Legal and Usability Issues

You may be wondering why there is a section on legal issues in a book on Expression Web. There are three legal issues that all website creators need to be aware of and one additional legal issue specific to sites created for licensed professionals. These issues are as follows:

- *Accessibility*: The United States, the United Kingdom, Australia, the European Union and its member countries, and many other countries have accessibility laws that apply to websites. Many people consider usability and accessibility to be interchangeable. While that may be true as a general statement, it is possible to create a website that is accessible but not usable.

- *Copyright*: Laws protect your content and determine fair use.

- *Privacy*: The information you collect from your site visitors and what you do with that information needs to be disclosed via a privacy policy on your website.

- *Licensing*: Many professional fields, such as law and medicine, or industries, such as insurance and real estate, may have requirements imposed on their websites by their licensing bodies.

First, we will briefly discuss some of the legal issues that you should be aware of when creating a website. Then, we will end with a few simple things you can do to make your site more usable for all your visitors.

Legal Issues

The legal issues we will be discussing in this chapter are not unique to the Web. Accessibility is a requirement for buildings, interstate commerce, and most businesses. Copyright applies to all original works. In today's world of identity theft and fraud, people are concerned about protecting their private data. People who are in licensed professions and regulated industries have compliance requirements in their day-to-day business activities. I bring them up in a book on Expression Web because when you use Expression Web, you are creating a website, which has unique challenges in some of these areas. We will not be covering these areas in detail; I'm just alerting you to areas that you need to consider as you create your website.

Accessibility

Accessibly has been mentioned when we added images and created forms in earlier chapters of this book. I addressed accessibility as each of these elements was introduced, because websites fall under accessibility legislation in most, if not all, English-speaking countries, as well as many non-English-speaking countries (Italy and Spain, for example, have enacted strict accessibility laws). It is much easier to add `alt` attributes, form labels, and other accessibility features as you create your website than to go back and add them after your website is completed.

In the United States, the laws that may apply to your website are Sections 508 and 504 (§508 and §504) of The Rehabilitation Act or the Americans with Disabilities Act (ADA), depending on the type of site you are creating. A layman's guide to §508 is available at `http://www.webaim.org/standards/508/checklist`. Some states have additional accessibility requirements if you are creating sites for government agencies and schools. In the United Kingdom, it is the Disability Discrimination Act that may apply. If you are in another country consult `http://www.w3.org/WAI/Policy`; the list is not complete, but it is a good place to start.

While the statutes may vary slightly from one country to another, most of them parallel the W3C Web Content Accessibility Guidelines (WCAG). Expression Web includes an accessibility checker under Tools ➤ Accessibility Reports, as shown in Figure 11-1.
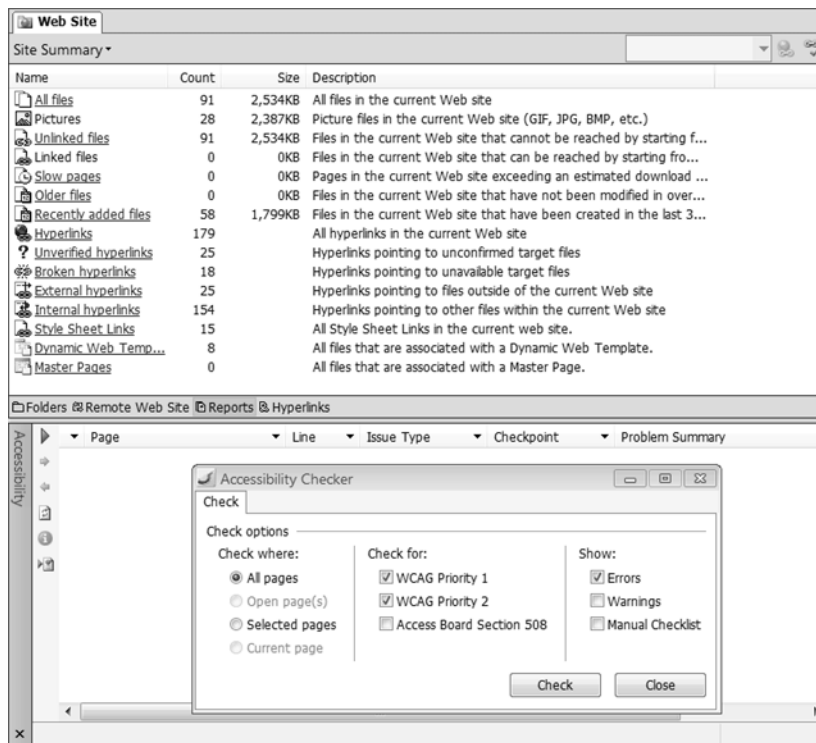

Figure 11-1. *Accessibility Checker options*

When you run the checker, you can view the results in the Accessibility window; see Figure 11-2.

