**LSO Access to Innovation Application**

**Stage 2 Approval Criteria**

**Introduction:**

*These approval criteria are used by the Law Society of Ontario’s A2I team (staff and the independent Advisory Council) to review applications for approval to participate in the A2I project.*

*These approval criteria have been designed to assess key concepts in a structured manner. The structured assessment process – involving both breaking the overall assessment down into its component parts and assessing them sequentially – aims both to improve the accuracy of overall assessments, and to help focus attention on specific strengths and weaknesses without obscuring the overall picture.*

**Section A: Preliminary Review Checklist**

**(Completed by LSO staff, reviewed by Advisory Council)**

*The purposes of this section are to (a) ensure that the application is complete, and (b) highlight any pertinent issues for further review or follow-up.*

| **Elements** | **Yes/No** |
| --- | --- |
| 1) Applicant adequately describes the organization’s business structure and business model. |  |
| 2) Applicant has obtained any necessary business permits to operate in Ontario. |  |
| 3a) Applicant discloses LSO licensees serving in leadership roles within the organization. |  |
| 3b) There are no regulatory concerns related to any LSO licensees involved. |  |
| 4) Applicant adequately describes its plans for marketing and promoting the service. |  |
| 5) Applicant adequately describes how the service will be made available to users, including with respect to languages, device compatibility, and accessibility practices. |  |
| 6) Applicant identifies third parties involved in the operation of the service, and adequately describes their activities. |  |
| 7) Applicant discloses LSO licensees involved in the development, delivery, or evaluation of the service, and adequately describes their involvement. |  |
| 8) Applicant has considered the potential creation of a solicitor-client relationship and the potential application of legal privilege or confidentiality duties. |  |
| 9) Applicant adequately describes how the service will be kept up-to-date in the event of changes to relevant laws or legal processes in Ontario, and how it will be legally accurate and appropriate for Ontario users if it will also operate in other jurisdictions. |  |
| 10) Applicant provides complete answers to all data security and privacy questions. |  |
| 11) Applicant does not intend to sell or otherwise monetize user data. |  |
| 12) Applicant has provided a copy of its current privacy policy. |  |
| 13) Applicant provides complete answers to all financial practices questions. |  |
| 14) Applicant does not receive any pre-payments of money from users, before services are rendered. |  |
| 15) Applicant does not pay or receive referral fees, or maintain any similar financial arrangements, with any Law Society of Ontario licensees. |  |
| 16a) Applicant adequately describes processes and policies for user identification and verification. |  |
| 16b) Applicant verifies users’ identities. |  |
| 17a) Applicant adequately describes processes for evaluation and quality control. |  |
| 17b) Applicant adequately describes how service quality and accuracy will be assured when a user updates or corrects information originally provided, and how the integrity and accuracy of that information will be maintained.  |  |
| 18) Applicant adequately describes its approach to error and bias prevention in algorithmic and/or automated functions of the service. |  |
| 19) Applicant adequately describes its approach to circumstances in which a user’s matter is not appropriate for the service and/or cannot be completed through the service. |  |
| 20) Applicant carries insurance that covers the provision of the service, and includes both errors and omissions and cybersecurity coverage. |  |
| 21) Applicant adequately describes harm prevention and disaster management plans. |  |
| 22) Applicant adequately describes policies and processes to address and resolve complaints or service issues raised by users. |  |
| 23) Applicant adequately describes its approach to compensation and limitations of liability.  |  |
| 24) Applicant has provided a copy of its current “terms and conditions”. |  |
| 25) Applicant has adequately described its contingency or business continuity plan. |  |
| 26a) Applicant has not disclosed any background issues of regulatory concern with respect to the organization or any individuals with substantial interest in it. |  |
| 26b) If “No” to 26a, does the information disclosed require additional clarification or action from the applicant? |  |
| 27) Any other or miscellaneous substantial information: |  |
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| **Section B: Oversight Continuum Checklist****(Completed by LSO staff, reviewed by Advisory Council)***The purpose of this section is to identify characteristics of the proposed service that help determine the level of regulatory oversight that should be required, if the applicant is approved to participate in the A2I project. The elements of this checklist are not determinative factors for approval decisions; rather, they are used to inform the conditions that would accompany approval.*

| **Quality Control Models** | **Scope of Services** | **AI Categorization (if applicable)** |
| --- | --- | --- |
| (a) LSO licensee substantially involved in both development and ongoing quality control | (a) narrow set of services, narrow area(s) of law | (a) supervised expert system |
| (b) LSO licensee substantially involved in development, but not in ongoing quality control | (b) narrow set of services, broad area(s) of law | (b) unsupervised expert system |
| (c) LSO licensee substantially involved in ongoing quality control, but not in development | (c) broad set of services, narrow area(s) of law | (c) LSO licensee-supervised machine learning |
| (d) no LSO licensee involved in either development or ongoing quality control, but people involved in ongoing quality control | (d) broad set of services, broad area(s) of law | (d) non-licensee-supervised machine learning |
| (e) no LSO licensee involved in either development or ongoing quality control, and no people involved in ongoing quality control |  | (e) unsupervised deep learning neural network |

