

Identify how close you might be to losing your website, and how exposed to possible legal action your business is online.

WEBSITE SELF ASSESSMENT

Get peace of mind and avoid legal claims

Onyx Online Law
<http://onyxonline.com>

Website Self-Assessment Checklist

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Whether you want to get your website mobile friendly and are using the opportunity to do a complete review, or you just want to feel confident your business is protected online, this Website Self-Assessment is for you.

This Checklist will help you to identify how close you might be to losing your website, and how exposed to possible legal action your business is online. In a full legal audit of your website there are other things that we would look at before advising you how to better protect your business. If you would like a more comprehensive report, please contact us for a website legal audit.

Simply answer the questions, keep score and see how you rate.

- 1. Do you know who the registrant for your domain name is?** Yes No Not sure

Your domain name is like a post office box. You lease it, you don't own it.

Your registrar is like the post office. They will only talk the person who is authorised as the registrant of the domain name. That might not be you! This could be a problem if you want to sell your online business and cannot transfer the domain name. Onyx can help you find out who the registrant is and make sure you have control over your domain name.

- 2. Do you know where your website content is hosted?** Yes No Not sure

All of the information that people can watch and read on your website is stored and then accessed via the internet. You pay a hosting provider to store that content and make sure it is available when people look for it online. If you don't know who your hosting provider is, who can you talk to if your website is 'down' and not visible? Onyx can help you find out who your hosting provider is and how to protect your content.

- 3. Is your website content regularly backed up?** Yes No Not sure

Most hosting providers will not take responsibility for your website content.

It is up to you to make sure your content is protected. Onyx can check your hosting agreement to let you know the limit of your hosts liability and the questions you should be asking your IT provider to make sure you don't lose anything.

Give yourself 5 points for each 'Yes' answer to Questions 1-3.

Score

4. Do you have terms of use on your website including a country of applicable law?

Yes No

The company with the website, makes the rules! Think about the big sites like eBay, Facebook, and Google. If you don't follow their rules, they can stop you from using their services and there is almost nothing you can do about it.

You have the same ability to control how other people access and use your website and the information provide. You will normally find a link on your website to terms of use in your footer. Onyx can help you tailor terms and conditions that fit your business, your industry and make sense to your customers.

Scoring: No terms of use	0 points
Terms of use you haven't read	3 points
Template terms from a trusted source	4 points
Terms written for your business + 12mnth review	10 points

Score

5. Do you have a privacy policy on your website?

Yes No

Privacy is important to you, so why wouldn't it be important to your customers?

A privacy policy lets your customers know what information you collect, what you do with it, where you store it, who has access to it, how you secure it and how a person can check and change the information you hold about them. You will normally find a link to your privacy policy in your website footer. Onyx can help you put together a privacy policy that suits your business. We can also help you with simple procedures you need to have in place behind the policy, just in case someone makes a complaint.

Scoring: Privacy policy page exists, no content	1 point (for thinking about it)
Privacy policy copied and pasted	2 points
Privacy policy written for your business	5 points
Privacy policy and procedure in place	10 points

Score

6. Do you have a disclaimer anywhere on your website?

Yes No

Disclaimers let your customers know when they have to be responsible for their own actions, and limits the liability of your business. High risk industries are health and finance. If you are not sure, Onyx can help you work out whether or not a disclaimer will protect your business and write an appropriate disclaimer for you.

Scoring: What's a disclaimer?	0 points
You've asked and been advised you don't need one	3 points
Disclaimer written for your business	5 points

Score

7. Do you manage contributions to all your online business accounts?

Yes No

Ever heard the expression “no publicity is bad publicity”? Well, that isn’t always true. Companies have been sued for the way that their customers use their online accounts. An example is where a model in New York sued a website owner because an anonymous member posted defamatory comments about her. Understand what you need to do to allow your customers to engage with you online, and protect your business at the same time. Onyx can help you prepare a social media policy and procedures for your business, as well as advise on some simple strategies you can adopt to avoid legal problems in the future.

