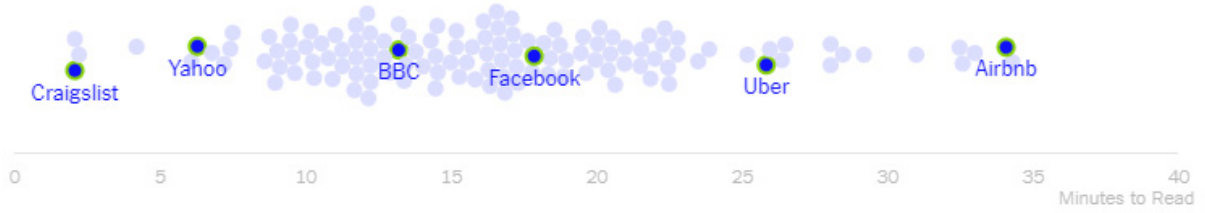
We Read 150 Privacy Policies. They Were an Incomprehensible Disaster.

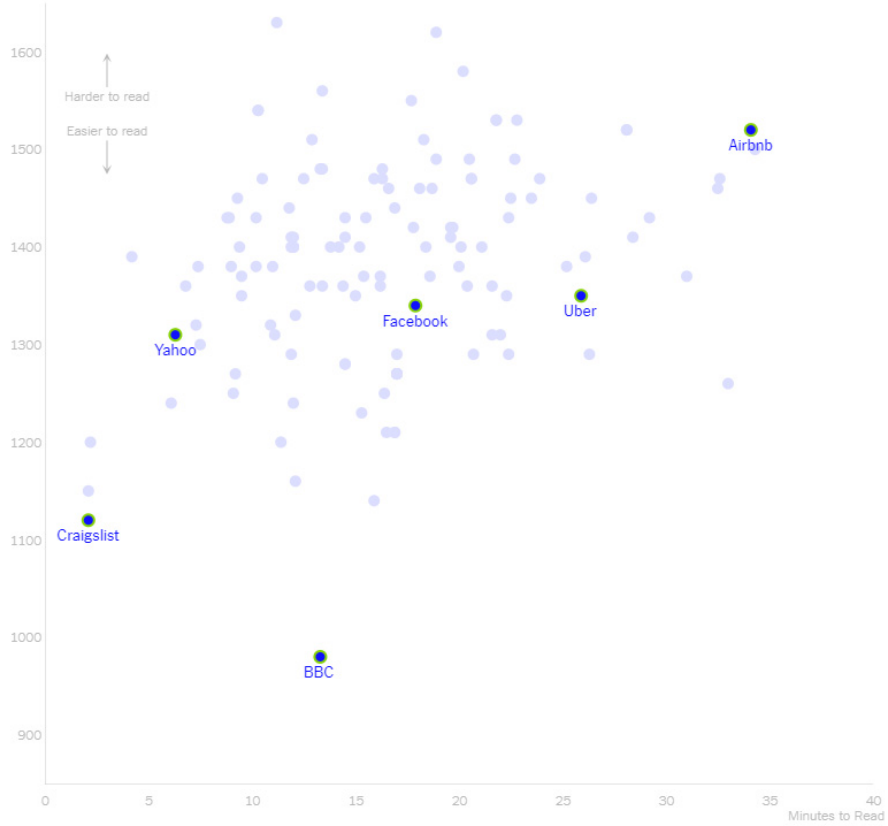
By Kevin Litman-Navarro

In the background here are several privacy policies from major tech and media platforms. Like most privacy policies, they're verbose and full of legal jargon — and opaquely establish companies' justifications for collecting and selling your data. The data market has become the engine of the internet, and these privacy policies we agree to but don't fully understand help fuel it.

