

Alisa Conner: [00:00](#) You're listening to the Feed U Podcast. This is episode 12.

Introduction: [00:08](#) Welcome to the Feed U Podcast, giving you the real scoop on raising your business to new heights, expert education, inspiration and motivation to fuel your purpose, your passion, and your profit. Here's your host, Alisa conner.

Alisa Conner: [00:28](#) Today's episode is going to dive into the legal aspects of your business just a little bit. I know it can seem a little overwhelming when you're thinking about all the legal ramifications for your business, but I specifically wanted to talk about some upcoming changes that are going to happen that you need to be aware of specifically for your website. I have invited attorney Aiden Durham as my guest today to walk us through GDPR, which has taken place in Europe, and if you aren't compliant with that now and you're doing business in the European nations, we need to make sure that you get that taken care of quickly, but also how that's being implemented across the United States and probably will be worldwide at some point in the near future. The things that you need to have on your website specifically to protect yourself and make your users aware. If you're collecting any kind of personal information. Now people may think, oh, I'm not collecting anything like a birthday or a social security number or an address, but I want to make you aware that GDPR is specifically targeted to collect any personal information that includes a name and an email address. So if you had an opt in on your website, you need to listen in and you need to hear what Aiden is telling us because the ramifications for not following suit with what she's telling us are some pretty hefty fines and I would hate for you to be fine because you're not in compliance. So just for a little background, GDPR was implemented this past summer in the European Union and what it means in a, you know, quick roundabout way is that any information you are collecting, you have to make the user aware of what you're going to do with that information. Also, you have to protect it and that means that you know, we've had some issues with facebook being hacked and our personal information was at risk. You have to take those same precautions with any information that you're collecting. So what does that mean for your business? Well, there are some specific things that we need to put into place on our website and in collecting that information. That is what Aiden's going to talk about today. Before we get started, let me tell you a little bit about Aiden. Aiden is, as I said, an attorney in and she understands entrepreneurship because she is an entrepreneur and knows that balancing big picture objectives and your day to day operation can be overwhelming and also time consuming. She works specifically with businesses, small businesses to make

it easier for you to do business the right way the first time so that you minimize risk, will giving you the tools to grow. She offers a host of personal services including some automated processes, online tools, and much, much more. She wants to make sure your business gets started on the right path and once it's up and going that you stay on track. Please help me welcome Aiden to the show. Please help me welcome to the podcast. I'm so excited you're here and I can't wait to introduce you to my audience. So hello, Aiden.

- Aiden Durham: [03:51](#) Hi. Thank you so much for having me. I'm so excited to be here.
- Alisa Conner: [03:55](#) Thanks for coming on. As I mentioned in the Intro, Aiden is an attorney and she specializes in branding and I would love for you to tell my audience what you're excited about right now, what's going on with you and your business that just gets you rolling out the bed in the morning and gets you so excited to jump into the office.
- Aiden Durham: [04:12](#) Yeah, so something that I'm really excited about right now is I'm. I'm changing my focus of who I work with and I'm going to start focusing a lot on serving a coaches and consultants and creators, which it can be really anything, any, any type of professional who creates something either for the general public or for other business to business clients. And so in doing this, I'm going to really focus on putting together kits and diy templates and things like that that will commonly, you know, speak to those types of professionals because they run into a lot of the same issues. A lot of the same questions come up and a lot of it is very heavy on the intellectual property like trademark copyright stuff. So I'm going to be gearing a lot towards those types of issues that come up for a lot of those businesses.
- Alisa Conner: [05:07](#) Right. That sounds awesome. That's a great way to take your business. I am so impressed by how you've differentiated yourself already. Just looking a little bit into what you're doing and how you're standing out and how you really focused in on those people that are new to business likely came out of a different environment, whether it was corporate or some other type of organization that they work for someone else and they've never had to deal with any of the legal repercussions of having your own business. I know a lot of people like they get started and they might hire a lawyer. I know I hired a lawyer and I'm kind of got me started on articles of incorporation and all of those kinds of things, but I think as an entrepreneur where we get really overwhelmed and I know specifically one of the things we want to talk about today is with social media because there are so many rules and regulations and privacy policies and

cookies and all these different things we have to be aware of. So for my audience, I would love to take you down that road a little bit and have you talked to us about, you know, what do we need to be taking care of? What do you see on the horizon and, you know, can we do it ourselves? Do we need to hire a lawyer or is there a cookie cutter solution? What does all that look like?

