STIAEM

Slow Tech Innovation

AI, Ethics and New Teaching Methods

Decoding Commercial Terms of Use (ToS), Age Limits, and Intellectual Property

Co-funded by the European Union

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Università di Foggia

Studi Umanistici, Lettere, Beni Culturali, Scienze della Formazione

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OER 5.2.1: Decoding Commercial Terms of Use (ToS), Age Limits, and Intellectual Property
Reference Module: Module 5 - Safety, Privacy and Sustainability
Related Video-Pill: Video 5.2 - Terms of Use (ToS) & Account ProtectionAuthoring
partner: Rhodes Evening High School - Greece
Topic / Thematic Focus: Commercial ToS decoding, age limits and intellectual property rights

Introduction and Learning Objectives

This resource, together with OER 5.2.2, accompanies video-pill 5.2 «Terms of Use (ToS) & Account Protection» of Module 5. Its purpose is to teach how to read critically the Terms of Service (ToS) of the digital services used at school, with particular attention to three nodes: minimum age and consent, advertising and profiling, and intellectual property of content.
The text connects to DigComp 3.0 (Cosgrove & Cachia, 2025), in particular to competences 2.5 «Digital behaviour» and 3.3 «Copyright and licences», and to the principles of Slow Tech (Patrignani & Whitehouse, 2019). The legal references are Regulation (EU) 2022/2065 (Digital Services Act, DSA) and Regulation (EU) 2016/679 (GDPR).
By the end of the reading, the teacher will be able to:

- identify in the ToS the clauses concerning minimum age, minors' consent and the protection of platforms accessible to minors;
- recognise the advertising and profiling practices prohibited when the recipient is a minor;
- assess the clauses on the intellectual property of uploaded content, with consequences for teaching materials.

1. Why nobody reads the ToS (and why the school cannot afford that)

Terms of Service are long, written in legal language and presented with a click of assent. The literature has shown that almost nobody really reads them before accepting: the research by Obar and Oeldorf-Hirsch, published in Information, Communication & Society, documented that users tend to ignore the clauses they accept (Obar & Oeldorf-Hirsch, 2018). The source is available only as an online bibliographic reference; here we take up its meaning in the form of a cautious paraphrase, without textual quotations.
For a school the stake is different from that of a private user, because accepting the ToS can bind the institution and concern hundreds of minors. Reading the ToS is therefore not a scholarly exercise, but an act of professional diligence.
A further difficulty is language: the ToS are almost always in English, written for an adult audience and in a legal register. A teacher facing them for the first time may feel discouraged. The effective strategy is not to read them all, but to look for a few decisive clauses: minimum age, use of data, advertising, ownership of content, account deletion. Once the clause is identified, it is interpreted with the help of the letter of the law, which offers an objective parameter of assessment.

2. Minimum age and consent

The first node is age. The GDPR sets a threshold for consent to information society services offered directly to minors, allowing States to lower it to no less than 13 years.

«the processing of the personal data of a child shall be lawful where the child is at least 16 years old. Where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child. Member States may provide by law for a lower age for those purposes provided that such lower age is not below 13 years» (GDPR, art. 8, par. 1).

The DSA adds a specific obligation for platforms accessible to minors, which must adopt appropriate and proportionate measures to protect them.

«Providers of online platforms accessible to minors shall put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors, on their service» (DSA, art. 28, par. 1).

In the classroom, the first check to be made is therefore to read the minimum age declared by the service and to ask who gives consent. If the platform is not designed for minors, the didactic use must be rethought or replaced.

An important point must be clarified for the Italian school: since many services are offered globally, the threshold declared in the ToS may not coincide with the one applicable in our legal order. In case of doubt, the stronger protection prevails, which in secondary school normally coincides with parental consent for the younger students. The simplest solution, and often the best, remains the use of institutional accounts that do not require the minor to give personal consent to a commercial platform.

3. Advertising and profiling: the prohibitions that matter

The second node concerns what platforms do with users' data. The DSA prohibits advertising based on special categories of data and, even more clearly, profiled advertising aimed at minors.

«Providers of online platforms shall not present advertisements to recipients of the service based on profiling as defined in Article 4, point (4), of Regulation (EU) 2016/679 using special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679» (DSA, art. 26, par. 3).

