

# HOUSE of TERMS

## FIXING THE INFORMATION PARADIGM WITH LEGAL DESIGN

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### Background

The **information paradigm** is one of the fundamental principles of European Consumer and Data Protection Laws. It is based on the idea that if the individual receives all the relevant information, she will be able to make an informed choice and express a meaningful consent.

However, its effectiveness has been questioned: very few users pay attention to the information that is provided to them in their online experience.

E.g., **56% of Europeans do not usually read terms and conditions** (Eurobarometer Special 447 on online platforms 2016).

### The research hypothesis

**Information duties** are still a **valid means** to ensure the protection and self-determination of users, and to mitigate the problem of information asymmetries. However, such tools are not reaching their policy goal because of the concrete implementation.

**Terms of Service and Privacy Policies** are often long, badly written, and full of legal jargon. At the same time, individuals suffer several forms of bias and degrees of illiteracy.

A **smart disclosure** mechanism, that enhances the information users receive from and about an online platform, may help to fix this failure.

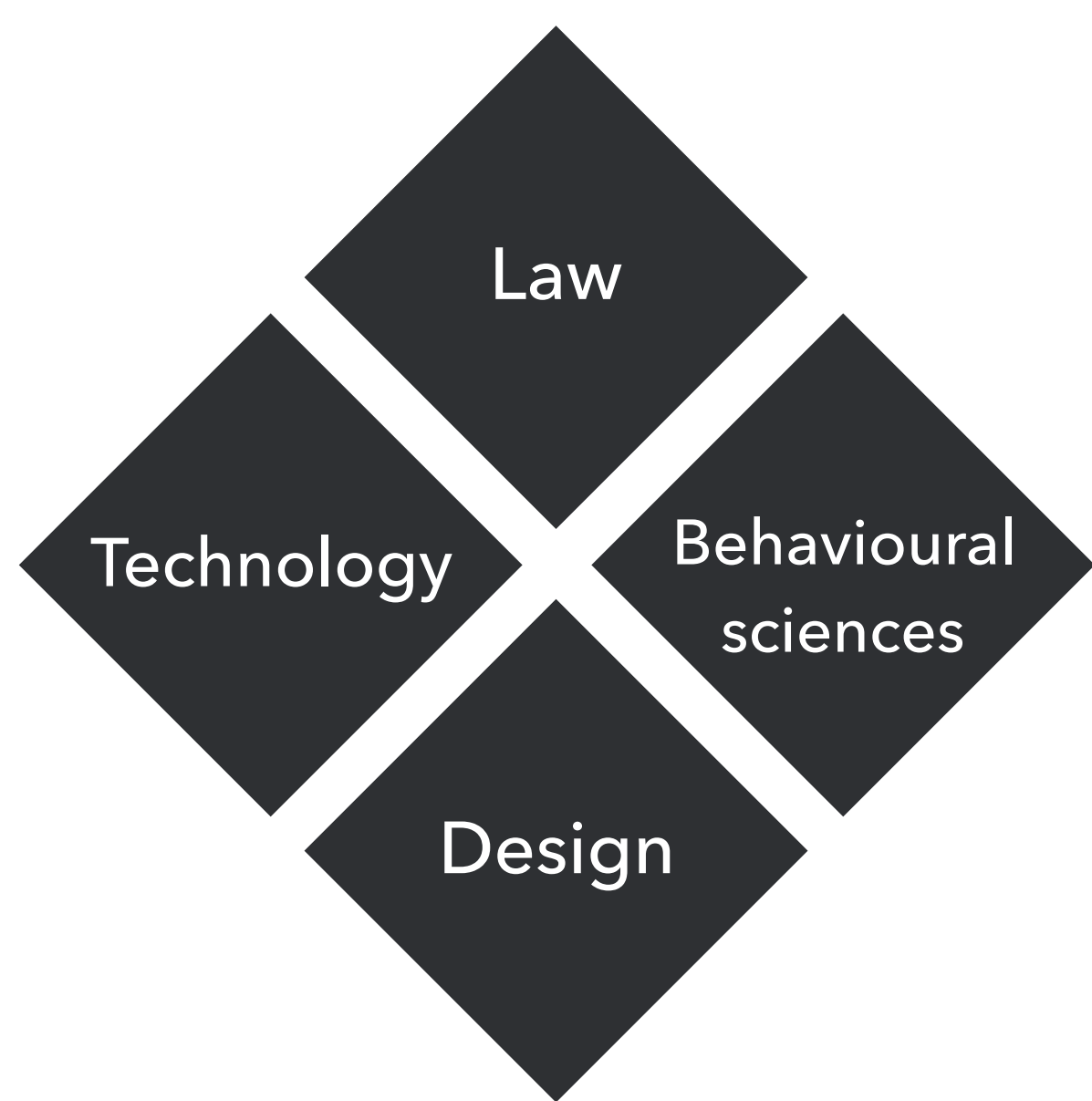
### The Awareness by Design app

A tool to empower users and make them aware of risks, rights and obligations

### Methodology

#### Legal Design

An innovative approach that combines behavioural studies, technology and design to solve legal problems



#### The Awareness by Design app

A **user-centered solution** based on:

