

WEBSITE TERMS AND CONDITIONS

Have you ever considered the importance of terms and conditions for your website? Most people see them as just another legal document, but they're actually an important element in protecting your business and creating a smooth user experience.

1. Identify Your Business Requirements

Firstly, understand and clearly define the purpose of your website. What services does it offer? What kind of data does it collect from users? Do you sell products or services?

2. Review Similar Websites

Look at the terms and conditions of similar websites in your industry. This will give you a sense of what issues they cover and how they structure their agreements.

3. Define Your Rules and Policies

Based on your requirements, start outlining the rules for your website. You might include sections on user conduct, such as what is and isn't allowed, registration and account security, payment terms if applicable, copyright and intellectual property policies, and privacy policies.

This step is about drafting the core of your terms and conditions. Make sure these rules are clear and easy to understand, as this will reduce the likelihood of misunderstandings later.

4. Include Legal Provisions

There are several key legal clauses that should be included in most terms and conditions, such as disclaimers of liability and indemnity clauses.

The former limits your responsibility for issues such as inaccuracies in content or problems resulting from third-party links, helping to protect your business from potential legal action.

Meanwhile, indemnity clauses shift some of the risks to the users, stating that they will compensate you for any losses they cause, for example, through the misuse of your site.

Other essential provisions include dispute resolution procedures, which establish a framework for resolving disagreements, potentially favoring arbitration over court proceedings, and often specifying a jurisdiction for these processes.

Alongside this, a governing law clause identifies the specific jurisdiction whose laws will govern the agreement, adding a level of predictability.

Lastly, a severability clause ensures that if any portion of the agreement is found to be unenforceable, the rest of the agreement will remain in effect.

5. Ensure Compliance with Applicable Laws

Your website does not operate in a legal vacuum. Depending on your geographical location, the nature of your services, and your user base, you're subject to a variety of laws and regulations at the local, national, and sometimes even international levels.

These can include consumer rights laws, intellectual property laws, and many more.

6. Detailing Payment and Subscription Policies

If your website involves financial transactions, it's essential to clearly articulate your payment and subscription policies. This should include specifying accepted payment methods, detailing the billing cycles, and clearly explaining any fees or charges that may apply.

Transparency in this area is key to avoiding misunderstandings and building trust with your users, especially when it comes to subscription renewal procedures and cancellation processes.

7. Include Contact Details

Having contact details displayed in your website's terms and conditions is a good idea most people omit. It's about being open and honest with the people who use your site.

If they have any questions or worries about the rules they have to follow on your site, they know who to talk to. And if there's a problem or disagreement, they know where to go for help.

8. Publish Your Terms and Conditions

Once your terms and conditions are ready, it's time to add them to your website. This is probably the easiest step of all, isn't it?

Make sure they are easy to find – commonly, they're linked at the bottom of every page.

Another helpful step is to get users to agree to your terms and conditions when they register for an account or make a purchase.

10. Update Regularly

When things change, you need to ensure that your terms and conditions still make sense and cover everything they need to. This will help keep you and your users protected.

Your website might offer new features or services, or maybe you start collecting different types of information from your users. Laws that you need to follow can also change, especially if you have users from different parts of the world.

WEBSITE PRIVACY POLICY

Writing a privacy policy for a website or app is not for the faint of heart.

Privacy policies are legally binding agreements that must disclose your data collection practices, comply with applicable privacy laws, and be presented in a way that's easy to read and understand.

If you leave something out - even accidentally - you could face hefty legal fines and lose the consumer trust you've worked so hard to foster and maintain.

The purpose of a privacy policy is to explain how a business collects, uses, shares, and protects users' personal information and explains what control users have over that data.

These policies help build trust with your consumers by showing transparency and honesty. If they can't find one on your website, they might assume you're hiding your privacy practices and shop elsewhere.

If your website or app collects personal information from users, you're likely required by data privacy laws to post a privacy policy on your platform.

Also known as fair information practice principles (FIPPs), these by-laws note that privacy policies must include five fundamental aspects:

- **Notice:** Consumers must be notified of a platform's practices regarding personal information before it's collected from them
- **Choice:** Consumers should be able to have a choice about personal data collection and use
- **Access:** Consumers must have access to their personal data
- **Security:** A company must protect the personal information it collects, have a process to delete old data, safeguard current user data, and disclose its security practices in a privacy policy
- **Enforcement:** Enforcement measures on how these principles will be implemented must be made clear

WRITING A PRIVACY POLICY

Step 1: Data Privacy Laws. First, take the time to verify what data privacy legislation applies to your business and familiarize yourself with all guidelines and legal obligations that affect your privacy policy and practices

Step 2: Privacy audit. Then perform a thorough privacy audit on your platform to determine and record every piece of personal information you collect from users, including through internet cookies or other trackers

Step 3: Categories of personal information. Next, determine which categories of personal data you collect under the data privacy regulations your business must follow; this may include sensitive personal information which is subject to stricter guidelines under laws like the amended CCPA and the CDPA

