



Guidelines for Trustmark Operators, Good Online Business Behavior or Merchants

The following are a set of comprehensive guidelines meant for trustmark operators to require from merchants to achieve good online business behavior. However, depending on the type and scope of trustmark offered, not all trustmark operators will be implementing all the guidelines below. WTA proposes that trustmark operators can do the following:

Use the various checklist items in the tables as possible items to consider for Implementation as a requirement for merchants. Use the tables to benchmark themselves against the entire set of GTO guidelines. This can then be subsequently used to compare with other trustmark operators, to seek for common ground or alignment, if deemed necessary.

Content of Document

1. Disclosure of Information

1.1. **Accuracy:** All information disclosed by merchant as a requirement from the certifier shall be clear and accurate. Merchants shall not make any representation or omission or engage in any practice that is likely to be deceptive, misleading, fraudulent or unfair to consumers.

1.1.1. *Accuracy of information:* How does the certifier assure that the merchant is presenting accurate information? [See Appendix 1, Table 1.](#)

1.1.2. *Deceptive, misleading, fraudulent or unfair practices:* How does the certifier assure that the merchant does not engage in practices that are deceptive, misleading, fraudulent or unfair to consumers? [See Appendix 1, Table 2.](#)

1.2. **Accessibility:** All information required to be disclosed by the merchant shall be easily accessible online. The information shall either be posted on or accessible through, a hyperlink, from the merchant's homepage or entry point of the online site, or at a place where the transaction is offered.

1.2.1. *Accessibility of information:* How does the certifier assure that the information disclosed by the merchant is clear, accurate, and easily accessible online? [See Appendix 1, Table 3.](#)

1.3. Information Domains

1.3.1. *Marketing Information:* Merchants should take the necessary steps to ensure that any representation about a good or service is current, accurate, and not deceptive or misleading to consumers and that the truthfulness of objective claims be substantiated.

a) Representation of goods and services: How does the certifier assure that the representation of goods and services are current, accurate and not deceptive or misleading to consumers? [See Appendix 1, Table 4.](#)

b) Substantiation of claims: How does the certifier assure the truthfulness of objective claims about the goods and services of a merchant? [See Appendix 1, Table 5.](#) If marketing or other online activities are direct at children, or where the website



knows the visitor is a child, the merchants shall take special care to protect children by recognizing their vulnerabilities. In particular, a merchant shall seek to ensure parental permission is obtained before collecting, using or disclosing the child's personal data or completing a transaction.

- c) Special care to protect children: How does certifier assure that merchants whose marketing or other online activities are directed at children, or where the website knows the visitor is a child, take special care to protect children? [See Appendix 1, Table 6.](#)
- d) Obtaining parental permission: How does the certifier assure that the merchant obtains parental permission before collecting, using, or disclosing a child's personal data before completing a transaction? [See Appendix 1, Table 7.](#)

1.3.2. *Merchant Information:* Merchants should provide, at a minimum, the following contract information online:

- a) Legal name;
- b) The name(s) under which it conducts business;
- c) The principal physical address, addresses of representative offices in other countries or other information sufficient to ensure the customer can locate the business offline;
- d) An online method of contact such as email;
- e) A point of contact within the organization that is responsible for customer inquiries; and a telephone number, unless to do so would be disruptive to the operation of the business given its size and resources and then the merchant should maintain a working listed phone number, the time zone in which it operates, and the hours when contact may be made.
 - o Provision of merchant contact information: How does certifier require that the merchant provides complete and accurate contact information? [See Appendix 1, Table 8.](#)

1.3.3. *Goods/Services Information:* Merchants shall provide enough information about the goods or services available online so that consumers can make an informed choice about whether to engage in a transaction online.

- a) Provision of information about goods and services: How does certifier require the merchant to provide enough information about the goods or services available online so that consumers can make an informed choice about whether to engage in a transaction online? [See Appendix 1, Table 9.](#)

1.3.4. *Transaction Information:* Material information about the transaction shall be provided in the same language in which the good or service is offered. The use of automatic language programs for translation purposes should be encouraged.

- a) Provision of transaction information in a given language: How does certifier require the merchant to provide material information about the transaction in the same language in which the goods or services are offered? [See Appendix 1, Table 10.](#)



As set out below, merchants shall:

- Make available to consumers all relevant information relating to the terms and conditions, costs, shipping and charging and cancellation/return/refund policies applicable to a transaction before it is entered into;
 - Provide consumers with an opportunity to review the transaction before it is completed and becomes a binding obligation; and
 - Maintain a record of the transaction after it has been completed.
- b) Information on transaction: How does the certifier assure that before any transaction takes place, the merchant has provided all relevant information relating to the terms and conditions, costs, shipping and cancellation/return/refund policies applicable to the transaction? [See Appendix 1, Table 11.](#)
- c) Review of transaction before completion: How does certifier require the merchant to provide consumers with an opportunity to review the transaction before it is completed and becomes a binding obligation? [See Appendix 1, Table 12.](#)
- d) Merchant record of transaction: How does certifier require the merchant to maintain a record of the transaction after it has been completed? [See Appendix 1, Table 13.](#)
- Merchants shall make available to consumers the terms and conditions applicable to the transaction. Such information should include:
- Any restrictions or limitations (for example, time or geographic) they impose on the commercial offer and/or the sale of the goods or services;
 - Easy-to-use payment mechanisms and in the case of credit or debit cards, the expected time when the card will be charged;
 - For goods, any warranties, guarantees, escrow programs or other offered terms, including limitations, conditions;
 - For services, any standards, schedules, fees, or other offered terms, including limitation and conditions; and
 - Information about any self-regulatory programs to which the merchant adheres, and how to access those rules, and notice on the law applicable to the commercial relation.
- For on-going transactions or subscriptions:
- Information about how the transaction will appear on the bill so that the customer will be able to determine to which transaction and which company the bill relates;
 - Minimum duration of the contract and easy-to-understand cancellation information, an easy to use means to cancel an ongoing subscription, and timely confirmation of such cancellation.
- e) Information on transaction terms and conditions: How does certifier require the merchant to make available to consumers information on all of the terms and conditions items described above? [See Appendix 1, Table 14.](#)



- f) Cancellation of ongoing subscriptions: How does the certifier require the merchant to make available to consumers an easy to use means to cancel an ongoing subscription? [See Appendix 1, Table 15.](#)
- g) Confirmation of cancellation of ongoing subscriptions: How does the certifier require the merchant to make available to consumers timely confirmation of such cancellation? [See Appendix 1, Table 16.](#) Merchants shall disclose the entire price of the goods and services and any other charges to be collected by the merchant. Such information should be provided in a specified currency and should include:
 - o Price or license fee to be charged, including all taxes, or in the case of a barter trade, the items that will be exchanged for goods or services purchased or licensed;
- h) Disclosure of entire price: How does the certifier require the merchant to disclose the entire price of the goods and services, and any other charges to be collected by the merchant, as outlined above? [See Appendix 1, Table 17.](#)
- i) Disclosure of price in a specified currency: How does the certifier assure that the merchant discloses the entire price of the goods and services, and any other charges to be collected by the merchant, in a specified currency? [See Appendix 1, Table 18.](#) Merchants shall honor the amount authorized by the customer in any subsequent bills to the customer.
- j) Subsequent bills to customer: How does the certifier require that the merchant honor the amount authorized by the customer in any subsequent bills to the customer? [See Appendix 1, Table 19.](#) Merchants shall disclose to consumers when they will be able to ship the goods or provide services, and the expected time when a consumer's credit card will be charged for a transaction. A consumer shall not be charged for a product or service unless shipment of such product or service is expected within a reasonable period of time. In particular, merchants should:
 - o State which products are temporarily unavailable and if an expected availability date is provided, have reasonable basis for such date;
 - o Have a reasonable basis for, and provide consumers with, estimated shipping times (or in the case of online delivery, delivery times);
 - o Have a reasonable basis for stated delivery claims when made; and disclose any shipping, performance, or delivery limitations they impose (age, geographic).
- k) Disclosure of timing and other information regarding shipping: How does the certifier assure that the merchant discloses pertinent shipping information? [See Appendix 1, Table 20.](#)
- l) Disclosure of timing regarding transaction charge: How does the certifier require the merchant to disclose the expected time when a consumer's credit card will be charged for a transaction? [See Appendix 1, Table 21.](#) If a material delay in shipping or performance occurs, the merchant shall provide the consumer with information about the delay and the opportunity to cancel the transaction.



