



the  
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Guide to

# Website Compliance



# Website Compliance Checklist

The checklist ensures that the e-commerce website complies with the law and customary standards & practices in general. A Body Corporate may have its own unique risks and the below listed points may not essentially deal with them in detail.

## **Basic compliance requirements [Regulatory]**

1. Defining the components of “sensitive personal data or information” and “Personal Information”
2. Documented security policy
3. Electronic record preservation and retention policy
4. Established [and documented] procedure to safeguard monitoring and collecting traffic data or information and replying to requests of CERT-IN
5. Mandatory privacy policy with an opt-in/opt-out clause
6. Appointment of designated officer to comply with the directions of competent authority

## **Company Information on the Website**

1. Company name [Registration number]
2. Registered address
3. E-mail address
4. Telephone number
5. Details of organisations [parent / subsidiary / sister concerns]
6. Details of relevant professional bodies, codes of conduct, etc

## **Contract Formation**

1. Whether a copy of the contract will be kept on record
2. Whether the copy is accessible to the customer or will be made accessible on demand
3. Steps required in concluding the contract
4. Languages in which the contract can be concluded
5. Instructions on how to correct errors before an order is placed
6. Acknowledge of the receipt of the order by electronic means
7. Make information available kept on record to be printed

## **Transactional Information**

1. Clearly:
  - a) describe goods and/or services which can be ordered
  - b) state the price for the goods and/or services
  - c) state the various taxes under various heads including delivery charges
  - d) state the arrangements for payment, delivery and performance of the contract

- e) state the arrangements for cancellation
- f) state the period of time for which an offer / special price is available
- g) state the duration of the contract
- 2. Any information that may be construed as misleading should be removed
- 3. Whether the company reserves a right to supply substitute goods and/or services
- 4. Responsibility of customer for return of goods and costs associated therewith
- 5. Contractual right to cancel the contract
- 6. After-sales services and guarantees

### **Intellectual Property Rights**

- 1. Copyright notice prominently displayed for:
  - a) the website
  - b) each copyright work
- 2. Copyright policy restricting unauthorized use, reproduction, copying, etc. of copyright work
- 3. Right to use third party trade marks, images or content

### **Terms and Conditions**

- 1. The website should make it clear in the terms of use that orders must be accepted by the company before the contract is formed
- 2. The website should bring the terms and conditions to the customer's attention before a contract is formed

### **Data Protection**

- 1. Clear and easily accessible statements of its practices and policies
- 2. Type of personal or sensitive personal data or information collected
- 3. Purpose of collection and usage of personal information to be mentioned
- 4. Rules of Disclosure of Information to be mentioned
- 5. Reasonable security practices and procedures have been adhered to
- 6. Obtaining consent prior to collection of information
- 7. Person concerned should have knowledge that information being collected
- 8. Rules regarding Retention of information to be mentioned
- 9. Usage of information solely for the purpose for which it has been collected
- 10. Review and amendment of information
- 11. Option – not to provide information
- 12. Option to provider to withdraw consent
- 13. Security of information
- 14. Designation of Grievance Officer
- 15. Redressal of grievances
- 16. Disclosure of information to third parties
- 17. Prohibition on publication of information
- 18. Disclosure of information by third parties

19. Transfer of information
20. Retention of Electronic Records
21. Audit of Documents \ Electronic Records

#### **Links, Cookies and User Generated Content**

1. Links to third party websites should direct to appropriate websites
2. State that third party website content is not the responsibility of the website
3. Set parameters for third party links and email addresses for enquiries
4. Obtain customers' consent for use of cookies
5. State that cookies are being used
6. Inform the customer of their right to withdraw consent at any time
7. Whether users are allowed to generate their own content such as customer comments, feedback, reviews, etc

#### **Statements**

1. Statement as to the governing law for the contract
2. Statement that certain courts shall have exclusive jurisdiction to resolve disputes
3. Statement as to comparative advertising or reference to other brands
4. Clear marketing statements

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