Step 4: Why you collect personal data. You now need to determine and record your legal basis for why you collect each piece of personal data, which may be subject to legal guidelines if you fall under regulations like the GDPR

Step 5: How you collect the data. Afterward, you also must note how you plan on collecting each piece of personal data and explain those practices clearly and straightforwardly in your privacy policy

Step 6: How you use the personal data. Under legislation like the GDPR and amended CCPA, you also need to state how you use personal data, including if it's shared or sold to any third parties, so clearly describe if this is the case or not

Step 7: Safety and security practices. You also must include a clause in your privacy policy explaining how you plan to keep your users' personal information stored safely and securely per regulations like the GDPR and the amended CCPA

Step 8: Privacy policy updates. You need to inform people about your process for making changes to your privacy policy and how you'll notify your consumers, which you should add as a clause in your privacy policy

Step 9: Add other relevant clauses. Finally, take the time to verify that you properly added every applicable clause necessary to your privacy policy, and fill in any missing gaps you might find. We have a list of privacy policy clauses you can include a little further below.

What Clauses Your Privacy Policy Should Contain

Introduction

The first part of your privacy policy is the introduction, where you introduce your company, explain to whom the policy applies, and define the terms you plan on using throughout the agreement.

What Personal Information You Collect

The first significant clause you write in your privacy policy should identify all of the personal data that your website or app collects from users.

How You Plan To Collect The Data

You also need to tell your users how you plan to collect personal data, like filling out digital forms, using payment screens, or even through internet cookies or other trackers.

Your Legal Basis for Collecting the Data

Regulations like the GDPR require you to have a legal basis for collecting personal information from your users, and you must explain as much in your privacy policy.

How You Use the Personal Information

After listing all of the information your website or app collects from users, your privacy policy needs to write a clause explaining how you plan to use the data.

Because this impacts your legal compliance, consider formatting these details into a table so users can find answers more easily.

If You Share or Sell Personal Information

Regulations like the GDPR and the amended CCPA obligate you to inform consumers if you share their personal information with third parties. Write those details in a clause in your privacy policy.

Address Privacy Issues for Children or Minors

Whether your website or app is targeted towards children or not, a clause that addresses child privacy must be included in your privacy statement.

If your platform is not made for children, then a simple statement in your policy could suffice. But if you target minors under 18, you need more information to comply with the Children's Online Privacy Protection Act (COPPA).

Outline Your Users' Privacy Rights and How to Act on Them

Under laws like the Virginia CDPA and amended CCPA, you must clearly explain to your consumers their rights over their data, so put those details in a clause in your privacy policy.

You might choose to title this clause based on the specific region it applies to, like:

- Virginia consumer privacy rights
- California consumer privacy rights

How Users Can Access and Control Their Data

You should write a clause in our privacy policy addressing how your users or visitors can access the information you collect. This aligns with guidelines from the GDPR and the amended CCPA, which gives users more control over their data.

Explain Your Safety and Security Practices Regarding Data Storage

Data privacy laws like the GDPR and the amended CCPA require business owners to protect personal information from data breaches and cybersecurity hacks. Plan to include a clause about your security practices in your privacy policy.

Data Retention Information

Some data privacy laws, like the CDPA and the GDPR, dictate how long you must retain your users' personal information, so if they apply to your business, include a clause following those obligations.

Your Use of Cookies and Other Trackers

Most apps and websites use cookies and other tracking technologies, which qualify as personal information under regulations like the amended CCPA and the GDPR. So, your cookie use must be covered in your privacy policy or a separate cookie policy.

Address Changes to Your Privacy Policy

Some data privacy laws require you to inform your users about your process for updating them about changes to your privacy policy, which must be written as a separate clause.

For example, the CPRA amendments to the CCPA require you to update your policy once every 12 months.

Links to Other Policies

It's a business best practice to link to other relevant legal and website policies within your privacy policy, primarily your:

- Terms and conditions

- Cookie policy
- Disclaimers or warranties

Business Clause

As a preventative measure, it's a good idea to add a business clause to reduce your liabilities in case you ever decide to sell your company.

Contact Information

At the end of your privacy policy, list one or two ways your customers can contact you if they have questions about the agreement.

OTHER ONLINE ISSUES TO BE AWARE OF (CREDIT CARDS, STORING PERSONAL INFO, ETC.)

COOKIES POLICY

Cookies are small text files that websites place and store on their users' computers and mobile devices. These files are generally used to improve the user experience but may contain personal information about the user or their behavior on the website.

You need a dedicated cookie policy if your website uses cookies to track users.

Cookie Policies Explained

A cookie policy is a legal document created to inform site visitors that you're using cookies — and how — on your website, web app, or mobile app.

Maintaining proper cookie compliance requires your cookie policy to include the type of cookies collected, the methods used to obtain the information, the reasons why cookies are being collected, and an explanation of how users can manage their cookie preferences.