- m) Provision of information about delay: How does the certifier require that the merchant provide information about a material delay in shipping or performance? [See Appendix 1, Table 22.](#)
- n) Cancellation of transaction due to delay: How does the certifier assure that the merchant provides the opportunity to cancel transactions if there are any material delays? [See Appendix 1, Table 23.](#) Merchants shall provide consumers with an opportunity to review the transaction and to confirm their intent to enter into the transaction and shall disclose to consumers at what point the transaction will be final and become a binding obligation. Prior to a transaction becoming a binding obligation, merchants should provide consumers with a summary that includes:
 - o The terms and conditions of the transaction;
 - o The selected payment method; and
 - o The option to cancel or affirmatively complete the transaction.
- o) Opportunity to review transaction; How does the certifier assure that the merchant provides consumers with an opportunity to review a summary of the transaction including the information outlined above? [See Appendix 1, Table 24.](#)

2. Practices

2.1. Cancellation/Return

2.2. Communications

2.2.1. *Unsolicited Commercial Email (SPAM)*: Merchants shall accurately describe their business practices with regard to their use of unsolicited e-mail to consumers.

- a) Unsolicited e-mail practices: How does the certifier assure that the merchant accurately describes its business practices with regard to use of unsolicited e-mail to consumers? [See Appendix 2, Table 25.](#) Merchants that engage in unsolicited email marketing should adhere to a policy that, at a minimum, enables those consumers who do not wish to be contacted online to "opt out" online from future solicitations. This policy should be available both on the web site and in any e-mails, other than those relating to a particular order.
- b) Ability for consumers to opt out: How does the certifier require that the merchant enable those consumers who do not wish to be contacted online to, at a minimum, "opt out" online from future solicitations? [See Appendix 2, Table 26.](#) Merchants that engage in unsolicited e-mail marketing should also that the subscribe to bona-fide e-mail suppression list?
- c) E-mail suppression list: How does the certifier assure that the merchant subscribes to bona-fide e-mail suppression list? [See Appendix 2, Table 27.](#)

2.2.2. Consumer Care

Contact/Communications: Merchants shall comply with all commitments, representations, and other promises made to consumers. They shall disclose to consumers information regarding customer service and/or support of the goods and



services that consumers purchase online. Such information should include the length of time the customer service and/or support is available, the costs associated with obtaining the customer service and/or support, and how customers can successfully and meaningfully contact the business to get answers to their questions. If no customer service and/or support are available from the merchant, this should be stated.

- a) Adherence to promise made: How does the certifier assure that the merchant complies with all commitments, representations, and other promises made to consumers? [See Appendix 2, Table 28.](#)
- b) Disclosure of customer service and/or support: How does the certifier assure that the merchant discloses to consumers information regarding customer service and/or support of the goods and services that consumers purchase online? [See Appendix 2, Table 29.](#)

3. Security

For information that is transferred from a consumer to a merchant, or between merchants, merchants shall take reasonable steps to ensure the security of confidential commercial and personal information. These security efforts shall be consistent with best industry practices and shall be appropriate for the type of information collected, maintained or transferred to third parties. In particular, merchants should:

- Have in place encryption measures that reflect best industry practices for the transfer or receipt of sensitive information, such as personal financial information or health care records;
- Have in place appropriate levels of security to protect data being maintained by computer;
- Take reasonable steps to require third parties involved in fulfilling a customer transaction to also maintain appropriate levels of security; and
- Not retain any information if the consumer does not complete a transaction or the confidential information is no longer needed without the consumer's consent.

3.1. **Security of transferred information:** How does the certifier assure that the merchant secure confidential commercial and personal information transferred from consumer to merchant?

[See Appendix 3, Table 30.](#)

3.2. **Security of stored information:** How does the certifier assure that the merchant secure confidential commercial information and personal information maintained by 'computers'? [See Appendix 3, Table 31.](#) 'Computer' includes desktop, server, laptop, mobile devices, USB flash drive, network, databases, system or application, etc.

3.3. **Security of information held by third parties:** How does the certifier assure that the merchant takes reasonable steps to require third parties involved in fulfilling transactions to also maintain appropriate levels of security? [See Appendix 3, Table 32.](#)

3.4. **Retaining confidential information:** How does the certifier require that the merchant not retain any confidential information where a transaction is not completed or no longer needed, without the consent of the data owner? [See Appendix 3, Table 33.](#)



- 3.5. **Proportionality of safeguards:** How does the certifier assure that the merchant employ safeguards that are proportional to the likelihood and severity of the harm threatened, and the sensitivity of the information and the context in which it is held? [See Appendix 3, Table 34.](#)
- 3.6. **Periodic review and reassessment:** How does the certifier require that the merchant periodically review and reassess security safeguards for confidential information? [See Appendix 3, Table 35.](#)

4. Privacy

- 4.1. **Preventing Harm:** Recognizing the interests of the individual to legitimate expectations of privacy, personal information protection should be designed to prevent the misuse of such information. Further, acknowledging the risk that harm may result from such misuse of personal information, specific obligations should take account of such risk and remedial measures should be proportionate to the likelihood and severity of the harm threatened by the collection, use and transfer of personal information.
- 4.2. **Notice:** Personal information controllers should provide clear and easily accessible statements about their practices and policies with respect to personal information that should include:
- The fact that personal information is being collected;
 - The purposes for which personal information is collected;
 - The types of persons or organizations to whom personal information might be disclosed;
 - The identity and location of the personal information controller, including information on how to contact them about their practices and handling of personal information;
 - The choices and means the personal information controller offer individuals for limiting the use and disclosure of, and for accessing and correcting, their personal information

All reasonably practicable steps shall be taken to ensure that such notice is provided either before or at the time of collection of personal information. Otherwise, such notice should be provided as soon after as is practicable.

It may not be appropriate for personal information controllers to provide notice regarding the collection and use of publicly available information.

- 4.2.1. *Existence of notice:* How does the certifier assure that the merchant website provides notice about practices and policies with respect to personal information? [See Appendix 4, Table 36.](#)
- 4.2.2. *Clarity of notice:* How does the certifier assure that the merchant notice is clear and easily understandable? [See Appendix 4, Table 37.](#)
- 4.2.3. *Accessibility of notice:* How does the certifier assure that the notice on the merchant website is prominent and accessible? [See Appendix 4, Table 38.](#)
- 4.2.4. *Provision of notice:* How does the certifier assure that the merchant takes all reasonably practical steps to ensure that notice is provided either before or at the time of collection of personal information, or as soon after as is practicable? [See Appendix 4, Table 39.](#)



4.3. **Collection Limitation:** The collection of personal information should be limited to information that is relevant to the purposes of collection and any such information should be obtained by lawful and fair means, and where appropriate, with notice to, or consent of, the individual concerned.

4.3.1. *Limitation of personal information collection:* How does the certifier assure that the merchant limit personal information collection to information that is relevant to the purposes of collection? [See Appendix 4, Table 40.](#)

4.3.2. *Means of obtaining personal information:* How does the certifier assure that the merchant obtains personal information only by lawful and fair means? [See Appendix 4, Table 41.](#)

4.3.3. *Notice and consent regarding collection of personal information:* See criteria for Principle 4.2 (Notice) and Principle 4.5 (Choice).

