



Website Legal Requirements

If you are based in the UK and run a business web site to sell or promote your products or services then make sure that you are meeting your legal obligations.

Note that as long as your business is physically based in the UK then UK laws will usually apply - even if your web site is hosted in another country.

Here are some of the main issues to consider:

Company Details

Registered Companies

Changes to business stationery rules

As from 1st January 2007 the following applies to –

Business Stationery

Whether in hard copy, electronic or any other form: a company must state its name, in legible lettering, on the following -

- all the company's business letters, order forms;
- all its notices and other official publications;
- all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by, or on behalf of, the company;
- all its bills of parcels, invoices, receipts and letters of credit
- on all its websites

On all of its business letters, order forms or any of the company's web sites, the company must show in legible lettering –

- The name of the organisation with which the customer is contracting must be given. This might differ from the trading name. Any such difference should be explained – e.g. "ABC.com is the trading name of ABC Limited."
- the company's registration number should be given and, under the Companies Act, the place of registration should be stated (e.g. "XYZ Enterprises Limited is a company registered in England and Wales with company number 1234567")
- its registered office address or geographic location
- and if it is being wound up, that fact,

Whenever an email is used where its paper equivalent would be caught by the stationery requirements then that email is also subject to the requirements. The above also applies to Limited Liability Partnership.

Additional requirements for websites

- It is not sufficient to include a 'contact us' form without also providing an email address and geographic address somewhere easily accessible on the site. A PO Box is unlikely to suffice as a geographic address; but a registered office address would. If the business is a company, the registered office address must be included.
- If the business is a member of a trade or professional association, membership details, including any registration number, should be provided. (This is mandatory for some types of business especially in the financial sector)
- If the business has a VAT number, it must be stated – even if the website is not being used for e-commerce transactions.

Sole Traders and Partnerships

Sole traders and partnerships who carry on a business in the UK under a business name (very roughly, not the names of the trader/partners) must also make certain website disclosures:

- in the case of a sole trader, the individual's name;
- in the case of a partnership, the name of each member of the partnership;
- in either case, in relation to each person named, an address in the UK at which service of any document relating in any way to the business will be effective.

General e-commerce and distance selling regulations

May apply even if you are only using your web site to promote your business and not to actually sell products or services online. You should check these regulations to make sure that you are displaying the required information about your business on your web site.

e-commerce and distance selling regulations

The following information must be shown on your website, and this is commonly done via pages such as **Terms & Conditions, Delivery Details, Returns Policy** etc.

- Identity of the supplier and address whereby payment is upfront.
- A description of the service
- The contract price inclusive of taxes
- Delivery Cost (if applicable)
- Payment and delivery arrangement
- Notification of the right of cancellation (reg 13 of these Regulations)
- The cost of the means of communication by which the contract is to be concluded (e.g. premium rate phone numbers)
- The period for which the terms are available
- Minimum duration of the contract, where it is not of one-off performance
- Prices on the website must be clear and unambiguous. Also, state whether prices are inclusive of tax and delivery costs.

Cookies

The Privacy and Electronic Communications (EC Directive) Regulations 2003 (the Regulations) cover the use of cookies and similar technologies for storing information, and accessing information stored, on a user's equipment such as their computer or mobile.

A cookie is a small file, typically of letters and numbers, downloaded on to a device when the user accesses certain websites. Cookies are then sent back to originating website on each subsequent visit. Cookies are useful because they allow a website to recognise a user's device. The Regulations apply to cookies and also to similar technologies for storing information. This could include, for example, Local Shared Objects and most Visitor Statistics packages such as Google Analytics also use session cookies to log navigation and visits to a website.

This has become mandatory since 17/5/2012 and website visitors must be informed regarding the use of cookies.

Information Commissioner's Office (ICO) guidance

Updated in May 2012, our [cookies guidance \(pdf\)](#) sets out the changes to the cookies law and explains the steps you need to take to ensure you comply. The updated guidance provides additional information around the issue of implied consent:

Implied consent is a valid form of consent and can be used in the context of compliance with the revised rules on cookies.

If you are relying on implied consent you need to be satisfied that your users understand that their actions will result in cookies being set. Without this understanding you do not have their informed consent.

You should not rely on the fact that users might have read a privacy policy that is perhaps hard to find or difficult to understand.

In some circumstances, for example where you are collecting sensitive personal data such as health information, you might feel that explicit consent is more appropriate.

European data protection authorities opinion

In June 2012, European data protection authorities (as part of the Article 29 Working Party) adopted an [opinion](#) which clarifies that some cookie uses might be exempt from the requirement to gain consent:

Some cookies can be exempted from informed consent under certain conditions if they are not used for additional purposes. These cookies include cookies used to keep track of a user's input when filling online forms or as a shopping card, also known as session-id cookies, multimedia player session cookies and user interface customisation cookies, eg language preference cookies to remember the language selected by the user.

First party analytics cookies are not likely to create a privacy risk if websites provide clear information about the cookies to users and privacy safeguards, eg a user friendly mechanism to opt out from any data collection and where they ensure that identifiable information is anonymised.

The use of cookies and similar technologies has for some time been commonplace and cookies in particular are important in the provision of many online services. Using such technologies is not, therefore, prohibited by the Regulations but they do require that people are told about cookies and given the choice as to which of their online activities are monitored in this way.

When we provide services, we want to make them easy, useful and reliable. Where services are delivered on the internet, this sometimes involves placing small amounts of information on your device, for example,

computer or mobile phone. These include small files known as cookies. They cannot be used to identify you personally.

These pieces of information are used to improve services for you through, for example:

enabling a service to recognise your device so you don't have to give the same information several times during one task

recognising that you may already have given a username and password so you don't need to do it for every web page requested

measuring how many people are using services, so they can be made easier to use and there's enough capacity to ensure they are fast

If you wish to restrict or block the cookies which are set by our website, or indeed any other website, you can do this through your browser settings (please be aware that restricting cookies may impact on the functionality of our website):

Data protection regulations

Apply if you are collecting information from your visitors through online forms, by e-mail or telephone.
data protection

If your website collects user's data, even a simple enquiry form asking for Name, Email and Phone Number, you should include a **Privacy Policy** that informs website visitors how you retain, process, disclose and purge their data in line with the requirements above.

The Act states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with your rights
- Secure
- Not transferred to other countries without adequate protection

It also provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

Trade descriptions –

The same rules apply to web sites as to any other media. If you are describing your goods or services online then your descriptions must be accurate and not misleading.

Accessibility

Access for users with disabilities is an important issue, and parts of the Disability Discrimination Act that come into force during 2004 may well affect your web site.

the Disability Discrimination Act

- Text is set at a reasonable size and is coded so the reader can resize it in their browser.
- For clarity, make sure that there is high contrast between the type colour and the background.
- Every image has an alt tag to describe it, so you can turn off the pictures and still make sense of the page.

Intellectual property rights –

You automatically have rights regarding the information that you publish on your site through international copyright laws. You must ensure that you are not infringing anyone else's rights - for example, make sure that you have permission to use other people's logos, images or text before you include them in your site. Be aware that any designers, photographers, illustrators or writers that you commission to provide original material for your site retain the copyright to their work. This means that they have the right to re-produce it elsewhere unless you have a written contract that says otherwise.

Specific Industries

There are other legal requirements that affect specific industries - in fact, any regulations that affect your business in general may have implications for your web site.