RECOMMENDATION No. R (83) 3
CONCERNING THE PROTECTION
OF USERS OF COMPUTERISED LEGAL INFORMATION SERVICES
(Adopted by the Committee of Ministers on 22 February 1983
at the 356th meeting of the Ministers’ Deputies)

The Committee of Ministers, under the terms of Article 15.b of the
Council of Europe,

Considering that the aim of the Council of Europe is to achieve
greater unity among its members;

Considering that the growing complexity of law and of other legal
information from national, European and international sources makes it
increasingly difficult for citizens to orient themselves in the legal sys-
tem and exercise their rights and fulfil their duties;

Considering that, to the benefit of the rule of law, all means for
spreading legal information should be developed as fully as possible
and on terms which take into considering the principle of equality before
the law;

Considering the automated means of storing and retrieving legal
information have already been introduced in a great number of member
states;

Appreciating the novel and innovative nature of many computer-
ised legal information services;

Noting also that the growing dependence on such means has cre-
ated a new situation with regard to the responsibilities of the providers
of legal information and to the protection of those seeking to obtain
such information;

Considering it an important task to formulate general principles for
computerised legal information services, not least since such prin-
General principles are essential to facilitate access to legal information at both national and international levels;

Bearing in mind the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data;

Considering that the relationship between a computerised legal information service and its users should be organised in such a way that the protection of the users is taken into account,

Recommends the governments of member states:

1. to take appropriate steps in order to implement the “General principles concerning the protection of users of computerised legal information services” reproduced in Part I of the appendix to this recommendation and, where applicable, take them into consideration when preparing new legislation in the field covered;

2. to take appropriate measures to ensure that the “Guidelines for the relationship between a computerised legal information service and a user of such a service”, reproduced in Part II of the appendix to this recommendation, are brought to the attention of computerised legal information services and their users;

3. to draw the attention of the competent public and private institutions and interested parties to the measures taken in compliance with paragraphs 1 and 2 above.

Appendix to Recommendation No. R (83) 3

Part I

General principles concerning the protection of users of computerised legal information services

1. Definitions

A “computerised legal information service” means a service (institution or conglomerate of separate institutions and regardless of their form or organisation) providing information by automated means on:

- legislation,
- court decisions,
- legal literature.

A service is presumed “operational” if it publicly announces itself as such or if it charges a fee.

The “user” of a computerised legal information service is a person or institution who seeks directly the service mentioned above, whether or not acting on behalf of a third party.

2. Access of computerised legal information services to legal source texts

States should facilitate access of computerised legal information services to legal source texts (legislation, court decisions, administrative texts).

The services should, wherever possible, be permitted to use materials existing in machine-readable form.

The preceding paragraph should not apply if the state itself supplies any available legal source data directly to the users.

3. Access of users to computerised legal information services

States should endeavour to encourage access of persons and institutions to the information held by operational computerised legal information services. If access is restricted to a specific category, the service should clearly indicate who may have access to it; it should not deny access to a person or institution belonging to the category thus indicated. In any case, the conditions of access should be such as to avoid unfair discrimination.

Services should endeavour to give access to users from other states and international organisations.

4. Participation of users

Computerised legal information services should be adapted to the needs of the users.

User participation should be secured, for instance through representation in appropriate decision-making or consultative bodies.

5. Coverage

The selection of documents, if applicable within a chosen area, should be sufficiently representative; in any case, it should be carried out according to clearly defined standards.
8. **Guarantees for the user:**

   a. a guarantee that the service will not give to any person, unauthorised by the user, information regarding queries formulated by the user, subject to the legitimate use the service might make of the queries for its internal purposes;

   b. a guarantee that the password permitting access to the system is granted exclusively to the user, and that the service will not make improper use of it, either by disclosing it to an unauthorised person or by utilising it without the permission of the user;

   c. a guarantee that, if the user has created a data base for his own exclusive use, no information about the data base or access to it will be given to a person not authorised by the user.

9. **Updating of system documentation:**

   Reference to measures which allow the user to know at all times the actual state as well as the expected changes of the items specified in Items 1 to 7.

10. **Termination of the relationship:**

    The appropriate procedures and time-limits that the service and the user must respect if they want to terminate the relationship; details as to how the user can terminate the relationship if considerable changes have been made concerning the data base or the technical services, or if the cost of services is increased.

