# **LSO Access to Innovation Project**

# **Stage 2 Application**

*\* This is a template of application questions for Stage 2. Applicants that have completed Stage 1 of the A2I application process will receive a customized list of questions, based on this template.*

*These questions help the Law Society of Ontario’s Access to Innovation (A2I) team evaluate your application, by eliciting details about the service you intend to provide. No single question or answer is intended to be qualifying or disqualifying. They all provide context to help the A2I team better understand your service.*

# **About the Applicant**

*The A2I project is open to any type of legal service provider – licensed lawyer or paralegal, non-licensed person, law firm, business or not-for-profit organization. The project is designed for any providers who are seeking to deliver legal services to consumers via technology.*

1) Please describe your organization’s business structure. (e.g. sole proprietorship, partnership, corporation)

2) Please indicate which sector best matches your organization’s business model for the service that you intend to deliver: not-for-profit (private organization), not-for-profit (public organization or government), for-profit, or intersectoral partnership.

3) Are there any lawyers or paralegals licensed by the Law Society of Ontario (“licensees”) serving within your organization as senior officers, directors, principals, partners, or otherwise serving in leadership roles? If so, please provide the names of these licensees and the capacities in which they are involved.

*\* Please note that, for the strict purpose of assessing this application, the Law Society of Ontario may review the regulatory histories of any licensee listed above, including without limitation any claims, complaints, investigations, trustee services, disciplinary findings, or other relevant records.*

# **About the Service**

4) Has any information about the service you intend to deliver changed since you submitted your Stage 1 application? For example, have there been any updates to the ways that the service provides legal help, the technologies involved, the revenue model, etc.?

5) How will the service be marketed and promoted?

6) In which language(s) will the service be available to users?

7) What type(s) of device(s) will the service be compatible with? (e.g. laptop, desktop, smartphone, tablet, other)

8) Please describe your processes and policies that make your ITLS accessible for users, in compliance with applicable accessibility legislation (e.g. *Accessibility for Ontarians with Disabilities Act*: https://www.ontario.ca/laws/statute/05a11).

9) To what extent will you be using third parties in the operation of the service? Please describe their activities. (Examples of third parties include contractors or providers such as SaaS providers, outsourced data centers, marketing and analytics firms, customer service firms, legal advisors, etc.)

10) Have any Law Society of Ontario licensees been involved in the development, delivery, or evaluation of the service, or will they be involved? If yes, please describe the involvement of licensees.

11) In your view, does a user’s engagement with the service create a lawyer-client or paralegal-client relationship? Do you anticipate that information provided to you by a user, through the service, would be subject to professional duties of confidentiality and/or be considered legally privileged?

12a) When there are changes to relevant laws or legal processes in Ontario, how will you ensure that the legal help provided by the service is kept up-to-date?

12b) If you intend to also operate in other jurisdictions besides Ontario, please describe how you will ensure that the service you provide to Ontario users is legally accurate and appropriate.

# **Data Security and Privacy**

13) Please describe your capabilities, processes, and policies for the collection, use of, and access to personal information about users of your service. In your answer, please address the following:

* What personal information or information about people will be collected from users of your service?
* For what purpose(s) will the personal information be collected?
* Who will have access to the personal information, and how will access be controlled?
* How will use of and access to the personal information be audited or logged to know what is being collected and who has access to user data?

14) What will you communicate to users about the collection, use, and disclosure of their personal information? How will you communicate this? (If screenshots or hyperlinks are available to illustrate these communications to users, please share them.)

15) Please describe your capabilities, processes, and policies for collecting, transferring, storing, protecting, deleting, and archiving data related to the service. In your answer, please address the following:

* How will data security be integrated into your workflow?
* How, if at all, will user data be de-identified (e.g., anonymized or aggregated)?
* Will data be encrypted both at rest and in transit? If so, how?
* Where will data related to the service be hosted, transferred, and/or stored (e.g. Canada, United States, European Union, etc.)? How will data be hosted (e.g. cloud provider, server in data centre, etc.)?
* Will someone in your organization be responsible for data security and compliance?
* What training will be provided to employees and non-employees who have access to user data?
* Will you require “strong passwords” and/or multi-factor authentication at service login?

16a) Will any user data be shared with or provided to any third party? What is the purpose of this transfer or sharing?

16b) Will any user data (including in aggregate or anonymized form) be sold or otherwise monetized?

17a) Please describe your privacy protection plan for the service. This should describe parameters around user privacy, including but not limited to data privacy. In your answer, please address the following:

* What privacy legislation will apply to the service?
* How will you comply with that legislation?
* What is your approach to privacy where users access the service on a public access device or shared device?

17b) Is your privacy policy made available to users of the service? Please provide a copy of the current privacy policy.

18) How can users request a copy of collected personal data? Will there be a process for users to request for their user data to be deleted?

19) Please describe your process to identify, monitor, and report data breaches, including data breaches reported to you by third parties that may host or process your data.

# **Financial Practices**

20) If your service involves payments, how and when will you collect money from users?