Aiden Durham:

[06:17](#)

Sure. So, um, something that's becoming very big and I imagine it's going to continue becoming really big, are these privacy issues you may have heard this year. A big thing that came out was that a GDPR over in the European Union having to do with really any, any business that collects personal data of European residents and now some of our states are starting to implement very similar types of regulations and there was that whole big thing with facebook and all of their privacy concerns and stuff, so I think I'm in that next year. We're going to start to see a lot more of that and so in preparation for that, now's a great time to look at your current privacy policy on your website. If you don't have one, then now's a good time to to get one in place and start seeing where there might be some gaps or things that you need to fill in. Especially if you do serve people in the European Union or if those people even commonly land on your website. You want to make sure you have some things in your website's terms and conditions and privacy policy that can cover you somewhere there. Whether or not you need an attorney to do it, as particularly with this privacy stuff, it's going to be a good idea to at least talk to an attorney about it, um, because it can become pretty complicated, you know, some of it's, it's capable of being a DIY project, but you at least want to have an attorney kind of looking over and, and giving you a little bit of advice here and there.

Alisa Conner:

[07:51](#)

Right. So for those, I mean, I have a lot of people that listen to this show and that are pretty small entrepreneurs, solopreneurs and they may not even know that they need a privacy policy on their website. I mean, when I'm out, I do a lot of research on websites because I do web design and I want to see what's missing. And I find probably 90 percent of the sites I go to do not have privacy policies, policies in place, nor do they have the announcement of cookies and we won't go too much into cookies. But basically it's a tracking mechanism for, um, a website to track where you've been, what you've done so that they continue to advertise you advertise to you once you leave the site, kind of like the facebook pixel. So speaking to that, like, what is a good starting point for them to get, you know, they're like, oh, I don't want, I don't know much about GDPR. I mean I do, but, you know, as a newcomer, they may not know what that is, what the repercussions are or um, you know, why it

affects them. So can we talk first a little bit about GDPR and what it is going to mean to the United States and other countries because right now it's in place in Europe, but I predict, and I'm sure you would agree with me that it is coming here. Um, you see it in California and some of the other states are already starting to implement it. So one, when do you think it'll come here and to what does it mean for businesses?

Aiden Durham:

[09:13](#)

Yeah. So it's definitely on its way here, like you said, California and a lot of other states. Um, and uh, I, I would expect probably sometime next year that we're going to start to see a lot more of it here locally. Um, and, and even businesses, US businesses in the US, we still need to be concerned about GDPR because if we hold info that has to do with European citizens than we're subject to those regulations as well. Um, and in case you're not familiar with what it is in a nutshell, the GDPR, it says that if you collect or keep any personal identifying information or sensitive information about people that you have to abide by certain roles, which is like letting you have to have a process for letting people know what kind of information you have on them, how they can remove that information from your database, how you use the information, all of that stuff. And so it's getting a lot more access and a lot more transparency to consumers about how their personal info is being used and collected. Um, and so that is absolutely going to be reflected in the US in some way, probably sooner, sooner than we think. Probably sometime next year I would expect. And so if you've never thought about it before, if this is a brand new concept to you, that the number of the first step that I suggest taking is just kind of do an inventory of what types of information are you collecting from people. Um, if you have a contact form on your website, you're getting their name, phone number, email address, presumably, um, and maybe some little blurb about what they're looking for, the fact that you're collecting their name, phone number and email address, that's enough to make you should be enough to make you think about now what do I need to do? And, and writing down any kind of processes or, um, specifics about how you use that information is going to be pretty helpful too because then that that's going to kind of lead you towards what you need to be specifying and talking about in your privacy policy.

