

RE: BBB logo information for Patty Spinner

From: **Pam Custer** (pcuster@arkansas.bbb.org)
Sent: Tue 2/02/10 8:50 AM
To: 'Clark, Byarlay and Sparks Law Firm' (clarkreporting@msn.com)
Attachments:
CB&SOnlineApp.rtf (60.2 KB), Privacy_Policy_3_Page_Sample.mr[2].rtf (30.1 KB)

Good Morning Patty,

Thanks for your prompt response. The website is indeed up and running, but without a Privacy Policy, which we do require for our members who wish to display the BBB logo online. I'm attaching another copy of the BBB sample Privacy Policy if your firm would like to utilize it. It can just be dropped in by your web host, or if your managers prefer a more specific one to your field, that would be fine. Usually the ones composed by attorneys are very thorough and detailed. For you, I'm also attaching the Online Agreement that just needs a few details and signature at the bottom. You may fax, email or mail it at your earliest convenience. Please forward the Privacy Policy info on to your web host and request it (or another) be included and that will bring your website into compliance. Let me know if we can offer any assistance during this process.

Pam Custer | *Accredited Business Specialist*

Tel: 501-664-4888 x 100
Fax: 501-664-0024
pcuster@arkansas.bbb.org
www.bbb.org | *Start With Trust*

BBB of Arkansas
12521 Kanis Road
Little Rock, AR 72211

Visit www.bbb.org for information on companies, charities, and marketplace issues in the U.S. and Canada

-----Original Message-----

From: Clark, Byarlay and Sparks Law Firm [mailto:clarkreporting@msn.com]
Sent: Tuesday, February 02, 2010 6:41 AM
To: Pam Custer
Subject: RE: BBB logo information for Patty Spinner

Dear Pam:

We have now contracted our website maintenance thru LexisNexis. They were given the information for the Privacy Policy in October. Although I have not looked at the website recently, Mr. Clark tells me it is up and running. Please review for compliance at www.clarkbyarlay.com.

If you would, please email me another copy of the online membership info.

Thank you,

Patti Spinner

From: pcuster@arkansas.bbb.org
To: clarkreporting@msn.com
Date: Mon, 1 Feb 2010 16:35:22 -0600
Subject: BBB logo information for Patty Spinner

Hello Patty,

This is Pam Custer with the Better Business Bureau. We spoke by phone several weeks ago regarding the progress on the website for Clark, Byarlay and Sparks. We had sent you the information necessary to install the required Privacy Policy in September. It also important that we have the signed application for your firm's Online membership that was provided at the time of membership. If you no longer have this information, I can provide you a new set of the information if that would help. We need to have both of these items completed before we can issue the BBB logo for the website. Please check your files and see if you still have the information from Sept. We're anxious to move forward on this project and send the logo to you as soon as compliance is met. Feel free to contact me if the BBB can assist you with this project in any way.

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SAMPLE PRIVACY POLICY

Importance of a Privacy Notice – protects you and your customers

Introduction:

A good privacy notice is easy to find, easy to read, and comprehensively explains all your online information practices. It also provides online visitors an opportunity to make informed decisions about the collection and use of their information. As part of good business practices, posting a notice is an important first step in defining your online policies and towards answering one of the major concerns (and barriers) voiced by web-users when going online.

A privacy notice is also a promise. As a promise, it is not enough to simply post such a notice. To effectively promote trust and confidence in you and your website, the provisions of a privacy notice must also be fully implemented as part of a larger privacy policy. Careful consideration should therefore go into the creation of a notice so it accurately reflects your own unique information practices and you can guarantee a faithful adherence to its provisions.

For these reasons, the following sample privacy notice is held out only as a drafting aid, and not necessarily an absolute definition of an acceptable privacy notice. You should also note that many of the BBBOnLine privacy notice requirements turn on particular information practices. Should any of these information practices be utilized, an applicant's privacy notice will need to contain additional disclosures as required by the BBBOnLine Privacy Program.

