



your personal and business needs - secure in our hands



## Attwaters' Update

Numerous businesses use the internet as a way in which to market and sell their wares to potential customers. It is very easy to set up a website and start to provide services or sell products without appreciating that there are regulations and legislation that need to be complied with.

### The Data Protection Act 1998 ("DPA")

If at any stage in dealing with customers or visitors to your website you collate information about them you are required to comply with the DPA, irrespective of business size. For example information such as name, address, telephone, email etc. Some of the main points to remember are;

- You are required to register with the Information Commissioner (there are some exceptions) however, failure to do so is a criminal offence;
- You have a duty to keep any data compiled secure;
- You have to provide details on what you intend to do with the collected data;
- You must show what data you hold on an individual should they ask;
- You must delete data you hold on an individual should they request you do so.

Maintaining a privacy policy on the website will go some way towards providing the necessary information to any site visitors or users. The Information Commissioner's website ([www.ico.gov.uk](http://www.ico.gov.uk)) contains helpful advice on how best to deal with the requirements under the DPA.

### The Consumer Protection (Distance Selling) Regulations 2000 ("CPR00") amended by the Consumer Protection (Distance Selling) (Amendment) Regulations 2005 ("CPR05")

The CPR00 and CPR05 apply to consumers who purchase online not business to business sales. The main points to remember when selling via a website;

- Product or service information must be clear;
- Information on supplementary costs must be clear i.e. delivery charges;

- Once a purchase is made provide written confirmation of the order;
- Allow for a 7 day cooling off period where the order may be cancelled or returned.

The Office of Fair Trading has further information ([www.offt.gov.uk](http://www.offt.gov.uk)).

### **Electronic Commerce (EC Directive) Regulations 2002 (“Ecommerce Directive”)**

The Ecommerce Directive provides what a business must detail on their website or email communications;

- Provide the registered name of the business (which may differ from a trading name) and office address;
- Display company registration details (registration number, place of registration, registered office and if the company is subject to insolvency proceedings);
- If a member of a regulated profession the identification number must be shown;
- VAT number (if applicable);
- Clearly identify the sender of all electronic communication.

Should you wish any further information concerning this article or any other employment matters please contact Tim Carter by clicking on the button below.

[Contact Tim Carter](#)



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