**Free privacy policy: drafting notes**

A standard website privacy policy, which will help you to comply with UK data protection legislation. This policy covers the following matters (amongst others): the collection of personal information; the use of that personal information; disclosures of that personal information to third parties; the security of that personal information; and the use of cookies on the website. This document might not be suitable for you if the ways in which you use personal information are complex or unusual.

**Section 1: Introduction**

**Section 1.1**

"Personal information": for day-to-day purposes, it is best to assume that all information which relates to a living individual constitutes personal information.

**Section 1.2**

Optional element.

The inclusion of this statement in your privacy policy will not in itself satisfy the requirements of the Privacy and Electronic Communications (EC Directive) Regulations 2003 as regards consent to the use of cookies. Guidance concerning methods of obtaining such consent is included on the Information Commissioner's website (http://www.ico.gov.uk).

* How will you gain users' consent to the use of cookies?

**Section 2: Credit**

**Section: Free documents licensing warning**

Optional element. Although you need to retain the credit, you should remove the inline copyright warning from this document before use.

**Section 3: Collecting personal information**

**Section 3.1**

* What types of personal information will or might the website operator collect?
* What analytics data will you collect?
* What information will be collected from users who register with the website?
* What profile information is collected through the website?
* What information will be collected from users who subscribe to website services, email notifications and/or newsletters?
* What information is processed in connection with the provision of website services?
* What can be purchased through the website: goods, services or both?
* What transactional data will be collected from users?
* What personal information can a user publish through the website?
* What communications information may be collected?

**Section 3.2**

Optional element.

**Section 4: Using personal information**

**Section 4.2**

You must list here the uses to which you will (or may in future) put personal data. We have suggested some common categories. As a general rule, where you plan to use personal information you have collected for the purpose of direct marketing, this should be made clear on the page where the information is collected, and you should ensure that this only happens if users opt in to the marketing (eg "Click here if you would like us to send you information by email about products which we think will interest you."). There are, however, exceptions to this general rule. There are also rules about the content of direct marketing communications. If you are in any doubt about complying with your legal obligations in relation to direct marketing, you should seek professional advice.

* For what purposes will the website operator use personal information collected through the website?
* Might marketing communications relate to third party businesses?
* Will private messages sent by users be monitored to ensure compliance with website terms and conditions?

**Section 4.3**

Optional element. Will users have the opportunity to publish any personal information on the website?

**Section 4.4**

Optional element.

**Section 4.5**

Optional element. Will the website undertake in this document not to supply any user's personal information to a third party for the purpose of third party direct marketing?

**Section 4.6**

Optional element. Will the website operator pass any personal information to any third party payment services provider?

* What is the name of the payment services provider that processes website transactions?
* At what web address can the privacy policy of the payment services provider be found?

**Section 5: Disclosing personal information**

**Section 5.1**

* To which categories of person may personal information collected through the website be disclosed?

**Section 5.2**

Optional element. Is the website operator part of a group of companies in circumstance where one or more of those other group companies might need access to personal information collected by reference to this document?

**Section 5.3**

A website operator may be obliged to disclose personal data to a third party under various laws. For example, under the Defamation Act 2013 and the Defamation (Operators of Websites) Regulations 2013, a website operator may be required to pass personal data between a complainant and a poster - i.e. a person who posts on the website material which may be defamatory of the claimant.

* Does the website operator need a right to disclose personal data to business purchasers and potential business purchasers?
* Does the website operator require a right to disclose personal data in anticipation of a court judgment or regulatory action?

**Section 6: International data transfers**

Does the website operator, or might the website operator, transfer or have transferred outside the European Economic Area (EEA) any personal information that it controls?

Give as much detail as possible about any such international transfers. You need to be aware that the inclusion of this provision will not be sufficient to ensure that all international transfers of personal data are lawful. If in doubt, you should seek professional advice on this point.

**Section 6.2**

Optional element. Will any personal data be transferred outside the EEA?

* To which countries outside the EEA may personal data be transferred?

**Section 6.3**

Optional element. Will users have the opportunity to publish personal information on the website?

**Section 6.4**

This consent statement is unlikely to create an effective consent to extra-EEA transfers on its own.

**Section 7: Retaining personal information**

**Section 7.1**

Optional element.

**Section 7.3**

Optional element. Does the website operator have any specific policies in place regarding time periods for the deletion of personal data?

* Does the website operator have any specific policies in place regarding time periods for the deletion of personal data?

**Section 8: Security of personal information**

**Section 8.2**

Optional element.

There is an obligation upon data controllers to store personal data securely.

**Section 8.3**

Optional element.

**Section 8.4**

Optional element.

**Section 8.5**

Optional element.

**Section 9: Amendments**

**Section 9.2**

Optional element.

**Section 9.3**

Optional element. Will you ever contact users to notify them of changes to the document?

* How will users be notified of changes to the document?

**Section 10: Your rights**

**Section 10.1**

* What evidence of identity will you require before fulfilling a data protection subject access request?

**Section 10.4**

Optional element.

**Section 11: Third party websites**

Optional element.

**Section 12: Updating information**

Optional element.

**Section 13: Cookies**

Optional element.

**Section 13.4**

Optional element.

**Section 13.5**

* What types of cookies will be used on the website?

**Section 13.6**

* Details of cookie used on the website should be provided here.
* Identify the cookie by name.

**Section 13.9**

Optional element. Will the blocking of cookies have a negative effect upon the use of the website from a user perspective?

**Section 14: Data protection registration**

Optional element.

**Section 14.2**

* What is the website operator's data protection registration number?

**Section 15: Our details**

Optional element.

UK companies must provide their corporate names, their registration numbers, their place of registration and their registered office address on their websites (although not necessarily in this document). Sole traders and partnerships that carry on a business in the UK under a "business name" (i.e. a name which is not the name of the trader/names of the partners or certain other specified classes of name) must also make certain website disclosures: (i) in the case of a sole trader, the individual's name; (ii) in the case of a partnership, the name of each member of the partnership; and (iii) in either case, in relation to each person named, an address in the UK at which service of any document relating in any way to the business will be effective. All websites covered by the Electronic Commerce (EC Directive) Regulations 2002 must provide a geographic address (not a PO Box number) and an email address. All website operators covered by the Provision of Services Regulations 2009 must also provide a telephone number.

**Section 15.1**

* What is the name of the company, partnership, individual or other legal person or entity that owns and operates the website?

**Section 15.2**

Optional element. Is the relevant person a company?

* In what jurisdiction is the company registered?
* What is the company's registration number or equivalent?
* Where is the company's registered address?

**Section 15.3**

Optional element.

* Where is the relevant person's head office or principal place of business?

**Section 15.4**

Optional element.

* By what means may the relevant person be contacted?
* Where is the relevant person's postal address published?
* Either specify a telephone number or give details of where the relevant number may be found.
* Either specify an email address or give details of where the relevant email address may be found.