Figure 11-2. *Accessibilty report window*

The page icon in the bottom-left corner will create the accessibility report as an HTML file (shown in Figure 11-3) that you can use as a checklist when reviewing the pages with errors.

Figure 11-3. *An accessiblity report in HTML format*

Whether you use the accessibility report window or generate an HTML page, every WCAG error will include a link to the section of the WCAG for you to be able to check. The line number and page to which the error or warning applies is also provided. Make sure that you check the warnings; in most cases, you will simply need to check that you are using headings appropriately, but all errors and warnings such as missing label fields should be fixed. No automated tool, whether it is Expression Web or an online accessibility checker like Cynthia Says (`http://www.contentquality.com/`) can guarantee that your website is accessible, which is why following through with the manual checks recommended by the checkers is important.

Copyright

From the minute you create your web page and its content, you own the copyright unless you create the work for your employer. In that case, your employer owns the copyright. Despite what most people believe, you do not need to place the copyright symbol or year on your web pages before they are copyrighted. However, if you do not do so, you may have difficulty in proving when your copyright material was created.

Registering your copyrighted material is also not necessary, but if a dispute arises registration establishes the date and content of your copyrighted material giving you a better chance of enforcing your copyright. For more information on copyright, visit `http://copyright.gov` if you are in the United States or `http://www.patent.gov.uk/copy.htm` if you are in the United Kingdom.

My recommendation is to display a copyright notice in the footer of your web page. The one I use on `by-expression.com` is "`© 2007 Cheryl D Wise`".

WHY NOT DISABLE RIGHT-CLICK FUNCTIONS?

One of the common questions asked by those new to web design is "How do I disable right-click functions?" Many people new to web design think that disabling right-clicking will protect their images and page content from visitors who want to steal their work, but it won't. Also, you never see them on any professionally created website.

Disabling right-click functionality will cost you website visitors, and if yours is an e-commerce site, it can cost you sales. By attempting to disable right-click functions, you are telling your site visitors that you think they are dishonest. There are many legitimate and even highly desirable reasons a visitor might right-click while visiting your web page. For instance, the visitor may want to add the site to a favorites list, print the page, or open the link in a new window or tab without leaving the current page.

Disabling right-clicking requires JavaScript to be enabled in the visitor's browser and rarely works on web browsers other than Internet Explorer. Turning off JavaScript and refreshing the page will restore right-click functions. Most no-right-click scripts will also be disabled by antispyware applications and by the simple expedient of using File ➤ Save As or highlighting what the visitor wants to save and copying and pasting the content into a Word document or other file.

No-right-click scripts are not effective, and they antagonize visitors. Do not use them.

If you have images that you are concerned about, register your copyright, and use the smallest, lowest resolution image that will still be effective. Also, consider putting the image inside of a Flash file or watermarking it to make getting a usable copy more difficult.

Privacy

In today's world, people are concerned about protecting their private information even if only to prevent adding more spam to their inboxes. Visitors want to know what you will be doing with any information you collect about them. Will their contact information be sold? Will you subscribe them to a newsletter if they ask you a question? Just what do you know about your website visitor?

Many websites collect anonymous information about the visitor, such as whether they arrived at the site from a search on Google, from another website, or without a referrer, but no uniquely identifiable information is contained in the site's log file. In other words, the browser and the operating system maybe known, but whether the visitor is Jim Smith who lives at 123 Main Street in Kansas City, Kansas or Jane Doe from 10 Ocean Front Drive in Miami Beach, Florida is not available. If your site falls into this category, then you are not required to have a privacy policy, but it is still best if you have one, even if it is as simple as:

> *We do (do not) maintain log files for this website, but (and) we collect no personally identifiable information.*

If you collect any identifiable information from your site visitors at all, even if it is by a contact form, you must have a privacy policy on your web site. In some cases, a privacy policy is mandated by statute such as The Data Protection Act in the United Kingdom; the European Commission's Directive on Data Protection; Canada's Personal Information Protection and Electronic Documents Act; or in the United States, the Children's Online Privacy Protection Act, HIPPA, and privacy legislation in individual states such as California.

There are two types of privacy policies.

