Center for Plain Language
Privacy-policy analysis[1]

A BRIEF INTRODUCTION

Our ranking of the privacy policies:
#1 Google
#2 Facebook
#3 LinkedIn
#4 Apple
#5 Uber
#6 Twitter
#7 Lyft

Personally identifiable information — or PII — refers generally to information used to identify a unique person. Definitions vary, and the law varies with respect to organizations' responsibility to protect PII. Organizations with access to PII typically publish privacy policies, so potential consumers are (theoretically) able to understand their privacy rights and evaluate the risks they will take by associating with the organization.

A privacy policy that consumers are unlikely to read or understand provides no protection whatsoever.

When TIME.com began evaluating a variety of Internet-based companies' privacy policies, they sought help from the Center for Plain Language. The Center is a 501(c)(3), non-profit organization that helps government agencies and businesses write clearly.[2] The Center:

- Supports plain-writing legislation.
- Grades government writing through its Federal Report Card.
- Celebrates good writing through its ClearMark Awards.
- Publicizes bad writing through its WonderMark Awards.
- Connects companies and plain-language consultants.
- Blogs about plain language.

In response to TIME.com's request, the Center evaluated seven companies' policies to determine how well they follow plain-language guidelines. "A communication is in plain language if its wording, structure, and design are so clear that the intended readers can easily find what they need, understand what they find, and use that information."

The results of our study are quite consistent, especially at the top and bottom of the rankings: Google and Facebook do a good job of communicating their privacy policies in a way that allows consumers to understand and make decisions — at least motivated consumers. And Lyft and Twitter do a poor job of communicating those policies. The remaining companies — LinkedIn, Uber, and Apple — do better in some areas than others.

---

[1] This project was led by Julie Clement of J. Clement Communications. Julie retired after 16 years as a legal-writing professor. She now trains, coaches, and consults with law firms, government, and businesses in the areas of plain language and legal writing. She serves on the Center for Plain Language's board of directors and is the editor in chief of *The Clarity Journal*, the journal of the international organization for plain legal language.

[2] http://centerforplainlanguage.org/

HOW WE DID THE STUDY

We used expert judges and Acrolinx—a "content-optimization platform" to evaluate online privacy policies for the following:

- Two Internet ecosystems: Apple and Google
- Two Internet-based ride-sharing services: Lyft and Uber
- Three social-media services: Facebook, LinkedIn, and Twitter

We evaluated the policies at three levels:

- Organization, navigation, signposting, and information design
- Sentence level topics, such as sentence structure, word choice, and tone
- The "spirit" of the law

The first category or level looks at what specialists consider the key components of comprehension — the higher-order concerns that allow a reader to become oriented to the information, to locate information, and to truly create meaning. The second category looks at what specialists consider the key components of decoding, or the lower-order concerns, that allow a reader to translate the letters into words, words into sentences, and sentences into understanding. And the third category allows us to look beyond the letter of the law — which all companies will have met — to judge whether they have done more to ensure that their policies are transparent.

We used Acrolinx, the same program we use for the Center's Federal Report Cards,[3] to create the sentence level scores. We used a variation of the Center's ClearMark[4] criteria to evaluate the other two categories.

We used expert judges and an online platform to evaluate three categories:

- *Higher-order organization & design components*
- *Lower-order components at the word and sentence level*
- *Whether the companies respect the spirit of the law.*

CATEGORY 1: ORGANIZATION, NAVIGATION, SIGNPOSTING, AND INFORMATION DESIGN

The judges

Three plain-language experts judged the privacy policies for higher-order concerns, along with sentence-level concerns. All three judges serve as Center for Plain Language board members.

Deborah Bosley, PhD, The Plain Language Group. Deborah has spent the past 20 years working with Fortune 100/500 corporations, attorneys, government agencies, and non-profits to create written information that meets regulatory requirements and is easy for people to understand and use. TPLG offers research and testing, training, revision and redesign, and consulting.

