPP. Class A services have ToS^oPP which are fair towards users and follow the best practices. Class E services have the worst ToS^oPP, so users should be cautious before using such services.

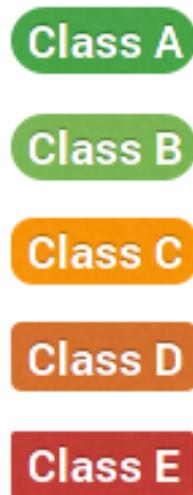


Figure 2: Classes A to E

The inspiration for this was the EU energy label system (first in place for washing machines). Most consumers don't know how to interpret electricity consumption and environmental impact data. Instead, they rely on a simple system combining letters (A to E) and colours (green to red).

A one-dimensional set of icons

Unlike projects such as Mozilla's Privacy Icons (now by Disconnect.me), ToS;DR's set of icons only tries to address one dimension of meaning instead of two.

Indeed, Privacy Icons convey different types of information in only 1 icon:

- rating of the terms, i.e. if the provision being rated is good or bad
- subject of the terms, i.e. what the provision being rated is about (e.g. data retention length, copyright license scope, etc.)
- substance of the terms, i.e. what the terms actually say (e.g. the number of days personal data logs are kept in the system).

We think this results in a set of icons that is itself too complex and thus only adds a layer of complexity without providing meaningful access to the terms.

The ToS;DR icons only address one dimension: the rating. For each provision being rated, there's an icon telling users if the provision is good, neutral, bad, or very bad.



ENERG

енергия · ενεργεια



I

II



ENERGIA · ЕНЕРГИЯ
 ENERGEIA · ENERGIJA
 ENERGY · ENERGIE · ENERGI

280
 kWh/annum

1L

155

5

54

28

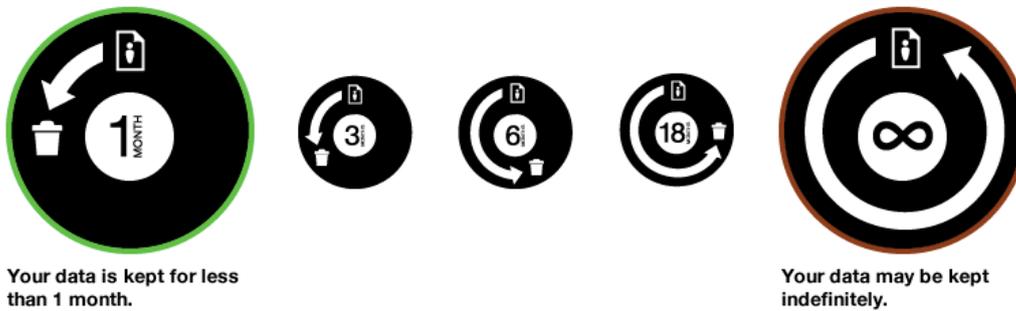


Figure 4: Mozilla's original Privacy Icons approach

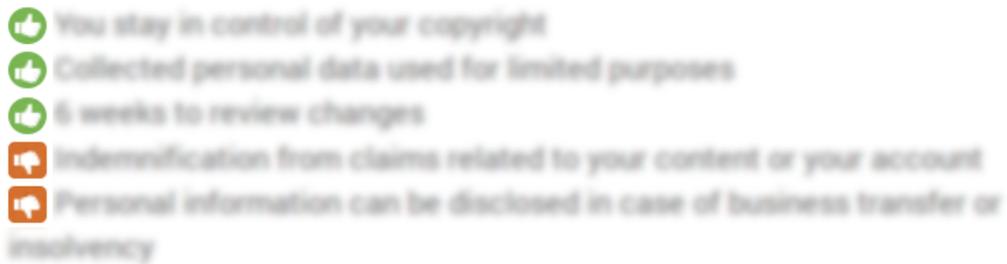


Figure 5: examples of ToS;DR icons

- the icon itself consists mainly in thumbs-up and thumbs-down which are almost universally understood;
- the colours from green to red helps make the rating clearer;
- the shape helps for colour-blind users: rounded icons are softer whereas squared icons remind of poisonous labels.