Cookies Policy vs Privacy Policy

A **cookies policy** is used solely to discuss the use of cookies on your website or mobile application and to outline whether you share cookie data with third parties. While cookies were initially limited to the sites that users had visited, technology can now track user movements from site to site.

The collection of tracking information needs to be presented to users, along with the ability to opt out of having information tracked. If this is not an option, your users may choose not to continue on your site, and you may violate certain laws.

What's Inside a Cookie Policy?

Every cookie policy needs to include the same basic information:

- An explanation of **what cookies are**
- The **types of cookies** in use by you or third parties
- **How you collect information** (e.g., forms, sign-ups, subscriptions)

- **Why you or a third party is collecting the information**
- **How a user can opt out** of having cookies placed on a device
- Detailed instructions on **how users can set their cookie preferences or opt out from them**

Getting User Consent for Your Cookies Policy

Consent for your cookies policy requires that a user affirmatively check a box, provide information to proceed onto the website, or click on cookie settings to acknowledge they have read, understood, and wish to proceed with the accompanying policy.

DISCLAIMER

Having a website disclaimer is vital to protect your business from liability if you conduct business online. A disclaimer can be your **defense against legal claims** from your content or product users.

What Is a Disclaimer?

A disclaimer is a legal statement that can help reduce a business's legal liability. For example, they may protect a business from legal claims arising from users and third-party risk.

Your disclaimer serves as a warning notice when people visit your blog or website. It informs readers that following your advice, purchasing your products, or using your services may harm them and that you are not liable.

Types of Disclaimers

Depending on the nature of your business and the information you share on your website, you may need one or more of these types of disclaimer:

Affiliate Disclaimer

An affiliate disclaimer lets your website users know you may earn affiliate commissions from products you recommend. If you have affiliate links in any part of your website, the 2009 Federal Trade Commission (FTC) 2009 Guides Concerning the Use of Endorsements and Testimonials in Advertising mandates that you inform your site visitors.

A good example of this type of disclaimer is the Amazon affiliate disclosure, which is required by the Amazon Associates program, one of the most popular affiliate programs on the internet.

Testimonial Disclaimer

A testimonial disclaimer is a statement that informs readers that the experience they'll have when using your products or services may differ from what they see in your testimonials or reviews. See our testimonial disclaimer examples if you're unsure what kinds of testimonials need to be disclosed.

Professional Blog / Services Disclaimer

If you run a professional blog or have a professional service platform, you need to state that the content on your site is strictly for educational purposes and does not amount to professional advice.

Product Disclaimer

A product disclaimer helps you protect your business against any liability that may come from the use of your product. For example, product disclaimers often state that the seller does not offer any warranty for the products.

You can also use it to protect your business from claims that arise from injuries sustained by misusing your products.

Copyright Disclaimer

A copyright disclaimer informs your site users that the site's content — text, images, and video — is subject to copyright protection. In addition, you can state the rules guiding the use of your content.

On the other hand, if you use any copyrighted content on your website without permission, identify it clearly and include that you're using it lawfully under the principle of fair use.

Views Expressed Disclaimer

A views expressed disclaimer asserts that the opinions expressed in an article or any written material are those of the author and not the opinion of the website. Publishers usually use this to protect themselves from liability. Also, persons belonging to an organization use this disclaimer to clarify that anything they say is their individual opinion, not their organization's official stance.

Past Performance Disclaimer

A past performance disclaimer informs users that any past performance they know about does not guarantee future results. So you're letting them know that what happened previously won't necessarily happen again.

This disclaimer statement is popular among investment advisers or consultants that offer investment or financial advice to the public.

Use at Your Own Risk Disclaimer

If you have a site where you share tips on how people can achieve results in specific areas, you may want to include this disclaimer. For instance, if you run a website that shares recipes or skincare advice, a user may have an allergic reaction from following your recommendation. This disclaimer may protect you from any claim they may bring against you.

Warranty Disclaimers

Warranty disclaimers can help you protect your business from liability if your any of your goods or services don't meet the expectations of your customers or if your products are misused.

Confidentiality Disclaimers

A confidentiality disclaimer is commonly used in email to inform the recipient that the information in the email is for their eyes only and should not be shared with others.

Confidentiality is an especially important principle in education, law, and healthcare, which are industries that transfer lots of sensitive information via email.

The Health Insurance Portability and Accountability Act (HIPAA) requires persons sending protected health information to US medical patients to include a confidentiality disclaimer. So, you'll need a confidentiality disclaimer statement if you do this.

No-responsibility Disclaimers

A no-responsibility disclaimer, otherwise known as a no-liability disclaimer, is a statement that helps you prevent claims of civil liability by your customers.

WARRANTIES

Warranty disclaimers help protect you and your business from liability if your goods or services don't meet your customers' expectations.

Whether you're a business owner or freelance professional tasked with creating a warranty disclaimer, you know how difficult it can be to understand and comply with all federal and state laws.