Meghan Codd Walker, Zuula Consulting. Meghan is a writer and content expert who helps clients understand — and unleash — the power of clear communication. Her client experience ranges from fashion

[3] http://centerforplainlanguage.org/report-cards/
[4] http://centerforplainlanguage.org/clearmark/

designers to social justice campaigns, but she specializes in supporting the financial services industry.

Jeff Greer, Digital Content Strategist, Blue Cross Blue Shield of Michigan. In his role at Blue Cross, Jeff is responsible for the content strategy and delivery of the company's websites. He focuses on using plain language and simple interactions that help Michigan make sense of health insurance.

Judging criteria

The judges used the seven categories below to assess the policies. For each category, judges were asked to consider a variety of questions, and to rate the policy as outstanding, above average, competent, spotty, or clueless in that category.[5]

Understanding audience needs
• *Is the notice's writing, tone, and presentation appropriate to the target reader?* • *Is it clear what the reader should learn from this notice?* • *Does the notice offer user-friendly capabilities? For example, are key words defined as rollovers or links?*
Structure & navigation
• *Are the notice's sections clearly organized and labeled?* • *Does the notice use advance organizers, such as tables of contents, sidebars, or overviews?* • *Will labels (if any) help users predict what is in each section?* • *Is the content presented in a logical way?*
Presentation & information design
• *Does the notice include typography, color, white space, or similar tools to guide the reader's attention?* • *Does the layout and presentation make the notice easy to scan?* • *Can you tell by glancing at the notice where the important information is?*
Pictures, graphics, & charts
• *Do the pictures, graphics, or charts correspond to and support the content in the notice?* • *Will they help readers understand important points better or guide them on their decision to interact with the company?* • *Conversely, are they included merely to provide something other than words to look at?* • *Would the notice be easier to understand if it included more or different graphics?*
Overall impression
• *Will users be able to find, understand, and act confidently using what they learn in this notice?* • *Will the notice help the company achieve business goals?* • *Would you use this notice as an example of effective plain writing and information design?*

[5] The judges also evaluated the policies on writing, voice, and whether the policy honored the spirit of the law. These categories are addressed later in this report.

Although the ranking in individual categories varied slightly, the judges weighed these categories with lower-order concerns like sentence structure and average sentence length to assign an overall score. The judges ranked the higher-order concerns as follows:

Company	Overall		Specific concerns			
			Audience needs	Structure & Navigation	Information Design	Graphics
Google	**1**		1	1	2	5
Facebook	**2**		2	2	1	1
LinkedIn	**3**		2	3	3	2
Apple	**4**		4	5	5	2
Uber	**5**		5	4	4	4
Twitter	**6**		7	7	6	6
Lyft	**7**		7	6	7	7

The judges' comments below provide context for their rankings. Generally speaking, the easier a policy was to navigate, the higher the rank, and this makes sense. Consumers need to be able to find the information they are looking for. Whether they can then understand and use that information is a separate issue. Although the judges were asked to rate the policies' use of graphics, the lack of graphics overall made this category largely meaningless. In some instances, judges felt that graphics might help, but for companies that used organization and navigation tools effectively, the judges concluded that additional graphics were not necessary.

Judges' comments on higher-order concerns	
Understanding audience needs	• *I think this is the first privacy statement I've seen with "welcome" in the headline. What a nice way to set the tone that the company is hoping its customers will read and review this policy.* (Google) • *The summary section reflects how people read online. They scan. By providing this overview, LinkedIn can increase the likelihood that people will walk away knowing a basic understanding of their privacy expectations and responsibilities.* • *This looks and reads like a legal document, written more for lawyers than everyday customers. The first paragraph is oddly focused on the company, not the customer. And I think this is a good example of the challenge with this statement. It seems to be more focused on addressing the legal needs of the company than helping the consumer protect her privacy.* (Twitter) • *This privacy policy is what makes plain language professionals like us still have jobs.* (Lyft)

