



# Website Privacy Policies 101

Termageddon

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# **Website Privacy Policies 101**

## About The Author – Donata Stroink-Skillrud



Donata Stroink-Skillrud is the President at Termageddon, a generator of policies for websites and applications. She is also a licensed attorney, Certified Information Privacy Professional, and Chair of The ePrivacy Committee of the American Bar Association. You'll often find her volunteering at the Illinois State Bar Association where she holds courses that teach attorneys the importance of privacy and the General Data Protection Regulation.

### Reverse Engineered

Catch Donata on Kinsta's Reverse Engineered podcast where she goes into detail about the importance of Privacy Policies and the risks businesses take if they do not keep theirs up to date.

[Listen now](#)

Privacy Policies and websites go hand-in-hand but it can sometimes be difficult to know which privacy laws your business needs to abide by. Luckily, this short ebook will provide you with actionable tips to help you run and manage a privacy law-abiding website and business.

Continue reading to gain insights on:

- Whether your site requires a Privacy Policy
- Which privacy laws affect your business
- How to implement your Privacy Policy using WordPress
- How to keep your Privacy Policy up-to-date
- How a WordPress host can increase your site's security

**Disclaimer:** While this ebook is comprehensive, it does not include every single privacy law that could apply to your website or your business. The following information is not intended to be, nor should it be considered as legal advice. Always consult with your attorney for assistance with your legal needs.



## Does My Site Require a Privacy Policy?

A Privacy Policy is a statement provided on a website that explains how you collect, use, and disclose Personally Identifiable Information (PII). PII is any data that could be used to identify a specific person, including but not limited to name, email address, phone number, and physical address.

If your website has a contact form, an email newsletter signup form, or collects PII from visitors in other ways such as through the use of analytics, you need a Privacy Policy.

Websites that do not comply with privacy laws can be charged anywhere from \$2,500 per violation (which can mean per website visitor) to €20,000,000 or more in total.



## **Which Privacy Laws Apply to My Business?**

Privacy laws protect consumers and not businesses. They have a very broad reach and can apply to your business even if it's not physically located in the state or country in which the law was passed.

To start the process of determining what privacy laws apply to your case, ask yourself:

- Where do you do business?
- Whose personal information are you collecting?
- Who do you track on your website through tools such as analytics?
- To whom do you offer goods or services?
- Where are your customers located?

Once you have answered the questions above, use the following checklist to determine whether you meet the criteria for the privacy laws below:

- **California Online Privacy and Protection Act (CalOPPA)** - applies to operators of commercial websites that collect the personal information of California consumers through those websites.
- **California Consumer Privacy Act (CCPA)** - applies to for-profit entities that do business in California, collect, share or sell the personal information of California residents, and meet one or more of the following criteria:
  - Has annual gross revenue of \$25,000,000 or more;
  - Buys, receives, sells, or shares the personal information of at least 50,000 California consumers, households, or devices; or
  - Derives at least 50% of its annual revenue from selling the personal information of California consumers.
- **Nevada Revised Statutes Chapter 603A** - applies to data brokers, which are persons primarily engaged in the business of purchasing the personal information of Nevada consumers and making sales of such information. Also applies to individuals who:
  - Own and operate a website for commercial purposes;
  - Collect and maintain the personal information of consumers who reside in Nevada and use or visit the website;
  - Purposefully direct activities towards Nevada, consummate a transaction with the state of Nevada or a resident of Nevada (i.e. has customers in Nevada), purposefully avail themselves of the privilege of conducting activities in Nevada, or otherwise engage in any activity that constitutes sufficient nexus with Nevada to satisfy the requirements of the U.S. Constitution.
- **Delaware Online Privacy and Protection Act (DOPPA)** - applies to operators of commercial websites that collect the personal information of Delaware residents through those websites.
- **Virginia Consumer Data Protection Act (VCDPA)** (goes into effect on January 1, 2023) - applies to persons that conduct business in



Virginia or that produce products or services that are targeted to residents of Virginia and that:

