

The TLDR Act

Introduced by: Congresswoman Lori Trahan, Senator Bill Cassidy, Senator Ben Ray Lujan

James P. Steyer, Founder and CEO, Common Sense:

"Consent is meaningless when terms of service are long, dense, and full of legalese, making it unnecessarily, or maybe intentionally, difficult for the average person to read through and understand. The Terms-of-service Labeling, Design, and Readability Act makes it easier for consumers to protect their privacy because it requires companies to create summary terms of service statements and facilitate independent analysis and enforcement of these terms. As we continue discussing how to best approach a comprehensive national privacy law to better protect children and families, this bill is an important step to make terms of service more readable for consumers and hold companies accountable for what they put in these terms."

Matti Schneider, Director, Open Terms Archive:

"Large-scale digital service providers have a systemic responsibility in the experience of every user of the Internet. Their terms of services are rules edicted unilaterally that constrain this experience in ways that can be brutal or subtle, but that always tend to leave their users powerless. The information asymmetry between operators and users in what is allowed and what is not on online platforms makes it impossible for citizens to make an informed choice on the services they want to use, and gives undue competitive advantage to the companies that work to make their terms unreadable instead of favorizing actors that try to distinguish themselves by being more ethical and respectful."

"By improving the readability of the main points of the terms and exposing their complexity, the *TLDR Act* will rebalance that market and give back power to consumers. Furthermore, by making those points machine-readable, the *TLDR Act* will support the entire ecosystem of civil society actors and regulators that track the compliance and ethics of service providers, improving the situation in the long term."

Henri Verdier, French Ambassador for Digital Affairs:

"Online service providers occupy a central position which, through the terms of services (ToS), allows them to transform unilaterally their practices and values into *de facto* standards at the heart of many aspects of our existence and our economies. However, they communicate in an insufficiently clear, readable and continuous manner on these ToS. Understanding their content and evolutions has become essential for citizens, policymakers and regulators around the world to appreciate the practices and loyalty of these digital players, as initiatives like Open Terms Archive demonstrate clearly."

"As knowledge is a source of power to restore balance in obscure contractual relationships, the *TLDR Act* will empower consumers and allow researchers to conduct informed studies to the benefit of the international community. It is a much-welcome step to improve the practices of a digital sector in which regulation needs multi-stakeholder cooperation and multilateral coordination. Such an Act could inspire the upcoming European regulations that are currently drafted under the Digital Services Act."

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Dr. Kristin Cornelius, Professor, Cambridge University and UCI:

“The *TLDR Act* would be a manifestation of the goal of my research for the past eight years, and therefore I put all my support behind it. The current system of terms of service (ToS) contracts is both egregious and ubiquitous and relies on standard form contract law that is intended for rote, basic contracts—not the Frankenstein-ish zombie contracts that exist in the margins of every website.”

“Current ToS agreements not only include an endless rabbit hole of allowances for the companies through inter-linked contracts full of legalese, but their displays are also designed with proven, manipulative dark patterns that push consumers into making uninformed choices. Many of these choices involve personal information, children or other vulnerable people, and have wide reaching effects on our lives. They dictate the terms of who sees what information, how the information is curated, and who is allowed to participate in the conversations that take place on their respective platforms.”

“ToS are currently one of the major problems in the information world and this bill is necessary to begin strategically solving some of their issues. Legal precedent is being set with the upcoming vote on ALI’s Restatement of Consumer Contracts, thus this matter needs urgent attention before these practices are set in stone. By labeling clauses and moving toward discretely regulating content such as described in the *TLDR Act*, regulatory efforts could be increasingly effective. This information would create pathways to empower consumers with potential for building upon ways to make labeling consistent, which would then provide the standardization needed for a standard form contract. The goal is not to make the consumer read it; the goal is to create a system so that the majority of consumers are protected even if they don’t. It only takes a small, informed minority to create a fairer environment for all.”