

JRA Cookies and Privacy Policy

Committee Briefing Notes

Why do we need a policy?

Some time ago Lesley mentioned that the JRA website lacks Cookie and Privacy policies. These are required under an EU law enacted in 2011; their meanings should become clear as you read this paper, which tries not to be 'techie'.

What is the law?

In the UK (and other EU member states) national laws have been enacted to implement the requirements of the EU privacy directives. While the fine detail varies country by country, the EU (and US) laws require that site owners do several things:

1- Inform users of the information they collect about them as a result of them browsing or using a web site

2- Hold any collected visitor information securely

3 – Inform users what the collected information is used for

4 – Abide by their published policies

5 – Not 'over process' visitor information (to derive 'unexpected' insights into the users). They may allow users to opt-out of 'tracking' (i.e. following their movements around the site), but this is not required.

Interestingly, the law does not talk about cookies, but covers *any* tracking and monitoring techniques. Most site managers appear to have construed it to primarily concern cookies and their use.

What are cookies?

These are small text files written by sites you visit. They are stored in your web browser (*Microsoft Explorer, Firefox, Chrome, Safari* etc.), to record the sites and pages that you visit. Browsers vary in how they implement cookies. Some store them on your computer by default; others require you to enable them. There are also different kinds of cookie, some operating on a single site, and some allowing you to be tracked across sites. The latter produce all the nagging adverts for things you looked at 3 months ago! All browsers allow you to disable cookies in total or selectively. It is probable that most people simply allow cookies: few wish to find out what they are or to delve into the intricacies of controlling their functionality. Cookies generally do no direct harm, though often the opposite is thought to be the case.

How is the law monitored, and misuse punished?

In the UK (and other EU member states) the requirements of the EU privacy directives are managed and enforced by local organisations (the Information Commissioner's Office or 'ICO' in the UK). They will pursue prosecutions against organisations which break the law and abuse personal privacy or data. In the UK this can be a fine of up to £10,000. The ICO have made it clear that such prosecutions and fines would only be pursued in the case of persistent and severe breaches of the law, causing actual harm to individuals, and also that organisations 'attempting to comply' (which we are) will not be prosecuted without notice. UK monitoring is primarily by 'the public', i.e. site users reporting abuse or non-compliance to the ICO.

What is a privacy policy?

Typically this is the mechanism by which organisations achieve compliance with the Law. It is simply a statement of what information a site collects about users, how it deals with this information and information

that users – in our case members and visitors - provide, and how cookies that we or *Wild Apricot*, who host and whose software drives the site, are implemented. This includes what we tell members about cookies and our recommendations on usage.

How are other sites taking account of this?

Non-EU sites should, if they expect to be visited by EU citizens, comply with the EU law. EU sites should, although many are still working towards complying. Some pop up a message on a first visit that the site will be transferring cookies, and request that the user allows this. Users may have to do this on each visit or just on first use. Some may transfer them and inform afterwards.

What strategy has the JRA taken on this?

In 2013 Lesley brought it to the Webmaster's attention. Wild Apricot ('WA') now issue guidance on Cookies which can be read [here](#); they suggest *Silktide's* third-party software be used to generate a home page message about cookies and ways in which visitors might handle them. They give no guidance on privacy policies, but do of course have their own for www.wildapricot.com

In August 2013 I posted initial information about the issue in the JRA Committee Forum. Annie and Lynda suggested we implement the *Silktide* solution. Lesley said, 'Seems simple enough to use the *Silktide* option. The WA help page is very useful. The law appears to have been watered down since the original hoo-ha. It's enough now to notify and imply acceptance by users if they stay on your site, i.e. they have to opt out of cookies rather than opt in. Might need a bit of explanation in a forum as many don't understand that cookies are needed to actually have the site working. Many people assume they are bad, opt out in indignation and then wonder why websites no longer work properly! We do need a privacy policy too.'" She later provided a draft privacy policy on which this work is based.

Webmaster felt that the *Silktide* solution, despite its numerous options, could overcomplicate matters and worry some members. Lynda suggested that any such notification be worded so that 'less techy' members realise that the cookies that WA uses are 'good cookies' which are needed for the site to function properly. It should be noted that the site only uses cookies that WA provides, i.e. we add none of our own. Sally said she liked the 'good cookies' route and that she was otherwise happy to remain in 'blissful ignorance'. Fine to say that, but when a fine is possible we do need to make a group decision on this on behalf of members.

What have we done so far?

Webmaster added the following message to the Home Page and to the Members' Area page:

We use 'cookies' & always have. [Click to find out why.](#)

Clicking simply takes the inquisitive to the WA information page to which Lesley referred. This satisfied our wish to implement a quick fix while consulting further. There being no more comments from members or the Committee, Webmaster added the 'Cookie problem' as a project on the recently created [Website Projects](#) forum. Member Malcolm Duckett immediately responded.

Malcolm has a background in website technology and legislation as a Founder of [Speed-Trap](#) and Director of [Celebrus](#) and [Magiq](#), who provide web site monitoring services to companies and organisations that have included *DirectGov* in the UK, and many international banks, insurers and retailers including *Shop Direct*, *HSBC*, *Hiscox* etc.). In these roles he has looked into the issues on his own behalf and advised organisations on privacy and security issues and now with respect to the JRA site, exactly the kind of support Lesley and I hoped for. I outlined the above and sent him Lesley's draft Privacy Policy. Malcolm read it through and, after several email exchanges we arrived at the document which follows.

Comments are now invited from members and Committee members alike, in this forum please, not by email.

Brian Kerslake – Webmaster

Malcolm Duckett – Member

Lesley Verbrugge – Committee Member (Co-opted)

Note

We have omitted from the Privacy Policy that follows details of:

1. *Rhino*, a website that automates Privacy Policy production in response to answers to questions it poses, which was used by Lesley to create the first draft. We have come a long way from its output.
2. *Rhino's* references to Californian Privacy Laws because, being EU-based, we believe that we are not subject to these.
3. *Rhino's* comments on COPPA (*Children's Online Privacy Protection Act*) because we are not clear how we could ensure that no-one under 13 uses or joins the site or enters data.