---

**EXPLANATORY MEMORANDUM**

**Introduction**

1. Upon the proposal of the Council of Europe’s Committee of experts on legal data processing, whose task it is to follow research and development of data processing in the legal sector and to propose appropriate harmonisation measures, the 5th Symposium on Legal Data Processing, held in Vienna in May 1979, discussed the subject “the protection of users of legal data processing systems”.

2. In view of the fact that the reports presented at the symposium and the discussions showed that a number of questions in this domain were of great practical importance and deserved further study, the Committee of experts on legal data processing decided in 1979 to set up the Working Party on the protection of users of legal data processing systems, whose terms of reference were “to formulate, in the light of the reports submitted to the 5th Symposium on Legal Data Processing, guidelines on the protection of users of legal data processing systems and to draw up, if appropriate, a suitable legal instrument concerning civil liability of legal data processing centres”.

3. The Working Party, which held four meetings during the years 1979 to 1981 under the Chairmanship of Mr P. Neleman (Netherlands), thoroughly examined the many aspects of the problems before it. The result of its work as amended and approved by the Committee of experts on legal data processing, the European Committee on Legal Cooperation as steering committee, and finally by the Committee of Ministers of the Council of Europe, is Recommendation No. R (83) 3 and the present explanatory memorandum.

**General remarks**

4. Automated means of retrieval of legal information are being introduced in many countries. At present, they complement in a modest way existing means and methods of legal research. Their importance will undoubtedly grow and there are reasons to believe that access to legal
States should endeavour, whenever necessary, to ensure or to encourage the creation of data bases to cover types of information, fields of law and jurisdictions not otherwise provided for.

6. Co-operation among services

Legal information services should endeavour to comply with common technical standards agreed upon within the competent national and international organisations in order to facilitate co-operation, exchanges of information and the interrogation of data banks via networks.

7. Relationship between the service and the user

The relationship between the legal information service and the user should be regulated by rules provided in a contract, in standard contract clauses or in regulations. These rules should be made available in written form to a user at his request. They might be inspired by the guidelines set out below in Part II of the appendix.

Part II

Guidelines for the relationship between a computerised legal information service and a user of such a service

Every service should present to its users, on request, a document indicating the conditions which apply to the services it offers. The following items should be included in this document:

1. Nature of data base:
   a. the fields of law covered;
   b. the type of data;
   c. the period of time covered;
   d. the updating system;
   e. the criteria for the choice of data;
   f. the form in which the data are available;
   g. the sources of the data.

2. Nature of the service offered, such as:
   a. the possibility for the user to search the data base directly;
   b. the necessity or possibility of searching the data base with a member of the staff of the service acting as an intermediary;
   c. selective dissemination of information (permanent questions by the user on a particular subject);
   d. whether legal texts are supplied in a printed form or any other form, for example microfilm or microfiche;
   e. the facilities for training which the service offers to the user, or the organisation which will undertake training on behalf of the service and the cost of the training.

3. Description of the system and the methods used for retrieval:

References to manuals which describe how to use the system, the methods to be used for retrieval and their implications for the retrieval results; methods of updating this information following the development of the system.

4. Data-processing equipment available to the user and services to be rendered:
   a. the peripheral equipment and the communication procedures which can be used to search the data base. If the service provides the equipment, it should also specify what technical support the user is entitled to (in particular, maintenance services) and what is the expected response time for such support;
   b. obligations, if any, of the service for locating failures of the system, including the communication line.

5. Availability of the services:
   a. the periods of the day during which the data base can be searched;
   b. the expected response time, taking into account the most important circumstances which might influence it.

6. Costs:

That is clear and understandable information on the factors determining the cost of using the system, and the guarantee that the user will be enabled to know the costs of each search which has been made.

7. Use of output:

It should be clearly stated what the position is as to copyright and other intellectual property rights and what use can be made of the information supplied.
materials through computers will be looked upon by legal professionals not only as useful but even as crucial to the quality of their work. The new means of making legal information available can and should be seen as an instrument to support the rule of law, equal access to the law, and informed debate of issues of a legal nature.

5. Two concerns should guide the introduction of automated methods as a new means of providing access to the law:

a. that efforts are made without delay to exploit the advantages associated with improved retrieval facilities, dissemination facilities, etc. Ultimately, this obligation rests on the states as the guardians of the rule of law;

b. that the introduction of computerised methods is not allowed to lead to unequal opportunities of seeking legal redress. The principle of equality before the law in this context means that access to legal information with the aid of computers should be offered on terms which further broad and frequent usage.

