WHAT ABOUT COOKIES ?

You have undoubtedly seen a pop-up when visiting a website that asks your permission to collect cookies. A cookie policy is often very long and after reading it, you still don't really know what data is or isn't being collected from you.

In this brAInfood you will read more about cookies and what they are used for, but also about how you can make legal information such as a cookie policy more accessible for non-lawyers.

What are cookies?

Cookies are **small files** (mini files) that are **installed** on your computer, phone, tablet or smart TV when you visit a website. Cookies can be used **to collect information about users** or store how they behave on a website. They provide companies with **a wealth of data**, both for companies themselves (e.g. webshops that can 'recommend' products) or advertising networks (e.g. tracking people across different websites to provide targeted advertising).

Do I need consent?

Most cookies **require consent**. One exception is **functional** cookies. These are cookies that are strictly necessary to make the website work properly (e.g. remembering language preferences) or to provide a particular service (e.g. cookies to save a shopping cart). Permission is required for **analytical** cookies (e.g. statistical data about the use of the website) and **tracking cookies** (e.g. to create a profile of a visitor).

What information should I give?

Above all, people must be **informed clearly and simply** about the **how and why** of cookies. Information that must be given in this regard is:
- What information is collected
- How it is collected
- What is done with it

This information allows individuals to make **informed decisions** about whether or not to allow cookies.

What is legal design?

Legal information, such as a cookie policy, is often **opaque and difficult to understand for non-lawyers**. In other words, the information is not adapted to the needs of end users. In response to this, 'legal design thinking' or '**legal design**' emerged, which aims to put the **end user at the centre** of the legal world. This is done by applying 'user-centred design thinking' to legal 'products' and thus adapting them to the needs of end users.

This can be done by using **visualisation techniques** (e.g. food labels or age labels that are used in other sectors). Legal design is **not a one-size-fits all approach** and should therefore be considered on a case-by-case basis.

Introducing design thinking into legal thinking does require a **different mindset from lawyers**. To apply legal design to legal documents, **designers and lawyers will have to work together**.

Why is legal design important?

All too often lawyers use so-called '**tried and tested language**' in commonly used clauses. It is used because it is assumed to have a clearly defined and established meaning. This results in documents written in a style that is long-winded, unclear, pompous and boring. Moreover, the impression is created that these documents are written by lawyers for lawyers and not for actual users.

Want to know more about legal design?

On the website of the Knowledge Centre Data & Society you can find more information about legal design and what it can mean for your organisation.

We developed a guide (in Dutch) for a workshop on legal design, so you can work in-house on making legal information more accessible.

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