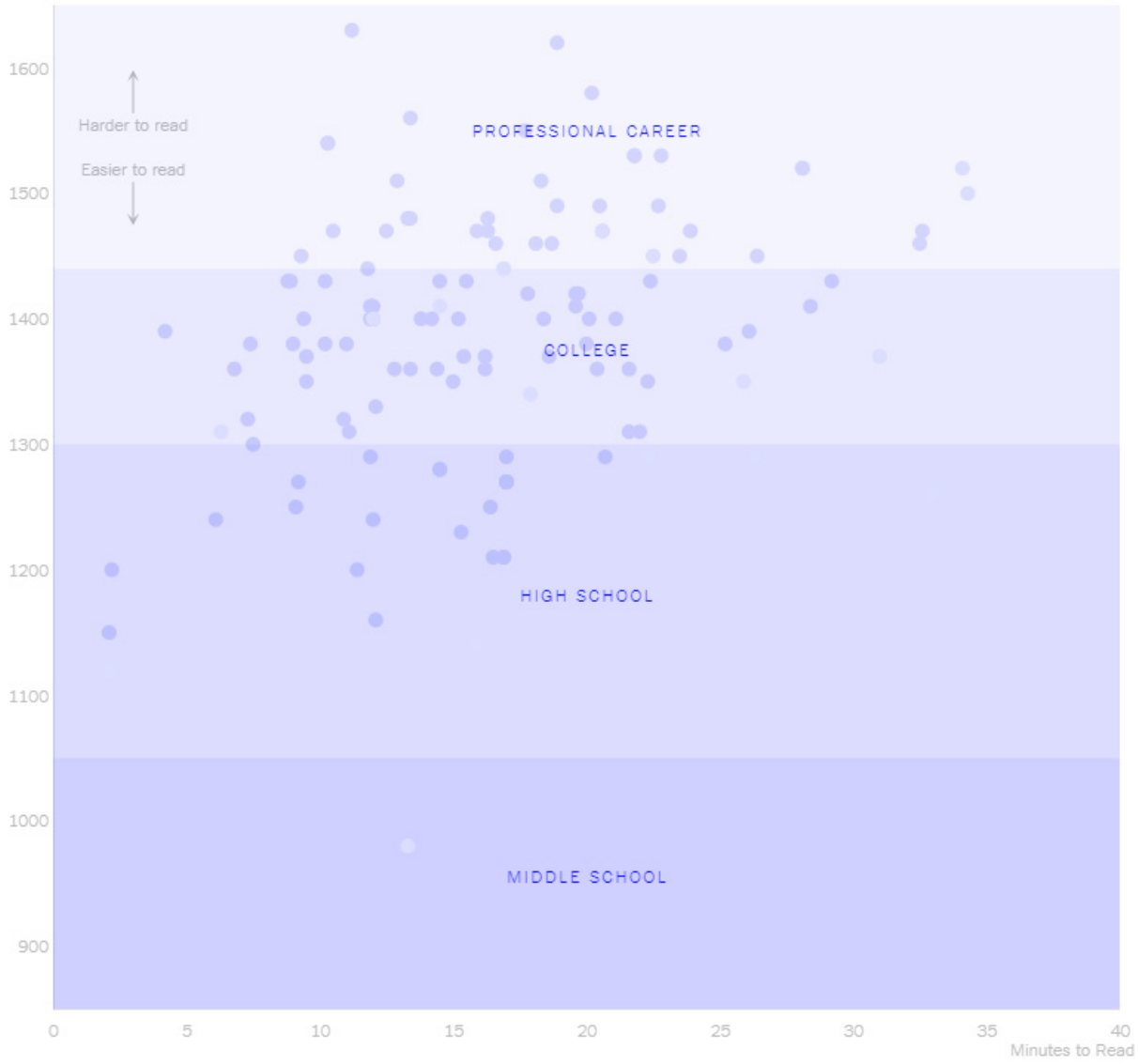
To see exactly how inscrutable they have become, I analyzed the length and readability of privacy policies from nearly 150 popular websites and apps. Facebook's privacy policy, for example, takes around 18 minutes to read in its entirety – slightly above average for the policies I tested.