6. The advent of new tools and methods is not without effects on the traditional ways of recording, disseminating and retrieving legal information. It leads to a number of issues involving such matters as the form and purpose of government engagement in the field, the existence and consequences of monopolistic tendencies, and the ways in which it can be ascertained that access to relevant and complete legal information is sufficiently easy to obtain even through computerised means. All these matters, to which may be added numerous other ones involving standards for equipment and methods, availability of source materials for computer storage and so forth, are related to the issue of user protection. However, they concern the issue of the protection of users in a broad sense and they should be distinguished from issues of protection in a narrow sense, that is, primarily, issues which arise from the contractual or regulative relationship between those who provide legal information services and their customers. The appendix to the recommendation is organised accordingly, Part I containing general principles which focus on the broader problems and Part II describing which items might be taken into consideration for the relationship between a computerised legal information retrieval service and a user of such a service.

7. The general principles in Part I of the appendix lay down rules of conduct which should be observed and do not necessarily arise only from the relationship between the service and its actual users. For instance, one of the rules deals with the question of access of users to the service, that is who should be entitled to become an actual user. The other principles contained in Part I deal with selected issues of a broader scope. Generally speaking, care has been taken to leave room for different national situations and solutions. Part I concludes with a recommendation that the relationship between suppliers and users be organised by contract or regulations, which might be inspired by the guidelines set out in Part II of the appendix.

8. The relationship between the legal information services and their users is mainly of a contractual nature. It has been noted, however, that in the member states no special legislation exists that governs this relation. This implies that in principle only the general rules of contract — or, as the case may be, the rules pertaining to relations with public services — of the member states are applicable, which have not primarily been formulated with a view of the protection of users of automated information services.

9. Concerning the guidelines for the relationship between a computerised legal information service and a user of such a service, it seemed desirable to lay down what should be regulated in the contract or regulations governing this relationship rather than to state how the contract or regulations should organise the relationship. The latter does not seem to be possible due for instance to the fact that the services are in different stages of development. For this reason a model contract or model regulations have not been drawn up; instead, guidelines in the form of a catalogue of subjects that might be taken into consideration have been established. These guidelines are commented on in detail below.

10. Concerning civil and in particular contractual liability of computerised legal information services, no specific recommendation is made; the general rules in force in the member states apply.

Although rules on liability might render centres more credible and would be a logical counterweight to the fact that many of them charge fees, it was not thought wise to propose rules for a very narrow, albeit very specific, field, as this would only lead to the diversification and complication of legislation. Also, it was considered that the field of automated legal data processing was still under development and the tasks and legal position of centres as yet not fully defined.
Comments on Part I of the appendix to the recommendation

General principles concerning the protection of users of computerised legal information services

Definitions

11. It is considered as highly important that the principles concerning the protection of users have the widest possible application. They should apply to all computerised legal information services, whether of a public or private character, whether or not in the form of one single legal entity, whether the law in general or one or more special fields of law are covered, regardless of the exact nature of the service offered, etc. In respect of this variety of possibilities the term “computerised legal information service” is used, which is thought to have the broadest possible meaning and particularly to comprise more than the expression “legal data processing centre”. For the applicability of these principles only two elements are essential:

   a. that there is a service providing information on legal documents, regardless of the fact whether this service is operated by the state or by private institutions;
   
   b. that information is provided by automated means.

12. The question of whether or not a service is to be considered operational has to be decided by the way in which it conducts itself. A service which announces itself publicly as an operational service has to be considered as such, but the same holds true if a fee is charged for the services offered. In this latter situation, there is at least a presumption that the service acts as an operational service. It should be noted that, under certain circumstances, a service may be only partly operational, for instance only for a part of the data base.

13. The information covered by Principle No. 1 relates to:

   — legislation (in the widest sense, including legislation of regional and local authorities, regulations, draft legislation, repealed legislation, travaux préparatoires);
   
   — court decisions (with head-notes, references, annotations);
   
   — legal literature (textbooks, commentaries and articles).

14. “User” is defined as the party who seeks directly the computerised legal information service. It is not relevant whether the user acts on his own behalf or, as an intermediary, on behalf of a third party who will eventually use the information. In the latter situation this third party referred to is not considered to be a user, because the interrogations take place by the intermediary of a person outside the service. On the other hand, a person having access to the data base, but belonging to the staff of the service itself — for example in the situation where the data base has to be interrogated by the intermediary of an employee of the service — is not a user within the meaning of this definition.