#### Labelling

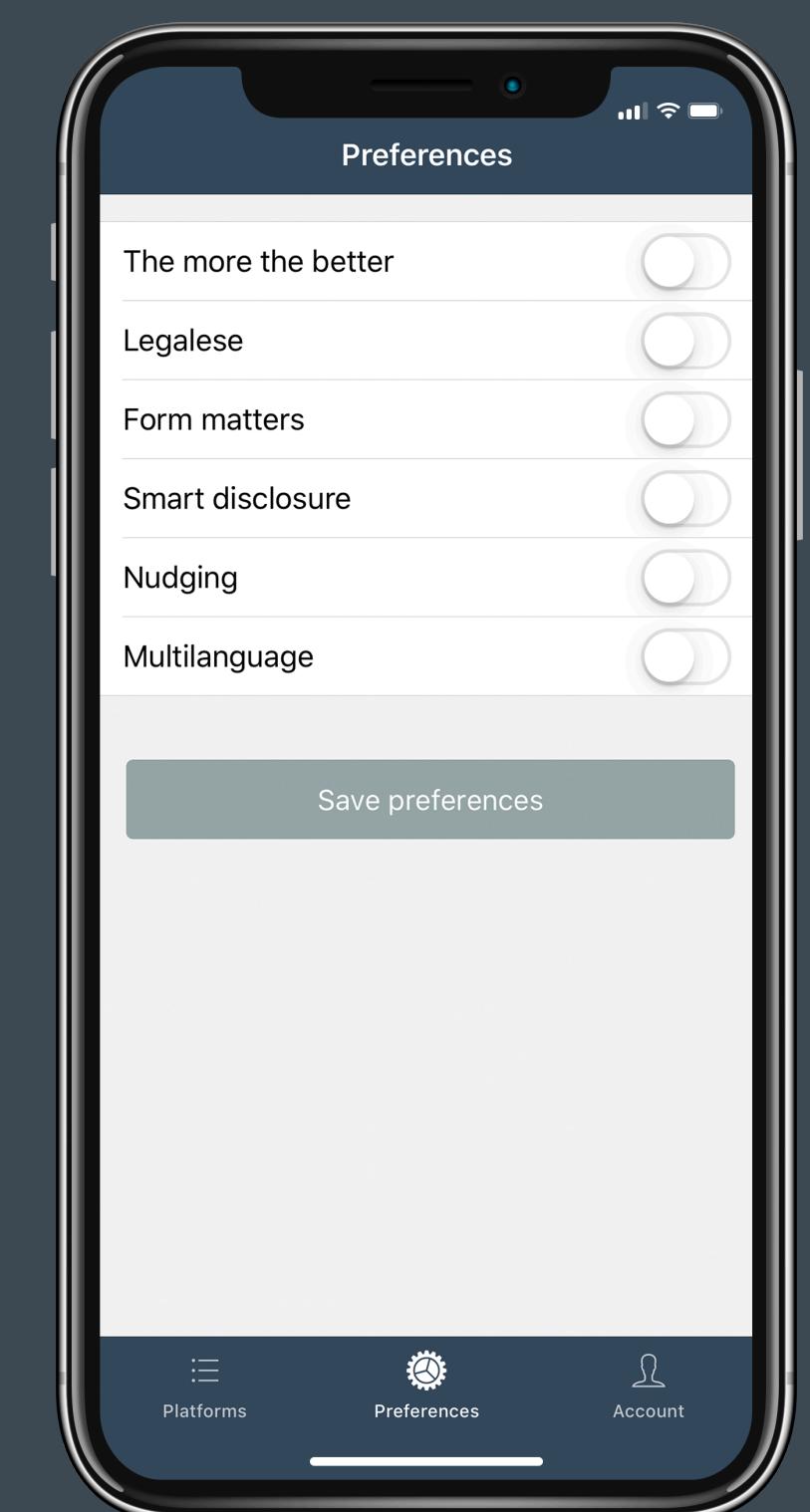
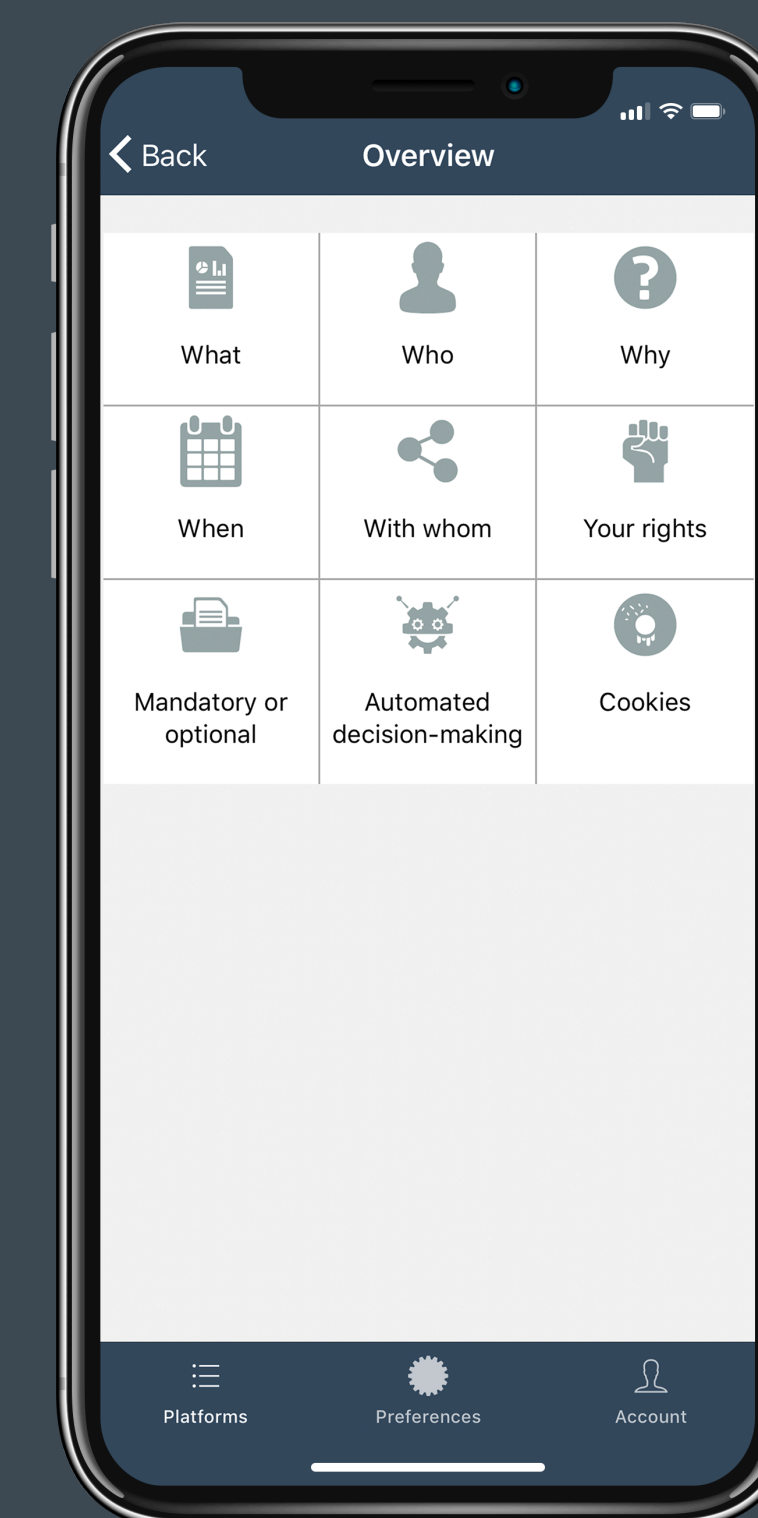
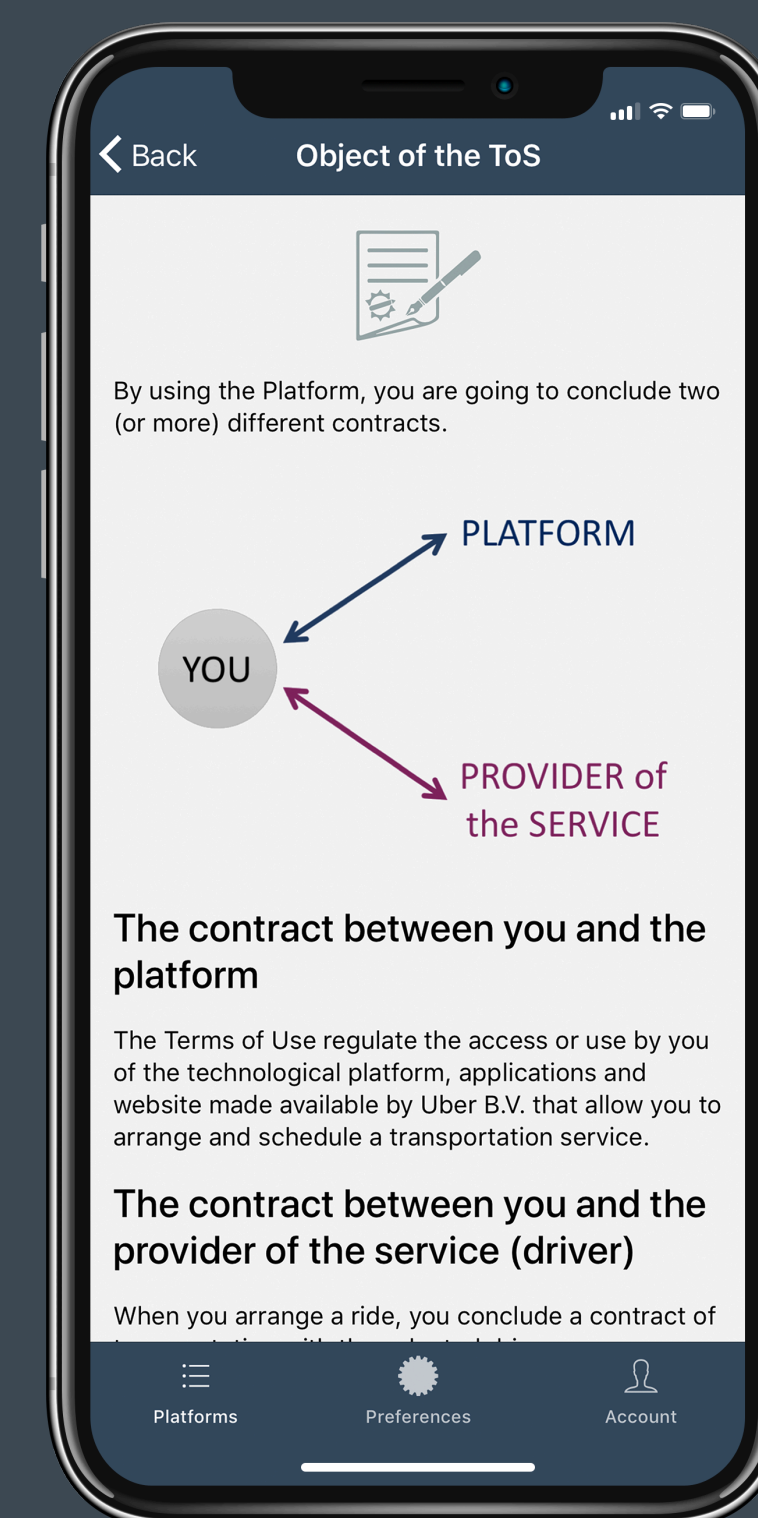
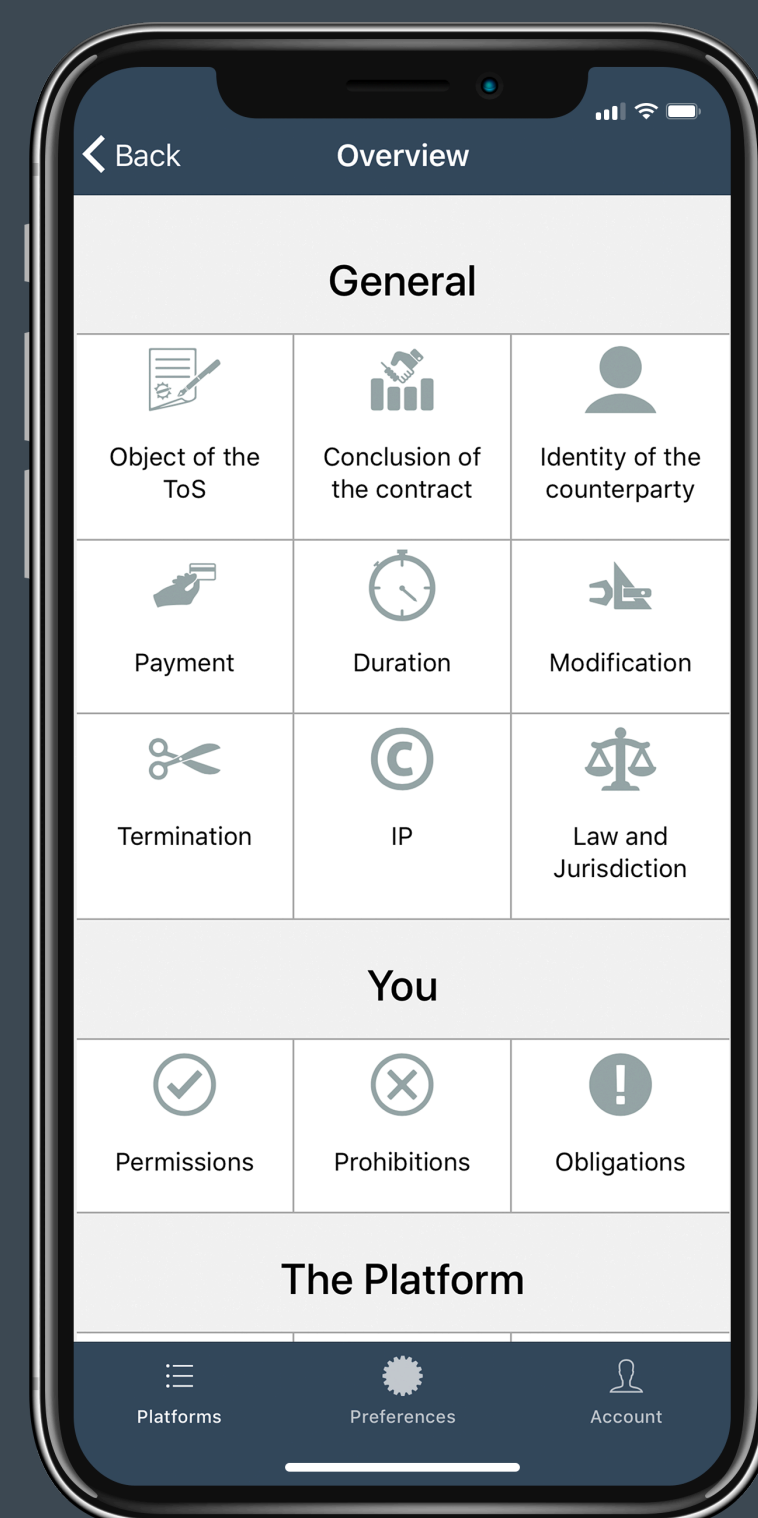