Structure & navigation	• *Easy to follow and find your place. I really like the simple explanation pop-ups they provide for many scenarios.* (Google) • *The organization and navigability of this notice is exceptional.* (Facebook) • *The content is presented logically and clearly, but I wish they had included a table of contents. Without that, I didn't know what information to expect and where to look for specific questions.* (Uber) • *No clues at all to what's coming nor how to get there.* (Twitter) • *No links or list of sections at the top, so navigation is awful.* (Lyft)
Presentation & information design	• *You can find the information you need. I do think the bullet hierarchy could be more differentiated. Because they do a good job with white space (thanks!), when you're scrolling, it can be hard to determine what a sub-bullet relates to or where it exists in the information hierarchy.* (Google) • *This is the most visually appealing privacy statement I have ever seen. The use of typography is exceptional. It's very easy to fast forward to a section through the navigation menu.* (Facebook) • *Easy to scan, but you can't find anything in particular. Have to scan entire doc to find info you may want.* (Apple) • *This is simply words on the page with little understanding of how the audience interacts with it.* (Lyft)

CATEGORY 2: SENTENCE-LEVEL ANALYSIS

We used the Acrolinx system to evaluate the policies at a sentence level. Acrolinx allows users to identify and test a variety of communication characteristics, to ensure they are communicating precisely the way they intend to their target audience. We focused on plain-language characteristics, and then tested the seven privacy policies on that basis. **Kath Straub**, PhD, led this section of the study. As the principal of Usability.org, Kath applies the psychology of behavior to help clients better understand, motivate, and communicate with customers.

We know that Internet users readily admit that they don't read privacy policies at all. But to have anything to evaluate, we predicted that — at best — readers might skim a single page. So we used Acrolinx to analyze page 1 of each policy. We looked at:

- Overall compliance with plain-language guidelines
- Rate of plain-language flags identified per sentence (fewer flags per sentence is better)
- Voice (including readability, informality, and liveliness)
- Average words per sentence (again, fewer words per sentence is better)

Google outperformed the other companies in every category but one: Google ranked #2 in informality. Only Facebook ranked higher in the Informality category. At the other end of the scale, Lyft ranked last — #6 or #7 — in all categories. Twitter ranked #6, performing only slightly better than Lyft.

The judges, too, assessed writing and voice, although they took a slightly different look at voice. Rather than assessing readability, informality, and liveliness, the judges considered whether

the policies felt credible and sincere — did the word and style choices convey respect for the reader, and did the company provide relevant information in a balanced way (without over- or under-selling their points)?

In assessing writing, the judges looked at whether the policies used plain-language guidelines, but they also considered whether the writers included effective transitions between sentences, paragraphs, and sections. The judges' rankings for these lower-order concerns were only slightly different than the Acrolinx rankings.

Company & rank		Acrolinx						Judges	
		Overall Compliance w/ plain-language guidelines	Fewest flags/ sentence	Voice			# of words/ sentence	Writing	Manner or voice
				Read-ability	Infor-mality	Liveliness			
1	Google	1	1	1	2	1	1	1	1
2	Facebook	5	2	2	1	4	2	2	2
3	LinkedIn	2	3	3	3	2	3	3	3
4	Apple	3	4	4	5	3	4	6	5
5	Uber	7	7	5	4	6	5	4	4
6	Twitter	4	5	6	6	5	6	5	6
7	Lyft	6	6	7	7	7	7	7	7

Although the individual category rankings vary from company to company, Acrolinx founder Kent Taylor explained that "overall compliance is basically a measure of the quality of copy editing. The rest of the scores are better measures of overall 'quality.'" For example:

- A short document (fewer words) is more likely to be read to the end.
- A document with shorter sentences (fewer words per sentence) is easier to read.
- Readability is heavily weighted by words per sentence, but also considers the types of flags encountered. Complex words and sentence structure, noun strings, archaic words, unnecessary words, separated verb parts, split infinitives, etc. have a negative impact on readability – especially for poor readers and non-native speakers.
- Liveliness and Informality measure the "tone" of the document, and the "right" score depends on the author's intent. A very formal tone — low informality score — may be required for legal reasons, but tends to turn readers off. Higher liveliness scores tend to keep readers engaged.