The first is human readable and can be as simple as the following:

> *We collect personally identifiable information only when you use our contact form or an e-mail address on this website to contact us. The information contained in your request to us will be used to respond to your communication and will not be maintained after [number of days] from the time of our last correspondence. No information collected will be shared with any third party without your written consent.*

The second is machine readable, and most modern browsers will check for the presence of a machine readable P3P policy. P3P is a machine-readable privacy policy standard from the W3C (http://www.w3.org/P3P/) that provides a way for your browser to verify that a website has a privacy policy.

If the information you are collecting is financial or medical, you should also specify the type of encryption that is being used to protect the data while it is being collected, transmitted, and stored. A machine-readable (XML) privacy policy should be used along with the human-readable HTML version when financial or medical information is collected.

Whether you are required to have a privacy policy or not by law, you should have at least a human-readable privacy policy available on your website. My recommendation is to put a link to the HTML version of your privacy policy in the footer of your website next to your copyright information.

Licensing

One often overlooked issue when creating a website is that there may be restrictions on what a website can or cannot contain for regulated professions or industries. For attorneys, certified public accountants, stock brokers, and other professionals, websites may be subject to their regulations on advertising and must comply with their license terms. If you are creating a website for a licensed professional, learn about and get any necessary approvals from the Bar Association, medical board, or other licensing body before you publish the site. Otherwise, you could expose the professional to liability if someone files a complaint against them.

Usability

Throughout this book, we have been discussing usability without using the word. In Chapter 1, when we pictured our target visitor, we were taking the first steps towards creating a usable website. Website usability is a specialized area dominated by a few big names: Steve Krug (`http://sensible.com`), Jared Spool (`http://www.uie.com`), and Jacob Neilson (`http://useit.com`). The good news is that you don't have to be an expert or hire an expert to have a site that is easy to use. Each of these experts has a website that will help you create a usable site.

Even if you never visit the website of a single one of these well-known experts, here are a few things you can do to improve the usability of your website. Visitors skim pages; only if they find what they are looking for will they slow down and read the page. This means you must make your site navigation, headers, and links obvious. If your visitor needs instructions on how to use your site, it is too complex. Here are a few usability guidelines for you to follow:

- Make the point of your site clear, so the visitor can tell at a glance what the site is about.

- Creating a clear visual hierarchy (recall the discussion of structuring your page using headers in Chapter 4) will provide a guide for your visitor.

- Group related items into clearly defined sections on the page, and by extension, organize your site in the same way. For example, Amazon color-codes different sections of their website so that visitors know whether they are in books or software.

- Make your links visually distinctive: when links look like regular page text visitors don't know where to click. This is extremely important if you remove the default underlining.

- Conventions evolved for a reason. We read from left to right and top to bottom, as a result, newspapers developed conventional layouts with the paper name at the top (masthead) followed by headlines and progressively less important but still interesting stories. While the Web is not print, it has inherited some of the conventions of print layout. It has evolved some conventions of its own that are unique to the Web such as a shopping cart icon for online store baskets. Use conventions—they make your visitor feel comfortable.

- Avoid cluttered, busy backgrounds and what Steve Krug calls "happy talk," that is, introductory and self-promoting hype of the sort that you find yourself tuning out on other sites.

Usability Testing

I want to say a brief word about testing your site for usability. After you have worked on your website long enough to have set up a site with navigation, content, and a unique look and feel, you are no longer a good judge of how usable your website is, because you know how things are supposed to work. Before you launch your website, do at least some basic website testing; it isn't expensive or difficult to do. Ask people to visit your website while you watch and ask them the following questions:

- What site is this?

- What is the site about?

- Where would you find a particular product or page?

- What page are you on now?

- Is this where you expected to go from the last page you were on?

- What are the places you can go from the new page?

Repeat this process, asking different people preferably with different skill levels. Remember that your site does not have to be complete to answer most of the questions and getting feedback early, before features are locked in place, is best.

Where Can You Find Testers?

Ask friends or family, but only if you can be certain they will not try to spare your feelings and will give you honest answers. I have gotten valuable feedback for the price of a cup of coffee at Starbucks. Be courteous; don't bother anyone who looks like they are not interested in chatting.

Using Expression Reports

Other Expression Web reports that can help you create a usable site are

- Hyperlink reports

- Site reports

Hyperlink Reports

Broken links are a major usability problem. There are two types of hyperlink reports. The first shows you an expanding map of link pages and is accessed from Site ➤ Hyperlinks; see Figure 11-4. You may notice that some of the pages shown in Figure 11-4 have a dim icon for the page and a break in the connecting line. This indicates that there may be a broken link.

