

**This article appeared in Professional Pensions 15 April 2004**

**Websites expose trustees to lawsuits**

**By Helen Ball, Associate**

Trustees will be exposed to maladministration claims if scheme websites fail to meet legal requirements, lawyers warn.

Sacker & Partners says many schemes are still unaware of the legal pitfalls when setting up a website for scheme members.

Senior solicitor Helen Ball said failure to include a comprehensive disclaimer and terms of use section, protecting scheme members' personal data and providing a secure access to the site could leave schemes exposed to claims of maladministration.

Ball said that as more than a third of all schemes at FTSE350 firms had websites, the dangers must be better understood by schemes.

She said: "Members are not financial experts and cannot be guaranteed to sue or interpret the documents in any way that may be intended.

"A scheme that fails to warn people not to rely on the website version of documents for instance, is guilty of maladministration if anything goes wrong."

"It is a new world for pension schemes and many are not adequately prepared."

But Ball said trustees could easily protect themselves by ensuring information was laid out clearly and had carefully worded explanations with legal disclaimers.

She said the sites should also have passwords to protect information and, if they provided links to other sites, ensuring they pointed out they were not responsible for information on those links.