The TLDR Act

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

It is the purpose of the *TLDR Act* to —

(1) Inform consumers of how their data is collected and used.
(2) Empower consumers to compare simple and standardized terms-of-service summary statements across different websites and apps.
(3) Facilitate independent oversight and study of terms-of-service contracts, including data collection, legal liabilities, and data sharing with third parties.

The ***T**erms-of-service **L**abeling, **D**esign, and **R**eadability Act* or the "*TLDR Act*" accomplishes these purposes by:

Requiring commercial websites and mobile apps to create summary terms-of-service statements.

- Summary statements must be concise, easy to understand, machine-readable, and located at the top of the existing terms-of-service page.
- Summary statements must include:
    - The categories of sensitive consumer information collected and whether that data is necessary for basic functioning of said service;
    - Whether a consumer can delete their data, and if so, provide instructions on how;
    - The legal liabilities of a consumer using the service, including their rights to their content, mandatory arbitration, and class action waivers;
    - A change log; and
    - A list of reported data breaches from the past three years.
- Small businesses are exempt from these requirements.
- The Federal Trade Commission will promulgate rules regarding the requirements for these summary statements.

Requiring that full terms-of-service contracts are tagged using a markup language like XML, to facilitate independent analysis of terms.[1]

- All the categories included in the summary terms-of-service statement must be appropriately tagged in the full terms-of-service contract.
- The tagging system will be standardized, allowing advocates and browser extension developers to analyze differences and similarities across contracts at scale in a way that is currently infeasible.

Providing enforcement mechanisms for violations of this law by commercial websites or mobile apps.

- Authorizes the Federal Trade Commission to treat any violation of the law as an unfair or deceptive practice.
- Asserts that State Attorneys General may bring civil action related to a violation of the law on behalf of at least 1,000 affected residents of their State.

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[1] This language is inspired by the Security and Exchange Commission's XML tagging system
https://www.sec.gov/structureddata/osd-inline-xbrl.html