

Laws and Guidelines Related to Websites



A number of laws apply to websites which you need to be aware of as a web designer. The two main ways that a web designer can break the law would be through copyright infringements and by failing to follow the data protection rules. There are a number of other laws to be aware of though.

- Copyright laws
- Data Protection Act
- Disability Discrimination Act
- Obscene Publications Act and Child Protection Act
- Computer Misuse Act
- Libel

Copyright Laws

The Copyright Designs and Patent Act of 1988 states that writings, works of art, music, films and software are the intellectual property of the creator. This also applies to content found on websites. Copyright laws can be broken if images or materials are included on a website that **belong to someone else**.

Imagine you spent months developing a website, creating great graphics and getting the look and feel of your site just right. After publishing the site on the internet, you are complimented by all your friends for such a great looking site, and more and more visitors start going to your site. Then you receive an email from a customer informing you that many of your text and images can be found on another site. After checking out this other site for yourself, you confirm that many of your images and text have been ripped. So how would you feel about this? I expect you would be livid!

You as the copyright owner would be able to notify the website's host ISP of copyright infringement and demand that the ISP remove the infringing material from the Internet. Alternatively, you could instigate legal proceedings. Of course, you would have to prove that the materials belonged to you.

As a website designer, you must be clear on the following. All content on a website must fall into one of the following three categories...

- Material developed by the organisation itself
- Material used with the permission of a copyright holder
- Copyright-free material

In fact, you would be wise to assume that all material published on the Internet is copyrighted, unless it explicitly states it is **copyright-free** or in the **public domain**. Public domain materials are completely free of copyright and can be used by anyone. Any material found on the Internet or in books or any other source, where you have not created the material from scratch yourself is subject to copyright laws. On the Internet, this includes text, images, recordings, videos, Flash animations, java applets, JavaScript code or any code that you have not created yourself. Even the design of a website cannot be copied.

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Software also falls under the copyright act, although there are special considerations here. Some software must be paid for outright before you can use it. Some software is licensed differently as freeware or open source, adware or shareware. **Freeware** is where the software itself is free to use. This may or may not include the code. **Open Source** software includes access to the code but if you modify the code you must allow the modified version to be Open Source too. **Shareware** often allows you to try out the software for a limited time period. Alternatively, there may be restrictions within the software itself. For example, some parts of the software may be disabled until you buy the full version. Finally, **adware** is software which is free but requires you to put up with adverts, which are usually displayed when you run the software. Watch out for the most unpleasant type of software – **spyware**. This type of software appears to be free but reports information about you, such as your surfing habits back to the software's parent company. You definitely do not want spyware on your computer, so always be wary about what you download and install from the Internet.

Data Protection Act

The Data Protection Act deals with any personal information that is collected and stored either on paper or electronically. This act forbids the disclosing of personal information, such as the address of someone, **without their express permission**. So any websites that collect personal information must also comply with the act.

I'm sure you have been to sites which require that you subscribe to the site or create an account where personal information is given. Any such site must clearly set out how the information will be used. In fact, every time you enter any personal information into a website, such as your e-mail or postal address, age, gender or phone number - the website is **legally obliged** to tell you what it is using it for. Some sites may ask you if they can pass on your personal information to partner organisations, usually for marketing purposes. Again, legally there must be a clear method for you to opt out of this request.

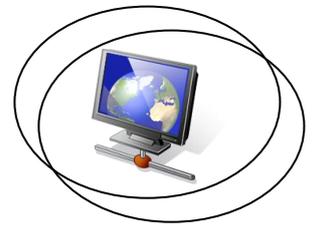
As a website designer you must also comply with the main aims of the Data Protection Act. To ensure that personal information kept on others is **accurate, up-to-date, secure**, and is not **kept for too long**. In other words, you will be breaking the law if you do not secure the data properly, or if you keep the data for too long and it becomes out-of-date and inaccurate. You will definitely be breaking the law if you pass personal information along to others without the express permission of the individual first.

