

WEBSITE LEGAL GUIDE

by Christie Martins

- WEBSITE DISCLAIMER
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- COOKIE NOTIFICATION/ EMAIL PERMISSION
- + LIST OF BEST PLACES TO GET FREE TEMPLATES/ LOW COST LEGALS

WELCOME!

Hi :)!

I hope you are having a fabulous day -

This guide was created because I was just so frustrated at seeing shops sell templates like these for \$300+ with a disclaimer at the bottom stating that they are not liable.

"What? If they are not liable then why charge so much?"

I'm not sure.

This free guide and the links to free/ low cost templates are meant as a starting point to help you get your business running.

Another reason that working through this guide and the templates linked to are important is because they will save time when you choose to run them past a lawyer. To start from scratch a lawyer will charge thousands of dollars.

Instead it is recommended that you do as much as possible with templates and research then pay a lawyer to look over and edit your work, saving you hours worth of legal fees. Some of the links provided will also have affordable legal services to have your custom made policies made.

(And in the long run, will be alot cheaper than buying a \$300 template that no lawyer will take responsibility for.)

PRO-TIP

Check your local legal society or business advisory service to see if there are free community sessions where you can get your policies and contracts looked over for free .

*just trying to lead by
example ;)*

DISCLAIMER



These are meant as a guide and do not replace the advice of a local lawyer in your state or country.

Full disclosure: I am a med/ law graduate - however this guide does not constitute any professional advice and does not create a professional privilege as I have not personally assessed your situation. It is not advised that you act or do not act based on this general information. It is recommended to seek professional advice when needed.

Despite my formal qualifications I cannot be held liable for any actions or their results that you take or do not take upon using the advice within. Links are provided but I cannot be held liable for their use.

I am providing this guide with good faith to help you :-)

While I would like to retain copyright for the general information, you are fully permitted to reproduce sections of this work under the following conditions:

- Quotations from general advice is attributed to Christie Martins
- Templates, links can be copied and pasted without attribution

A GUIDE TO WEBSITE DISCLAIMERS

Website disclaimers are necessary in today's automated and share-friendly world.

And the truth is that we cannot be held responsible for the actions of others especially when we can't attend to them on an individual basis or check how they use (or misuse) information we post.

When someone comes to your site, you enter a contract with them. That's right - you have a lot of contracts out there with people you don't even know! That is why disclaimers are so important.

Placement

Website disclaimers are usually put in the footer of a website along with other legal and investor information. You can also have your disclaimer included with your terms and conditions as a section.

Writing your disclaimer

At the end of this document there is a list of free (or low cost resources and templates) that you can use ***as a starting point before you ask a qualified lawyer to look over it.***

In fact a disclaimer is the most important document on your website that needs a legal professional to look over! Because what a fitness coach does is far different than a social media coach even if they are both providing a 'service.'

Unless you are a trained legal professional it is not advised to start from scratch as you might miss out on some important points.

Including conditions in your disclaimer

Disclaimers function to inform the reader what they can hold the owner of the site accountable for. There are places where you need to use common sense as the law dictates that you can still be held liable for certain information (within reason) in certain jurisdictions.

Disclaimers are meant to reduce the risk you have of going to court.

But sometimes website owners might put in too many conditions causing people to waive their human and consumer rights.

You can't do that. Different laws around the world have protection for consumers. A few examples include:

In the US you cannot remove liability of *gross negligence*. This is when you intentionally lie, or fabricate stories to sell a product or service with total disregard for your customers.

Australian law is quite similar - you cannot make false claims, false advertising, or not deliver on what is promised, etc. It also determines the validity of a disclaimer if it is not in a suitable place or too hard to read.

In the UK and parts of the EU the Unfair Contract Terms Act of 1977 applies to disclaimers that might be unreasonable to a common person and/ or their knowledge.

Downloads and malware

You might also want to add in something about not being able to guarantee that any downloads you provide or your site are completely screened. Mainly due to the fact that malware breaches can take a while to be resolved by a web host.

Pro-tip

Make sure that your disclaimer is relevant for your target and the niche you have selected. The smaller the niche, the better it is to protect yourself.

You can look at competitors sites to check what should be included. Make sure they are similar to your niche and line of work, and in a similar location to you.

WEBSITE DISCLAIMERS FOR PEOPLE WHO ARE PART OF A PROFESSIONAL ORGANISATION

"????"

Yes I know, this is actually a pitfall that a lot of people fall into.

If you have ever graduated from a professional body such as:

- Health - medicine, osteopathy, dietitian, nutritionist, etc.
 - Law, taxation
 - Accounting/ chartered accountant (CPA)
 - Financial services
- etc.