4.4. **Uses of Personal Information:** Personal information collected should be used only to fulfill the purposes of collection and other compatible or related purposes except:

- With the consent of the individual whose personal information is collected;
- When necessary to provide a service or product requested by the individual; or
- by the authority of law and other legal instruments, proclamations and pronouncements of legal effect.

4.4.1. *Personal information collection:* How does the certifier assure that the personal information collected is used (including transfers and disclosures) only to fulfill the purposes of collection and other compatible or related purposes? [See Appendix 4, Table 42.](#)

4.5. **Choice:** Where appropriate, individuals should be provided with clear, prominent, easily understandable, accessible and affordable mechanisms to exercise choice in relation to the collection, use and disclosure of their personal information. It may not be appropriate for personal information controllers to provide these mechanisms when collecting publicly available information.^[7]

4.5.1. *Existence of choice*

- a) Choice regarding information collection: How does the certifier assure that the merchant provides mechanisms that give an individual choice regarding the collection of personal information about him/her? [See Appendix 4, Table 43.](#)
- b) Choice regarding information use: How does the certifier assure that the merchant provides mechanisms that give an individual choice regarding the use of personal information held about him/her? [See Appendix 4, Table 44.](#)
- c) Choice regarding information disclosure: How does the certifier assure that the merchant provides mechanisms that give an individual choice regarding which, if any, personal information about him/her is disclosed to third parties? [See Appendix 4, Table 45.](#)

4.5.2. *Clarity and understandability of choice:* How does the certifier assure that the choice mechanism(s) on the merchant website are clear and easily understandable? [See](#)



[Appendix 4, Table 46.](#) The following question is for websites that are specifically tailored to individuals in an APEC member economy or national group only. If communication is not directed to any particular economy or national group (other than the one where the organization is located) this question does not apply.

a) How does the certifier assure that the merchant displays its choice mechanism(s) in an "easily understandable and appropriate way" to members of the targeted group?

[See Appendix 4, Table 47.](#)

4.5.3. *Accessibility of choice:* How does the certifier assure that the choice mechanism(s) on the merchant website are prominent and accessible? [See Appendix 4, Table 48.](#)

4.5.4. *Affordability of choice:* How does the certifier assure that the merchant's provision of choice is affordable to individuals? [See Appendix 4, Table 49.](#)

4.6. **Integrity of Personal Information:** Personal information should be accurate, complete and kept up-to-date to the extent necessary for the purposes of use.

4.6.1. *Personal information:* How does the certifier assure that the merchant keeps personal information accurate, complete and up-to-date to the extent necessary for the purposes of use? [See Appendix 4, Table 50.](#)

4.7. **Security Safeguards:** Personal information controllers should protect personal information that they hold with appropriate safeguards against risks, such as loss or unauthorized access to personal information, or unauthorized destruction, use, modification or disclosure of information or other misuses. Such safeguards should be proportional to the likelihood and severity of the harm threatened the sensitivity of the information and the context in which it is held, and should be subject to periodic review and reassessment.

4.7.1. *Existence of appropriate safeguards against risks:* How does the certifier assure that the merchant secure personal information held?

See Criteria for Section 3.1 (Security of transferred information), 3.2 (Security of stored information), and 3.3 (Security of information held by third parties).

4.7.2. *Proportionality of safeguards:* How does the certifier assure that the merchant employ safeguards that are proportional to the likelihood and severity of the harm threatened, and the sensitivity of the information and the context in which it is held?

See Criteria for Section 3.4 (Proportionality of Safeguards)

4.7.3. *Periodic review and reassessment:* How does the certifier assure that the merchant periodically review and reassess security safeguards for personal information?

See Criteria for Section 3.5 (Periodic Review and Reassessment)

4.7.4. *Retaining consumer information:* How does the certifier assure that the merchant not retain any information from which a consumer may be identified if the consumer does not complete a transaction, without the consumer's consent? [See Appendix 4, Table 51.](#)

4.8. **Access and Correction**

Individuals should be able to:



- a) From the personal information controller confirmation of whether or not the personal information controller holds personal information about them;
 - b) Have communicated to them, after having provided sufficient proof of identity, personal information about them;
 - within a reasonable time;
 - at a charge, if any, that is not excessive;
 - in a reasonable manner;
 - in a form that is generally understandable; and
 - c) Challenge the accuracy of information relating to them and, if possible and as appropriate, have the information rectified, completed, amended or deleted. Such access and opportunity for correction should be provided except where:
 - the burden or expense of doing so would be unreasonable or disproportionate to the risks to the individual's privacy in the case in question;
 - the information should not be disclosed due to legal or security reasons or to protect confidential commercial information; or
 - the information privacy of persons other than the individual would be violated.If a request under (a) or (b) or a challenge under (c) is denied, the individual should be provided with reasons why and be able to challenge such denial.
- 4.8.1. *Obtaining confirmation*: How does the certifier assure that the merchant confirms to an individual whether or not merchant holds personal information about him/her? [See Appendix 4, Table 52.](#)
- 4.8.2. *Individual's receipt of personal information*
- a) Receipt within a reasonable time: How does the certifier assure that the merchant provides to an individual his/her personal information within a reasonable time? [See Appendix 4, Table 53.](#)
 - b) Receipt at a charge, if any, that is not excessive: How does the certifier assure that the merchant provides affordable access to individuals? [See Appendix 4, Table 54.](#)
 - c) Manner and form of receipt: How does the certifier assure that the merchant provides personal information in a reasonable manner, and that is generally understandable? [See Appendix 4, Table 55.](#)
- 4.8.3. *Individual ability to challenge accuracy*: How does the certifier assure that the merchant provides individual the ability to challenge the accuracy of personal information relating to him/her? [See Appendix 4, Table 56.](#)
- 4.8.4. *Individual ability to have information rectified, completed, amended or deleted*: How does the certifier assure that the merchant provides individual the ability to have his or her personal information rectified, completed, amended or deleted (if possible and as appropriate)? [See Appendix 4, Table 57.](#)
- 4.8.5. *Provision to individual of reasons why access is denied*: How does the certifier assure that the merchant provides individual reasons why access is denied? [See Appendix 4, Table 58.](#)



4.8.6. *Ability to challenge access denial*: How does the certifier assure that the merchant provides individual the ability to challenge access denial? [See Appendix 4, Table 59.](#)

4.9. **Accountability**: A personal information controller should be accountable for complying with measures that give effect to the Principles stated above. When personal information is to be transferred to another person or organization, whether domestically or internationally, the personal information controller should obtain the consent of the individual or exercise due diligence and take reasonable steps to ensure that the recipient person or organization will protect the information consistently with these Principles.

4.9.1. *Accountability of merchant*: How does the certifier assure that the merchant be accountable for complying with these measures? [See Appendix 4, Table 60.](#)

4.9.2. *Transfer of personal information*

- a) Obtaining consent of the individual: See criteria for Principle 4.5 (Choice), question 4.5.1. section c).
- b) Privacy procedures of third parties: How does the certifier assure that the merchant exercise due diligence and take reasonable steps to ensure that the recipient person or organization will protect the information consistently with these principles? [See Appendix 4, Table 61.](#)
- c) Cross-border transfer of personal data
 - o Obtaining consent of the individual:
See criteria for Principle 4.5 (Choice), question 1.
 - o Privacy procedures of transfer:
How does the certifier assure that the merchant exercise due diligence and take reasonable steps to ensure that the recipient person or organization will protect the information consistently with these Principles? [See Appendix 4, Table 62.](#)

5. ADR

Merchants shall provide consumers with fair, timely, and affordable means to settle disputes and obtain redress. Also, merchants should provide an easy-to-find and understandable notice on how a consumer can successfully and meaningfully contact the merchant to solve problems related to a transaction. They should have effective "customer satisfaction systems", encourage consumers to take advantage of such internal mechanisms and make a good faith effort to resolve any disputes relating to a transaction in a fair and equitable manner, for example, by providing money-back satisfaction guarantees or exchange policies. Complaints should be directed in the first instance to the merchant.