15. The words “who seeks directly the service” used in the definition of “user”, have to be taken in a broad sense: for instance, a person or institution receiving selective dissemination of information can be said to have put permanent questions on a certain subject, and thus to seek the service.

Access of computerised legal information services to legal source texts

16. It is in the interest of users of legal information services that the information that can be obtained on a certain subject is as complete as the user desires in a given situation. In particular, from the viewpoint of understanding the law it is desirable that, under certain circumstances, a user can obtain even exhaustive information. Therefore the services should have the widest possible means to obtain source materials to be stored in data bases.

17. In principle the service should be able to provide itself from official sources with all the material it may want to have available in the data base, even in the states where a copyright in these materials exists.

18. When a text exists in machine-readable form — for instance as a by-product of the printing process — it would seem rather cumbersome if the service could indeed get the material, but only in printed form, which would oblige it to convert the text again into machine-readable form. The thought, that in such a situation the material should be made available in machine-readable form, is expressed in paragraph 2 of Principle No. 2.

19. However, if a state acts itself as the supplier of information, it should not be obliged to hand over machine-readable information (data
carriers) to private computerised legal information services for commercial use.

Access of users to computerised legal information services

20. Principle No. 3 lays down the important principle that users should have access to the service under equal conditions; it does not imply that the service may be used free of charge.

21. This principle is stated explicitly for an operational service, the predominant notion being that the information should be offered to as broad a circle of persons and institutions as possible. This does not necessarily mean that everybody may have access to every service. It is possible that a service is intended only for a restricted category of users. In that case this category should be clearly indicated, and the service should not deny access to anybody belonging to that category.

22. The third sentence of the first paragraph refers to the principle of equal access. In any case — for all computerised legal information services — the conditions of access should not infringe this principle in such a way that there is unfair discrimination between different users or groups of users. Any preferential treatment of special user groups, which is permitted only when this does not amount to unfair discrimination, should be clearly defined. Special treatment, for instance a lower tariff, could be granted to certain groups such as university students etc. A regressive tariff, for example a reduction of the fees for heavy use, even if this could be considered to form preferential treatment, is also possible.

23. In the framework of the Council of Europe, the international flow of information is an important aspect. Although it may not be practical to grant users from other states the same position as national users, it is nevertheless desirable that services offer the possibility for users from other states to have access to the service. In this connection reference is also made to Principle No. 6.

Participation of users

24. The principal significance of a computerised legal information service is that of being a tool for the user to achieve better and quicker results than would be possible with conventional means. This implies that a service, even when it is operational, should be constantly aware of the wishes of the users, and the need to balance them one against another within the resources available to the service, and that it should also be prepared to make the necessary changes in organisation, techniques, etc. Although the self-interest of the service might in some cases already form an incentive, it was considered useful to lay down explicitly the principle that, to reach the aforementioned goal, user participation should be secured by appropriate means. The way to realise this participation is left open. This depends largely on the situation; as an example the possibility is mentioned of user participation through representation in appropriate decision-making or consultative bodies — which may exist on national level or at the level of the service — but other solutions are also conceivable.

Coverage

25. It is neither practicable nor useful to start from the principle that in all cases all legal documents that might be available should be stored in the data base. Considering, for instance, court decisions, it is clear that many decisions are not interesting from a legal point of view. This means that a selection has to be made, but common criteria for carrying out this selection have not yet been defined. Therefore only two requirements have been formulated in general terms.

26. In the first place, the selection should be such that the documents stored in the data base are sufficiently representative for the field of law in question.

27. Furthermore, it has been laid down that the standards used in selecting the documents should in any case be clearly defined; there should be no hidden bias. Both the user and the potential user will thus be able to know what information they can expect to be in the data base and for what information they have to look elsewhere.

28. In principle — with due regard to the user participation referred to above — the service is free to choose the field of law, jurisdiction, the type of documents, etc. to be covered. This could mean that certain areas are not covered by the existing services, although from the viewpoint of completeness of information it would be desirable that these areas could be searched by automated means. In this situation, the state could play an important role by creating or encouraging data bases for these areas. A recommendation to that effect has been laid down in the second paragraph of Principle No. 5.