■**Note** You may need to run the Hyperlink report under Site Summary to see the broken link indicators in Hyperlink view.
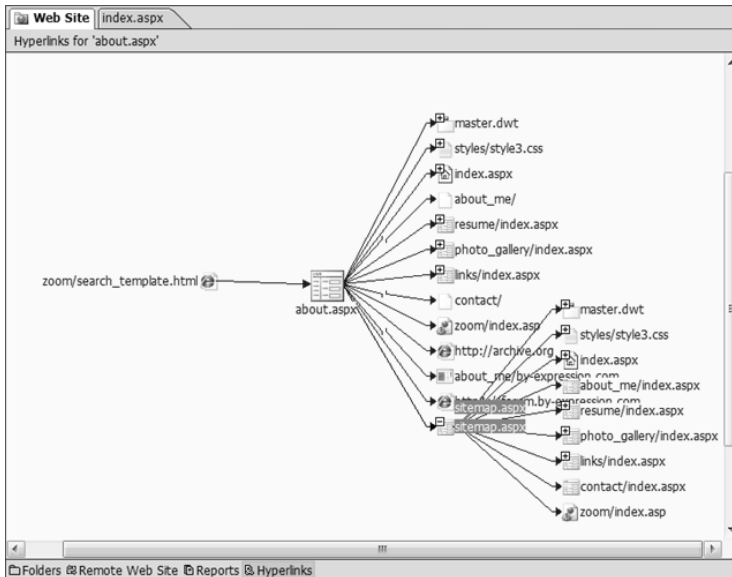

Figure 11-4. *You can expand the Hyperlink view by double-clicking the plus sign next to each page icon.*

When you see a dim icon, use the Reports link next to Hyperlinks at the bottom of the window to check your site for broken links. Notice in Figure 11-5 that links to external websites will be checked as well if you are connected to the Internet when you run the hyperlink report.

Figure 11-5. *Both internal site links and external links are checked if you are connected to the Internet when you run this report.*

Double-click any of the links shown as broken, and you can fix the broken link using Edit Hyperlink, shown in Figure 11-6.
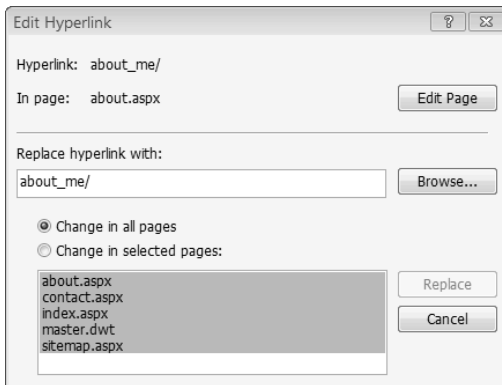

Figure 11-6. *You can fix the broken link in more than one page at the same time.*

Make sure that you fix any links that may have broken before your site goes live.

Site Reports

Broken hyperlinks are not the only usability issue that you can spot by using Expression Web's reports. Other reports allow you to check for slow pages, unlinked pages, and older files. You can also check which pages are attached to Dynamic Web Templates or Master Pages, which will help you manage your site more efficiently. While you can access each of these reports individually from the Site ➤ Reports flyouts, running the Site Summary report, shown in Figure 11-7, gives you a quick overview. From there, you can launch the reports that you find most useful.

Figure 11-7. *All the site reports available*

Summary

In this chapter, we have looked at some of the legal issues that are associated with creating websites. Next, we followed up on some of those issues using the reporting tools included with Expression Web. You will improve your visitor's experience if you

- Check for accessibility errors, and fix any that are found.

- Check for broken links and other site issues.

- Visit your pages in Internet Explorer (preferably the latest two versions), Firefox, Opera, and, if possible, with a Mac. If you don't have a Mac, ask those on a mail list or forum who have Macs to check the site for you and report any problems, or visit a library, Internet café, or someplace else where Macs may be available for public use.

- Check your copyright notice.

- Make sure you have a privacy policy and a link to it.

- Get feedback on appearance and function from people who have not been working on your site. Even feedback from one person is better than no feedback. If you can't observe people using the site, ask people on mail lists, newsgroups, or forums to test it; people are usually happy to help.

Remember that testing for accessibility and usability should be an ongoing process and not something you do once and then forget about; errors can creep in as you edit and add content to your website.