5.1. **Provision of notice regarding means of resolving dispute directly with merchant**: How does the certifier assure that the merchant provides an easy-to-find and understandable notice on how a consumer can successfully and meaningfully contact the merchant to solve problems related to a transaction? [See Appendix 5, Table 63.](#)

5.2. **Internal complaint resolution**: How does the certifier assure that the merchant has effective "customer satisfaction systems"? [See Appendix 5, Table 64.](#) Unless full customer satisfaction



is guaranteed by an internal customer satisfaction system, merchants should notify consumers that they are ready to submit disputes resulting from a transaction to one or more specified ADR systems. Information about the ADR offered should be provided as a part of the notice on how consumers can contact the merchant to resolve problems related to a transaction and access to an ADR system normally should be available only after a consumer has sought redress through a merchant's internal complaints mechanism.

- 5.3. **Notice regarding submission of dispute to ADR system(s):** How does the certifier assure that the merchant notifies consumers that they are ready to submit disputes resulting from a transaction to one or more specified ADR systems? [See Appendix 5, Table 65.](#) Such ADR systems would not affect the consumer's right to seek remedies through the court system. However, the consumer and the merchant could agree that prior to proceeding in the court of any local jurisdiction; the consumer would submit a claim to an ADR system. ADR systems should function according to published rules of procedure that describe unambiguously all relevant elements necessary to enable consumers seeking redress to take fully informed decisions on whether they wish to use the ADR offered or to address themselves to a court of law. ADR systems should provide for impartial accessible, transparent, and timely conciliation/negotiation, mediation and/or arbitration at no or only moderate cost for the consumer.
- 5.4. **Cost of ADR system:** How does the certifier assure that the ADR systems be provided at no or only moderate cost for the consumer? [See Appendix 5, Table 66.](#) Consumers should be informed about the conditions of access (online or other), the cost, the legal nature of the ADR (arbitration, mediation, conciliation/negotiation, etc.) and of its outcome (binding/not binding/binding for the merchant; enforceable), and recourse to other instance, notably to law courts.

6. Monitoring

6.1. Monitoring of Merchant by Certifier

6.1.1. *Monitoring of merchant by certifier.* How does the certifier provide follow-up procedures for verifying that the attestations and assertions merchants make about their online business practices remain true and that those business practices continue to be implemented as represented and in accordance with the WTA Code of Conduct? [See Appendix 6, Table 67.](#)

6.2. Program Updating by Certifier

6.2.1. *Update of program by certifier.* How does the certifier update/modify its certification program as circumstances change so that the program continues to meet the goals of the principles (encouraging good online business practices by merchants and assisting consumers in identifying merchants they can trust)? [See Appendix 6, Table 68.](#)



Appendix

Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to submit documents to substantiate factual claims about its organization before dissemination to the public.
	Certifier requires the merchant to periodically submit documents to prove that factual claims are accurate, valid, and up to date.
	Certifier requires the merchant adhere to domestic legislation regarding accurate representations to consumers.
	Other, please describe:

Table 1: Accuracy of Information



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant adhere to a set of recognized industry or government best practices standards in terms of "Truth in Advertising".
	Certifier requires the merchant adhere to domestic legislation regarding deceptive, misleading, fraudulent or unfair practices.
	Other, please describe:

Table 2: Deceptive, misleading, fraudulent or unfair practices



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant post this information on its homepage.
	Certifier requires the merchant post this information on any/all entry points of its website.
	Certifier requires the merchant post this information at the place where the transaction is offered.
	Certifier requires the merchant have this information accessible via a hyperlink on its homepage.
	Certifier requires the merchant have this information accessible via hyperlink on any/all entry points of its website.
	Certifier requires the merchant have this information accessible via a hyperlink at the place where the transaction is offered.
	Other, please describe:

Table 3: Accessibility of information





Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to disclose all relevant information on the good or service sufficient for consumers to make informed transaction decision.
	Certifier requires the merchant to provide information that appears on the good or service packing and would likely be material to a consumer's decision to make the purchase.
	Certifier requires the merchant description of any goods or services are consistent to the goods or services provided.
	Certifier requires the merchant to provide material information equivalent to information that can be acquired through a physical purchase of the goods or services involved.
	Certifier forbids the merchant from using false, exaggerated, or unfair advertising and marketing practices.
	Certifier forbids the merchant from using advertising or marketing statements that would cause misunderstandings regarding the essential elements of the goods or services.
	Certifier requires the merchant adhere to domestic legislation regarding accurate representation of goods or services offered.
	Other, please describe:

Table 4: Representation of goods and services



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to submit documents to substantiate factual claims about its organization before dissemination to the public.
	Certifier requires the merchant to periodically submit documents to prove that factual claims are accurate, valid, and up to date.
	Certifier requires the merchant adhere to domestic legislation regarding truthfulness in claims regarding goods and services offered.
	Other, please describe:

Table 5: Substation of claims



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant adhere to industry self-regulatory practices regarding online marketing to children.
	Certifier requires the merchant adhere to domestic legislation regarding online marketing to children.
	Other, please describe:

Table 6: Special care to protect children





Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant obtain parental permission before collecting, using or disclosing the child's personal data or completing a transaction via a mechanism for the parent to express affirmative indication. The consumer must actively authorize retaining of their information (also known as "opt-in", active, explicit, express, positive, or robust consent).
	Certifier forbids the merchant from collecting, using or disclosing a child's personal data or completing a transaction without obtaining explicit parental permission.
	Other, please describe:

Table 7: Obtaining parental permission



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to provide this information on its homepage.
	Certifier requires the merchant to provide this information at any/all entry points of its website.
	Certifier requires the merchant to provide this information on a "customer care," "customer service," "about merchant," "questions," or similarly labelled web page.
	Other, please describe:

Table 8: Provision of merchant contact information



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to disclose all relevant information on the good or service sufficient for consumer to make fully informed transaction decision.
	Certifier requires the merchant provide online information that appears on the good or service packaging and would likely be material to a consumer's decision to make the purchase.
	Certifier forbids the merchant from failing to provide consumer with material information that, if consumer were buying the good or service offline, they would otherwise see.
	Other, please describe:

Table 9: Provision of information about goods and services



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires that if the merchant chooses to provide information offering goods or services in a particular language, all relevant content and information on the transaction must be completely provided in that same language. This holds for all parts of the contractual relationship, including the general terms and conditions and dispute settlement procedures.
	Certifier requires the merchant be consistent with the all the languages used in the website. If two or more languages are used, the merchant must provide accurate translations throughout the buying process.
	Other, please describe:

Table 10: Provision of transaction information in a given language





Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant put the above-mentioned information on a webpage that appears prior to the transaction page.
	Certifier requires the merchant put the above-mentioned information on the transaction page, prior to a transaction being entered into/initiated.
	Certifier requires that in case certain parts of the above mentioned information is too long to fit in a page, the merchant must provide a clearly labelled hyperlink to the information. Merchants must then require its customers to click on a checkbox to indicate that they have read and agreed to the information prior to initiating the final transaction.
	Certifier forbids merchant from hiding from consumer, or making it difficult for the consumer to access, the abovementioned information prior to the entry into/initiation of the transaction.
	Other, please describe:

Table 11: Information on transaction



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to place transaction information on a website page that appears before the transaction is completed and becomes binding.
	Certifier requires the merchant provide information in a manner that gives consumers an adequate opportunity for review before entering into the transaction.
	Certifier forbids the merchant from hiding from the consumer, or making it difficult for the consumer to review, the details of their transaction before it is completed/becomes binding.
	Other, please describe:

