

A Review of Consumer AI Tools for Legal Practice

Data Privacy

Understanding Consumer and Enterprise Differences

Data privacy is crucial in legal AI tools like ChatGPT, Claude, and Microsoft Copilot, as consumer tiers often lack the robust protections found in enterprise packages.

Data Privacy



Consumer ChatGPT

Using Data to Train Model

We may use Content to provide, **maintain, develop, and improve** our Services, comply with applicable law, enforce our terms and policies, and keep our Services safe...If you do not want us to use your Content to train our models, **you can opt out** by following the instructions...

[Terms of Service](#)

Privacy Policy

We don't "sell" Personal Data...for..advertising...We also don't process **sensitive** Personal Data for the purposes of inferring characteristics about a consumer.

[Privacy Policy](#)

Data Retention

Once you choose to delete Personal Data, we will remove it from our systems within 30 days unless we need to retain it for longer...

[Privacy Policy](#)

Data Privacy



ChatGPT Enterprise/Business Offerings (Excludes ChatGPT Plus)

Training the Model

OpenAI will only use Customer Content as necessary to provide Customer with the Services, comply with applicable law, enforce the OpenAI Policies, and prevent abuse. **OpenAI will not use Customer Content to develop or improve the Services**, unless Customer explicitly agrees to such use (cl 4.1)

Data Privacy

Except as expressly set forth herein, the Agreement does not grant...OpenAI any IP Rights in Customer Content (cl 9.1)

Customer grants OpenAI only the limited rights that are reasonably necessary for OpenAI to deliver the Services (cl 9.2)

Data Privacy



Consumer Claude

Training the Model

We may use Materials to provide, maintain, and improve the Services and to develop other products and services, **including training our models, unless you opt out of training** through your account settings.

Even if you opt out, **we will use Materials for model training when: (1) you provide Feedback to us regarding any Materials, or (2) your Materials are flagged for safety review to improve our ability to detect harmful content, enforce our policies, or advance our safety research.** (cl 4)

[Consumer Terms of Service](#)

Privacy Policy

We may use your Inputs and Outputs to train our models and improve our Services, unless you opt out through your account settings. **Even if you opt-out, we will use Inputs and Outputs for model improvement** when: (1) your conversations are flagged for safety review to improve our ability to detect harmful content, enforce our policies, or advance AI safety research, or (2) you've explicitly reported the materials to us (for example via our feedback mechanisms). (cl 2)

[Privacy Policy](#)

Data Retention

Anthropic retains your personal data for **as long as reasonably necessary** for the purposes and criteria outlined in this Privacy Policy... (cl 6)

[Privacy Policy](#)

Data Privacy



Enterprise Claude

Training the Model

Anthropic **may not train models** on Customer Content from Services. (cl B)

Data Ownership

Anthropic agrees that Customer (a) retains all rights to its Inputs, and (b) owns its Outputs. Anthropic disclaims any rights it receives to the Customer Content under these Terms. Subject to Customer's compliance with these Terms, Anthropic hereby assigns to Customer its right, title and interest (if any) in and to Outputs. (cl B)

[Commercial Terms](#)

Publicity (!)

Anthropic may use Customer's name and logo to publicly identify Customer as a customer of the Services; provided that Customer may opt-out... Customer will consider in good faith any request by Anthropic to (1) provide a quote from a Customer executive regarding Customer's motivation for using the Services that Anthropic may use publicly and (2) participate in a public co-marketing activity. (cl G)

Data Privacy



Consumer Microsoft

Training the Model

In certain markets, we use conversation data to train the generative AI models in Copilot, unless you choose to opt-out of such training...

Regardless of your privacy settings, we do not train our Copilot generative models on your uploaded files

Data Privacy

By using Copilot, you grant us permission to use Your Content, which means we can copy, distribute, transmit, publicly display, publicly perform, edit, translate and reformat it and we can give those same rights to others who work on our behalf...**We get to decide whether to use Your Content and we don't have to pay you, ask your permission, or tell you when we do.** But that doesn't mean we can use it however we want. The Microsoft Privacy Statement explains how we use Your Content and the privacy options in Copilot give you control over some of those uses.