In light of these considerations, we determined that Google — followed closely by Facebook — clearly ranked first, and that Lyft clearly ranked last (with Twitter only slightly better). And while we ranked the other three companies, the final differences were negligible.

Looking at some specific factors, we found that each of the policies here suffers from far too many lengthy sentences. Ideally, sentence length will vary, and most sentences should be well under 25 words, especially with a broad customer base. But compare this guideline to Lyft's policy, which has the highest average words per sentence, including a 100-word sentence.

Lengthy sentences can easily be broken into shorter, more direct sentences. Consider, for example, this 33-word sentence from the Google policy:

We will post any privacy policy changes on this page and, if the changes are significant, we will provide a more prominent notice (including, for certain services, email notification of privacy policy changes).

Although the sentence is not difficult to understand, reader fatigue sets in quickly with long sentences. Even breaking the sentence up would improve readability:

We will post any privacy-policy changes on this page. If a change is significant, we will provide a more prominent notice. For some services, that might include sending you an email about the change.

Acrolinx identified hundreds of sentences that violate plain-language guidelines. Standing alone, the individual flagged sentences are unlikely to interfere with a reader's ability to understand and use the information. But the more issues — and the more issues per sentence — in a document, the greater risk of communication failure. When these issues are combined with complex information, such as legal rights and technology terms that might not be familiar to many readers, they can guarantee that the reader will not understand (or be able to use) the information. Perhaps more importantly, most readers will be unlikely to read the document at all.

Acrolinx flagged these violations of grammar and plain-language guidelines, along with many others:

- Avoid noun/adjective confusion
- Avoid complex coordination
- Avoid complex sentences
- Avoid archaic words
- Use "this/that/these/those" with noun
- Avoid Latin expressions
- Avoid complex or long words
- Use comma after introductory phrase
- Avoid cliché
- Avoid series of nouns
- Avoid passive
- Avoid negative compounds

Below are just a few examples of the sentences Acrolinx flagged, along with simple corrective suggestions.

Issue	Original	One improvement	Additional suggestions
Avoid complex sentences	*We receive Log Data when you interact with our Services, for example, when you visit our websites, sign into our Services, interact with our email notifications, use your account to authenticate to a third-party website or application, or visit a third-party website that includes a Twitter button or widget.*	*We receive Log Data when you interact with our Services. Some examples of those interactions include:* • *visiting our websites* • *signing into our Services* • *interacting with our email notifications* • *using your account to authenticate to a third-party website or application* • *visiting a third-party website that includes a Twitter button or widget.*	Many readers will not understand what Twitter means by "our Services." Likewise, they may not understand what it means to "interact with" email notifications: Does this mean read them? Answer them? Something else? And what does it mean to "authenticate to a third-party website or application"? Using clearer language would aid understanding
Avoid negative compounds	*Uber does not share . . . unless . . .*	*Uber only shares . . . if . . .*	

Avoid complex coordination	*When you share your content with family and friends using Apple products, send gift certificates and products, or invite others to participate in Apple services or forums, Apple may collect the information you provide about those people such as name, mailing address, email address, and phone number.*	*At times, we may collect information you share with us about your family and friends. This can happen when you* • *use our products to share content with family and friends using Apple products,* • *send gift certificates and products, or* • *invite others to participate in our services or forums.* *The information we collect might include names, mailing addresses, email addresses, and phone numbers.*	Providing more specific examples of activities that might result in Apple collecting others' identifying information would aid understanding.
Avoid complex coordination	*Our automated systems analyze your content (including emails) to provide you personally relevant product features, such as customized search results, tailored advertising, and spam and malware detection.*	*Our automated systems analyze your content (including emails) to provide you personally relevant product features. Those features can include customized search results, tailored advertising, and spam and malware detection.*	Be far more direct. This sentence means that Google looks at everything we do online (including the email we send and receive), and it uses that information to anticipate what we need, what we're looking for, or what we might buy. Google then puts information in front of us to satisfy those perceived needs and to sell things Google and its affiliates think we'll buy.