Scoring: It’s all too hard / We’ve thought about it...	1 points
We have an internal social media policy	3 points
We’ve published rules for contributors	5 points
Rules + staff monitor and manage contributions	10 points

Score

8. Do you know where all the content on your website has come from?

Yes No

9. Can you prove ownership or the right to use all of your website content?

Yes No

Legal claims are all about proof. If you don’t know the history of where your content has come from, you are probably not in a position to defend yourself from a legal claim. Onyx can help you identify where your greatest risk is, and how to manage that risk to protect your business. It doesn’t have to be hard.

10. Do all your marketing emails include an ‘UNSUBSCRIBE’ feature?

Yes No

11. Have all the people on your email marketing list ‘opted-in’ to receive your promotions?

Yes No

We hate spam. We’re sure you do to. So how do you think your customers feel? It is so easy to be anti-spam compliant. Onyx can help you make sure you are following the rules and respecting your customers by checking your compliance and helping you put in place automatic protections.

12. Are all the testimonials on your website from real people?

Yes No

Sounds like common sense, doesn’t it? You’d be surprised... You might have collected some sensational testimonials from your very happy clients and want to share those testimonials with the world. Unfortunately, there are some rules, apart from the most obvious one! Onyx can tell you what those rules are and how to comply with them so that you can make the best use of your marketing and promotions.

Give yourself 5 points for each ‘Yes’ answer to the ten Questions 8-12.

Score

13. Do you describe your products or services accurately on your website?

Yes No

If you work with copywriters your website might have lots of 'awesome' and 'world's best' type descriptions. This can be okay if it is an exaggeration that no-one in their right mind would believe. The trouble starts when you make claims that sound believable, but in fact aren't true. It can be a fine line. Do you remember Ribena advertising that their drinks contained more Vitamin C than oranges? Wasn't true and Ribena had to pay fines and do all sorts of corrective advertising. Onyx can help you avoid having to pay fines.

14. Do you have a refunds and returns policy?

If you are one of those businesses who would prefer never to give refunds, we're sorry. Legally you have to give refunds, but only in circumstances where your product or service is faulty, doesn't match the description, isn't the same quality expected or isn't fit for the purpose most people would expect to use it for. Onyx can help you write a policy that works for you, and makes it clear to your clients or customers that simply changing their mind doesn't cut it.

Yes No

15. Do you have a standard service contract for your clients?

Yes No

As a service provider, you've probably experienced what it is like to have a difference of opinion with your clients from time to time. A misunderstanding about what you have agreed to provide, and what your client expects to receive, is the greatest area of dispute for service providers. You can solve this problem once and for all by having a clear, plain English, easy to use, service contract. Writing clear and simple contracts that impress your clients and make your business easier is something we love to do at Onyx.

Give yourself 5 points for each 'Yes' answer to Questions 13-15.

Score

Now add up your score. How did you go?

Total Score

There was a possible score of 80 (so a 41 is a 'Pass'), check below to see the results of your assessment.

Your Website Self-Assessment Score

If you scored 65 or more... Congratulations, your online business has the best legal protection you can give it right now and is one of the top 10% of business websites around. Keep up the great work!

If you scored between 41 and 65... You might be okay so far, but could really benefit from a more careful review of the business you are doing online and to take your protection to the next level. We recommend a quick strategic review of your current position, possibly a full website audit depending on your online revenue, and an update of your existing terms.

If you scored between 21 and 40... If your business is generating more income than you can afford to lose, your income is at risk. You need to take action NOW! We recommend a quick strategic review of your current position followed by a full website audit, and an update of your existing terms.

If you scored less than 20... The good news is that you have fantastic potential to improve and there is no time like the present to start protecting your business. We recommend a strategic review of your current position and the immediate implementation of appropriate terms and policies for your website.

Hopefully, you're right on track. On the other hand, if it looks like you're business would benefit from legal help contact Onyx now –

Onyx Online Law | For Businesses with and Online Presence

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