«Providers of online platform shall not present advertisements on their interface based on profiling as defined in Article 4, point (4), of Regulation (EU) 2016/679 using personal data of the recipient of the service when they are aware with reasonable certainty that the recipient of the service is a minor» (DSA, art. 28, par. 2).

A third obligation concerns the transparency of recommender systems: what is shown to the student is not neutral, but depends on parameters that the platform must make understandable.

«Providers of online platforms that use recommender systems shall set out in their terms and conditions, in plain and intelligible language, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters» (DSA, art. 27, par. 1).

The picture is completed by the purpose declared by the legislator: the DSA too considers the protection of minors a priority objective and calls for designing interfaces with the highest level of privacy, safety and protection from the initial configuration onwards (DSA, recital 71).

Turning these prohibitions into a reading exercise is one of the most effective activities of digital civic education. By asking students to examine how much and what information a service collects to «personalise the experience», the mechanism of profiling is made visible and it is shown that the legislation is not an abstraction. The prohibition of profiled advertising aimed at minors (DSA, art. 28, par. 2) provides an objective reference to anchor the discussion.

The picture is completed by the GDPR protection against decisions based solely on automated processing, including profiling (GDPR, art. 22). The guidelines of the European Data Protection Board illustrate how to apply these protections to profiling and automated decisions (EDPB/WP29, 2018).

4. Intellectual property and content

The third node, often neglected, concerns what happens to uploaded content. The clauses on intellectual property establish who owns the published materials and which licences the user grants to the platform: by publishing a work on a service, one may authorise uses that we had not foreseen, such as reproduction or distribution.

For the school this has two consequences. On the one hand, teaching materials produced by teachers should be managed with clear licences, in line with the openness choice of the STIAEM project. On the other hand, before uploading students' work or third-party materials to a commercial platform, the conditions and rights must be checked. DigComp 3.0 explicitly includes the competence on copyright and licences (3.3), and the Slow Tech model calls for a «fair» use («Fair IT») of digital resources.

A practical check can be carried out on a teaching-material sharing service. Three aspects are examined together: who is the owner of the uploaded content, which licence is

automatically granted to the platform and what happens to the materials if the account is closed. These questions, simple but precise, orient the choice towards tools compatible with the open dissemination of materials, consistent with the logic of Open Educational Resources.

5. A reading grid for the classroom

Turning the ToS into a civic exercise is possible. Students can be asked to examine the terms of use of a service they use daily and to answer a few key questions: how old one must be, who gives consent, whether the service shows profiled advertising, who owns the uploaded content, how the account is deleted. It is an activity that trains critical reading and awareness of rights.

The following table gathers the main nodes and the questions to be asked.

The activity can become a small interdisciplinary project, combining civic education, a foreign language and digital competences. Working in pairs on different services, students compare the results and build a comparative sheet, training themselves to document their conclusions. It is the kind of task that leaves lasting learning, because it turns a habitual gesture, the acceptance of a service, into an aware and argued decision.

ToS node	Reference	Question to ask	Action
Age and consent	GDPR art. 8; DSA art. 28	What is the minimum age? Who gives consent?	Check before registering the class
Profiled advertising	DSA art. 28.2	Does the service show advertising based on profiling?	Prefer services without profiled advertising
Special categories	DSA art. 26.3	Does the service use sensitive data for advertising?	Exclude services that do not comply with the prohibition
Transparency of recommendations	DSA art. 27	Are the display criteria explained clearly?	Discuss with the class how content is chosen
Intellectual property	ToS of the service	Who owns the uploaded content?	Use clear licences; find out before uploading

Visual Scaffolding

Decoding Terms of Service: A Guide for Educators

While most users ignore Terms of Service (ToS), schools have a professional duty to read them, as these contracts bind the institution and affect hundreds of minors. This guide breaks down the essential legal nodes and provides a practical evaluation grid for the classroom.

Legal Safeguards & Protections



Why Schools Cannot Afford to Ignore ToS

Accepting commercial terms binds the institution and impacts the privacy of hundreds of minors.



Minimum Age and Consent Thresholds

GDPR Art. 8 requires parental consent for minors typically under ages 13–16.