Acrolinx also provides guidance on its "Voice" categories — another area in which all companies could improve:

- **Readability**. *Readable text is easy to read and understand. . . . You do this by writing in a simple style that is easy to read. Your goal is to ensure that your readability score is appropriate for your content.* Acrolinx uses several readability formulas, including Flesch-Kincaid Reading Ease and Grade Level scores, Gunning-Fog Score, Coleman-Liau Index, and others.
- **Informality**. *An informal writing style sounds a lot like how we speak. It is relaxed and colloquial. You can use an informal voice to reduce the distance between yourself and your readers. You build more of a personal bond with your reader. . . . [A] really informal voice might not be appropriate for a quarterly report to external shareholders. Your goal is to ensure that your content has the appropriate level of informality for your target audience.*

- **Liveliness**. *Lively text is exciting and compelling to read. Liveliness is important when you want to convince the reader and inspire confidence. Your goal is to ensure that your content has the appropriate level of liveliness for your target audience.*

CATEGORY 3: SPIRIT OF THE LAW

Privacy laws vary widely. Specific laws govern health and education-related information, but companies may be governed by federal law and by the laws in more than one state. International companies — as here — are also governed by the privacy laws in countries where they operate. So we started with the presumption that these policies do comply with the letter of the law — whatever law might apply. And then we asked the judges to consider whether the policies honored the spirit of the law, using the following questions for guidance:

- *Does the notice make it easy to understand how the company uses and shares personal information?*
- *Does the notice provide the reader with a sense of context — where this company falls on the continuum of providing as much protection as possible to providing only the protection required by law?*
- *Does the notice make it easy for readers to know what — if anything — they can do to limit the company's use and sharing of personal information?*

The judges' comments and scores suggest that this category was difficult to judge. And in fact, the questions we posed made this assessment far more subjective than the other category assessments. Still, the results were relatively consistent with the other two categories: Google led the pack, while Lyft and Twitter ranked at the bottom.

Company	Spirit of the Law
Google	1
LinkedIn	2
Facebook	3
Apple & Uber	4
Twitter	6
Lyft	7

The following judges' comments add some context to their rankings:

- *The section on information sharing is particularly well organized and comprehensible. The combination of examples and plain writing make it fully clear to the average user what information Google can and would share under specific circumstances.*
- *Yes, it's very clear how the company uses personal information. And the "Privacy built in" page makes it perfectly clear how Apple does not use information.*

- *Their "Choice/Opt Out" section captures the clueless nature perfectly. "Choice/Opt Out. Lyft provides Users the opportunity to opt-out of receiving communications from Us and Our partners at the point where We request information about the visitor. Lyft gives Users the option to remove their information from Our database, to not receive future communications or to no longer receive Our service." So they tell you that you have the option to do these things, but provide no real guidance on how to do so.*
- *Google does a great job of explaining why and how they share your information. I'm not sure where they stand on the continuum, but I do feel like I know how to limit how they share my information.*

A CLOSER LOOK AT THE SPECIFIC POLICIES

With few exceptions, each policy has strengths and weaknesses. While some companies are considerably better than others at communicating their privacy policies, every policy has room for improvement. A selection of judges' comments and examples of Acrolinx-identified issues are included below.

> *"No privacy notice is perfect, but Google has created a good model for a clear, plain language approach. I'm at times skeptical/concerned about how much access Google has to my personal information, but this notice's audience-focused approach actually increased my trust in them."*

Google

Google ranked first overall and in nearly every category. But its privacy policy still leaves room for improvement. For example, Acrolinx flagged 45 sentences for excessive length, with sentences ranging from 27 to 52 words. Still, Google ranked #1 even in this in this category, with an average sentence length of only 10.1 words. These judges' comments illustrate the most significant strengths and weaknesses of Google's privacy policy:

