

# we speak your language



## Website Compliance

This article considers various aspects of the appearance and content of websites and what information needs to be provided on the website in order for it to be compliant with the relevant legislation.

### Corporate compliance

The website needs to show the full legal company, partnership or sole trader name together with the company number, place of registration and registered office or business address (if a unlimited partnership or sole trader), the business' VAT number and contact details including email address.

### Terms and Conditions of Website Use

Whether you are actually proposing to trade through your website or just use it to advertise your products or services or to provide information, it is advisable to have terms which are clearly accessible from your home page and which govern visitors' use of the website. The terms include:

- a copyright statement to bring to users' notice the fact that you have copyright in the material on the website and that it should not be copied without your permission;
- limitations and exclusions of liability;
- data protection information if your website invites or automatically gathers personal details about its visitors (see below); and
- whether you intend the information and advertising on the website to be targeted at UK consumers only or at users in other countries.

If your website contains links to other websites you will want to disclaim any liability in relation to their content. You may also wish to point out if you offer general advice, suggestions or information on your website which you do not intend users to rely on, that you will not be responsible for such information and that they should obtain additional advice tailored to their particular circumstances.

Given that your website can be accessed by users anywhere whether or not you intend to actively market your products in a particular country, there is always a risk that some of the website's content may infringe the laws of another jurisdiction. Obviously you cannot comply with the laws in all jurisdictions, however, in those countries where you have lots of buyers and substantial assets, it is worth considering whether to take specific advice in relation to the laws of that country to ensure that your website complies with its rules and regulations.

### Data protection, Privacy Policy and Cookies

The collection and use of personal data by e-businesses in the UK must be done in compliance with data protection laws of the relevant member state. In the UK, these laws are primarily contained in the Data Protection Act 1998 ("DPA") and the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("the E-Commerce Regulations"). The legislation requires that you must ensure that users of your website are aware of your practices with regard to the collection, use and safeguarding of any personal information they input via your website. The DPA also contains obligations in relation to the security measures that need to be taken in order to prevent unauthorised access or use of that information.

Most websites refer users to a separate "privacy policy" or "privacy statement" on the website which sets out the uses that will be made of any personal data input into the website and gives the user the option of "opting in" or "opting out" of specific uses of their data. The Regulations govern unsolicited direct marketing by email and SMS and the privacy policy can be a useful place to obtain consent to future marketing.