Prohibitions on Profiling and Ads

DSA Art. 28.2 strictly prohibits showing profiled advertisements to known minors.

Transparency & Intellectual Property



Recommender System Transparency

DSA Art. 27 requires platforms to explain the main parameters of content recommendations.



Intellectual Property Risks

ToS define who owns uploaded materials and how the platform can use them.

Classroom ToS Reading Grid

A checklist for teachers to use when evaluating a new digital tool for the classroom.

ToS Node	Key Question	Reference
Age/Consent	What is the minimum age and who gives consent?	GDPR Art. 8
Advertising	Does the service show ads based on profiling?	DSA Art. 28.2
IP Rights	Who owns the content and how is the account deleted?	ToS Clauses

Gemini Notebook

Conclusions and Metacognitive Reflection Prompts

This resource has shown how to read the Terms of Service of the digital services used at school. The GDPR sets the age and conditions of minors' consent; the DSA prohibits profiled advertising aimed at minors and based on special categories of data, and imposes transparency of recommender systems; the clauses on intellectual property define the fate of uploaded content. Reading the ToS is thus an act of professional diligence and, at the same time, an exercise in digital civic education.

To transfer these core ideas to one's own practice, the following reflection prompts are proposed:

- Have you ever read in full the ToS of a tool you use in class? Which clause surprised you?
- How would you involve students in a critical reading of the terms of use of a service they use every day?
- Which licence would you want for the teaching materials you produce, and how would you make it visible to students?

Technical Metadata Sheet

Metadata Field	Specification / Parameter Value
Identifier	OER 5.2.1
Title	Decoding Commercial Terms of Use (ToS), Age Limits, and Intellectual Property
Creator	Rhodes Evening High School - Greece
Description	The resource teaches how to read critically the Terms of Service of the digital tools used at school, focusing on three nodes: minimum age and consent, advertising and profiling, and intellectual property of uploaded content. It explains the prohibitions that matter when the recipient is a minor. The practical focus is a reading grid that teachers can use both with students and in institutional choices.
Keywords	terms of service; age limits; minors' consent; advertising; profiling; intellectual property; digital contracts; critical reading
Language	EN (English)
Affiliation	Rhodes Evening High School - Greece
Contributor	STIAEM Transnational Scientific Board (peer review, Rhodes validation protocol)
Media Format	Text; Infographics
Genre	Training Manual; Educational Guide
URL	
Citation	Cosgrove, J., & Cachia, R. (2025). DigComp 3.0: European digital competence framework (Fifth edition). Publications Office of the European Union. https://data.europa.eu/doi/10.2760/0001149 European Union. (2016). Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation). Official Journal of the European Union, L 119, 1-88. https://eur-lex.europa.eu/eli/reg/2016/679/oj European Union. (2022). Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services (Digital Services Act). Official Journal of the European Union, L 277, 1-102. https://eur-lex.europa.eu/eli/reg/2022/2065/oj Obar, J. A., & Oeldorf-Hirsch, A. (2018). The biggest lie on the Internet: Ignoring the privacy policies and terms of service policies of social networking services. Information, Communication & Society, 23(1), 128-147. https://doi.org/10.1080/1369118X.2018.1486870 European Data Protection Board / Article 29 Working Party. (2018). Guidelines on automated individual decision-making and profiling for the purposes of Regulation 2016/679 (WP251rev.01). https://ec.europa.eu/newsroom/article29/items/612053 Patrignani, N., & Whitehouse, D. (2019). Slow tech: The bridge between computer ethics and business ethics. In This changes everything - ICT and climate change (pp. 265-280). Springer.
Educational Level	Secondary School
Associated Module / MOOC Video Lesson	Module 5 - Safety, Privacy and Sustainability / Video 5.2 - Terms of Use (ToS) & Account Protection
Learning Objectives	identify in the ToS the clauses concerning minimum age, minors' consent and the protection of platforms accessible to minors; recognise the advertising and profiling practices prohibited when the recipient is a minor; evaluate the clauses on the intellectual property of uploaded content, with consequences for teaching materials.
Rights	Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)
Date Available	14/09/2026
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References and Webography

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