



WEBSITES - HOW WE CAN HELP

Whether your website is the hub of your business or an online brochure for your services it must comply with a wide spectrum of legal requirements. This guide sets out some of the issues you need to consider.

Building your website

It is important that your agreement with the web designer sets out the rights and permissions each of you has as to ownership and use of the website content and structure. Amongst other things:

- ensure your contract sets out clear functionality specification, time frames for delivery, budget and what happens if things don't go to plan
- ideally you want to own the site rather than have permission to use it, so push for a copyright assignment from the designer and anyone else working on the build
- you need a warranty that the completed site will work and that it won't infringe anyone else's rights
- make sure the domain is registered to you and not to the designer.

Legal requirements

A business website is legally required by the E-Commerce Regulations 2002 to provide visitors with certain information, including:

- details of the trading entity, registered office and number
- pricing and a clear explanation of delivery charges
- which party is fulfilling the order
- contact details
- privacy policy
- cookie policy.

Selling online

If you sell goods or services online, whether B2B or B2C, you must ensure that in addition to the issues raised above, your contracting process must comply with the e-commerce regulations which include:

1. Customers must have the opportunity to review and accept your terms and conditions prior to placing their order.
2. Customers must have the opportunity to review (or delete, amend or even withdraw) their order prior to making a binding commitment to purchase.
3. Customers are aware of delivery charges prior to committing to purchase.
4. It is clear to the customer that he/she is about to enter into a binding contract.

If you are contracting with consumers, additional legislation comes into play with regard to the accuracy of description, distance selling and the right to cancel within a cooling off period in certain circumstances.

Protection of personal data

Businesses which collect and process personal data are obliged under the Data Protection Act 1998 to comply with the eight Data Protection Principles to ensure that individuals' data is processed fairly. This includes data belonging not only to customers, but to visitors to the



site, people signing up to e-newsletters and blogs, and individuals making enquiries. You must:

- get the express consent of your visitors before obtaining and using their personal data and to the use of cookies on your site
- have a privacy notice to explain the reasons for collecting any personal information and whether it will be shared with third parties, such as for marketing purposes or credit reference checks
- give visitors the opportunity to refuse to provide their personal information or to ask for it to be removed.

If you hold and process personal data you must register with the Information Commissioner's Office.

Find out more

Please contact us to discuss your requirements or to find out more.



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