The Importance of Website Policies

The first two pages of this document help explain what website policies are and how they help you comply with laws and also protect you by limiting your liability. We are not attorneys and this is not legal advice. We do, however, ask all of our clients to sign the final page of this waiver, acknowledging that we have provided you with this information.

What is a Privacy Policy

A Privacy Policy helps website owners comply with privacy laws by containing specific disclosures regarding how their website collects, uses, and discloses personal information.

A comprehensive Privacy Policy is required to comply with privacy laws

Today's modern websites are built to provide a great user experience and motivate prospective customers to reach out and inquire about what you have to offer. This is done through the use of tools such as contact forms, website analytics, and more.

Contact forms ask users to submit their 'name' and 'email', which are examples of personal information. When a website uses analytics, it collects each visitor's IP address and shares that personal information with third-party data analytics providers. These are just a few examples of the many ways websites collect and share personal information.

Privacy laws exist to protect the personal information of individuals online. Privacy laws can start applying as soon as an individual submits their personal information (such as their name and email) on a contact form. The Protection of Personal Information Act, for example, has imposed strict requirements on websites that collect and process personal information in South Africa, requiring them to have a Privacy Policy that contains specific disclosures.

Do you know if you need to comply with South Africa's privacy law? Do you receive website traffic from outside of South Africa which may require you to comply with additional privacy laws? Do you have a strategy to keep your Privacy Policy up to date with new disclosures when new privacy laws are passed or existing privacy laws are amended? These are important questions to ask when running a modern day website.

Google requires your website to have a Privacy Policy

A website utilizing Google Analytics is required by Google to have a Privacy Policy. You can find this requirement within section 7 of Google's Terms of Service: https://marketingplatform.google.com/about/analytics/terms/us/

Google has also recently announced that it is requiring all websites using AdSense to have a cookie consent banner since AdSense uses cookies and collects personally identifiable

information, which is regulated under multiple privacy laws. Google is now required to ensure that websites using AdSense comply with those laws.

Failure to provide proper policies and consent solutions can result in your Google account being suspended or possibly even terminated.

What is a Terms of Service Agreement

A Terms of Service Agreement limits the liability of businesses by stating the rules to using the website.

Example disclosures
When a website offers links to third party websites, a Terms of Service can help explain to users that the business is not responsible if a user clicks those links. So, if a third party link brings a user to a hacked website, the Terms of Service disclosure can help prevent you from being sued.

A Terms of Service agreement can also provide a disclosure where people can contact you if they believe that you have infringed on their intellectual property. For example, if you accidentally use an image that you do not have the permission to use, this disclosure can help reduce the likelihood of a copyright infringement lawsuit.

There are many additional disclosures that a Terms of Service can make, but these two are the most popular and are easy ways to protect your website and your business.

What is a Cookie Policy and cookie consent banner?

Cookies are little snippets of code that get inserted into the user's browser and device when visiting a website. They can help ensure a website properly functions (aka essential and functional cookies). They can also track website visitors for analytics and advertising purposes (aka marketing cookies). Several privacy laws, including South Africa's POPIA, require users to provide consent prior to implementing non-essential cookies on their browsers. This is commonly done through a cookie consent banner, which will ask your website visitors to choose their consent settings. It is important to identify what privacy laws apply to you, and determine if you are required to provide a cookie consent solution on your website along with a Cookie Policy further describing the purpose of each cookie.

How to get a Privacy Policy and Terms of Service for your website

If you have the budget, we recommend hiring a lawyer who focuses on privacy law to write your website policies, monitor privacy laws, and update your policies when the laws change or when new laws go into effect. If you do not have the budget to hire a privacy lawyer for your website policies, we recommend using Termageddon.

Termageddon is a comprehensive website policies and cookie consent generator and will update your website policies when privacy laws change or new laws go into effect, helping you stay compliant and avoid privacy-related fines and lawsuits, and they do it at a fraction of the cost of a lawyer. Although Termageddon is a technology company (not a legal services provider), it was founded by a privacy and contracts lawyer and the tool has been recognized as a trusted tech vendor by the largest international privacy organization in the world (iapp.org).

If Termageddon sounds like a good solution for your business, the license costs $119/year (~R2,002/yr), and we are charging a one-time setup fee of R2,500 to create the policy pages, insert/test the code and ensure your policies stay up to date with changes to the law. You will have full access to your policies within your own Termageddon account, and you will be notified via email when new laws go into effect and when your policies are being updated or when new disclosures require additional questions that need to be answered.

Please review and sign the Website Policies Waiver on the next page, confirming that you have received our notice on the requirements of Privacy Policies, Terms of Service, Cookie Policies, and cookie consent banners.

Website Policies Waiver

By signing this waiver, you acknowledge that we informed you that applicable (national or international) law may require your website to have a Privacy Policy with specific disclosures. We are not lawyers, we do not provide Privacy Policies as a service, and we are not responsible for your business complying with any applicable privacy laws.

We have a relationship with a third-party Privacy Policy, Cookie Policy (and consent), and Terms of Service generator called Termageddon and we are able to assist you with linking those policies to your website. You are under no obligation to utilize Termageddon, but it is the service that we use on our own website, have a relationship with (we receive a commission fee or can resell their license to you if you decide to purchase) and recommend. Please note, should you choose to use Termageddon's services, your relationship will be directly with them, governed solely by their Privacy Policy and Terms of Service.

Please select **your plan** for your website's policies:

_____ I will provide you with website policies and understand it's my sole responsibility to update the policies when the laws change and will notify you when I have an updated Privacy Policy that needs to be put on my website. I also agree to pay a R2,500 implementation fee to incorporate the policies onto my website.

_____ Please set me up with a (~R2,002/yr) Termageddon license. I understand that I will have access to the license through the Termageddon dashboard, where I can generate and update my policies. I also agree to pay a one time, R2,500 setup fee for you to implement the policy pages and Termageddon's code onto my website.

_____ Please connect me with a Termageddon representative so that I can receive help in setting up a Termageddon license for (~R2,002/yr). I also agree to pay a one time, R2,500 setup fee for you to implement the policy pages and Termageddon's code onto my website.

_____ I am choosing not to have any policies on my website or will research, install, and update my policies, on my own. I understand that by not having a comprehensive Privacy Policy on my website, that I may be non-compliant with multiple privacy laws.

_____
Signature

_____
Company Name

_____
Date