WEBSITE TERMS, CONDITIONS AND POLICIES: WHEN, WHERE AND HOW?

Terms & Conditions, Privacy Policies, Cookie Policies - sometimes the list can seem endless and unclear. When is one required and not the other? At which point does one apply and at what stage does another?

We've put together a quick guide on the who, what, when, where and how on the different terms, conditions and policies you need for your website.

WEBSITE TERMS & CONDITIONS

Website Terms & Conditions (AKA Website Terms Of Use) are first and foremost there to inform the users of your website of their rights and obligations. As well as this, they will also help to limit your potential liability in certain circumstances.

The basic information about a business that must be included on their website Terms & Conditions / Terms Of Use include the following:

- Acceptable use of the website
- Prohibited use of the website
- Registration, password and security
- Linked websites
- Availability of the website
- Disclaimers and limitation of liability
- Business or company information

It is important that any users of your website are able to find the Terms & Conditions / Terms Of Use for the website with ease, and so displaying these clearly is imperative.

ONLINE BUSINESS TERMS & CONDITIONS

Similar to the Website Terms & Conditions, the Online Business Terms & Conditions are there to inform the users of your website of their rights and obligations when buying products or services from your business online. And again, they can also help to limit your potential liability in certain circumstances.

These are different to your Website Terms & Conditions / Terms Of Use - they are focussed on actual and potential sales / transactions made between your business and your customers - and should be treated as such.

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The following information is usually what is included in an Online Business Terms & Conditions:

- Information on the product or services
- The payment terms
- Your business's returns policy (if applicable)
- The customer's right to cancel
- Your business's delivery terms

PRIVACY POLICY

As both part of the law (the GDPR and the Data Protection Act 2018) and what in our opinion is simply the right thing to do, your website must inform any users or customers that visit your website how you will be processing and protecting their data,

The introduction of the GDPR and the Data Protection Act 2018 has brought sweeping changes to the way that businesses process and share personal data of their customers and website users.

The following is usually what is included in a website's Privacy Policy:

- The lawful basis your business has for processing any personal information
- Information about the type of data you collect
- Information about the way in which you collect, process and protect personal information
- Information on the rights in relation to their data that users / customers have
- Information on international transfers
- Information on how long you keep any data

A Privacy Policy may make reference to a Cookie Policy, and can link to the separate policy.

COOKIE POLICY

A 'cookie' is the name given to the data files that are used by websites worldwide to both collect and hold information within web browsers. A basic example of this is when your browser 'remembers' your login details for a website. This is done via cookies.

Your Cookie Policy should inform your website's users / customers about which type of cookies are used and for which purpose, as well as details on how the user / customer can control the use of these.

If you wish to collect information from users / customers of your website then you must obtain consent from them to do so.

The following would usually be found within a robust Cookie Policy:

- Information on the cookies that are being used
- Information on what cookies are
- Information on how how cookies are being used
- Information on why cookies are being used
- Information on how any user / customer could limit cookies or prevent altogether

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