- During a calendar year, control or process the personal data of at least 100,000 residents of Virginia; or
- Control or process the personal data of at least 25,000 residents of Virginia and derive 50% or more of their gross revenue from the sale of personal data.
- **Colorado Privacy Act** (goes into effect on July 1, 2023) - applies to individuals that conduct business in Colorado or produce or deliver commercial products or services that are intentionally targeted towards residents of Colorado and satisfy one of the following thresholds:
  - Control or process the personal data of 100,000 or more Colorado consumers during the calendar year; or
  - Derive revenue or receive a discount from the sale of personal data and collect or process the personal data of 25,000 or more Colorado consumers.
- **General Data Protection Regulation (GDPR)** - applies to you if you:
  - Are located in the European Union;
  - Offer goods or services to European Union residents, regardless of your location; or
  - Monitor the behavior of European Union residents (including through services such as analytics), regardless of your location.
- **United Kingdom Data Protection Act 2018 (UK DPA 2018)** - applies to you if you:
  - Are located in the United Kingdom;
  - Offer goods or services to United Kingdom residents, regardless of your location; or
  - Monitor the behavior of United Kingdom residents (including through services such as analytics), regardless of your location.
- **Personal Information Protection and Electronic Documents Act (PIPEDA)** - applies to organizations across Canada that collect, use, or disclose personal information in the course of commercial activity.

PIPEDA can also apply to non-Canadian companies that collect, use, or disclose the personal information of residents of Canada.

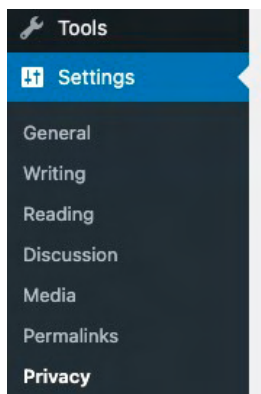
- **Australia Privacy Act of 1988** - applies to organizations that carry on business in Australia and collect and hold personal information in Australia (i.e. have an Australian link). In addition, this law also applies to Australian organizations with an annual turnover of more than AUD \$3,000,000. It also applies to the following Australian organizations even if they have a turnover of less than AUD \$3,000,000 per year:
  - Private sector healthcare providers;
  - Businesses that sell or purchase personal information;
  - Credit reporting bodies;
  - Contracted service providers for Australian government contracts;
  - Employee associations registered or recognized under the Fair Work (Registered Organisations) Act 2009;
  - Businesses that have opted in to comply with the law;
  - Businesses that are related to a business covered by the law; and
  - Businesses prescribed by the Privacy Regulation 2013.



## How Do I Implement a Privacy Policy in WordPress?

WordPress has a built-in feature to create a boilerplate Privacy Policy page.

To access this template, log in to your admin dashboard and click **Settings**, and then **Privacy**.



Under Settings in the WordPress dashboard is Privacy

This will open a new page where you will then click **Create** next to “Create a new Privacy Policy Page.”

## Privacy

SettingsPolicy Guide

### Privacy Settings

As a website owner, you may need to follow national or international privacy laws. For example, you may need to create and display a Privacy Policy. If you already have a Privacy Policy page, please select it below. If not, please create one.

The new page will include help and suggestions for your Privacy Policy. However, it is your responsibility to use those resources correctly, to provide the information that your Privacy Policy requires, and to keep that information current and accurate.

After your Privacy Policy page is set, we suggest that you edit it. We would also suggest reviewing your Privacy Policy from time to time, especially after installing or updating any themes or plugins. There may be changes or new suggested information for you to consider adding to your policy.

Need help putting together your new Privacy Policy page? [Check out our Privacy Policy guide](#) for recommendations on what content to include, along with policies suggested by your plugins and theme.

Create a new Privacy Policy Page

Create

Select a Privacy Policy page

— Select —

Use This Page

Create a new Privacy Policy in WordPress

Do not use the boilerplate text as is. Rather, tailor the content to your business’s individual needs. Take a look at the checklist in the previous section to know which privacy laws you need to comply with.

Once you’re finished, publish the page and add it to one of your menus to show it in your footer menu, header menu, and anywhere you see fit.

## Keep Your Privacy Policy Up-To-Date With Termageddon

As a website owner, not only do you need a Privacy Policy, but you also need a strategy to keep it up to date when new laws go into effect and updates to your disclosures are required.

With Termageddon, you can generate comprehensive Privacy Policy, Terms & Conditions, and Disclaimer pages to help you avoid privacy-related fines and lawsuits. Termageddon monitors privacy laws for you and can automatically update your policies, helping you stay compliant.

[Generate comprehensive policies that are based upon the laws that apply to you](#)

## Take Site Security to the Next Level With Kinsta

Your reputation, your visitors' privacy, and your data security are all factors that contribute to you running a successful, reputable site. Learn more about how Kinsta protects your site data and helps you avoid security vulnerabilities.

[See the Kinsta difference](#)

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