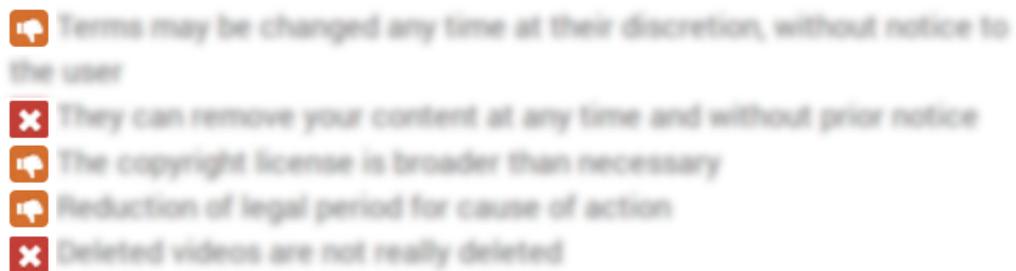


Figure 6: examples of ToS;DR icons



Figure 7: European standard hazard symbol for harmful or irritant chemicals

A title

Each provision being rated gets a title that summarises:

- what the provision is about (subject of the terms);
- what the provision provides (substance of the terms).

- 👍 You stay in control of your copyright
- 👍 Collected personal data used for limited purposes
- 👍 6 weeks to review changes
- 👎 Indemnification from claims related to your content or your account
- 👎 Personal information can be disclosed in case of business transfer or insolvency

Figure 8: examples of ToS;DR titles

The title is short enough to be useful while providing enough information to give the most important data to users.

A description and links

Since ToS;DR aims at giving a meaningful interface to terms, this last layer is a more verbose and detailed aspect summarising in a paragraph what the provision is. This paragraph also gives links to the original source (where possible)

-  Terms may be changed any time at their discretion, without notice to the user
-  They can remove your content at any time and without prior notice
-  The copyright license is broader than necessary
-  Reduction of legal period for cause of action
-  Deleted videos are not really deleted

Figure 9: examples of ToS;DR titles

and to the “discussion” i.e. the work done by ToS;DR volunteers to explain the decisions that lead to the writing of the review.

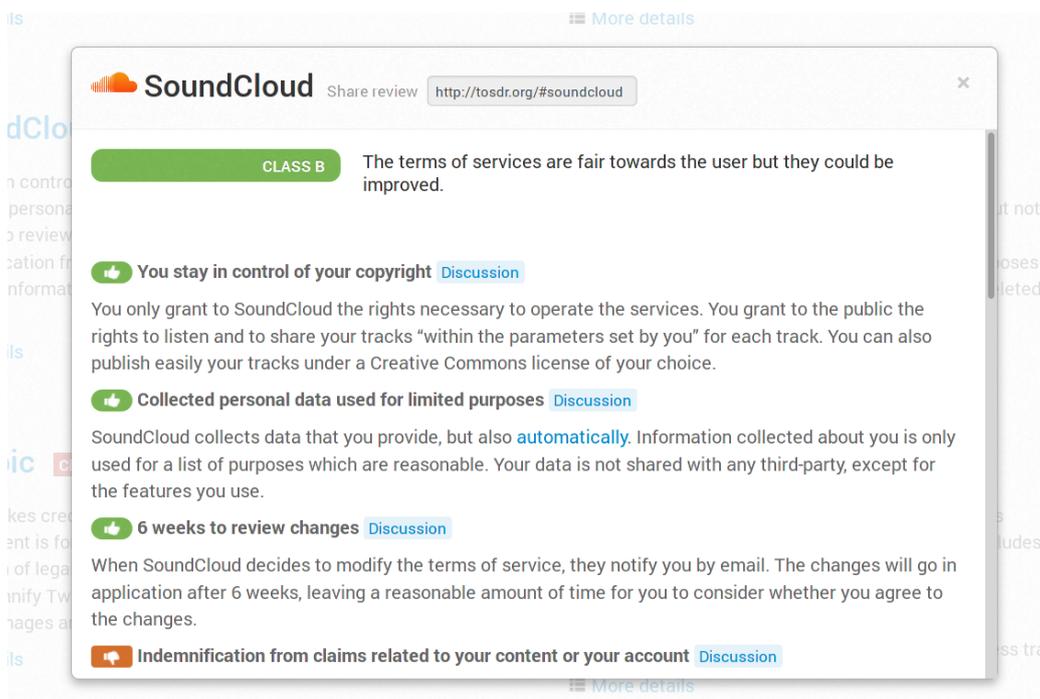


Figure 10: Complete ToS;DR review for SoundCloud