

Do I Need Links To Privacy and Terms & Conditions On My Website?

The answer is NOT ALWAYS ... BUT ... our strong recommendation is always to have both on every web page; that way you are fully protected.

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What Is The Purpose Of Privacy Policy & Terms & Conditions

Privacy Policy

The primary purpose is to inform a contact, user or customer of what information will be captured and how their personal information will be used.

On any web page where personal information is captured or tracked, the FTC requires you under Section 5 of the FTC Act to include a Privacy Policy.

An inadequate or non-existent policy may be considered as being deceptive.

Terms And Conditions OR Terms Of Service

This document is more for your protection than for the contact.

They are essential for including disclaimers on liability for inaccuracies and for mis-use of information listed on the website.

When Should You Have A Privacy Policy On Your Web Page?

You **MUST** have a privacy policy on the bottom of a web page if you are tracking or capturing any personal information on the person visiting the page.

You may interpret this as only needing it for opt-in pages and order forms.

However, in today's world we are always looking to track a contact's activities and movements on web pages.

Disclaimer: I am not a lawyer. The comments contained in this document are my professional opinion of best practice having studied the regulations, opinions and guidance of others. There are no guarantees, written or implied, that ALL items that the FTC may consider non-compliant will have been listed and documented; equally, the FTC may consider some of my recommendations as unnecessary. If in doubt, please consult with an FTC Compliance Lawyer.

A potential non-obvious example is you have a sales page for a new product that you are sending existing contacts to via email; they don't enter any information on that page but then click through to an order form where you do capture their information.

You may take the view that because you are not capturing any information on the sales page you don't need the privacy policy.

In many cases, you would be wrong because you may well be passing the contacts information as URL parameters on the sales page link and then passing them to the order form to pre-populate the contact information. I'm sure you would also be tracking the fact that the contact clicked on the email and went to that sales page.

In both of these cases you are capturing information on the contact's behaviour and therefore you need the Privacy Policy on the sales page.

As I stated at the beginning, it's good practice to have Privacy Policy on ALL web pages.

When Should You Have A Terms & Conditions On Your Web Page?

As defined above, T&Cs are for your protection; you need to think about what on your pages could be misused or misrepresented or could potentially be inaccurate or misleading; you then need to prepare a T&Cs policy that covers all those points.

Again my strong recommendation is that T&Cs should be on every web page.

What Else Do I Need to Have On My Web Page

Other policies you may need are:

1. Contact Information
2. Disclaimers
3. Refund Policy – Facebook requires that on all pages
4. Copyright Notice

These will be the subject of separate documents in the future.

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