- *I find this sentence particularly moving: "This is important; we hope you will take time to read it carefully." This does show respect. In addition, it's almost as if Google is saying they want to earn my trust by sharing this important information with me. And in addition to showing concern, they provide a specific link to where I can control my privacy as a Google customer.*
- *The writing of the rollovers is particularly crisp, though at times I wish those examples were built into the body of the text.*
- *Great list of sections on left panel. Makes scanning and navigating easy. Headings used well. Logical presentation.*
- *The document is clearly and logically organized, and the use of bold text, anchors and bullets turns what could be a relatively flat wall of text into a scannable, easy-to-follow document.*
- *I would have rated this notice outstanding, except for one primary complaint: Definitions should appear as a pop-up (as they do with many underlined explanations) rather than a link to a glossary, which requires you to read then return to the previous page.*

- *I marked this above average, mostly because the average pays no attention to [design] elements such as this. . . . Even though this document is not artful by any means, it's easy to scan to find what I need. I just wish the writing was better in parts.*
- *[Pictures, graphics, and charts] is definitely an element that's missing, and could take the burden off the popcorn effect of so many rollovers.*
- *No privacy notice is perfect, but Google has created a good model for a clear, plain language approach. I'm at times skeptical/concerned about how much access Google has to my personal information, but this notice's audience-focused approach actually increased my trust in them.*

Facebook

The judges appreciated that Facebook stayed true to its brand in designing a privacy policy—this generated trust and a conclusion that Facebook wants its customers to understand the privacy notice. Still Facebook could improve its communication even by using shorter sentences, and through better use of graphics.

- *Looks like a FB page, which is good. Voice is in keeping what you'd expect from FB.*
- *I think the pictures and graphics are great, but I want more of them. There are a few places where the notice advises customers on how to do something, such as deleting their account, that could be better explained through a combination of screenshots and text.*
- *I think we should note the difference between the Apple and Facebook policies. Apple points out how they minimally store customer data. Facebook, in the "What kinds of information" section, documents just about every interaction a customer has, and then talks about how those interactions are collected and stored. I'm marking this as above average not because I agree with Facebook's practices, but because they've clearly communicated those practices.*
- *Love the use of color to designate sections, like the visuals at the top [and] colors of section headings.*
- *Their presentation and use of graphics and color was outstanding compared to the other policies. A breath of fresh air from all the other text-heavy policies.*
- *The section introductions are exceptionally well written. Like some of the other notices we've reviewed, the meat of the document has long sentences and can be hard to follow for readers scanning the web.*
- *Facebook seems to want people to understand their notice. I appreciate that unlike the other companies, who notify users of privacy changes after they make them, Facebook notifies you beforehand and gives you an opportunity to review and comment before continuing to use their services.*
- *Some of the paragraphs could be shorter, and they need more bulleted information at points, but Facebook's notice is nonetheless easy to navigate and find the information you need. It's not perfect plain language, but they're doing a good job.*

LinkedIn

LinkedIn has helpful navigation tools, but judges found that those tools could be more self-explanatory, with less needless repetition. On the surface, the LinkedIn policy notice suggested a desire to communicate clearly, but this was not carried out in the meat of the policies, which could benefit from shorter sentences and better organization tools.

- *The summary sidebars and section headers make understanding what is in each section much simpler. The left-side summery is helpful, but I think they need more headers and bulleted information.*
- *The summaries on the left side of the screen seem to me to be the most important points. Why, then, not just give the reader those points? Also, the sidebars aren't given a heading, so it took me a bit of time to realize they were summaries.*
- *The tone is generally friendly and sounds like they were trying to avoid legalese.*
- *I appreciate LinkedIn's obvious efforts to make their privacy policy easier to understand. The left-column summaries are very helpful and give a decent overview of everything you need to know. But when you dive deeper into the more thorough policy, I think the language and structure leave something to be desired. The sentences should often be shorter, and the lack of headers and bullets within sections make wading through the content harder--even if it mostly avoids jargon. I would use this privacy policy as a "good intentions but not quite there" example of plain language.*
- *I think there is a lot to like about this document. But it's also a missed opportunity. In some ways, a good line editing, combined with shorter paragraphs, could have significantly improved the usefulness of this document.*

Apple

The judges found Apples' privacy policy disappointing, especially in light of the company's proven success in communicating with its customers. The weak organization and navigation tools, combined with an inconsistent voice and message, left the judges feeling that Apple does not want its customers to read its policies.

