

Legal Requirements for Business Websites

Business Information Factsheet
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Introduction

There are several legal requirements that apply to business and commercial websites. Various regulations protect consumers and help business owners to be clear and transparent.

This factsheet introduces the main legal requirements for business websites. It outlines the general information that business owners must display about their business and the additional information they must provide about their trade or profession. It also covers the legal requirements concerning the use of cookies, privacy notices, online orders and website accessibility.

Providing information about your business

Anyone who visits a website will need to know some basic information about the business behind it. The information a business owner must provide depends on the legal structure of their business, their trade or professional status, and the activities they carry out online. There are several overlapping pieces of legislation that govern these areas.

Generally, your business website must display:

- The business name.
- Trading address.
- Business e-mail address and phone number.

Sole traders

If you are a sole trader and your business name is different from your own name, you must also include your own name on your business website.

This is a requirement under the Electronic Commerce (EC Directive) Regulations 2002.

It is good practice to clarify who you are on the 'About' and 'Contact' pages of your website.

Limited companies

If your business is a registered limited company, your website must also display:

- Your company's registered name.
- Where in the UK it is registered (i.e. England and Wales, Scotland or Northern Ireland).
- Your company registration number.

- The address of your company's registered office.

If your company is exempt from using the word 'limited' in its name, you must state that your business is a limited company on your website.

These are requirements under the Companies (Trading Disclosures) Regulations 2008.

Limited liability partnerships

If your business is a limited liability partnership, your website must display similar details to those required for limited companies.

The legislation governing requirements for limited liability partnerships is the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009.

VAT-registered business

If your business is VAT-registered, your website must display your VAT registration number.

This is a requirement under the Electronic Commerce (EC Directive) Regulations 2002.

Specific requirements for trades and professions

In certain circumstances, small business owners who are affiliated to or are members of particular trade or professional bodies must display additional information on their website, as follows:

- If you are a member of a trade or professional association and are listed in a publicly available directory of members, you must state this on your website. Your trade or professional association will be able to clarify how you should display your membership status on your website.
- If you are providing a service that is subject to an authorisation scheme, your business website must display details of the relevant supervisory authority. For example, an insurance broker authorised by the Financial Conduct Authority (FCA) must display information about the FCA on their website, such as 'Authorised and regulated by the Financial Conduct Authority'. Similarly, solicitors in England and Wales must display information about the Solicitors Regulations Authority (SRA).
- If you are a member of a regulated profession, such as an accountant or chartered surveyor your business website must display details of any professional body or institution with which you are registered. You must also display your professional title and the country where that title was granted. Some regulated professions are exempt from this requirement, including doctors, dentists, pharmacists, veterinary surgeons and architects.

These are legal requirements under the Electronic Commerce (EC Directive) Regulations 2002.

Consent to use cookies

Many business websites use cookies. These are small files that are stored on the website visitor's computer or mobile device. Cookies 'remember' data, such as the user's preferences, browsing or buying habits. Cookies can be used for different purposes - to improve user experience or target advertising messages, for example.

If your business website uses cookies you must:

- Notify users that the site has cookies.
- Explain clearly what these cookies do.
- Obtain users' consent to store cookies on their devices.

These are legal requirements under the Privacy and Electronic Communications (EC Directive) Regulations (2003, amended 2011). The Information Commissioner's Office (ICO) provides guidance on how to comply with this legislation. Go to http://ico.org.uk/for_organisations/privacy_and_electronic_communications/the_guide/cookies for more information.

Collecting and processing personal data

When customers interact with your business website you will probably ask for and store their personal information so that you can process their request, for example when they place an order, sign up to your mailing list or register to access member-only areas of your website.

If your business website collects or processes personal details you must comply with the Data Protection Act 1988. Personal data refers to any data relating to a living person who can be identified. It includes basic information such as name, address and contact details, as well as any other information you hold about an individual.

You must display a privacy notice before you collect someone's personal data through your website. Your privacy notice should:

- Clearly identify who you are (your business name).
- State clearly why you are collecting the information and explain exactly how you will use it.
- Be transparent and fair, and include any extra information that the user should know about how you store and use their data.

For more information about privacy notices, go to http://ico.org.uk/for_organisations/data_protection/topic_guides/privacy_notices.

Online orders

When customers order goods or services through your website, you must provide additional information to help clarify what they need to do. You must provide:

- Information about the different steps they need to follow to complete the transaction.
- A way to identify and correct any input errors before they place their order.
- Information about the languages your website can be translated into to complete the transaction.

These are legal requirements under the Electronic Commerce (EC Directive) Regulations 2002.

When consumers (meaning individuals acting outside of their trade, business, craft or profession) place an order online, and the order process involves activating a button or similar function, the button or function must be labelled with wording that clearly indicates that ordering implies an obligation to pay - for example, 'Order and Pay Now' and 'Confirm Your Order and Pay'.

If you sell goods online you must also provide consumers with certain pre-contractual information and access to a cancellation form. A model cancellation form is available at www.legislation.gov.uk/uksi/2013/3134/images/uksi_20133134_en_003.

These are legal requirements under the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.

More information about selling goods online is available in BIF 509, Legal Requirements for Selling Goods to UK Consumers Online.

Accessibility

Business website owners must make reasonable adjustments so that disabled users, including people with a visual impairment, can access and use their website without being impaired by their disability.

This is a legal requirement under the Equality Act 2010. The World Wide Web Consortium (W3C) publishes information and guidance on web accessibility. Go to www.w3.org/standards/webdesign/accessibility for more information.

Best practice

Although not required by law, it is best practice to display other types of information on your business website, such as:

- A disclaimer. This can help protect you from claims for loss or damages as a result of someone using your website or relying on the information provided on your website.
- A copyright notice. Most types of original work are automatically protected by copyright. However, a copyright notice allows you to state clearly how your website content and images and your business logo may be used. This can be useful evidence in the case of a dispute.
- Terms of website use. You can set out the terms of use of your website. This can refer to the information detailed above and other issues such as linking to and from your website.

Hints and tips

- If your business processes personal data about your customers electronically, you may need to be registered as a data controller with the Information Commissioner's Office (ICO). Go to http://ico.org.uk/for_organisations/data_protection and see BIF 3, A Guide to the Data Protection Act 2018, for more information.
- As well as including the statutory information that your website must contain, you should also be aware of what it must not include. For example, the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the CAP code) prohibits promotional copy and messages that are misleading, inaccurate, ambiguous or exaggerated. Go to www.cap.org.uk for more information.
- The Equality Act 2010 prohibits business website owners from discriminating against a person due to their age (unless they are aged 17 or under), disability, gender, race, religion or belief, or sexual orientation.

Further information

BIF 3 A Guide to the Data Protection Act 2018

BIF 410 A Guide to the Privacy and Electronic Communications (EC Directive) Regulations 2003

BIF 473 A Guide to the Equality Act 2010

BIF 509 Legal Requirements for Selling Goods to UK Consumers Online

Useful contacts

Companies House provides registration and filing services for companies and partnerships, as well as useful publications and information.

Tel: 0303 123 4500

Website: www.gov.uk/government/organisations/companies-house

The Information Commissioner's Office (ICO) is an independent authority concerned with information rights and data privacy. It provides information and guidance on privacy and electronic communication.

Tel: 0303 123 1113

Website: <https://ico.org.uk>

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