

# FACT SHEET: THE INTERNET AND THE LAW

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As the internet matures there is a growing body of legislation that any web site owner needs to be aware of. This builds on the existing laws that affect our day to day lives.

## Legal Necessities

Terms and Conditions of your site - For a purely informational site it is not essential to detail your Terms and Conditions (Ts&Cs), however if you intend to trade through the website it provides some important legal protection for your business.

In most countries for your sites' Ts&Cs to be considered binding the user must have been forced to view the agreement, and acknowledge their acceptance. As a binding contract, they are a remedy against the user for failing to comply with any provision in the agreement. The agreement can determine the venue for any litigation, which can save future costs if disputes arise. Typically the Ts&Cs of a site should cover the following topics:

- Who can use the website and how.
- Statement of any purchase policies.
- Liability limits and postings.
- Indemnification.

Site Privacy Policy - If you collect data or information about the users of your website, you should publish an easily accessible statement on your website about the way you collect and use data about them. Your privacy policy should detail the following information:

- Information collected and its use - What do you collect, how you collect the information and what it will be used for.
- Notifications of change - How the user will be informed if you change the policy.
- Conflict resolution - How you will resolve conflicts, i.e. if they wish you to remove their information.
- Contact information - Who should be contacted about the collected information and you privacy policy.

Data Protection Act - Anyone processing personal data must be registered with the Data Protection Register, and must comply with the eight enforceable principles of good practice. All data must be:

1. fairly and lawfully processed
2. processed for limited purposes
3. adequate, relevant and not excessive
4. accurate
5. not kept longer than necessary
6. processed in accordance with the data subject's rights
7. secure
8. not transferred to countries without adequate protection.

Distance Selling Act - The Distance Selling Act came into force in 2000, and governs the sale of goods or services to consumers at a distance. The regulations apply to you if you sell goods or services to consumers:

1. on the Internet
2. using interactive digital television
3. by telephone
4. by fax
5. mail order and catalogue shopping
6. advertising on television, or radio, in magazines or newspapers

The regulations are intended to increase consumer confidence. They apply to contracts for goods or services to be supplied to a consumer where the contract is made exclusively by means of distance communication, without the consumer and supplier being in the physical presence of each other. The regulations do not apply to contracts covered by a specific exclusion, nor do they apply to business to business contracts.