

Popular AI Tools: What about data protection?

	ChatGPT Free	ChatGPT Plus	ChatGPT Pro	ChatGPT Team	ChatGPT Enterprise	OpenAI API	Microsoft Copilot	Copilot in Microsoft 365 for Home	Microsoft Copilot Pro	Microsoft 365 Copilot Chat	Microsoft 365 Copilot	Microsoft Azure OpenAI Service	Google Gemini-Apps	Google Gemini Advanced	Gemini API in Google AI Studio Unpaid Services**	Gemini API in Google AI Studio Paid Services	Gemini for Google Workspace	Gemini API in Vertex AI
Notes	Offers for private users			Offers for companies			www.bing.com	Included in Microsoft 365 Family & Single	Additional subscription for Private Users	Included in Microsoft 365 for companies	Additional subscription for companies	API Service	AI Service for private users	API for hobby users, students, and developers	API for hobby users, students, and developers	Included in Google Workspace for companies	API Service for companies	
Terms of Use	Europe Terms of Use			Business terms			<u>Microsoft Services Agreement</u> & <u>Copilot AI Experiences Terms</u>		<u>Microsoft Customer Agreement (MCA)</u> & <u>Microsoft Product Terms</u>			<u>Terms of Service</u> & <u>Gemini Apps Privacy Hub</u>	<u>Google APIs Terms of Service</u> & <u>Gemini API Additional Terms of Service</u>		<u>Google Workspace Terms of Service</u> & <u>Google Workspace Service Specific Terms</u>	<u>Google Cloud Platform/SecOps Terms of Service</u> & <u>Service Specific Terms</u>		
Data Processing Agreement (DPA)	Not available			<u>Data processing addendum</u> (to be concluded separately)			Not available		<u>Microsoft Products and Services Data Protection Addendum (DPA)</u>			Not available	Not available The Google <u>Controller-Controller Data Protection Terms</u> apply	<u>Google Data Processing Addendum for Products Where Google is a Data Processor</u>	<u>Cloud Data Processing Addendum (Customers)</u>			
Use with personal data	No	Possible			No	Possible if web search is disabled*		Possible	No	Possible		No	No	Possible	Possible			
Use with confidential data	No	Possible			No	Possible if web search is disabled*		Possible	No	Possible		No	No		Possible			
Use with professional secrets	No	No			No	Possible if necessary amendments are in place and web search is disabled*		Possible if necessary amendments are in place and abuse monitoring is disabled	No	No		No	No		Possible if necessary amendments are in place and abuse review is disabled	Possible if necessary amendments are in place and abuse review is disabled		
Use for the provider's own purposes (e.g. training, service improvement)	Yes Use for training can be disabled		No			According to the <u>information page</u> ; No According to <u>Copilot AI Experiences Terms (Section 5)</u> ; Possible		Possible with active web search*	No	Yes Use for training can be disabled		Yes	Possible when using Search Grounding (web search)		No			
Use within a company	Possible with restrictions no personal data no confidential data training disabled			Possible			Not recommended		Possible if web access is disabled. Possible with restrictions if web search is active (no personal data, no confidential data)	Possible		Limited possibility no personal data no confidential data Training disabled	Not recommended		Possible with restrictions if Search Grounding is disabled (no confidential data).		Possible	
Use with VISCHER Red Ink	N/A			N/A		Yes	N/A		N/A	Yes		N/A	Yes, limited data		N/A		Yes	

* For web search, the MCA & DPA do not apply; the Microsoft Services Agreement for private customers applies instead

** For users in the European Economic Area, Switzerland, or the United Kingdom, the same terms regarding Google's use of data apply to the Unpaid Service of Google AI Studio as to the Paid Service.

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. Agreements for Swiss customers were taken into account. Different agreements may apply to other regions. 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/a/](https://www.vischer.com/a/).