Chances are you might have a license or registration to practice in that field.

If you are giving advice relating to the field you are professionally licensed in you need to read up on the rules of the organisation you are regulated in.

Some people go into a 'non-practising' status if they choose to leave professional life. But chances are that you're probably going to start it as a side job.

Steps

- 1) Check the professional organisation that you hold a license with for any conditions, regulations or restrictions pertaining to giving general advice.
- 2) Make sure that your disclaimer makes specific reference to the fact that even though you are qualified, that your advice is intended as general information only and does not create a client-professional service relationship.

EARNINGS DISCLAIMER

Even if you truly believe that your course, service, program will help someone reach their dreams you still need to have an earning disclaimer.

Why?

Because just as it is stated in your disclaimer, nothing can be guaranteed.

So if someone misuses your information and has a loss or doesn't achieve the result that you show via your testimonials you can still be held liable if you don't have an earnings disclaimer in place.

Earnings disclaimers are very simple and usually sit at the bottom of an offer. These can also be additionally put into your Terms and Conditions for safe measure.

A typical earnings disclaimer will make sure that you are not responsible for someone failing to make as much money or have the result that was demonstrated in advertising.



Pro Tip

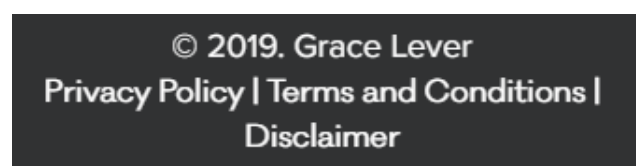
People don't really like it when they read an earning disclaimer because they will often state that results are not typical. You can offset this by adding the following explanations (or something similar) in your disclaimer:

- "While these results cannot be guaranteed, be assured that every testimonial provided had the exact same training and resources as indicated here"
- "My results are not typical as I am highly experienced in this field and have no control over your motivation or willingness to put in the work to get the results"
- "Ultimately, while I can provide you with all the tools and resources to set you up for success like the testimonials and results provided by my other clients I cannot guarantee your results."

Pro Tip 2

"Where do I place all of these on my site?"

They are usually placed in the footer of a page with links to the relevant pages. Here is an example from Grace Lever.



If you have a continuous scrolling blog page - Facebook places theirs in the sidebar.



TERMS AND CONDITIONS

Terms and conditions are relatively straightforward and have a standard format across most websites. They state what behaviour you find acceptable when someone visits your website.

Here are some things to look out for when adjusting a T&C's template prior to revision.

Your rules

In the terms and conditions you can state what the user can and cannot do (within reason). This might include things like:

- defamatory posts, harassment, discrimination
- pornographic posts, other types of offensive material
- what the information can and cannot be used for

Your location

Despite the fact that you have visitors to your site from all over the world (because it is the internet), there is no way that you can write different policies and terms for different countries. Even if you did....I don't think anyone would read them, which defeats the purpose.

Intellectual property

No matter whether or not you are a service or product based service, intellectual property is the lifeblood of your business. Having a copyright disclaimer included in your T&C's as well as the footer of your website along with the name of your business and the date is standard practice.

Affiliate and paid advertisements

If you gain anything from having a site visitor click on a link or visit a post, it must be reported according to law. Most people place their sponsored policy on a separate page.

Pro-Tip

"T&C, ToS, ToU - what's the difference??"

While these are interchangeable at the moment there are some standard practices as to what you refer to your conditions according to industry standards.

Terms and Conditions: Standard blog, website, information site, review site

Terms of Service: Service based website, e-commerce, selling products online

Terms of Use: Software as a service (SaaS), website applications, games.

If you are unsure, check what your competitors are using!

Pro-Tip 2

"Why do I have to tell people about advertising/ affiliate if it doesn't affect them?"

Disclosing relationships/ partnerships with other brands and services is tricky and clunky. However it is a law-mandated practice in most countries.

Affiliate links and other monetisation methods like ads and sponsored posts are an important part of every content creators arsenal. It's a great way to get your blog off the ground. Just follow these simple rules.

1) Put it in an obvious place. You can create a link within your post and direct it to your Affiliate/ Sponsored policy page (good for search engine optimisation so you don't deal with duplicate content). You can also put this in the T&C's but might be hard for the reader to find. This is from (www.lovefamilyhealth.com)

by Megan Johnson | Sep 18, 2017 | All About Pinterest | 21 comments

{this post may contain affiliate links, see [disclosure](#) for details}

This past week I have received over a dozen emails asking me if you can market your affiliates on Pinterest without having to write a blog post about every single one. And the answer is **absolutely!**

You can also place it in your sidebar.

