Legal Aspects

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egal Aspects

- Accessibility
- Web Accessibility Initiative (WAI)
- Disability Discrimination Act (DDA)
- Data Protection
- Copyright & IPR
- Privacy
- Safety

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Accessibility

What do we mean?

> "Web accessibility means that people with disabilities can use the Web. More specifically, Web accessibility means that people with disabilities can perceive, understand, navigate, and interact with the Web, and that they can contribute to the Web."
>
> (W3C, 2005)

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Who does it affect?

- Visually impaired
- Deaf / hearing impaired
- Motor impaired
- Seizures
- Dyslexia
- Learning difficulties

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Are you providing online content which may not be accessible to people with disabilities?

on your website?
via social media?
in email mailouts?

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Are you compliant with disability and discrimination law?

- Disability and Discrimination Act 1995 Equality Act 2006

- Legal requirement since 1999 for websites “to be accessible to everyone regardless of ability”

(England & Finney, 2007)

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Users with disabilities may access your online information using

- Screen readers
- Magnification software
- Special keyboard or mouse

They may have problems with

- Reading complex or fast moving text
- Colours without high contrast
- Flash / video content

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Sydney Olympics website (2000)

High profile case:

- Owners of site successfully prosecuted
- Bruce Maguire, blind Australian
- Complained to Human Rights & Equal Opportunities Commission
- Accessed the site using a Braille display
- Images without text equivalent completely inaccessible

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The Digital Divide: Web Accessibility for People with Visual Impairments in the UK and China

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Web Accessibility Initiative

- World Wide Web Consortium (W3C) guidance for making web site more accessible
- More user friendly for all?

http://www.w3.org/WAI

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Web Content Accessibility Guidelines (WCAG)

- W3C Guidelines for developers
- 12 guidelines
- Success criteria: A, AA & AAA conformity
- Provides guidance and suggested techniques

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WCAG 2 at a glance

Perceivable

- Provide **text alternatives** for non-text content.
- Provide **captions and alternatives** for audio and video content.
- Make content **adaptable**; and make it **available** to assistive technologies.
- Use **sufficient contrast** to make things easy to see and hear.

Operable

- Make all functionality **keyboard accessible**.
- Give users **enough time** to read and use content.
- Do not use content that causes **seizures**.
- Help users **navigate and find** content.

Understandable

- Make text **readable and understandable**.
- Make content appear and operate in **predictable** ways.
- Help users **avoid and correct mistakes**.

Robust

- Maximize **compatibility** with current and future technologies.

http://www.w3.org/WAI/WCAG20/glance/

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WCAG Quick Tips

10 Quick Tips

1. **Images & animations:** Use the **alt** attribute to describe the function of each visual.
2. **Image maps.** Use the client-side **map** and text for hotspots.
3. **Multimedia.** Provide captioning and transcripts of audio, and descriptions of video.
4. **Hypertext links.** Use text that makes sense when read out of context. For example, avoid "click here."
5. **Page organization.** Use headings, lists, and consistent structure. Use **CSS** for layout and style where possible.
6. **Graphs & charts.** Summarize or use the **longdesc** attribute.
7. **Scripts, applets, & plug-ins.** Provide alternative content in case active features are inaccessible or unsupported.
8. **Frames.** Use the **noframes** element and meaningful titles.
9. **Tables.** Make line-by-line reading sensible. Summarize.
10. **Check your work.** Validate. Use tools, checklist, and guidelines at http://www.w3.org/TR/WCAG

http://www.w3.org/WAI/quicktips/

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What can you do?

You or your web developer could:

- Ensure images have useful ALT tags
- Validate web pages
- Think about accessibility when planning online content
- Check what web pages / mailouts look like with no images or style sheets – do they make sense?
- Test your pages with a screen reader / simulator

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Why worry about accessibility?

- Legal responsibility
- Company ethical policy
- Social responsibility
- Meet international standards
- Improve technical quality
- Improve access to your content for
  - older users
  - mobile devices

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Skip navigation | Accessibility | Sitemap | Change page styles: default change

Disability Action in Islington

Home | About DAII | News | Services Provided | Business Advice | Have Your Say | Contact Us

You are here: Home

Welcome

Welcome to Disability Action in Islington (DAII) an organisation run by and for disabled people. We aim to support disabled people, so that they:

- gain more control and choice over their lives
- have better access to services and opportunities
- are able to challenge exclusion and discrimination.

DAII also works to raise awareness of the needs, interests and views of disabled people in Islington and to promote a more accessible and inclusive environment.

Information for Deaf People

Easy Read

Information about Disability Action in Islington in an easy read format.

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Data Protection

Do you collect personal information about your customers / subscribers?