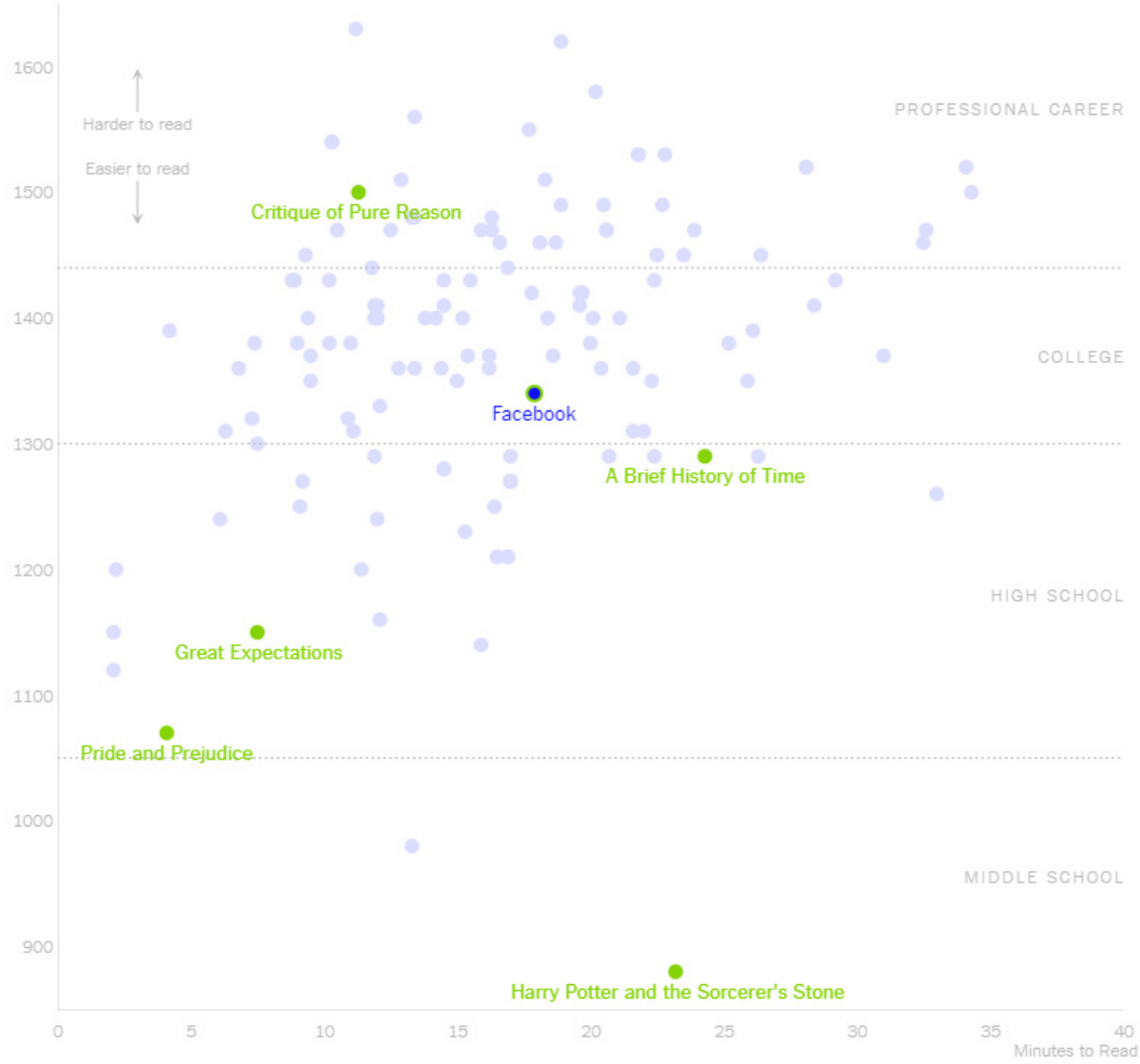
Then I tested how easy it was to understand each policy using the Lexile test developed by the education company Metametrics. The test measures a text's complexity based on factors like sentence length and the difficulty of vocabulary.



