

Privacy Policy FAQ

Does my website really need a Privacy Policy?

Yes. Since you are collecting personal information (e.g. name and email on your contact form), you are required to have a Privacy Policy.

Currently, the following laws require Privacy Policies for most websites:

- [General Data Protection Regulation \(GDPR\)](#);
- [California Online Privacy Protection Act of 2003](#);
- [California Privacy Protection Act of 2018](#);
- [Nevada Privacy Law SB 220](#), which amends the [NRS 603A.340](#)

There are also about a dozen [other states that are proposing their own privacy laws](#) that would require most businesses to have a Privacy Policy and would affect how that Privacy Policy is written, requiring you to make changes on a pretty regular basis. We've partnered with Termageddon because we think it's the best service to be protected from lawsuits and fines.

Why do I need Terms of Service?

Terms of Service is a great way to answer frequently asked customer questions and protect yourself from liability.

Terms of Service provides the following:

- If you sell products and services, it provides information on refunds, order cancellations and returns. This will help answer customer questions and will take them further down the path to actually buying;
- It will protect your intellectual property by making sure that everyone who goes onto your website knows that your logo, name, etc. are yours; and
- If you have links to third party sites on your website (e.g. social media links), it will help protect you in case the user gets a virus from that third party site.

Do I need a Disclaimer?

You need a Disclaimer if you do any of the following on your website:

- Display advertisements;
- Display or sell health products (e.g. vitamins and supplements);
- Participate in affiliate programs (e.g. Amazon Affiliates);
- Provide health and fitness advice or tips; or
- Provide any information or tips that could be seen as legal advice.

If you do any of the above, the Disclaimer will help you provide required disclosures, participate in affiliate programs (some programs require you to have a Disclaimer to participate) and will reduce your liability in case something goes wrong.

Do I need an End User License Agreement?

You need an End User License Agreement if you are licensing software that a user can download.

An End User License Agreement will help you with the following:

- Limit your liability in case a user gets a virus or is otherwise injured by using your software;
- Help protect your income stream by making it clear that the software license may not be shared with others; and
- Protect your intellectual property by making sure that the user knows that he or she is not allowed to reverse engineer or otherwise copy your software.

Can I write these policies myself?

While technically you could write these policies yourself, we do not recommend that you do so. There are a lot of laws, cases and legal opinions on how to write these policies correctly. If you have not spent years studying law and cases, it is very likely that the policy you write would be incomplete, incorrect and non-compliant.

Also, there are currently a lot of [new privacy laws that are being proposed and passed](#), meaning that you'd have to constantly stay up to date with these laws and amend your Privacy Policy yourself every time. This would take a lot of time and effort on your part and would take you away from your actual business.

That's why we recommend Termageddon - they take care of all of this for you and automatically update your policies so that you do not have to worry about it.

Can I ask my attorney to write these policies for me?

If you have a data privacy attorney on staff, you should definitely ask him or her to write this up for you. Just as a heads up, if you want to ask your outside attorney to draft these for you, that's a great idea but it may be a bit pricey. Also, lawyers that do not work in the privacy field often use Termageddon as the solution for their Privacy Policies so that's something to think about as well.

Is my business too small for anyone to care about this?

Some of the laws that are being proposed or passed do not limit enforcement and liability to large companies only so your small business could be liable as well. Also, consumers do not distinguish between small and large businesses when it comes to protecting their privacy and are unlikely to buy from companies that do not respect their privacy.

Why is the Termageddon service a recurring fee?

Termageddon charges a yearly fee for its service because it automatically updates your policies whenever the law changes. In the next year, there are two new privacy laws that are going into effect - California and Nevada. Also, there are about a dozen other states that are proposing new privacy laws as well. Termageddon charges a yearly fee because that's a lot of research, studying and changes to your Privacy Policy that they undertake for you.

Can I just copy and paste someone else's Privacy Policy?

You could try and copy and paste someone else's Privacy Policy, rewrite it to fit your website and then paste it onto your website. However, by doing so, you'd be committing copyright infringement, which could get you sued. Also, you don't know whether that policy is compliant with the current laws and it won't auto-update for you, meaning that you'll have to keep track of the changes to the law which are increasing. Having Termageddon generate a policy for you is much easier, less time consuming and safer.

Can I use a template?

Using a template that you found online is definitely tempting, especially since there are so many free ones out there. However, when you use a template, you can't be sure who wrote it so you don't know whether it's correct or even compliant with the legal requirements. Also, a template does not automatically update, meaning that you'll have to keep track of all of the constantly changing laws, which I'm going to guess is something that you don't have time for. It's best to use a proven policy generator such as Termageddon because their work is great and they automatically update the policies for you.

How do I know if I'm collecting personal information on my website?

You are collecting personal information on your website if you have a contact form that asks for the user's name, email, or phone number. Also, you're collecting personal information if you ask for the user's email to sign them up for an email newsletter.

My site is pretty secure, does that mean that I don't need to have a Privacy Policy?

While having a secure site is awesome, it's not related to the need to have a Privacy Policy. You need to have a Privacy Policy if you collect personal information on your website, regardless of how secure that personal information is once it's given to you.

There's currently no privacy laws in my state, does that mean that I don't need a Privacy Policy?

The laws that are in place and that are proposed protect the citizens of that state, not the businesses. As you know, people from California aren't just going to websites of businesses located in California, they go to websites all over the United States. This means that you need a Privacy Policy if you collect personal information on your website, regardless of where you are physically located.

I have another question.

Absolutely! Please reach out to me at rene@renemorozowich.com and I'll do my best to help.