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Data Protection

Do you collect personal information about your customers / subscribers?

- Mailing list sign up
- Mobile marketing
- Behaviour tracking (web / mailout analytics)
- Downloadable widgets

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Then you need to think about data protection and privacy law

Concern for customers:

identity theft

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Personal information

includes

- Name & address
- Email address & mobile
- Likes & dislikes
- Online behaviour

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Data Protection Act 1984, 1998 (DPA)

Summary: Information Commissioner's Office

http://www.ico.gov.uk

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Data Protection: Notification

If you hold personal data about customers or employees on computer, you should be registered with a data protection registrar

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ICO data protection principles

1 Personal data should be processed fairly and lawfully
2 For limited purposes
3 Adequate, relevant & not excessive
4 Accurate
5 Not kept longer than necessary
6 Processed in accordance with data subject's rights
7 Secure
8 Not transferred to countries without adequate protection

More info:
ICO Data Protection Principles

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Copyright & IPR

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Copyright & IPR

- Who owns the assets used on your website, social media and other marketing materials?
- Do you have permission to use them?
- Does the contract with any online developers clarify IPR & copyright issues?

European Directive on Copyright (2001/29/EC)

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Privacy

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User privacy

Privacy is "...a moral right of individuals to avoid intrusion into their personal affairs by third parties."

(Chaffey et al, 2009)

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- If you're storing personal information about your subscribers is it secure?
- Do you have permission to store and use the details?

Privacy and Electronic Communications Regulations (PECR) Act, 2003
Committee of Advertising Practice (CAP) Code

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Privacy and Electronic Communications

Guidance from the ICO:

> Emails and text message
> "You must not contact individuals without their prior consent unless you have obtained their details in the course of a sale or negotiations of a sale, you only contact them about your own similar products or services and you give them the opportunity to opt out of receiving further marketing messages each time."

(ICO, no date)

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Privacy

The Information Commissioner's Office provides

- good practice guidelines and
- your legal obligations

... relating to Privacy and electronic communications as well as Data Protection

Increases trust and customer satisfaction as well as meeting legal requirements

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Ethical Hacking

Is the customer information you're storing safe? Are you sure?

Could an ethical hacker help

- test the vulnerability of your server or customer database?
- suggest pre-emptive measures against malicious hacking?

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Opt in / opt out

Opt-in

Customer pro-actively agrees to receive further information

- Completes sign up form
- Doesn't opt out when given choice

Opt-out

Customer chooses to receive no further information

- Check box
- Unsubscribe link
- Contacts you via other channels

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Email updates
Your free registration entitles you to regular email updates from the IDM. These inform you of IDM events and services, as well as news of developments in interactive and direct marketing practice. You'll be among the first to receive details of special offers on our training courses and products. However, if you do *not* wish to receive these email updates, tick the box (be assured that if you leave the box unticked for now - in order to trial these communications - you can easily unsubscribe at any time in the future).

☑

Data Protection
The IDM does not sell, trade or rent your personal information to others. Your details will be added to the IDM database in order to process your request, and so that you can be kept up to date with relevant details of our education, training, information and membership services. If you do *not* wish to receive any further information or offers from the IDM, whether by post, telephone or email, tick the box.

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Finish Exit without saving changes

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Email / mobile guidelines

- Option to unsubscribe is required on each communication
- Your contact details should be included with a clear “from” address by email
- If you use a 3rd party mailing list, include a ‘statement of origination’ (where they gave permission to be mailed) so that your mail is not considered ‘spam’

> “You are being sent this email because you signed up for xxx. You can unsubscribe [link] at any time”

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Safety on social networks

Facebook's statement of rights and responsibilities says

> "We do our best to keep Facebook safe, but we cannot guarantee it."
> "We respect other people's rights, and expect you to do the same."

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Safety

As an individual you can

- Use Privacy settings
- Accept Friends carefully
- Use “Block” if someone is abusive
- Report abuse to Facebook

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Negative feedback

- Using your website, social media and email to increase communication with your customers can also lead to you receiving criticism

- Can you resolve the problem immediately and respond?
- Can you respond positively?

More: Mashable article: (Catone, 2010)
How to deal with negative feedback inSocial Media

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Other legal issues

Brand & trademark protection
- How your brand and others are represented online

Contract law
- E-commerce

Online advertising law
- Misrepresentation
- Causing offence

Defamation
- Reputation of individuals and companies

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Summary

- Design with accessibility in mind
- Consider privacy and security

Need help?

- Web Accessibility Initiative: list of online tools
- Etre: free online testing, paid for inspection
- RNIB: consultancy and training
- Ability Net: charity offering DDA compliance reviews and disabled user testing services
- student intern?

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