- *Considering the wide range of Apple users, the language and structure could be simpler than it is. The notice isn't convoluted, but it's not easy to read, either.*
- *For the company that understands visual marketing better than any other, the absence of visuals in the privacy notice is a disappointment.*
- *The notice seems to have some respect for the audience and feels credible. But I don't think they genuinely want people to read the notice, given how they've hidden the paths for adjusting how you share your information.*
- *This notice is not a good example of effective plain writing and information design. With that said, you could probably find the information you need--if you read the notice in its entirety.*
- *Slips back and forth between conversational and more legalistic voice. Irritating.*
- *Areas such as the first two paragraphs are written clearly and helpfully. But the sheer volume in text in many of the paragraphs in this document makes it somewhat uneven. The unevenness can be seen by comparing a well-written, clear section such as "How we use your personal information" to a section such as "Cookies and Other Technologies," which is an intimidating wall of text.*
- *This is a thorough and comprehensive document, and it is written in a way that an engaged reader can understand. However, it seems that the privacy topics that a reader would most care about, the privacy of personal communications and documents, is buried in a link called "privacy built in" at the top of the page. If Apple could bring the tone and voice of the* Privacy Built In *page to this privacy notice, it would be a more usable, enjoyable document for customers.*

Uber

The judges found Uber's writing inconsistent, at best. Sentences were too long, and judges felt that Uber missed an opportunity to communicate with its customers—choosing instead to communicate in language more appropriate for lawyers. Judges were also frustrated with the difficulty customers will have in exercising their privacy choices.

- *There are a few examples of clear, concise writing, such as, "When you use our Services, we collect information about you . . ." But those examples are spotty, and in general the sentences and paragraphs are too long, which makes it hard for the web reader to scan. I think this one is pretty good with jargon, most of the terms used are fairly easy to understand for the average customer.*
- *Outside of the short introduction, there's nothing here that distinguishes the tone. It feels and reads like a document written by lawyers for people who don't really read this kind of document. This could be softened with the use of contractions, or better yet, a plain language translation of the legalese.*
- *I find the "your choices" section particularly frustrating. Each one of these bullets tells you what you can do, but only theoretically. For instance, they should be linking to more detailed documents with specific instructions on how to edit settings within the app, or providing hyperlinks to the email preferences page.*
- *Most of the writing is clear and relatively succinct. They use little jargon. My biggest complaint is that some of the sentences are too long. For instance, the "Contacts information" explanation is one, 59-word long sentence.*

Twitter

Near the bottom of the ranking, Twitter's privacy policy lacks many of the characteristics that would allow its customers to find or understand how Twitter uses their private information. The judges felt that Twitter's privacy policy could benefit at every level—higher-order organization and navigation aids, as well as word-, sentence-, and paragraph-level improvements.

- *The notice has some good and bad traits. The language is mostly clear and straightforward, and they avoid jargon for the most part. The structure, however, with the dense paragraphs, lack of bullets and headers, and hidden calls to action makes reading the notice harder than it should be.*
- *UGH<UGH<UGH for every section. Sorry. No need to continue to repeat my irritation at this policy.*
- *The worst. I was shocked that Twitter would use more than 140 characters ;-).*
- *There are occasional moments of clarity, but many of the sentences and paragraphs are long and hard to read.*
- *There are subheadings, but no anchors, tabs or section dividers that make the document easier to navigate.*
- *While there is some bold text, this is mostly a black and white wall of text.*
- *There are several well-written examples that make it easy for consumers to understand what they can do. However, there are also examples like this: "Twitter may keep track of how you interact with links across our Services, including our email notifications, third-party services, and client applications, by redirecting clicks or through other means." More specific*

examples of what is meant by notifications, third-party services and redirecting clicks (possibly through a rollover) could help the average user better understand this notice.