Alisa Conner:

[11:32](#)

Right? And I'm glad that you pointed that out because I think a lot of people are under the misnomer that if you're not collecting what we would consider private information, like social security numbers or insurance information or you know, those really kind of well guarded, um, pieces of data and credit card numbers, stuff like that, that they don't have worry about complying with this. But in reality, any data you're collecting

from someone that is considered private, so their email address or address is subject to GDPR.

Aiden Durham: [12:05](#) Right? Right. Yep. So it doesn't have to be that sensitive info. Like you said, it doesn't have to be social security numbers, medical history. If you are collecting that information, you have some higher hurdles that you have to jump through if you're collecting that real sensitive people, but even just for names and normal information, uh, you're still going to be subject to it.

Alisa Conner: [12:25](#) Right. And so, just as a side note on that, like I know Google has pretty much implemented across the board that you have to have a, an SSL in place for your website. And I don't know if you're aware of that. I'm sure you are, but does that go hand in hand with the collection of this information so that it's being transmitted securely as a measure of protection as it's being transferred and then you have to continue to protect it once you receive it,

Aiden Durham: [12:56](#) That that is kind of part of the process because specific with GDPR and I will, I'm guessing once more regulations come into place here in the states, I'm part of that is the transfer of that data and how it's being transferred, you know, we, if you are collecting information from your website and that's being sent to your crm and maybe your email server and all these other places, you're sending that information all over the place and so it is important and part of your requirement to let the population and your users know how that information is being sent. So, um, it's not a specific requirement with GDPR that there'll be an SSL certificate, but certainly it works together and how that information is being handled and processed within and without of your company. So it's a proactive measure. Yeah, exactly. And then like you said, Google requires it anyway. So just the fact of wanting to show up on search results, it's a good idea to have that anyway.

Alisa Conner: [13:58](#) Right. So you. So the first step is to write down your process and you just added some pieces in there that like, I hadn't even thought about that. It's the, all the collection points I think we forget about it because we set it up or we're setting it up and a lot, there's a lot of confusion about how to set that up anyway. But um, you know, you're setting that up but you're not necessarily taking into account, okay, well the information's going to say Mailchimp, but it's also going to whoever my landing page service provider is and it's also going to my website and it's also coming to me. But all of that needs to be documented. So I just wanted to really point that out that when you're creating this process, it can be kind of in depth. Um, do

you have any recommendations so that you don't miss a step or a process that maybe you walk through with people that. So they're, they're really thinking about all of those pieces of the step. Do you have like a guideline or a process or kind of suggestion or anything to really walk through that process and make sure that it's concise?

Aiden Durham: [14:58](#)

Yeah, it's, it's, uh, it's helpful to kind of think of your, your client or your customer's journey from the moment they find you or learn of you. Um, what touch points do you have where you might be collecting info from them. Um, and so, so if you think of it kind of from your, from your perspective, customers point of view and every step of their journey along the way, then that can kind of help for you to notice, okay, this is something I need to be aware of this stage, I'm collecting this kind of information. Um, and then it also ties into your own internal processes of this. At this point we enter them into mailchimp or we have turn into this database. So, um, if you, if you start from the beginning and then just kind of go along that time table that can help to clarify each point where, where you might need to be cognizant of what's coming in and where it's going.

Alisa Conner: [15:53](#)

Do you have a certain tool that you recommend people use for that or.

Aiden Durham: [15:57](#)

Um, I don't, I'm not, I'm not aware of any in particular. That doesn't mean that don't. That one doesn't exist, but none that I'm aware of.