Disability Discrimination Act

The Disability Discrimination Act of 2004 specifies that websites must be accessible to blind and disabled users. Any site that provides a service must make sure that disabled users can also make use of that service. A website designer must now consider the following.

- Making the language clear and simple
- Providing clear mechanisms for navigating within and between pages
- Think about colours, some people may be colour blind.

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- For the hard of hearing, provide text equivalents of all auditory information.
- For the visually impaired, ensure that text information can be rendered by screen reader technology. Suppose you supplied textual information inside images or using Flash, then screen readers would not be able to read out the information.
- Do not create web pages with absolute font sizes that do not change (enlarge or reduce) easily.

Web Link: [W3C publication - How People with Disabilities Use the Web](#)

Obscene Publications Act and the Child Protection Act

This Obscene Publications Act makes it a criminal offence to publish extreme pornographic materials or pictures. The Child Protection Act makes it a criminal offence to manufacture, distribute, show or advertise indecent images of children under 16.

Computer Misuse Act

The Computer Misuse Act of 1990 makes it a criminal offence to hack into other peoples systems or introduce viruses. There are three parts to the act.

- Unauthorised access to computer material (that is, a program or data).
- Unauthorised access to a computer system with intent to commit or facilitate the commission of a serious crime.
- Unauthorised modification of computer material.

Libel

Libel is defamation (the publishing of what is false or derogatory) in permanent form, such as in writing, printing or through radio or TV broadcasts. You may be subject to civil proceedings if you damage or make a slur on someone's reputation.

Task 2 (P5)

You have received the following email from your client:

Hi

I heard there are a number of different ways a website could break the law, but I am not sure what they are. I would be interested to know under what circumstances this could happen. Could you explain the laws relating to websites? We want to ensure our company website is completely above board and complies with current regulations.

- a) Reply to this email describing at least three different situations in which the law could be broken when creating a website. **Note:** A formal reply to the email is necessary and the information should be attached in a separate document.

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Example Email Reply

Hi

Thanks for your email. I have attached the information you requested on laws relating to websites. I hope this answers your questions. If you have any other queries please don't hesitate to contact me.

Regards

Contents of the attachment:

There are quite a few laws which could be broken when developing and publishing a website. Two of the main ones are the Copyright, Designs and Patents Act 1988 and the Data Protection Act 1998. Other laws include the Disability Discrimination Act 2004, the Obscene Publications Act and the Child Protection Act. You must also ensure you do not make defamatory remarks against another individual or organization or you could be sued for libel.

To make sure your website does not break copyright law, you must not use material that is copyright without the copyright holder's permission. The safest way to proceed is to ensure all content, materials, pictures etc. are developed in-house or by a reputable web design company.

The Data Protection Act requires that all personal data is kept secure and is not held onto for longer than necessary. Also, you cannot display any of your customer's personal information, or sell it, or give it away to other organisations without their express permission otherwise you would break the law.

Of course, as an experienced website designer, when designing a site, I always ensure than none of these laws are broken.

Copyright Story

Many copyrighted music and film clips have been uploaded onto YouTube by members who pilfered the content from television, CDs, DVDs and other websites. The copyright holders may not just be the big guys, film studios like Fox or broadcasters like NBC and the BBC but also little guys, such as small independent production companies or individuals. They obviously want to retain control over their own products and the revenues they might generate.

What is your opinion on this issue? If you made a video, using your own time and money and some member of YouTube got hold of it and uploaded it, how would you feel?

Disability Discrimination Story

A blind internet user has filed a lawsuit against Southwest and American Airlines, claiming that the carriers' websites do not comply with the Americans Disabilities Act. Robert Gumson sued the airlines after discovering that their web sites were not compatible with his screen-reading program which converts web site content to speech, enabling visually impaired individuals to use the internet.