

POPULAR AI TOOLS: WHAT ABOUT DATA PROTECTION?

Overview of [part 2](#) of our AI blog series

	ChatGPT Free	ChatGPT Plus	ChatGPT Team	ChatGPT Enterprise	OpenAI API	Microsoft Copilot	Microsoft Copilot Pro	Microsoft Copilot with commercial data protection	Microsoft Copilot for Microsoft 365	Microsoft Azure OpenAI Service	Google Bard	Google Vertex AI
Terms of use	Terms of use As of 15.2.2024 Europe Terms of Use		Business terms			Microsoft Services Agreement and additional conditions	Microsoft Services Agreement	Microsoft Services Agreement and additional conditions	Microsoft Customer Agreement and Microsoft Product Terms		Bard Privacy Hub Terms of Service	Google Cloud Platform Terms of Service
Data Processing Agreement (DPA)	Not available		OpenAI Data processing addendum			Not available	Not available	Not available	Microsoft Products and Services Data Protection Addendum (DPA)		Not available	Cloud Data Processing Addendum (Customers)
Use with personal data	No		Possible (if DPA is in place)			No	No	Not recommended (there is no DPA)	Possible		No	Possible
Use with confidential data	No		Possible (excluding official and professional secrets)			No	No	Not recommended (No confidentiality obligation)	Possible (legal professional secrets only if the correct amendments are in place)		No	Possible (legal professional secrecy only if additional contractual assurances are provided by Google)
Use for the provider's own purposes (e.g. training, service improvement)	Yes (Use for training can be deactivated)		No			Yes (Use for training and other purposes - including publication of the data by Microsoft)	Unclear (according to the Microsoft Privacy Statement at least partially possible)	No	No		Yes	No
Use within a company	Possible with restrictions (no personal data / no confidential data / training deactivated)		Possible			Not recommended	Not recommended	Possible with restrictions (no personal data / no confidential data)	Possible		Not recommended	Possible

This table is for information purposes only and does not provide legal advice. The information, in particular on the possibility of use, only reflects our opinion and requires a risk assessment by the respective company and a correct configuration of the tools. We will be happy to assist you with this. The above considerations cover data protection, but not other areas of law such as copyright (for copyrighted material, you should not use third party content with tools that will use your data for their own purposes). Please also note that the provisions and offers change frequently (the version of the information is stated below).

Further information on law and ethics in the use of artificial intelligence is available at vischer.com/ai.