Alisa Conner: [16:06](#)

Okay. I have some in mind. Maybe I'll add that onto the end. So look for that in the show notes. I'm going to come up with a few resources for everybody to kind of know how to map that out just so we're not wasting time on that right now. I'm not wasting Aiden's time. So as we're going through and we know this is coming and I don't know if it will be called GDPR in the United States or something else, what do you foresee is going to be the timeline for implementation where everybody has to meet that Standard and has to be compliant like what happened in the UK? Like it seemed like they had maybe 90 to 120 days to become compliant. Do you foresee that being the same here or do you think we'll have a little bit more time, a little less time?

Aiden Durham: [16:50](#)

Well, I think it's going to be a bit harder to predict because most likely these are going to be state by state regulations. So each state is going to have a different way of implementing it and different, um, actual regulations. But, um, I, I would imagine there would be some, some decent amount of buffer to allow

everybody to prepare for it. Most likely at least a few months that, that we would get some kind of heads up. I'm part of the problem with GDPR in particular was that, that there was still not a whole lot of information on the specifics of here's how you comply. We know what we're supposed to do, but the actual here's how you do it wasn't really set out. And so there was, I'm kind of waiting time to see what is everybody else doing that, that's making them in compliance. And I think there's still a lot of trial and, and kind of gray area that's, that's yet to be determined and so I imagine that's going to be pretty similar when it's implemented here in the US, that we're not going to have a strict deadline of the specific things, but it's going to be more of a, of a gray area and some wiggle room in there and in particular with implementing whatever requirements they're going to have on us.

- Alisa Conner: [18:13](#) Do you eventually see that foresee that there will be a federal mandate rather than state by state? Or do you think it'll stay state by state?
- Aiden Durham: [18:23](#) I think it will most likely say a state issue.
- Alisa Conner: [18:27](#) Okay. So one thing we didn't talk about that I think is really important is, you know, what are the repercussions of not being GDPR compliant? Like what, what can happen if you don't meet these criteria, one for Europe now and two upcoming, um, you know, what, what are you in danger of as a small business of not being compliant?
- Aiden Durham: [18:48](#) Oh, initially fines, I don't know the exact number, but I know GDPR carries a hefty fine with it somewhere, somewhere in like the millions or very high thousands of dollars at least. So absolutely there's going to be big fines tacked onto it if you're, if you're not compliant with that, but then above that there will be added risk of a privacy issues that come out if, if you're a database or server is hacked or if there's a security breach or something. The fact that you didn't take whatever precautions or steps that were suggested are required, that's going to increase your liability. Now if there is a security breach in the future.
- Alisa Conner: [19:38](#) Okay. So let's just play devil's advocate for a minute and I'm assume that the security breaches not within our control, like say mailchimp gets hacked or are they the ones that have to then I, I'm just trying to understand. So are they the ones that would then be fine because it was their database I got hacked or how are we responsible for that? Because it's our

information they're storing, but we really didn't have any control over whether or not that was

Aiden Durham: [20:09](#)

so GDPR separates that the collector of information from the holder of information, so as the business, you're the one collecting it, but then mailchimp is the one storing it, but we as the collectors have a responsibility and a duty to make sure that any other programs or services we are using are also in compliance with their requirements under GDPR. So certainly in that instance, mailchimp what have some liability, but then if, if mailchimp's service wasn't compliant GDPR and we should have known about that by reading their terms and conditions or something and if we miss something, then we're responsible and liable for that as well if we select a service or an application that doesn't have their proper policy procedures in place.

Alisa Conner: [21:05](#)

Right. Okay. Great. Thank you for clarifying that. Um, so getting back to you, so we've written down our process and do you have recommendations for that collection process right now from what you've seen? Like what we need to be putting in place as somebody that's collecting, just say name and email address from an opt-in for them on our website. Is there something that we can be doing upfront to proactively ensure that people know they're being, that we're collecting their information?