2) Be very clear. Don't try and hide your link or cover it up with jargon.

3) Don't be shy. It's a-ok to get paid! And disclosures like these build trust.

PRIVACY POLICY

With the advent of the General Data Protection Regulation (GDPR), many website owners have become aware of the importance of private information since its integration into the law.

Now it is not only careless to not tell someone what you are doing with their information - it is also against the law.

Privacy policies, just like terms and conditions are quite standard with some exceptions:

- You are taking sensitive information such as health records.
- You are taking information that can identify someone easily, etc.

Your privacy policy should be put in a separate page to avoid confusion.

Pro-Tip

Privacy laws are usually standard around the world as most information is accessed globally. When looking at your privacy policies the best way to ensure that you comply with EU laws as they seem to be the strictest at the present time.



COOKIE NOTIFICATIONS

While these two both fall under privacy protection I've put them in a separate section for two different reasons.

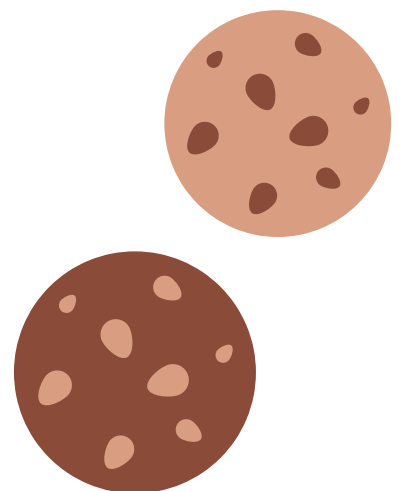
Firstly, unlike information that people are aware of giving over on your website (like personal details), these ones sit silently in the background and more often than not people are unaware this information is even being taken.

Secondly, best practice states that these two require special signage and positioning. They can be placed within your privacy policy or terms, but laws in certain areas require additional notifications for these.

Cookies:

These sit and run silently in the background and if you have any form of analytics, SEO, email signup, form popup, login, etc. chances are you have some cookies running in the background. They're not harmful but people need to be notified that their behaviour is being monitored online.

People need to be notified of potential data-saving by cookies as soon as they hit your site (ie. the cookies kick into action).



FREE COOKIE NOTIFICATION SOFTWARE

Cookie notifications are pretty simple!

Here are some links to free sites where you can configure and upload cookie notifications to your website within a few clicks.

Cookiepro, by OneTrust -

<https://www.cookiepro.com/pricing/>

CookieConsent, by Insights-

<https://cookieconsent.insites.com/>

CookieBAR -

<https://cookie-bar.eu/>

EU Cookie Bar, by Booster Apps (FOR SHOPIFY) -

<https://apps.shopify.com/eu-cookie-bar>

Very useful tool that will actually check GDPR compliance

Cookiebot -

<https://www.cookiebot.com/en/cookie-consent-banner/>

EMAIL SIGN-UP FORMS

Email is regarded as the gold standard when comes to marketing and advertising making signup forms that collect emails a staple on most websites.

With the advent of GDPR, you need to be able to tell people what is happening to their information.

However some people like to use the 'we don't like spam' disclaimer underneath their email form.

Not only is this unnecessary, it is actually killing your conversions. You can find the research here.

<http://www.conversiondoctor.com/conversion-blog/we-hate-spam>

And since sending spam is illegal you are basically telling them you aren't breaking the law.

Your email disclaimer should just be put within your privacy policy.

No stress, no drama.

No 'spam' talk when someone is looking to enter their email into your awesome optin.



LIST OF PLACES TO GET TEMPLATES (FOR FREE/ LOW COST)

Templates are meant to be used as a starting point only!

Global (you will have an option to select what country you are from)

<https://www.lawdepot.com/>

<https://www.wonder.legal/>

US

<https://www.template.net/>

UK/EU

<https://seqlegal.com/free-legal-documents/>

Australia

<https://lawpath.com.au/legal-documents>

<https://www.legal123.com.au>

(This link from legal123 is an affiliate link, if you click on it and hire their paid customisation service I will receive some money that helps keeps my humble blog alive, at no cost to you).

I support them because they will give you a customised legal document for the same price as if you were to go out and buy some of the templates online. They are also fully licensed and professional. For Australia only.

CONCLUSION

So what did you think?

Easy! Or not so much.

That's okay - if you are still confused - you can always reach out to me or post in my free Facebook Group

Biz Savvy Bosses

Protect your biz with
financial and legal literacy



with *Christie M xo*

Something you want to add or tweak? Just message me.