

## Choose a well-informed professional web designer

– *Randy Underwood, founder, Underwood Company Graphic Design*

Being successful in web design and development requires more than a keen eye for creativity and knowledge of the leading software and engineering functionality. Being truly successful means taking on the full obligation of business-to-business responsibility. This allows a successful, and professional web designer to reach the pinnacle of their profession. Taking on this responsibility means assuring the client their website and email marketing efforts meet all industry standards and comply with all applicable laws. Adding this level of attention will enable clients to choose a web designer with confidence.

One area of law, which deserves a web designer's utmost attention deals with the Children's Online Privacy Protection Act, enforced by the Federal Trade Commission. Children, as this law deems to be anyone under the age of 13, spend enormous amounts of time on the Internet. In order to protect these children, COPPA requires website operators to adhere to several specific rules and it becomes the designer's responsibility know and advise the client of these laws during the planning stages of the site development.

COPPA requires all operators of websites directed to children, collecting, using, or disclosing personal information obtained from children, to obtain parental consent before doing so, and anytime afterwards when the collection practices, or disclosure methods change. These disclosure methods changes include the addition of a new recipient of the obtained information, or allowing the child access to anything not originally disclosed, such as chat rooms. It also requires operators of websites who collect personal information from children to make the collected information available to the parents, once the identity of the parent has

been verified. Furthermore, operators of such websites, when requested by a verified parent, must allow verified parents to revoke their consent at any time, requiring the deletion of their child's personal information.

Consent from parents is not required when the website operator obtains an email address for the purpose of a one-time request from the child, correspondence with the parent, or to send a regular newsletter to the child provided a parent has been notified and has been given an opportunity to decline the offer.

In similar fashion, this law allows, but does not require, teachers to act on behalf of the parent as it pertains to classroom online activities.

Another area of law which affects website operators is Section 508, a 1998 amendment to the Rehabilitation Act, which requires Federal agencies to make all electronic and information technology available to the disabled. Although specifically referencing disabled employees of Federal agencies and their access to office equipment, computers, software, and information technology, website operators in the private sector should follow these guidelines as well.

The Web Accessibility Initiative developed by the World Wide Web Consortium (W3C) presents the application of this law to website operators. It covers such needs as audible content availability, through screen readers, for the visually impaired and refreshable Braille displays. It also addresses the use of graphics and certain format elements. For complete information concerning Section 508 of the Rehabilitation Act visit [www.section508.gov](http://www.section508.gov).

Finally, a subject every web designer and developer should be fully aware of and completely prepared to deal with on behalf of their client, the CAN-SPAM Act of 2003. CAN-

SPAM (Controlling the Assault of Non-Solicited Pornography and Marketing Act) addresses the definition of spam and presents the stiff penalties enforced on individuals and companies failing to adhere to the requirements of this Act.

Briefly, spam is defined as any email that includes untrue or misleading information in the header, misleading subject lines, commercial emails not identified as advertisements, which do not include the sender's valid physical postal address, and emails which do not provide the recipient a mechanism by which they can "opt-out," or cancel future correspondence.

As mentioned earlier, the penalties for ignoring the guidelines set forth in the CAN-SPAM Act are stiff. Fines up to \$11,000 per violation are possible. Additional fines are provided for spammers for such related acts as "harvesting" email addresses from sites that have published notices prohibiting such action, relaying emails through another computer or network without permission, and various email duplication processes.

An example of these stiff fines was displayed in 2008 when social media giant Facebook won a \$873 million judgement against Canadian spammer, Adam Guerbuez. Guerbuez spammed tens of thousands Facebook clients and tricked them into providing personal information. He followed by sending them inappropriate product offers.

A Facebook official said, in an interview with Jeff Meisner, of the E-Commerce Times, (<http://www.ecommercetimes.com/story/65292.html>) "No we don't expect to collect \$873 million, but we're going to try and take whatever he has." This article points out the serious of the crime and the penalty as well.

In closing, be reminded that web design and developers are in a position of responsibility. True professionals will take this responsibility seriously. Others with focus more

on the look and feel of your finished product. As success is the goal for a new website design, so should the choice made in selecting the professional web designer who has reached the pinnacle of their profession.