Aiden Durham: [21:34](#)

Sure. So, uh, definitely that, that cookies notice that you mentioned, that's a big part of it, that doesn't necessarily collect personal information, but you want to make sure if you have cookies enabled on your website that there's an often for that. And another really easy step you can do is start writing that down. Make your own privacy policy on your website. It doesn't have to be written by a lawyer. It doesn't have to read like it's written by a lawyer. If you just write down, here's the Info I collect from you. Here's what I do with it. I use it to send you newsletters. I use it to send you updates of my products or my services. I don't sell it to anybody. I might share it with my other service providers. Just be forthcoming with your website visitors and with your customers. About the information you're collecting and what you're doing with it. And you can even go so far as to say, here's how I store it, I keep it in my CRM and in my newsletter database because that's all part of a most likely going to be your requirements under any future privacy regulations is that disclosure. So if you start making those disclosures now, you'll be ahead of the game once any regulations are implemented.

Alisa Conner: [22:50](#) Awesome. Great tips. So let's move into another direction, which is something else that shows up a lot on websites is terms and conditions. Do you want to just give us a brief overview of, terms and conditions, why we need them and what should be contained in there?

Aiden Durham: [23:07](#) Yeah. So terms and conditions are essentially like a service agreement for your website. If you think of your website as an additional service that you provide to your customers, um, it depends on the function of your website, but they're going there and they're getting something out of it, whether it's information from your blog or information from your service or about your services. And so, um, that terms and conditions set forth the agreement between you and the visitor of what they're expected to do when they're on your site. Um, and again, it depends on what you use your site for. If you're just, you know, if it's just more of an informational website where you're advertising your services and a blog and that kind of thing, then you typically don't need to go really in depth with the terms and conditions. It can be things like, um, you know, you're not allowed to post a profanity in the comments of my blog section. If you do, I reserve the right to remove it. That kind of thing. Um, there's also usually information about the images and the photos that appear on your website if anyone has a copyright claim regarding the images, here's how you contacted me. That kind of stuff. And then certainly if you're in a profession where you're consulting or if you're giving people advice or any kind of real substantive information on your website, then it's a good idea to have a little bit of a disclaimer saying this isn't, you know, in my case I say this isn't legal advice just because you're reading this on my website, I'm not giving you legal advice. And the same thing goes for a lot of other professions just saying don't rely on this. It's just general information and that kind of thing. So, you know, those are just some of the basics, but it's really very dependent on, on your specific business and the function of your website.

Alisa Conner: [25:07](#) Awesome, great clarity. And I think people need to be aware of that as well. What else do we need to be thinking about including on our website or in our collateral or when we're speaking or anything like that? Is there anything else that we need to be thinking about legally as well?

Aiden Durham: [25:26](#) Certainly when. One thing that I see happen pretty often, and going back to talking about pictures and images, is improperly using photos or somebody else's work, whether it's on your website or your other marketing collateral or posting on social media, um, that the number one rule is, is if it's not yours, if you

didn't create it, if you didn't take the picture yourself than you need permission to use it, whether it's in the form of a license or if it's under a creative Commons, which means generally that you can use it without an purchased license. Then you want to make sure you have that. Um, and that goes pretty much across the board for websites, marketing, social media posts, anything that you're using to advertise or promote your business.

Alisa Conner: [26:17](#) So don't hop on Google and just pull down an image and put it on your website.

Aiden Durham: [26:22](#) Exactly. Yeah. No, right clicking and saving the image. That's a real quick and easy way to get a cease and desist letter from one of the big image companies and a fine, yeah, a fine. Which is a notoriously difficult to get out of those two.