*Characteristics closer to (a) in the ranges above support lower levels of oversight. Characteristics closer to (d) and (e) support higher levels of oversight.*

| **Oversight Continuum** |
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| Level 1: low to low/moderate oversight |
| Level 2: low/moderate to moderate oversight |
| Level 3: moderate to moderate/high oversight |
| Level 4: moderate/high to high oversight |
| Level 5: high to very high oversight |

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**Section C: Advisory Council Review Checklist**

**(Completed by Advisory Council)**

*The purposes of this section are to (a) assess substantive issues regarding the proposed service, and (b) support a recommendation regarding approval.*

*The first five elements below build on evaluations previously completed at stage 1.*

*If the answer is “no” to any element, please use the Notes column to identify what needs further development or improvement, and/or what assurances or safeguards could be required to mitigate concerns.*

| **Elements** | **Yes/No** | **Notes** |
| --- | --- | --- |
| **1: VALUABLE LEGAL HELP** |  |  |
| 1a) The applicant organization, and the individuals involved in developing and delivering the service, have adequate relevant experience and expertise. |  |  |
| 1b) The service appears designed to produce the outputs that a user would expect to receive (e.g. the appropriate legal form for the issue for which the user sought assistance). |  |  |
| 1c) The applicant has established adequate processes for keeping the service legally up-to-date and maintaining ongoing quality assurance. |  |  |
| 1d) The service could reasonably be expected to provide legal assistance at a competence level superior to self-representation. |  |  |
| 1) Overall, the service appears capable of providing valuable legal help to Ontario consumers. |  |  |
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| **2: INNOVATION** |  |  |
| 2) The service appears capable of being innovative, including in any of the following ways: application of existing tech, development of new tech, improvement in efficiency or quality of service, or increase in scope, scale, or market of legal services. |  |  |
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| **3: ACCESS TO LEGAL SERVICES AND/OR ACCESS TO JUSTICE** |  |  |
| 3) The service appears capable of improving access to legal services and/or access to justice. |  |  |
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| **4: VIABILITY** |  |  |
| 4) The service appears capable of being viable in Ontario, in terms of being sustainable, scalable, and/or successful in other respects. |  |  |
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| **5: READINESS** |  |  |
| 5) The applicant is either currently operational (i.e. providing services to users) or will be ready to operate upon approval. |  |  |
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| **6: DATA SECURITY AND PRIVACY PROTECTION** |  |  |
| 6a) The applicant’s data security capabilities, processes, and policies are adequate. |  |  |
| 6b) The applicant’s privacy protection capabilities, processes, and policies are adequate. |  |  |
| 6) Overall, the applicant’s data security and privacy protection measures are adequate. |  |  |
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| **7: ADVERSE EVENT MONITORING AND RESPONSE** |  |  |
| 7a) The applicant has established adequate processes to monitor for adverse events, such as server failures, compromised security, critical software errors, or privacy violations. |  |  |
| 7b) The applicant has established adequate plans and processes for responding to anticipated adverse events. |  |  |
| 7c) The applicant’s policies and processes to address and resolve user complaints or service issues are adequate. |  |  |
| 7d) The potential compensation and related remedies made available through the service’s “terms and conditions” to users who have suffered losses resulting from their use of the service are appropriate in proportion to the extent of the potential harms. |  |  |
| 7e) The applicant has established adequate contingency or business continuity plans, in the event of, for example, withdrawal, termination, abandonment, or interruption of service provision. |  |  |
| 7) Overall, the applicant’s adverse event monitoring and response measures are adequate. |  |  |
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| **8: OTHER KEY SAFEGUARDS** |  |  |
| 8a) The applicant has established adequate processes for identifying users of the service, and for verifying user identification where circumstances warrant. |  |  |
| 8b) The applicant has established adequate processes and communications to users for circumstances in which a user’s matter is not appropriate for the service and/or cannot be completed through the service. |  |  |
| 8c) The applicant has established adequate processes for collecting and processing payments from users (if applicable). |  |  |
| 8) Overall, the applicant has established adequate safeguards to support the safe and effective use of the service. |  |  |
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| **RECOMMENDATION** |  |  |
| Based on the elements described above, the Advisory Council recommends that this applicant be approved to participate in the A2I project. |  |  |
| (If the recommendation is either to reject the application or to return it for more information, please elaborate on the reasoning.) |  |  |