Table 12: Review of transaction before completion



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant save a record of the transaction in its database, on its hard drive, or via other electronic means. ^[1]
	Certifier requires the merchant provide a backup copy of the transaction.
	Other, please describe:

Table 13: Merchant record of transaction



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant post this information at the place on its website where the good or service, or transaction, is offered.
	In case the information is located elsewhere in the website, the certifier requires the merchant to have this information accessible via a clearly labelled hyperlink at the place on its website where the good or service, or transaction, is offered.
	Other, please describe:

Table 14: Information on transaction terms and conditions





Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant provide this means via consumer's online customer profile.
	Certifier requires the merchant to provide a clearly labelled online tool leading to a cancellation page.
	Certifier requires the merchant provide an email address for consumers to use to cancel an on-going subscription.
	Other, please describe:

Table 15: Cancellation of ongoing subscriptions



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	(If merchant provides cancellation means via online customer profile or order tracking tool.) Certifier requires the merchant immediately provide confirmation via clearly updated text in profile or tool.
	(If merchant provides cancellation means via online customer profile or order tracking tool.) Certifier requires the merchant provide confirmation via email within two business days.
	(If merchant provides cancellation means via email address.) Certifier requires the merchant provide confirmation via return email within two business days.
	Other, please describe:

Table 16: Confirmation of cancellation of ongoing subscriptions



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to disclose an itemized list of all prices or fees to be collected by the merchant, and expected consumer costs.
	(If some charges are unknown at time of transaction.) Certifier requires the merchant to disclose an itemized list of all known prices or fees to be collected. The merchant must provide other information on expected consumer costs and provide estimates of unknown cost (e.g. shipping, handling, and taxes). Merchant must provide these exact charges in a timely follow-up email, and provide the consumer with the opportunity to then cancel the transaction if the costs are unacceptable.
	Other, please describe:

Table 17: Disclosure of entire price



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier forbids merchant from changing the price charged to consumers once the transaction has been completed.
	Other, please describe:

Table 18: Disclosure of price in a specified currency





Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier forbids the merchant from changing the price charged to consumers once the transaction has been completed.
	Other, please describe:

Table 19: Subsequent bills to customer



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant disclose this information before good or service is ordered.
	Certifier requires the merchant to disclose this information upon transaction confirmation.
	Certifier requires the merchant to disclose this information in a timely manner via e-mail.
	Other, please describe:

Table 20: Disclosure of timing and other information regarding shipping



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant disclose this information upon transaction confirmation.
	Certifier requires the merchant disclose this information in timely follow-up manner via e-mail.
	Other, please describe:

Table 21: Disclosure of timing regarding transaction charge



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant e-mail the consumer this information as soon as it is known.
	Certifier requires the merchant e-mail the consumer this information as soon as possible after it is known.
	Certifier requires the merchant e-mail the consumer about this information no later than two business days after it is known.
	Certifier forbids the merchant from withholding information about any delays.
	Other, please describe:

Table 22: Provision of information about delay



Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant provide this opportunity, within a specified and clearly indicated timeframe, via consumer's online customer profile.
	Certifier requires the merchant provide this opportunity, within a specified and clearly indicated timeframe, via consumer's online order tracking tool.
	Certifier requires the merchant provide an e-mail address for consumer to use to cancel the transaction within a specified and clearly indicated timeframe.
	Other, please describe:

Table 23: Cancellation of transaction due to delay





Appendix 1: Disclosure of Information

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant place transaction information on a website page that appears before the transaction is completed and becomes binding.
	Certifier requires the merchant provide a clearly labeled hyperlink or button that can show the transaction information before the transaction is completed and becoming binding.
	Certifier requires the merchant provide information in a manner that gives consumers an adequate opportunity for review before entering into the transaction.
	Certifier forbids the merchant from hiding or making it difficult for consumers to review the details of their order before the transaction completed or becomes binding.
	Other, please describe:

Table 24: Opportunity to review transaction

[<<](#)

Appendix 2: Practices

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant place description of these business practices on its homepage.
	Certifier requires the merchant place description of these business practices at every point on website where e-mail addresses are actively collected.
	Certifier requires the merchant provide description of these business practices when individuals are first asked to provide e-mail address to the merchant or as soon thereafter as is practicable.
	Certifier requires the merchant provide description of these business practices before e-mail addresses may be actively collected.
	Certifier requires the merchant place description of these business practices or have them accessible via a hyperlink at another obvious point on its website, such as in a "questions," "e-mail policy," "customer communications policy," or other similarly labeled section.
	Other, please describe:

Table 25: Unsolicited e-mail practices

[<<](#)

Appendix 2: Practices

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant website have a mechanism for implied indication that the consumer may be contacted for future solicitations. In this case, the failure of the individual to object to future online solicitations constitutes consent; consent is the default setting (also known as "opt-out," implied, or passive consent). The merchant must provide this mechanism both on the web site and in any emails related to the order.
	Certifier requires the merchant website have mechanism for affirmative indication that the consumer may be contacted for future solicitations. The individual must actively authorize future contact (also known as "opt-in," active, explicit, express, positive, or robust consent). The merchant must provide this mechanism both on the website and in any emails related to the order.
	Certifier requires the merchant website have mechanism for either implied or affirmative indication that consumer may contacted online for future solicitations. Both types of mechanisms are acceptable (certifier does not specify). The merchant must provide one of these mechanisms both on the website and in any emails related to the order.



	Other, please describe:
--	-------------------------

Table 26: Ability for consumers to opt out



Appendix 2: Practices

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant subscribe to e-mail suppression list(s) maintained by a government entity.
	Certifier requires the merchant subscribe to e-mail suppression list(s) maintained by an industry organization.
	E-mail suppression list do not exist in merchant's economy.
	Other, please describe:

Table 27: E-mail suppression list



Appendix 2: Practices

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires that merchant have fair, efficient, and transparent internal mechanism to address and respond to consumer complaints and difficulties.
	Certifier requires the merchant adhere to domestic legislation regarding merchant commitments, representations, and promises made to consumers.
	Certifier requires the merchant enables those consumers who do not wish to be contacted online to, at a minimum, "opt out" online from future solicitations?
	Other, please describe:

Table 28: Adherence to promise made



Appendix 2: Practices

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant post all of the above information, or a statement that no customer service and/or support are available from the merchant, at the place on its website where the transaction is offered.
	Certifier requires the merchant have all of the above information, or a statement that no customer service and/or support are available from the merchant, accessible via a hyperlink at the place on its website where the transaction is offered.
	Certifier requires the merchant have all of the above information, or a statement that no customer service and/or support are available from the merchant, accessible via a hyperlink at another obvious point on its website, such as in a "question", "terms and conditions," or other similarly labeled section.
	Other, please describe:

Table 29: Disclosure of customer service and/or support





Appendix 3: Security

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant employ industry-standard encryption for the transfer of confidential commercial and personal information.
	Certifier requires the merchant take all reasonable protect confidential commercial and personal information in transfer against known or reasonably foreseeable risks.
	Certifier requires the merchant take all reasonable measures to address or reduce security privacy vulnerabilities related to the transfer of confidential commercial and personal information.
	Certifier requires the merchant follow government-mandated security measures that address the protection of consumer's confidential commercial and personal information in transit against known reasonably foreseeable risks.
	Other, please describe:

Table 30: Security of transferred information



Appendix 3: Security

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant employ industry-standard encryption for the transfer or storage of data maintained in computers.
	Certifier requires the merchant take all reasonable measures to protect data in transfer or storage maintained in computers against known or reasonably foreseeable risks.
	Certifier requires the merchant take all reasonable measures to address or reduce security privacy vulnerabilities related to the transfer or storage of data.
	Certifier requires the merchant follow government-mandated security measures that address the protection of data in transfer or storage against known or reasonably foreseeable risks.
	Other, please describe:

Table 31: Security of stored information



Appendix 3: Security

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant structure its third-party relationships (e.g. via contracts, service-level agreements, etc.) so that third parties are accountable for complying with merchant's confidential commercial and personal information security policies and procedures.
	Certifier requires the merchant ascertain the adequacy of the confidential commercial and personal information security policies and procedures of third parties before transferring/disclosing such information to them.
	Certifier requires the merchant design procedures and controls to ensure that commitments and relationships with third parties entered into by the merchant are consistent with its own confidential commercial and personal information security policies and procedures, and address any inconsistencies.
	Other, please describe:

Table 32: Security of information held by third parties





Appendix 3: Security

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to securely dispose any confidential information reside when it is no longer needed or when a transaction is not completed, without the consent of the data owner.
	Certifier requires the merchant obtain data owner consent, via a mechanism for affirmative indication, in order to retain any confidential information.
	Certifier requires the merchant to keep cardholder data storage to a minimum by implementing data retention and disposal policies, procedures and processes that include at least the following for all cardholder data (CHD) storage: <ul style="list-style-type: none"> • Limiting data storage amount and retention time to that which is required for legal, regulatory, and business requirements • Processes for secure deletion of data when no longer needed • Specific retention requirements for cardholder data • A quarterly process for identifying and securely deleting stored cardholder data that exceeds defined retention.
	Other, please describe:

Table 33: Retaining confidential information



Appendix 3: Security

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant employ security measures that are consistent with the sensitivity of confidential information held.
	Certifier requires the merchant employ a confidential information (data) classification scheme, based upon sensitivity and confidentiality of data, and design and implement security controls to protect confidential information accordingly.
	Certifier requires the merchant establish an access control scheme. For example, authentication may be used to prevent unauthorized access to confidential information stored electronically, and/or merchant's employees are authorized to access confidential information based on level and nature of sensitivity of data and/or functional job responsibilities as they relate to confidential information.
	Other, please describe:

Table 34: Proportionality of safeguards



Appendix 3: Security

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant keep security policies related to confidential information up-to-date, as appropriate.
	Certifier requires the merchant's security policies related to confidential information are reviewed and reassessed on a regular basis.
	Certifier requires the merchant have a process in place to review and reassess company security policies related to confidential information.
	Other, please describe:

Table 35: Periodic review and reassessment





Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to place a privacy statement on website. ^[3] This statement must inform individuals that personal information is being collected (actively and passively) and for which purposes, the types of persons or organizations to whom personal information might be disclosed, how to contact the merchant with any questions or complaints, and the choices and means the merchant offers individuals for limiting the use and disclosure of, and for accessing and correcting, their personal information.
	Certifier requires the merchant to proactively inform individuals about its privacy practices and policies via other mechanisms besides the World Wide Web. Merchant must inform individual that personal information is being collected (actively and passively) and for which purposes, the types of persons or organizations to whom personal information might be disclosed, how to contact the merchant with any questions or complaints, and the choices and means the merchant offers individuals for limiting the use and disclosure of, and for accessing and correcting, their personal information.
	Certifier requires the merchant to make readily available information about its privacy practices and policies. This information must inform individuals that personal information is being collected (actively and passively) and for which purposes, the types of persons or organizations to whom personal information might be disclosed, how to contact the merchant with any questions or complaints, and the choices and means the merchant offers individuals for limiting the use and disclosure of, and for accessing and correcting, their personal information.
	Other, please describe:

Table 36: Existence of notice



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant's privacy statement be available and understandable for general Internet users/ average consumers in the primarily targeted economy.
	Certifier requires the merchant's privacy statement be understood without unreasonable effort in the primarily targeted economy.
	Certifier requires the merchant's privacy policies and practices are understandable by a reasonable person reading the merchant's privacy notice in the primarily targeted economy.
	Other, please describe:

Table 37: Clarity of notice



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant's privacy statement be displayed conspicuously in a convenient location, be easy to find and access.
	Certifier requires the merchant's privacy statement be prominently and appropriately labeled and be no less readable than other print or links on web page.
	Other, please describe:

Table 38: Accessibility of notice





Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant to place privacy statement, or a link to the statement, on the home page of website.
	Certifier requires the merchant to place privacy statement, or a link to the statement, on every page of website, or at all entry points of website.
	Certifier requires the merchant to place privacy statement, or a link to the statement, at every point on website where personal information is actively collected.
	Certifier requires the merchant to provide privacy statement, or a link to the statement, when individuals are first asked to provide personal information to the merchant or as soon thereafter as is practicable.
	Certifier requires the merchant to provide privacy statement, or a link to the statement, before personal information may be actively collected.
	Other, please describe:

Table 39: Provision of notice



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires that personal information collected be limited to that which is necessary for/relevant to the fulfillment of the purposes for which data are to be used.
	Certifier requires the merchant's website or database be designed to accept/require only those personal information items that are necessary for the fulfillment of the purposes for which data are to be used. The website may not collect extra or non-necessary personal information. ^[4]
	Certifier requires the merchant's website indicate which data fields or web forms for personal information collection are "optional." ^[5] Optional categories are those that are not necessary for the fulfillment of the purposes for which data are to be used.
	Other, please describe:

Table 40: Limitation of personal information collection



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant adhere to local laws, if any, regarding means of obtaining personal information.
	Certifier forbids the merchant from misrepresenting its personal information collection practices, such as by obtaining personal information under false pretenses, collecting personal information that its policy says it does not collect, or not honoring individual's choices regarding his/her personal information collection.
	Certifier forbids the merchant from collecting personal information from any other sources (not directly from data owner) without individual's consent, except when required by law or otherwise necessary. ^[6]
	Other, please describe:

Table 41: Means of obtaining personal information





Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant only use personal information collected within disclosed objectives of information collection. Certifier requires the merchant's business arrangements or contracts with third parties require these parties to abide by merchant's privacy commitment to individual users
	Certifier requires the merchant design procedures and controls to ensure that the use of personal information is only for uses necessary to fulfill the disclosed purposes of information collection. Certifier requires the merchant's business arrangements or contracts with third parties require these parties to abide by merchant's privacy commitment to individual users.
	Certifier requires the merchant not permit access to personal information except by individuals who have a "need to know" in order to fulfill the disclosed purposes for collecting it, and not store personal information any longer than necessary for the disclosed purposes of collection. Certifier requires the merchant's business arrangements or contracts with third parties require these parties to abide by the merchant's privacy commitment to individual users.
	Other, please describe:

Table 42: Personal information collection

[<<](#)

Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant website have merchant ism for affirmative indication that information may be collected. The individual must actively authorize the collection of his/her personal information (also known as "opt-in," active, explicit, express, positive, or robust consent). ^[8]
	Certifier requires the merchant website have mechanism for implied indication that information may be collected. In this case, the failure of the individual to object to the collection of his/her personal data constitutes consent; consent is the default setting (also known as "opt-out," implied, or passive consent).
	Certifier requires the merchant website have mechanism for either affirmative or implied indication that information may be collected. Both types of mechanisms are acceptable (certifier does not specify).
	Other, please describe:

Table 43: Choice regarding information collection

[<<](#)



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant website have mechanisms for affirmative indication that information may be used, and for which purposes. The individual must actively authorize the use of his/her personal information (also known as "opt-in," active, explicit, express, positive, or robust consent). ^[9]
	Certifier requires the merchant website have a mechanism for implied indication that information may be used, and for which purposes. In this case, the failure of the individual to object to the use of his/her personal data constitutes consent; consent is the default setting (also known as "opt-out," implied, or passive consent).
	Certifier requires the merchant website have a mechanism for either affirmative or implied indication that information may be used, and for which purposes. Both types of mechanisms are acceptable (certifier does not specify).
	Other, please describe:

Table 44: Choice regarding information use



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant website have mechanisms for affirmative indication that information may be disclosed to third parties, and for which purposes. The individual must actively authorize the disclosure of his/her personal information (also known as "opt-in," active, explicit, express, positive, or robust consent). ^[10]
	Certifier requires the merchant website have mechanism for implied indication that information may be disclosed to third parties, and for which purposes. In this case, the failure of the individual to object to the disclosure of his/her personal data constitutes consent; consent is the default setting (also known as "opt-out," implied, or passive consent).
	Certifier requires the merchant website have mechanism for implied indication that information may be disclosed to third parties, and for which purposes. In this case, the failure of the individual to object to the disclosure of his/her personal data constitutes consent; consent is the default setting (also known as "opt-out," implied, or passive consent).
	Certifier requires the merchant website have mechanism for either affirmative or implied indication that information may be disclosed to third parties, and for which purposes. Both types of mechanisms are acceptable (certifier does not specify).
	Other, please describe:

Table 45: Choice regarding information disclosure



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires that a reasonable person reading the merchant's privacy notice can understand the choice options available to him/her.
	Certifier requires the merchant's choice mechanism(s) clearly and factually indicates true choices individual has about the collection, use, and disclosure of his/her personal information. Choices may not be misrepresented or false.
	Other, please describe:

Table 46: Clarity and understandability of choice





Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant's choice mechanism is written in language(s) of website's targeted group(s).
	Other, please describe:

Table 47: Merchant's choice mechanism



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant's choice mechanism(s) to be displayed clearly and conspicuously ^[11] , be easy to find and access, and/or be in a convenient location.
	Certifier requires the merchant to place choice mechanism(s) on home page of website.
	Certifier requires the merchant to place choice mechanism(s) on every page of website, or at all entry points of website.
	Certifier requires the merchant to place choice mechanism(s) at every point on website where personal information is actively collected.
	Certifier requires the merchant to provide choice mechanism(s) when individuals are first asked to provide personal information to the merchant.
	Certifier requires the merchant to provide choice mechanism(s) before personal information may be actively collected.
	Other, please describe:

Table 48: Accessibility of choice



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier does not allow the merchant to charge the individual to inform merchant of his/her privacy preferences.
	Certifier allows the merchant to assess a reasonable, de minimis (e.g. cost- recovery) charge or fee to the individual to inform merchant of his/her privacy preferences. This fee might cover the charges incurred by the merchant to create a record regarding the individual.
	This fee may not be excessive or prohibitively expensive to the individual.
	Other, please describe:

Table 49: Affordability of choice





Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant take reasonable steps to ensure that personal information is reliable/relevant for its intended use by being accurate, complete, and up-to-date.
	Certifier requires the merchant has systems and procedures in place to edit and validate personal information as it is collected, created, maintained, and updated, or to periodically check the accuracy of personal information records and correct them as necessary.
	Certifier requires the merchant correct the accuracy, completeness, and timeliness of personal information held, at the request of data owner (individual).
	Certifier requires the merchant provide an individual access to her/her personal information to ensure its accuracy, completeness, and timeliness, and to adopt procedures to respond to reasonable requests for corrections and updates.
	Certifier forbids the merchant from making decisions or executing actions based upon erroneous or inappropriate personal information held.
	Other, please describe:

Table 50: Personal information



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant delete from its databases any information from which a consumer may be identified if the consumer does not complete a transaction, if the consumer has not provided consent.
	Certifier requires the merchant obtain consumer consent, via a mechanism for affirmative indication, in order to retain any information from which consumer may be identified if the consumer does not complete transaction. The consumer must actively authorize retaining of their information (also known as "opt-in," active, explicit, express, positive, or robust consent).
	Other, please describe:

Table 51: Retaining consumer information



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant allow individual to create and/or access his or her own account or profile of personal information directly at any time. ^[12]
	Certifier requires the merchant allow individual to contact merchant's personal information controller to inquire about his/her personal information held by merchant. ^[13]
	Certifier requires the merchant make good faith effort to provide access.
	Certifier forbids the merchant from denying access or requiring individuals to justify their requests for access.
	Other, please describe:

Table 52: Obtaining confirmation





Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant respond without excessive delay and within a reasonable time period.
	Certifier requires the merchant have policies in place so that majority of questions and issues related to access and correction are handled in a time frame that is reasonably appropriate to type of access and change requested.
	Certifier requires the merchant address request within 30 days, or contact individual regarding nature of problem and appropriate next steps.
	Certifier requires the merchant respond to requests at regular intervals.
	Other, please describe:

Table 53: Receipt within a reasonable time

[<<](#)

Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier does not permit the merchant to charge the individual to receive his/her personal information held by merchant.
	Certifier permits the merchant to charge the individual a reasonable, de minimis (e.g. cost-recovery) fee to receive his/her personal information held by merchant. This fee may cover the charges incurred by the merchant to create or provide a record to the individual. This fee may not be excessive or prohibitively expensive to the individual.
	Other, please describe:

Table 54: Receipt at a charge, if any, that is not excessive

[<<](#)

Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant provide personal information in a form that is understandable to the individual; the information provided should not require separate language translation or conversion of code into text.
	Certifier requires than the merchant provide personal information in a form that is convenient to both the individual and the merchant.
	Other, please describe:

Table 55: Manner and form of receipt

[<<](#)

Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant allow individual to access his or her own profile of personal information directly and to update it at any time. ^[14]
	Certifier requires the merchant provide means for individual to contact merchant's personal information controller to challenge the personal information held about him/her. ^[15]
	Other, please describe:

Table 56: Individual ability to challenge accuracy

[<<](#)



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant allow individual to access his or her own profile of personal information directly and to update it at any time. ^[16]
	Certifier requires the merchant provide means for individual to contact merchant's personal information controller to access his/her personal information and correct it. ^[17]
	Certifier requires the merchant have processes or procedures in place to rectify, complete, amend, or delete personal information, as requested.
	Other, please describe:

Table 57: Individual ability to have information rectified, completed, amended or deleted



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant provide individual requesting access with an explanation of why it has made that determination and a contact point for further inquiries.
	Certifier requires the merchant provide individual with a contact point to question why access is denied, and to provide such an explanation.
	Other, please describe:

Table 58: Provision to individual of reasons why access is denied



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant provide a formal escalation and review process if access to personal information is denied.
	Certifier requires the merchant participate in third-party dispute resolution services that mediate/resolve complaints/concerns regarding personal information access denial.
	Certifier requires the merchant provide full and readily available information about dispute resolution options that can mediate/resolve complaints/concerns regarding personal information access denial.
	Other, please describe:

Table 59: Ability to challenge access denial



Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant adhere to applicable privacy and security laws as a condition for certification.
	Certifier requires the merchant establish and maintain a system to implement the provisions of its website privacy statement and practices via contract, or other legally enforceable means.
	Certifier requires the merchant assign individual(s) responsible for the accuracy of website privacy statement and for receiving and processing user questions or complaints.
	Certifier requires the merchant periodically or regularly undertake an audit of its privacy policy compliance, either through self-assessment or by a third party.
	Other, please describe:

Table 60: Accountability of merchant





Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant structure its third-party relationships (e.g. via contracts, service-level agreements, etc.) so that third parties are accountable for complying with merchant's privacy policies and procedures.
	Certifier requires the merchant ascertain the adequacy of the personal information protection policies and procedures of third parties before transferring/disclosing personal information to them.
	Certifier requires the merchant design procedures and controls to ensure that commitments and relationships with third parties entered into by the merchant are consistent with its own privacy policies and procedures, and address any inconsistencies.
	Other, please describe:

Table 61: Privacy procedures of third parties

[<<](#)