Alisa Conner: [26:41](#) Correct. And they can be pretty expensive. I had, um, before they were my clients who had done that exact thing and they were shocked and unhappy. They got that day when you get one of those. Awesome. Now I did have one more question. So if you're out, I know a lot of people, especially coaches and people like that that are speaking will hand out those little pieces of paper and say, Hey, sign up for my newsletter or sign up for, whatever document, that I'm handing out as a, as a worksheet or whatever. And then they go back and put that into their database. Would that still be part of GDPR and is there a better way to do that? I mean, I'm not a huge fan of paper anyway, but for the people that are old school and they collect those little forms, that information is still proprietary and sensitive. So how do you recommend handling that when you're in a live environment?

Aiden Durham: [27:37](#) Yeah. So you're right, that's all still going to be subject to those private privacy regulations. And so they're, you know, I, I like having people kind of check the box on, on those forms, whether it's, can I send you my newsletter, yes or no? Can I use your information for this? Can I send you more info on this product or this service? Yes or no. So instead of just a blanket, give me your information, tell them a little bit what you're going to do with it and get their consent to it. It may not necessarily be required, but it's certainly not going to hurt.

Alisa Conner: [28:14](#) Awesome. Well thank you so much for all of this information, all this legal advice and the scoop on what we need to have out there. Um, I like to end our conversation with just some kind of fun. I call him my coffee date questions just so people can kind of know a little bit more about Aiden and, um, to know that you're not just all business suits and legal all the time and that

you do have a fun personality and have some fun, some fun stuff that you're into as well. So, uh, let's start with, do you have a favorite business book that you would recommend to listeners?

- Aiden Durham: [28:50](#) Oh, favorite business book? Um, I, I really liked the one thing. Have you heard of that? Yeah, that's, that's a good one. I like how that, uh, encourages you to kind of focus on just accomplishing, you know, it, it helps for us who are a little scatterbrained, are easily overwhelmed.
- Alisa Conner: [29:11](#) It's a great book and it's a great book to reread. Yes, absolutely. A more fun Batman or superman.
- Aiden Durham: [29:18](#) Oh, I guess Batman. I'm really not a comic person though. I could, I could go either way.
- Alisa Conner: [29:26](#) Okay. What was the last thing that you learned or taught yourself?
- Aiden Durham: [29:31](#) The last thing that I learned and taught myself up. So I took a, I took a Webinar a couple of days ago from an attorney in Georgia that I follow and that I, I kind of watch her because she does some really cool innovative things and she did a webinar about kind of based on branding and how to make sure your branding is incorporated into everything you do. And the way that it was described was tell a story about, um, about your ideal client or your target, you know, favorite type of client tell their story and their backstory and that learning of that technique of, of telling a story of your ideal client was very interesting and something that I thought was really cool because it really helps you in narrowing down and focusing on who you're marketing to and who your branding is supposed to appeal to.
- Alisa Conner: [30:28](#) Awesome. I agree. I do that all the time with people. So thank you. Could preach that all day long from the mountain tops, right? So last one, John or Joan cusak.
- Aiden Durham: [30:43](#) Joan Cusak. I love Joe. I like her a lot.
- Alisa Conner: [30:48](#) Awesome. Well thank you so much for being on the show eight and I would love for my people to be able to connect with you. So will you tell us the best places to find you online and in real life?

Aiden Durham: [30:58](#) Absolutely. So you can find me on my website. It's 180lawco.com. You can also connect with me on instagram and twitter. My handle on instagram is @allupinyourbusiness and then twitter is underscore _allupinyourbiz. Um, and then I'm all over youtube as well. If you go to youtube.com/allupinyourbiz, you'll see me all over there too.

Alisa Conner: [31:24](#) Awesome. Well thank you so much for spending some time with us and giving us the ins and outs of the legal world and what we need to be aware of and I do hope that you'll come back as this all comes down the pike and give us your words of wisdom and the latest updates.

Alisa Conner: [31:39](#) Absolutely. I would love to. Thank you so much for having me.

Introduction: [31:49](#) Thanks for listening to the podcast@www.Alisaconner.com/podcast.