Lyft

The judges found little in Lyft's privacy policy to recommend. Criticisms ranged from disrespect for the customer to a distracting writing style to obtrusive use of private information. At best, Lyft used effective headers for each section, but even here, judges noted that readers would not necessarily find the information that the headers suggest.

> *"Everything about this notice screams, 'We don't want you to read this!'"*

- *A lack of audience awareness is embedded throughout this policy. Most glaring is the odd capitalization of "You," "We," "Your" and "Us." It makes this document nearly impossible to read . . .*
- *Long, long, long sentences. So many embedded lists. The writing in this notice is classic legalese.*
- *They start the policy by stating, "Lyft is dedicated to protecting Your personal information and informing You about how We use it." Then, the first sentence of the first section is 100 words long!*
- *Here's a great example of poor writing that has no sense of audience: "In order to operate the Lyft Platform and to provide You with information about products or services that may be of interest to You, We may collect 'personal information' (i.e. information that could be used to contact You directly (without using the Lyft Platform) such as full name, postal address, phone number, credit/debit card information, or email address) or 'demographic information' (i.e. information that You submit, or that We collect, that is not personal information; this may include, but is not limited to, zip code, hometown, gender, username, age/birth date, browsing history information, searching history information, and registration history information)." While I like the idea of single sentence paragraphs, this sentence is 100 words. Also, formatting lists in bullets could help the readability of this example.*
- *The only decent parts of this notice are the clear headings they provide for each section. Readers can tell what should be in that section, but then the writing is so unclear, they likely won't find the information they need.*
- *Everything about this notice screams, "We don't want you to read this!" And considering they share details such as, 1) they don't notify users when they make changes, and 2) they can change how they use your personally identifiable information after the time when they collected it, I'm not surprised.*
- *I can't get past the random capitalization of common pronouns, which makes this document unbearable to read. I am fairly sure there was little attention paid to the customers who would read this document as it was prepared by Lyft's legal team.*
- *[This privacy policy] disrespects users by making it virtually impossible to decipher how they use personal information--or what rights users have. I feel less inclined to ever use Lyft because this notice makes me believe they do not care about transparency or their users' right to understand what the company is dong with their information.*

CAN THESE COMPANIES DO BETTER?

We know that consumers don't read privacy policies. Even those who do read the policies tend to sign up for the services anyway — in spite of the risks. But as the privacy risks become a reality for more users, we will undoubtedly see more pushback from those consumers, whether through complaints, lawsuits, or simply not using those services that create unreasonable risks. And these shifts will result in corresponding developments in privacy policies and in the law.

Certainly, there is always room for improvement, even with the companies that tend to comply with plain-language guidelines. The challenge lies with the nature of the document: one that conveys legal rights and responsibilities. The underlying question is whether readers understand and appreciate the gravity of what they are signing up for. But privacy policies are — by nature — complex. Even those written in plain language require some stamina from readers who want to understand what they are giving up and who want to understand their rights and responsibilities.

It seems unlikely that a business would give its customers this very plain message: "By reading this policy, you agree to let us keep track of you, your email and photos, where you go, your devices, the Internet providers you use, and possibly the same information for everyone in your social network. And if we decide we want more information, we will let you know — in some way — maybe before we start tracking that, too."

On the other hand, the use of plain language tends to build trust between a company and its customers. Consider one judge's comment about Google: "I'm at times skeptical/concerned about how much access Google has to my personal information, but this notice's audience-focused approach actually increased my trust in them."

So, the answer is, "Yes, companies can do better — even the ones that are doing well." But the market will likely dictate when and the extent to which the companies improve.

Finally, although outside the scope of this report, it would be interesting to study the interplay between a company's tendency to share information, the level of trust it is able to build with its customers (through plain language or other means), and the customers' willingness to give up their privacy in exchange for the services offered.