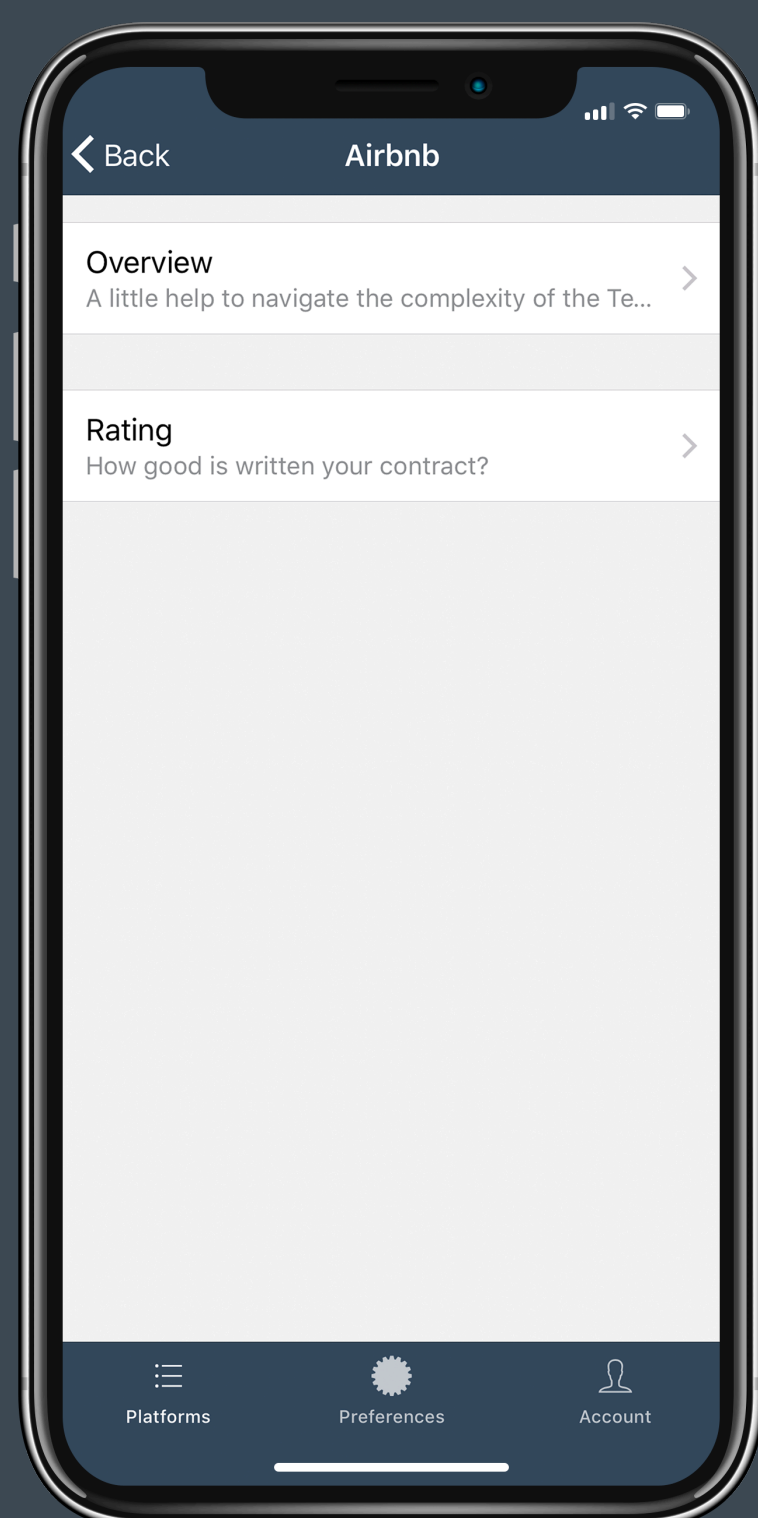
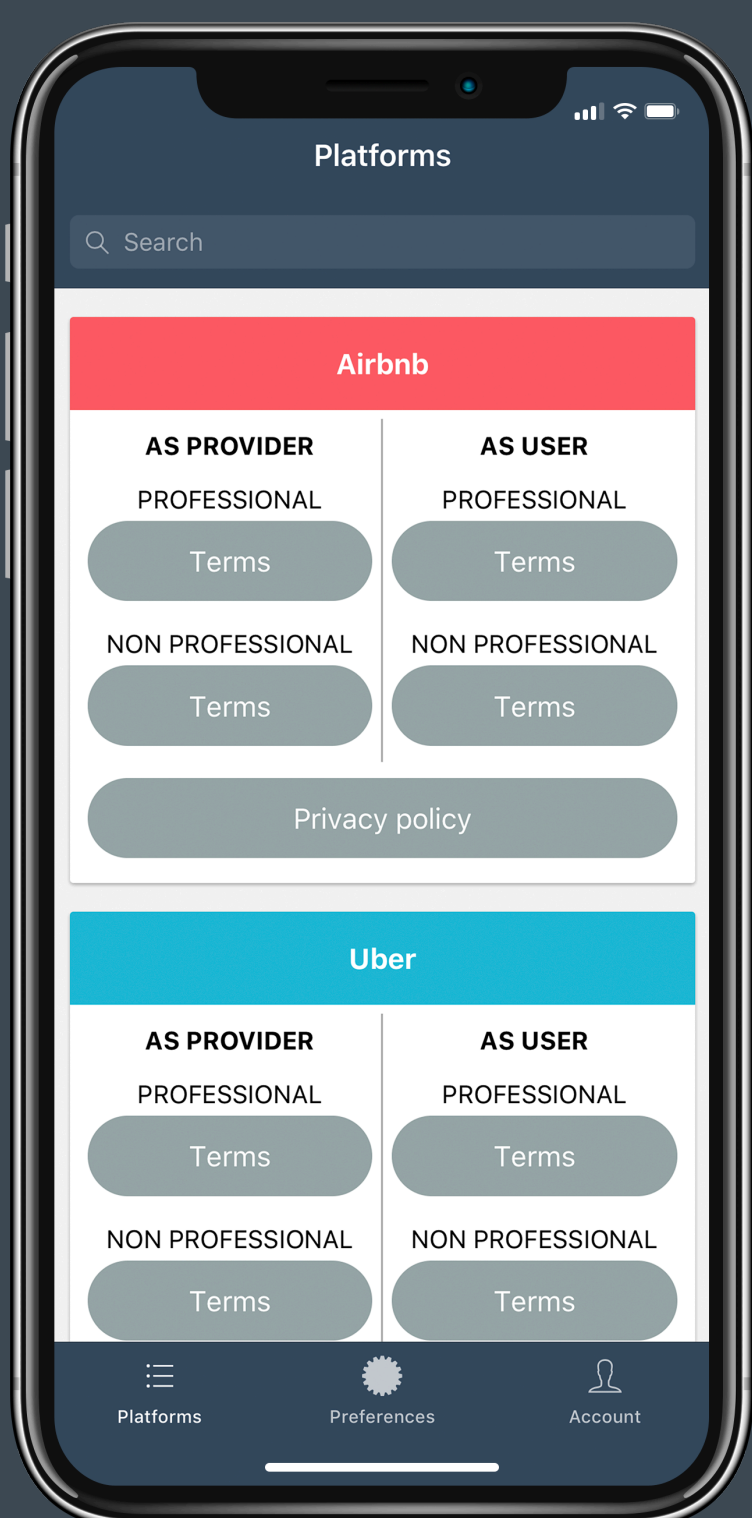
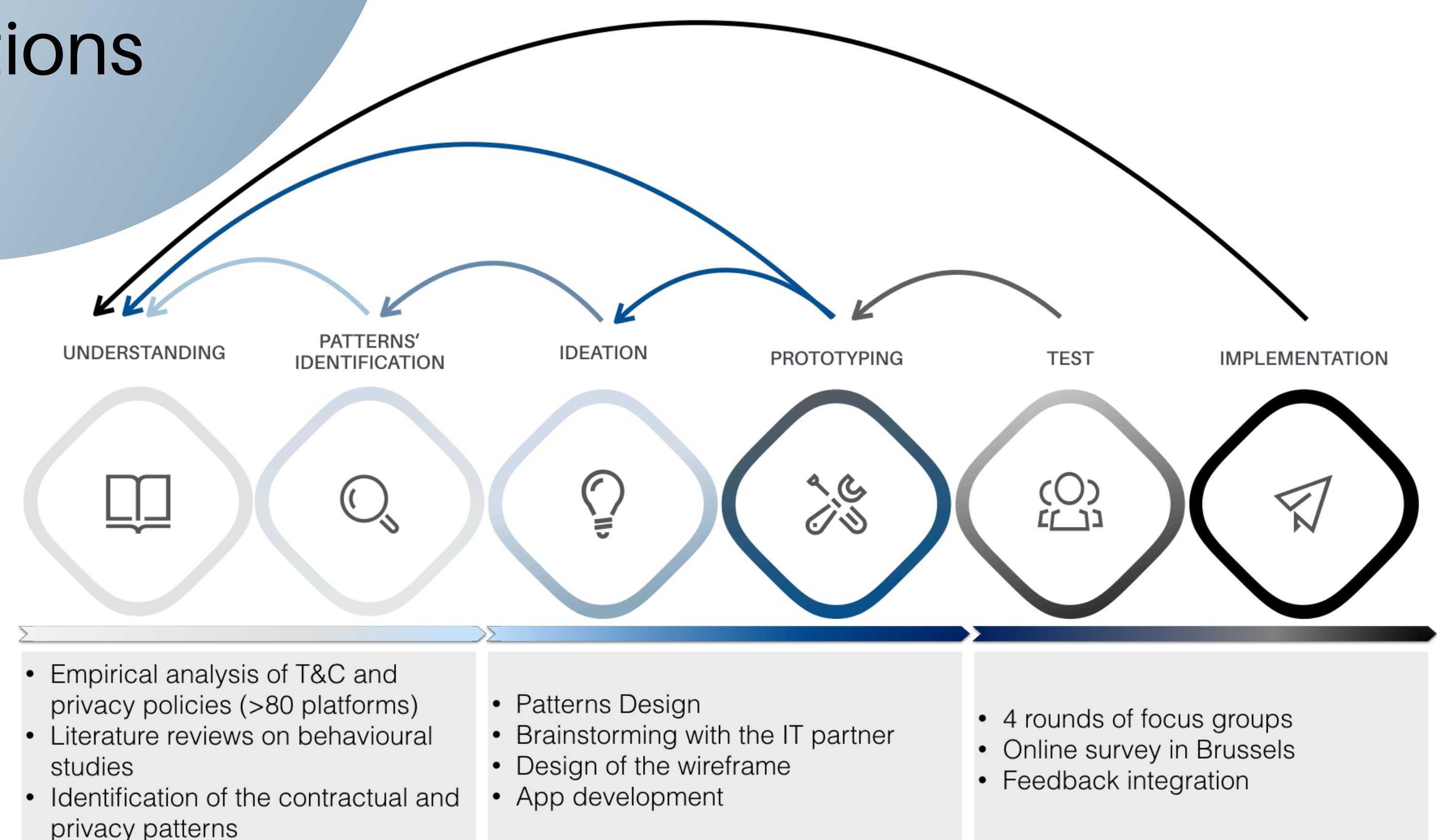
The app will **check** T&C/privacy policies and **alert** the consumer about any peculiar condition

-> Unenforceable and unfair terms will be highlighted

#### Rating

The app will **rate** the “legal quality” of the T&C and privacy policies

### Research Design



Credits: Adrien Ballet, LSM Conseil

### Outcomes

**September 2018:** If the reaction of users will be positive, a **version 2.0** of the app, based on natural language processing, will be designed and launched. The new version will **automatically** analyse T&C and privacy policies.

If the reaction will be negative (the signing-without-reading problem will be confirmed), this will constitute the basis for rethinking a more paternalistic approach in consumer and data protection legislation.

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