21) If you will use a third party service provider for processing payments, is that service provider compliant with the Payment Card Industry Data Security Standard (“PCI DSS”)?

22) Will you receive any pre-payments of money from users, before services are rendered? If so, how will you handle this money? Will you maintain a trust account?

23a) Are there any circumstances in which you will refer users of your service to Law Society of Ontario licensees for legal help, either during or upon completion of their use of your service? If so, please describe those circumstances.

23b) Will you seek referral fees, or maintain any similar financial arrangements, with any Law Society of Ontario licensees to whom you refer users?

23c) Will you pay any referral fees, or maintain any similar financial arrangements, with any Law Society of Ontario licensees in exchange for referring users to your service?

# **General Safeguards**

24a) Please describe your processes and policies for identifying users of the service.

24b) Will you verify the identities of users of the service? If so, please describe those processes and policies.

25a) Please describe your processes (either internal or external) for evaluation and quality control of the service.

25b) When a user updates or corrects information originally provided, how will quality and accuracy of the service provided to the user be assured? How will the integrity and accuracy of the information be maintained and, if applicable, conveyed to third parties involved in the operation of the service?

26) If your service involves algorithmic and/or automated functions, how will you identify and respond to error and bias issues? Will a person(s) be involved in error and bias prevention? If yes, when and how will there be a “human in the loop”?

27) Are there circumstances in which you will inform a user that their matter is not appropriate for your service and/or cannot be completed through your service, for example due to legal complexity? If so, please describe your approach, including how you identify these circumstances and what information or guidance you provide to users.

28) Do you carry insurance that would cover the provision of the proposed service? If so, please describe the type(s) of coverage (e.g., errors and omissions, cybersecurity) and other key features of the coverage (e.g., policy limits).

29a) Please describe your harm prevention and disaster management plans for this service. Generally, how do you plan to prevent or intervene in user harms related to your service? Regarding user protection from harms or threats, how will adverse events be monitored, reported, and responded to? What plans are in place to address, for example, server failures, compromised security, critical software errors, or privacy violations?

29b) Have you experienced any adverse events for this service to date? If yes, how did you respond to them?

30a) Please describe your policies and processes to address and resolve complaints or service issues raised by users of your service.

30b) In circumstances where you determine that a user’s complaint deserves compensation, how and to what extent will you compensate users? Through “terms and conditions” applicable to users of the service, will you assert any limits on your liability? If so, in what circumstances? Please provide a copy of the current “terms and conditions”.

31) Please describe your contingency or business continuity plan. A contingency or business continuity plan should address how pending or ongoing legal services are dealt with in the case of withdrawal, termination, abandonment, or interruption of service provision.

# **Additional Background Disclosures**

*The following questions apply to your organization as a legal entity, as well as to any of the following people within your organization:*

* *A person who serves as a senior officer, director, principal, partner, or otherwise serves in a leadership role,*
* *A person whose consent is required to approve any organization budget or business plan, or to hire or terminate any senior manager of the organization, and*
* *A person who through ownership of shares in the organization or contract has a right to have their nominees elected to the organization's board of directors.*

*Where the answer is “yes”, please provide additional detail and attach any relevant supporting documentation. This information will be reviewed by the Law Society, to determine whether the issues disclosed are sufficiently serious to warrant any further review. Each disclosure will be reviewed on a case-by-case basis, considering factors such as the nature of the issue, the number of occurrences, and the time period over which the issue occurred. It is anticipated that most disclosures will not be considered sufficiently serious to warrant further review.*

*The Law Society is committed to reconciliation with Indigenous peoples and to addressing barriers faced by racialized people. In reviewing disclosed information, the Law Society will consider the impact of systemic or background factors as they relate to the disclosed incidents, including applying the principles established by the Supreme Court of Canada in the* Gladue *and* Ipeelee *decisions, or by the Court of Appeal for Ontario in the* Morris *decision.*

32a) Have you ever been found guilty of, or convicted of, any indictable criminal offence in Canada, or any criminal offence in another jurisdiction?

Please exclude:

1. offences for which more than one year has passed since you were discharged absolutely or more than three years have passed since you were discharged on conditions prescribed in a prohibition order;
2. offences for which you have received a pardon or record suspension;
3. convictions or findings of guilt under the *Controlled Drugs and Substances Act* for possession of cannabis not exceeding 30 grams or cannabis resin not exceeding 1 gram that did not include a term of incarceration; and
4. offences under the *Young Offenders Act* or the *Youth Criminal Justice Act*.

32b) Are you currently the subject of any criminal proceedings?

32c) Has judgment ever been entered against you in a civil action involving fraud?

32d) Have you ever been sanctioned or had a penalty imposed upon you by a court, an administrative tribunal or a regulatory body?

32e) Have you ever been suspended, disqualified, censured or otherwise disciplined by any regulatory body or professional organization?

32f) Have you ever been denied a licence or permit by, or membership in, any regulatory body or professional organization, or had any licence, permit or membership revoked, for failure to meet good character requirements?

# **Additional Information**

33) Is there anything else that you would like to tell us about your application?