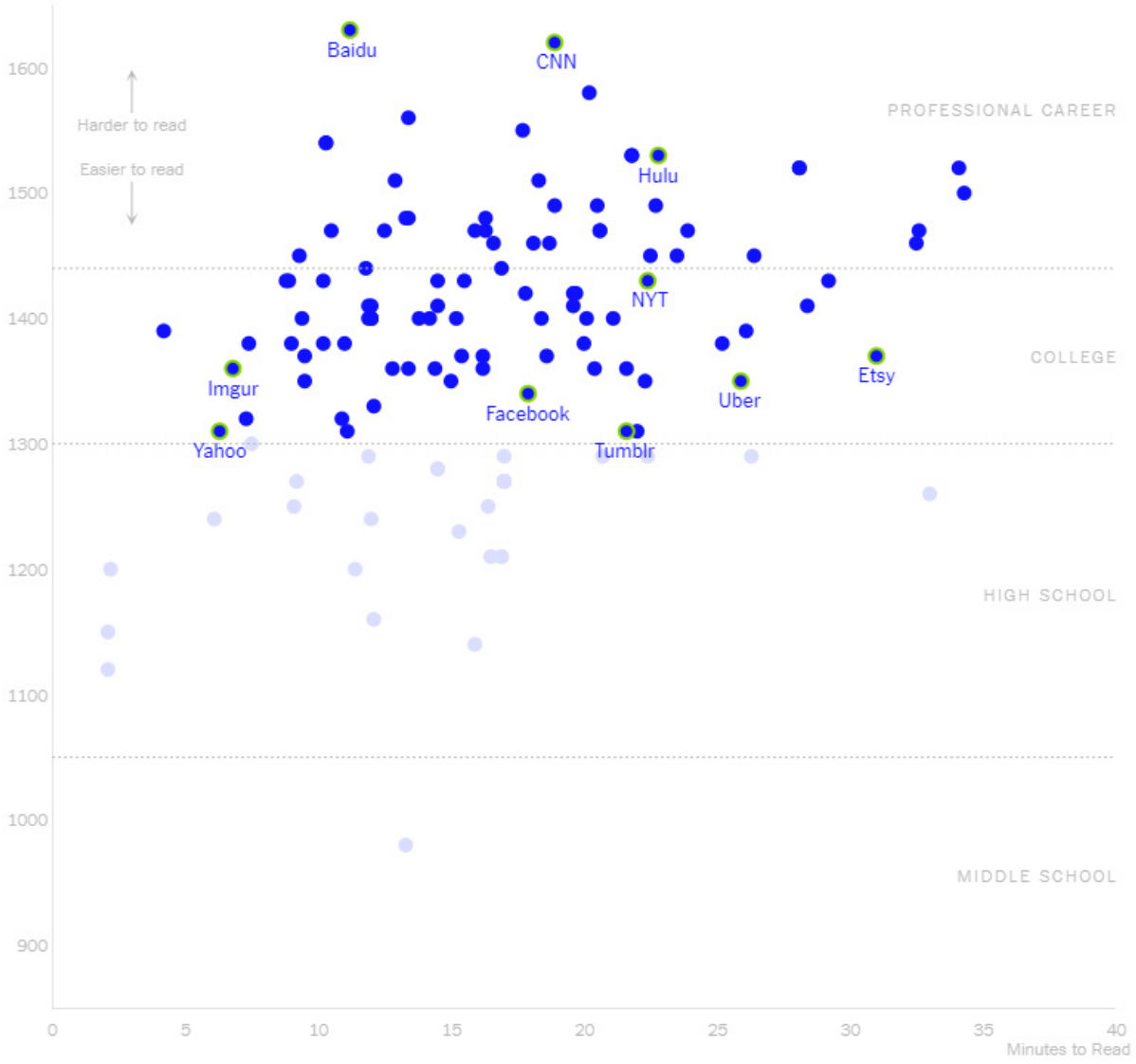
To be successful in college, people need to understand texts with a score of 1300. People in the professions, like doctors and lawyers, should be able to understand materials with scores of 1440, while ninth graders should understand texts that score above 1050 to be on track for college or a career by the time they graduate. Many privacy policies exceed these standards.



For comparison, here are the scores for some classic texts. Only Immanuel Kant's famously difficult "Critique of Pure Reason" registers a more challenging readability score than Facebook's privacy policy. (To calculate their reading time, I measured the first chapter of each text.)