Co-operation among services

29. It will obviously be in the interest of the user to be able to get the fullest possible information with the least possible obstacles. import-
ant aspects that could be mentioned here are, for instance, the possi-
bility of interrogation of data bases via networks, uniform retrieval
methods, user-friendly system and equipment. To achieve the desired
result, co-operation among services, both on the technical and organisa-
tional level, is necessary. In order to facilitate this, it would be desir-
able that common technical standards be developed by national and
international organisations with which the services should endeavour
to comply.

Relationship between the service and the user

30. It is essential that the relationship between the service and the
user be regulated by rules which might be inspired by the guidelines set
out in Part II of the appendix to the recommendation. Depending on the
situation, these guidelines could be taken into consideration when
drawing up a standard contract or an individual contract or, for instance,
if the service is organised as a public authority, in general regulations.
In any case, the text of the contract etc. should be made available to the
user in written form, if the user makes this request.

Comments on Part II
of the appendix to the recommendation

Guidelines for the relationship between a computerised
legal information service and a user of such a service

General remarks

31. The users of computerised legal information services are likely to
be relatively unfamiliar not only with such services but particularly with
the contractual problems at issue. Further, they might be in a weaker
economic situation than the providers of such services. It is important
that such services should maintain high standards and be seen to main-
tain such standards. The guidelines for the relationship between ser-
vice and user will serve to remind the provider of the service of the stan-
ardards to be maintained, and encourage the user to have faith in the ser-
vice to the advantage of both.

Item No. 1: Nature of the data base

32. The extent and quality of the data base in a computerised system
is not apparent in the same way as the contents of a book are apparent.
It is therefore important to tell the user exactly what he can expect to
find in the data base. Normally, this should be done in a sufficiently
detailed documentation appended to the main contract.

a. The fields of law covered (for example criminal law, social law):
there should be an indication of what fields of law the data base is
designed to cover. If the data base mentions specific fields of law, then
a representative selection of sources should be included unless other-
wise clearly stated.

b. The type of data: it should be stated whether the data base consists
of statute laws, court decisions, commentaries, text books, etc.

c. The period of time covered: this will be particularly important
where the data base contains statutes, regulations or court decisions.
Not only should the years covered be mentioned but there should also
be a statement of whether subsequent amendments have been included
and to what date.

d. The updating system: unless the data base is to remain un-
touched, the method of updating should be explained. For example, in a
data base of statute law, textual amendments may be made by sub-
sequent statutes of earlier statutes. How is this shown in the amended
statute? How soon after the amending statute will the amended statute
be altered in the data base?

Will it be possible to retrieve the earlier statute in its unamended
form? Will there be any indication to the user that a statute has been
amended? Whatever methods are adopted they should be clearly ex-
plained to the user.

e. The criteria for the choice of data: where a particular field of law
is covered, it is unlikely ever to be complete. It is important therefore to
make clear to the user that the data base is a selection based on speci-

dified criteria.

f. The form in which the data are available: the user should be told
whether the full text of the source is available from the data base or
whether the data base consists, for example, of abstracts of cases or of
bibliographical references.

g. The source of data: (for example author, official gazette, com-
petent ministry). The origin of the data should be stated. This could be a
reference to the printed book from which the material came, stating the
author, publisher, edition, etc.
**Item No. 2: Nature of the services offered**

33. The facilities offered by the service will be varied. There may be facilities for asking the service to keep a user regularly updated on certain subjects (selective dissemination of information). In addition to accessing material by screen or visual display unit, there may be facilities for attaching printers. Again, there may be facilities at the computer centre for high-speed bulk printing of material which the user can request either through his terminal or by contacting the centre by other means. Bulk material may be available in the form of microfiche or microfilm.

34. Training may be made available by the service itself or by a third party organisation. Whatever facilities exist, they should be clearly explained or at least listed with references to more detailed documentation. In all cases the costs should be clearly explained and set out in detail so that the user can calculate them before incurring them.

**Item No. 3: Description of the system and the methods used for retrieval**

35. The contract should refer to what documentation is available explaining how to use the system. There are many problems with such systems which are not obvious to the novice, such as the order of parsing logical operators. As systems progress, new searching techniques may be developed, perhaps using ranking, correlation and other statistical methods. Full details of the methods involved should be made available, so that the user will at least have the material required to seek advice on the effectiveness of such methods. Some attempt should be made to explain the significance and likely results of using such methods.