Appendix 4: Privacy

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant review data transfer arrangement to identify any cross-border transfer of personal data, e.g. adoption of an offshore database system, outsourcing of data processing and/or storage functions and intra-group (members located outside jurisdiction) sharing of data, etc. The merchants should access whether such activities are really necessary.
	Certifier requires the merchant should control activities that involve unintended or unnecessary cross border data flow to avoid non-compliance with local laws. To ascertain the adequacy of the personal information protection policies and procedures before transferring/disclosing personal information to them.
	Certifier requires the merchant design procedures and controls to ensure effective monitoring tool for adequate and continued protection on the transferees' operations to ascertain compliance with obligations under the data transfer agreement.
	Other, please describe:

Table 62: Privacy procedures of transfer

[<<](#)

Appendix 5: ADR

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant provide this notice at the place on its website where the transaction is offered.
	Certifier requires the merchant have this notice accessible via a hyperlink at the place on its website where the transaction is offered. Certifier requires that a reasonable person reading the merchant's dispute resolution notice can understand the options available to him/her.
	Certifier requires the merchant provide this notice or have it accessible via a hyperlink at another obvious point on its website, such as in a "questions," "disputes," "consumer concerns," or other similarly labeled section. Certifier requires that a reasonable person reading the merchant's dispute resolution notice can understand the options available to him/her.
	Other, please describe:

Table 63: Provision of notice regarding means of resolving dispute directly with merchant

[<<](#)



Appendix 5: ADR

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant offer a comprehensive internal complaints handling process
	Certifier requires the merchant have internal systems and procedures in place to effectively handle consumer complaints.
	Certifier requires the merchant promptly and thoroughly responds to all consumer complaints in a timely manner.
	Other, please describe:

Table 64: Internal complaint resolution



Appendix 5: ADR

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier requires the merchant notifies to consumer that if the consumer is not satisfied with the result of remedies or offerings, he/she could file their disputes resulting from a transaction to the ADR system(s).
	Certifier requires the merchant send notice to consumer via e-mail before submitting disputes resulting from a transaction to ADR system(s).
	Certifier forbids the merchant from submitting dispute to ADR system(s) unless the merchant has notified consumer.
	Other, please describe:

Table 65: Notice regarding submission of dispute to ADR system(s)



Appendix 6: Monitoring

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier does not permit ADR systems to charge consumers to use ADR service.
	Certifier requires that ADR systems offer services at a cost that is not disproportional to the value of the good or service involved in the dispute.
	Other, please describe:

Table 66: Cost of ADR system



Appendix 6: Monitoring

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier tests the merchants directly at least once a year, such as via without limitation auditing, random reviews, use of "decoys," or technology tools as appropriate, etc.
	For merchants audited by an outside party/third party: yearly certification. Certifier requires that a statement verifying that an outside compliance review has been successfully completed be signed either by the reviewer or a corporate officer or other authorized representative of the merchant at least once a year and made available upon request by individuals or in the context of an investigation or a complaint about non-compliance.
	For merchants allowed to do self-assess: yearly certification. Certifier requires that a statement verifying the self-assessment be signed by a corporate officer other authorized representative of the merchant at least once a year and made available upon request by individuals or in the context of an investigation or a complaint about non-compliance.
	Other, please describe:

Table 67: Monitoring of merchant by certifier





Appendix 6: Monitoring

✓	<i>Checklist - Check if criterial/condition is satisfied.</i>
	Certifier conducts annual reviews of domestic legislation, technological developments, online threats, and other issues related to e-commerce or affecting online merchants, and how any changes affect consumer confidence vis-ii-vis online commerce. Certifier updates its program's requirements accordingly.
	Certifier conducts annual consultations with relevant stakeholders, including consumer, industry, and professional organizations, regarding domestic legislation, technological developments, online threats, and other issues related to e-commerce or affecting online merchants, and how any changes affect consumer confidence vis-a-vis online commerce. Certifier updates its program's requirements according to stakeholders' suggestions.
	Certifier benchmarks its program annually vis-a-vis other certifiers' programs and updates its program's requirements accordingly.
	Certifier conducts regular reviews of domestic legislation, technological developments, online threats, and other issues related to e-commerce or affecting online merchants, and how any changes affect consumer confidence vis-a-vis online commerce. Certifier updates its program's requirements accordingly.
	Certifier conducts regular consultations with relevant stakeholders, including consumer, industry, and professional organizations, regarding how domestic legislation, technological developments, online threats, and other issues related to e-commerce or affecting online merchants, and how any changes affect consumer confidence vis-a-vis online commerce. Certifier updates its program's requirements according to stakeholders' suggestions.
	Certifier updates its program requirements as needed in response to changes in legislation, technologies, online threats, or stakeholder input.
	Other, please describe:

Table 68: Update of program by certifier

[<<](#)



- [1] e.g. computer hard drive, mobile device, SIM card, detachable storage device, etc.
- [2] e.g. computer hard drive, mobile device, SIM card, detachable storage device, etc.
- [3] Such as text on web page, link from URL, attached document (e.g. PDF), pop-up window, inclusion in frequently-asked questions (FAQs) section, or others.
- [4] For example, databases are formatted so that they only accept certain types of information (e.g., certain alphanumeric, Asian, or other characters); website does not use web forms or scrolling text boxes that allow for unnecessarily long or unlimited information entry; one-line text boxes have character limitations so that they only accept certain types of characters or entries of a limited length; merchant website employs other blocking devices so as not to accept irrelevant data on website; merchant deletes information received that is irrelevant.
- [5] For example, such fields could be indicated by using bold, colored, or other easy-to-find font.
- [6] For example, to collect personal information during a public health crisis.
- [7] The Choice Principle recognizes, through the introductory words "where appropriate," that there are certain situations where consent may be clearly implied or where it would not be necessary to provide a mechanism to exercise choice (e.g. when collecting personal information from a public record or newspaper). In addition, in some cases, use of information may be required or authorized by law.
- [8] This mechanism could include one or more of the following: 1) Online at point of data collection (e.g. boxes or buttons to check or tick); 2) Via e-mail, SMS, MMS, IM, or other Internet-based communication to merchant; 3) Via individual's preference page on website; 4) Website provides telephone, postal mail, or other form of "offline" contact information; and/or 5) Other similar means.
- [9] This mechanism could include one or more of the following: 1) Online at point of data collection (e.g. boxes or buttons to check or tick); 2) Via e-mail, SMS, MMS, IM, or other Internet-based communication to merchant; 3) Via individual's preference page or profile on website; 4) Website provides telephone, postal mail, or other form of "offline" contact information; and/or 5) Other similar means.
- [10] This mechanism could include one or more of the following: 1) Online at point of data collection (e.g. boxes or buttons to check or tick); 2) Via e-mail, SMS, MMS, IM, or other Internet-based communication to merchant; 3) Via individual's preference page on website; 4) Website provides telephone, postal mail, or other form of "offline" contact information; and/or 5) Other similar means.
- [11] The FTC has a good definition of "clear and conspicuous" relating to size of font, contrasting color of background and text, placement of text relative to other text or points of collection, etc.
- [12] This need not be direct access to merchant's database.
- [13] Such as via e-mail, SMS, MMS, IM, or other Internet-based communication to merchant; by telephone, postal mail, or other form of "offline" contact information; and/or other means.
- [14] Such as via a web or registration profile page. This need not be direct access to merchant's database.
- [15] Such as via e-mail, SMS, MMS, IM, or other Internet-based communication to merchant; by telephone, postal mail, or other form of "offline" contact information; and/or other means.
- [16] Such as via a web or registration profile page. This need not be direct access to merchant's database.
- [17] Such as via e-mail, SMS, MMS, IM, or other Internet-based communication to merchant; by telephone, postal mail, or other form of "offline" contact information; and/or other means.