The vast majority of these privacy policies exceed the college reading level. And according to the most recent literacy survey conducted by the National Center for Education Statistics, over half of Americans may struggle to comprehend dense, lengthy texts. That means a significant chunk of the data collection economy is based on consenting to complicated documents that many Americans can't understand.



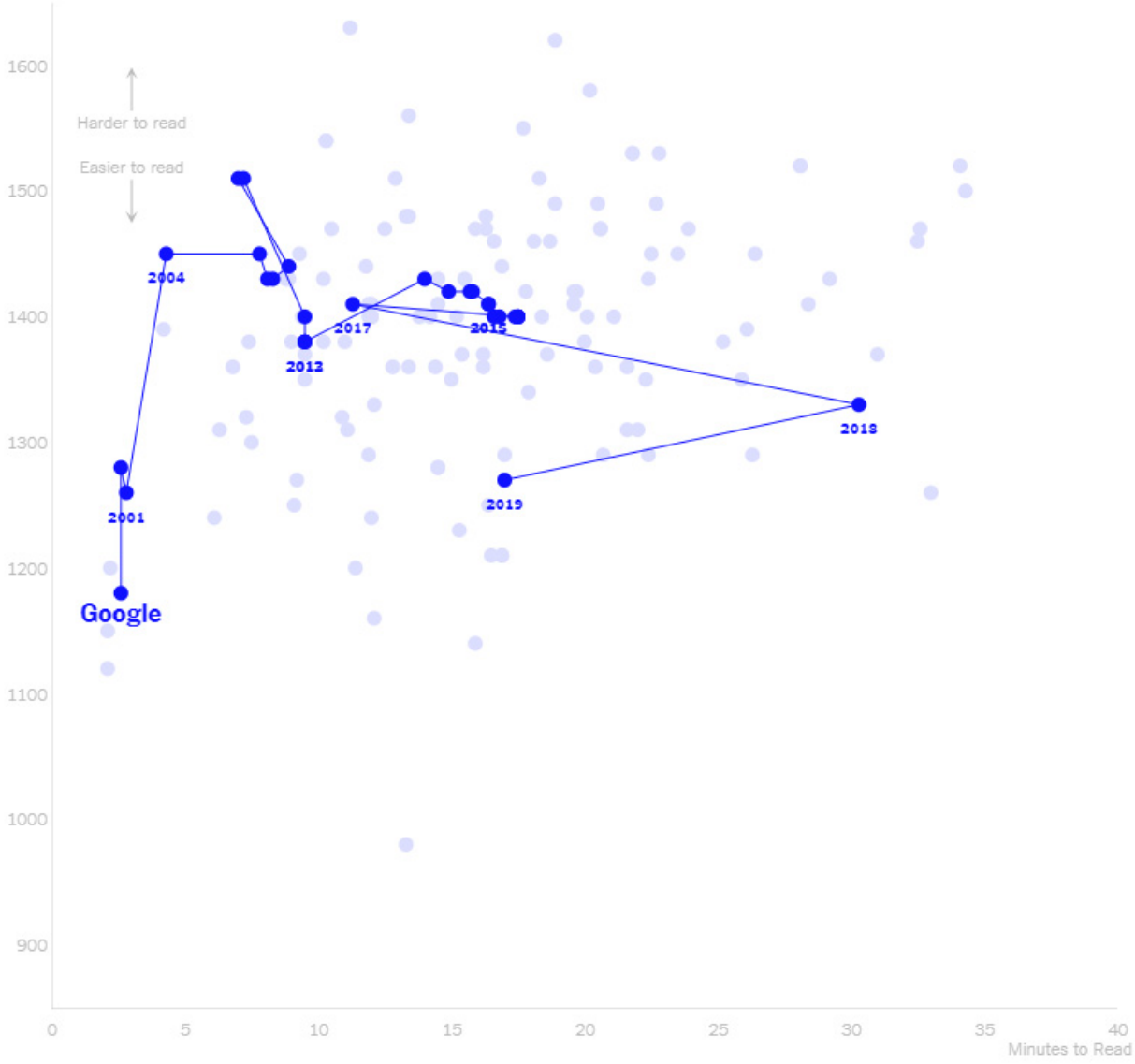
The BBC has an unusually readable privacy policy. It's written in short, declarative sentences, using plain language. Here's how the policy outlines the BBC's guidelines for collecting and using personal data:

> "We have to have a valid reason to use your personal information. It's called the 'lawful basis for processing.' Sometimes we might ask your permission to do things, like when you subscribe to an email. Other times, when you'd reasonably expect us to use your personal information, we don't ask your permission, but only when: the law says it's fine to use it, and it fits with the rights you have."

Airbnb's privacy policy, on the other hand, is particularly inscrutable. It's full of long, jargon-laden sentences that obscure Airbnb's data practices and provides cover to use data in expansive ways. For example, here is how Airbnb justifies collecting users' personal information. Vague language like "adequate performance" and "legitimate interest" allows for a wide range of interpretation, providing flexibility for Airbnb to defend its data practices in a lawsuit while making it harder for users to understand what is being done with their data.

> "This information is necessary for the adequate performance of the contract between you and us and to allow us to comply with our legal obligations."

Things weren't always this bad. Google's privacy policy evolved over two decades — along with its increasingly complicated data collection practices — from a two-minute read in 1999 to a peak of 30 minutes by 2018.



The policy became more readable at the expense of brevity after the introduction of the General Data Protection Regulation, the European Union data privacy protection framework that went into effect a year ago. The regulation includes a clause requiring privacy policies to be delivered in a "concise, transparent and intelligible form, using clear and plain language."

In the most recent update of its policy, Google chopped off a glossary of technical terms to make it more readable and concise.

Despite efforts like the General Data Protection Regulation to make policies more accessible, there seems to be an intractable tradeoff between a policy's readability and length. Even policies that are shorter and easier to read can be impenetrable, given the amount of background knowledge required to understand how things like cookies and IP addresses play a role in data collection.

"You're confused into thinking these are there to inform users, as opposed to protect companies," said Albert Gidari, the consulting director of privacy at the Stanford Center for Internet and Society.

As data collection practices become more sophisticated (and invasive), it's unlikely that privacy policies will become any easier to comprehend. And if states continue to draft their own data protection laws, as California is doing with its Consumer Privacy Act, privacy policies could balloon with location-specific addendums.

[If you use technology, someone is using your information. We'll tell you how — and what you can do about it. Sign up for our limited-run newsletter.]

According to Jen King, the director of consumer privacy at the Center for Internet and Society, this doesn't mean we should throw out privacy policies entirely — we just need a fresh start.

"These are documents created by lawyers, for lawyers. They were never created as a consumer tool," Dr. King said. "What would we do if we actually started over and did this from a human-centric point of view, knowing what we know now about how humans process information online?"

So what might a useful privacy policy look like?

Consumers don't need a technical understanding of data collection processes in order to protect their personal information. Instead of explaining the excruciatingly complicated inner workings of the data marketplace, privacy policies should help people decide how they want to present themselves online. We tend to go on the internet privately – on our phones or at home – which gives the impression that our activities are also private. But, often, we're more visible than ever.

A good privacy policy would help users understand how exposed they are: Something as simple as a list of companies that might purchase and use your personal information could go a long way towards setting a new bar for privacy-conscious behavior. For example, if you know that your weather app is constantly tracking your whereabouts and selling your location data as marketing research, you might want to turn off your location services entirely, or find a new app.

Until we reshape privacy policies to meet our needs — or we find a suitable replacement — it's probably best to act with one rule in mind. To be clear and concise: Someone's always watching.

Kevin Litman-Navarro is a writer and data journalist.

Like other media companies, The Times collects data on its visitors when they read stories like this one. For more detail please see our privacy policy and our publisher's description of The Times's practices and continued steps to increase transparency and protections.

Follow @privacyproject *on Twitter and The New York Times Opinion Section on* Facebook *and* Instagram.