**Item No. 4: Data processing equipment available to the user and services to be rendered**

36. Some services will provide by hire or sale particular peripherals for accessing the service. Others may allow a variety of different makes of peripherals to be used. Unless particular terminals are exclusively specified, all necessary details needed for communication should be given, such as baud rate, parity, character code, etc.

37. The contract should specify what assistance the user will get in setting up and maintaining the communications equipment. Where maintenance of terminals is provided, the expected maximum time that will elapse between the user reporting a fault and an engineer attending to it at the user’s site should be stated.

**Item No. 5: Availability of the services**

38. Often a user may be accessing a service using a terminal supplied by an independent supplier, a modem supplied by yet another supplier and the telephone wires of the telephone company. It is often extremely difficult for a user to ascertain which piece of equipment is responsible for a problem he is experiencing. The service should clearly state the extent of its responsibility for locating such faults, if any, and what facilities are available, if any, for fault location.

39. a. The availability of the service stating opening and closing times should be given.

   b. Some indications of expected response time (elapsed time between posing a question and a result being displayed) should be given and the factors likely to give rise to long response times indicated. The means should depend on the system. A warning should be given to the user with an opportunity to cancel the search at reasonable intervals if the search involves much processing and is therefore likely to lead to a long response time and high cost.

**Item No. 6: Costs**

40. The costs that the user will incur in using the service should be clearly stated. Many users will want to know the exact cost of each session at the terminal so that they can pass the cost on to a client. The cost or sufficient information to enable the user to calculate the cost should be displayed during or at the end of the search.

**Item No. 7: Use of output**

41. The user will use the service in order to find legal texts. He may receive them in the form of an image on a screen, a listing from a printer, microfiche or microfilm or by some electronic means whereby he stores the information in his own computer, whether by a communications link or the receipt of some storage media such as disk or magnetic tape.

42. In all these cases, it is desirable that the service should inform the user about the copyright and other rights in the data. The user may wish to pass the data to a third party such as his client or use them as evidence in a court of law. Any restriction or obligation on the user in respect of this output should be stated.
Item No. 8: Guarantees for the user

43. a. Many users will be lawyers working on matters where confidentiality will be of great importance. The service should guarantee that no questions posed to the service will be disclosed to any unauthorised person. The service may, however, collate information on questions posed to the system so as to monitor use of the system. For example, it might want to collect statistics on the popularity or otherwise of a particular data base or the use of particular kinds of searches or techniques. However, it should not publish such statistics or other results likely to make the user identifiable in any way. Investigations as to the effectiveness of searches based on an actual user's queries should not be conducted without the knowledge and agreement of the user.

b. It is very important that nobody other than the user should use his password, thus the service should not disclose it to third parties, and the personnel of the service should not use it themselves without the permission of the user. This is important not only in order to protect the confidentiality of the searches carried out by the user but also to avoid another person having access to the system and the user having to pay for such searches.

c. In certain systems, the user may create his own library of perhaps a very specialised legal text. Or he might create a data base of material consisting of evidence for use in litigation (litigation support). In such a case, the service should guarantee that no third party should have access and that it will not use such material without the agreement of the user.

Item No. 9: Updating of system documentation

44. Where any changes of significance to the user are made to the data base or to the system, details should be given to the user or at least references to more detailed specifications of the changes.

Item No. 10: Termination of the relationship

45. The procedures for terminating the relationship between the service and the user and giving the appropriate notices should be stated. Where substantial changes are made to the service, the user should be given reasonable, prior notice of them and the opportunity to terminate the relationship. What would constitute a substantial change is not easy to define, but the withdrawal of any part of the data base or any technical service, such as availability on microfilm or reductions in availability schedules, should be regarded as a substantial change. Likewise, a major alteration in the manner in which a service operates, requiring the user to change his equipment or search strategies, would in all probability be a substantial change.

46. An increase in the cost of the services should give rise to the user being entitled to terminate his use of the service. The overall cost to a user of these services is often made up of several different charges. Alterations of particular charges may affect different users in different ways. An increase in some charges accompanied by decreases in others should still give rise to a right of termination. It might otherwise be claimed that such an alteration in the price structure was a reduction which might be true for some users but not true for others.

47. Many services base their charges on complex algorithms taking into account processing or central processing unit time, disk accesses, etc. It should be clearly indicated what effects changes of such algorithms etc. have on the cost.