The following sample privacy notice describes basic information practices for a single website directed to U.S. residents. Additional disclosures would be required for website operators that:

- limit the application of the privacy notice to U.S. residents,
- share individually identifiable information collected online with unaffiliated third parties or corporate affiliates not governed by the same privacy policy,
- direct part of their website to children or collect information from online visitors actually known to be children,
- enhance or merge individually identifiable information or prospect information collected online with data from third parties for the purposes of marketing products or services to the subject of that information,
- apply the privacy notice provisions to everyone except those operating solely in a business capacity,
- limit the scope of the BBBOnLine privacy seal by excluding in the application corporate subsidiaries, operating divisions, or websites devoted to other discrete product lines,
- condition access to any part of the website on the disclosure of individually identifiable information,
- allow other organizations to collect individually identifiable information or prospect information by interacting directly with online visitors at the applicant's website,
- collect passive information (including cookie information) that is linked to a name or similarly specific identifier,
- use prospect information for any purpose other than those for which the information was submitted, or
- limit access to maintained individually identifiable information or prospect information by limiting the frequency of requests or by requiring a processing fee; or limit access due to an inability to retrieve such information in the ordinary course of business.

SAMPLE PRIVACY POLICY

Sample Privacy Notice

Effective **month/day/year**

Privacy Notice Table Of Contents:

- **Our commitment to Privacy**
- **The Information We Collect**
- **How We Use Information**
- **Our Commitment To Data Security**
- **Our Commitment to Children's Privacy**
- **How to Access or Correct Your Information**
- **How to Contact Us.**

Our Commitment To Privacy

Your privacy is important to us. To better protect your privacy we provide this notice explaining our online information practices and the choices you can make about the way your information is collected and used. To make this notice easy to find, we make it available on our homepage and at every point where personally identifiable information may be requested.

The Information We Collect:

This notice applies to all information collected or submitted on the --Can't find merge code: company name-- website. On some pages, you can order products, make requests, and register to receive materials. The types of personal information collected at these pages are:

- Name
- Address
- Email address
- Phone number
- Credit/Debit Card Information
- (etc.)

On some pages, you can submit information about other people. For example, if you order a gift online and want it sent directly to the recipient, you will need to submit the recipient's address. In this circumstance, the types of personal information collected are:

- Name
- Address
- Phone Number
- (etc.)

The Way We Use Information:

We use the information you provide about yourself when placing an order only to complete that order. We do not share this information with outside parties except to the extent necessary to complete that order.

We use the information you provide about someone else when placing an order only to ship the product and to confirm delivery. We do not share this information with outside parties except to the extent necessary to complete that order.

We offer gift-cards by which you can personalize a product you order for another person. Information you provide to us to create a gift-card is only used for that purpose, and it is only disclosed to the person receiving the gift.

We use return email addresses to answer the email we receive. Such addresses are not used for any other purpose and are not shared with outside parties.

You can register with our website if you would like to receive our catalog as well as updates on our new products and services. Information you submit on our website will not be used for this purpose unless you fill out the registration form.

SAMPLE PRIVACY POLICY

We use non-identifying and aggregate information to better design our website and to share with advertisers. For example, we may tell an advertiser that X number of individuals visited a certain area on our website, or that Y number of men and Z number of women filled out our registration form, but we would not disclose anything that could be used to identify those individuals.

Finally, we never use or share the personally identifiable information provided to us online in ways unrelated to the ones described above without also providing you an opportunity to opt-out or otherwise prohibit such unrelated uses.

Our Commitment To Data Security

To prevent unauthorized access, maintain data accuracy, and ensure the correct use of information, we have put in place appropriate physical, electronic, and managerial procedures to safeguard and secure the information we collect online.

Our Commitment To Children's Privacy:

Protecting the privacy of the very young is especially important. For that reason, we never collect or maintain information at our website from those we actually know are under 13, and no part of our website is structured to attract anyone under 13.

How You Can Access Or Correct Your Information

You can access all your personally identifiable information that we collect online and maintain by --Can't find merge code: description of the company access procedure--. We use this procedure to better safeguard your information.

You can correct factual errors in your personally identifiable information by sending us a request that credibly shows error.

To protect your privacy and security, we will also take reasonable steps to verify your identity before granting access or making corrections.

How To Contact Us

Should you have other questions or concerns about these privacy policies, please call us at phone number-- or send us an email at: email address--.