Data Retention

18 months?

[Consumer Terms of Service](#)

[Privacy Statement](#)

[Does Copilot Save Conversation History? Data Retention and User Control](#)

Data Privacy



Microsoft 365 Copilot Business (formerly Microsoft 365 Business, formerly Office 365 Business...)

Training the Model

Your data isn't used to train foundation models: Microsoft 365 Copilot Chat uses the user's context to create relevant responses.

[Enterprise Data Protection in Microsoft 365 and Microsoft 365 Copilot Chat](#)

Data Privacy

Your data is private: We won't use your data except as you instruct. Our commitments to privacy include support for the General Data Protection Regulation (GDPR), the EU Data Boundary, ISO/IEC 27018, and our Data Protection Addendum.

Data Residency

The following customer data is stored at rest in the Local Region Geography:

...

- Any stored content of interactions with Microsoft 365 Copilot and Microsoft 365 Copilot Chat to the extent not included in the preceding commitments.

[Data Residency for Microsoft 365 Copilot and Copilot Chat](#)

Microsoft

Microsoft has a confusing product line-up (this is not an exhaustive list!)

- **Microsoft Copilot** - is the **consumer** website
 - *and* the app that launches when you press the 'Copilot' button on your PC
 - *and* the assistant in Microsoft Edge
- **Microsoft 365 Copilot** - is now the name for what used to be called Office 365 or Microsoft 365 (ie: Word, Excel, Outlook, OneDrive etc)
 - the **consumer** offering and the **enterprise** offering **share the same name**
 - but the data governance regime is entirely different!!
- **Microsoft 365 Copilot App** - is a smartphone app that integrates both M365 Copilot and the chatbot together.
- **Microsoft 365 Copilot Chat** - is the enterprise 'chatbot' copilot product



Microsoft

Confusing Products → Data Privacy Risk



BEWARE

- Using the Copilot button or PC app or Edge invokes the **consumer product**
- If you're prompted to log in and you use your work credentials you could create a **consumer account** with your work email *in addition to* your existing enterprise account

Solution

- Log in to <https://portal.office.com> using your work credentials
- Don't use the copilot button on your PC or the Copilot app on the taskbar
- If you're asked to create an account when you already have one don't do so. Go back to <https://portal.office.com>.

AI Tools Demonstration

Enhancing Legal Workflows with AI

Discover how AI tools like ChatGPT streamline document drafting and summarizing, enabling legal professionals to improve efficiency and accuracy in their daily tasks.

Other Capabilities

Benefits from use of AI Tools

Emails

- making emails less defensive (!)
- Jotting thoughts down and then having copilot prepare an email (usually)

rephrasing emails to make them less 'legal' - for unsophisticated clients

Documents

- Assist with drafting clauses
- Create first draft of a document (eg: affidavit example)
- Review document for spelling, grammar and target audience
- Review document for risk analysis
- What's covered, what's missing, what shouldn't be there
- Better language to manage risk

Advanced Usage

Notebooks, API

Utilizing APIs and notebooks allows legal professionals to **customize AI tools** for enhanced workflows, promoting efficiency and automation in document management and client services.

Conclusion

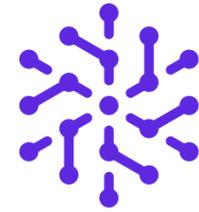
- **Avoid 'free' AI tools**
 - free products monetise data and lack confidentiality protections.
- **Choose professional-tier AI services**
 - look for data protection and confidentiality terms
- **Exercise additional caution with Microsoft products**
 - clearly distinguish between consumer and enterprise products

Takeaway Question

If AI can improve efficiency and reduce cost do we have a professional obligation to use it in practice?



Questions?



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