

164 - 3 Critical Ways to Legally Protect Your Business as a Freelancer

Laura Davis: [00:00:00] In this week's episode, we are discussing some of the critical ways in which you need to protect your business as a freelancer.

Laura Moore: Welcome back to JFDI with The Two Lauras. This is our weekly podcast where we share all sorts of things relating to working as a freelance social media marketer, from content ideas, to strategies, to how to make more money, to how to get rid of awful clients. And on the episode today we're talking about how you can protect your business. This is really, really important. Please pay attention to this. You will not regret it.

Uh, before we get into it, if you do have any questions about any of this, come and chat with us on Instagram. We're always hanging out on there. You can find us @thetwolauras. And if you do enjoy this episode, we would love it if you would leave us a review. Um, that helps us to know that you are enjoying the podcast and it also helps the podcast platforms to serve our podcast and more people, which we would be eternally grateful for.

So, without further ado, let's get on with it. We're gonna talk about a few different ways to [00:01:00] protect your business. All of them are equally as important.

Laura Davis: None of them are optional either.

Laura Moore: Absolutely not. Okay. Where, which one do you wanna go with?

Laura Davis: Uh, let's go with insurance.

Laura Moore: Okay.

Laura Davis: Now don't switch off.

Laura Moore: We are gonna try not to make it boring.

Laura Davis: Yeah. Um, it frightens me the amount of businesses that do not have insurance. Um, I, I always feel like it's, it's, it's, it's a has to, you have to have it, you know, like you have to have a, house insurance when you have a mortgage. I feel like if you have a business –

Laura Moore: You have to have car insurance if you're driving,

Laura Davis: Yeah. This is like, this isn't optional, but yet people don't seem to do it. Um, yeah. And not, not the whole, like obviously, you know, hopefully most people and social

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media managers in our world and in our membership, hopefully you've all got insurance. Um, but it is there to protect you. And actually, I don't [00:02:00] think it's particularly, um, expensive really for how much it can help you in tricky situations.

Laura Moore: Yeah. I know one of our members told us, I think they paid like a fiver a month or something like that. It's really, really cheap. Well worth it.

Laura Davis: Yeah. Yeah. Nice. And that's not to say that yours is gonna be five pounds a month because it will depend.

Laura Moore: Ours definitely isn't.

Laura Davis: No, it definitely isn't. But it depends on the size of your business. It depends on what you want cover for. It depends on what you are doing. You know, there's, there's lots of things that you need to kind of bear in mind and any good insurance company broker or going direct will be able to advise you. You know, you have to think about things like cyber, cyber, cyber, cyber security.

Laura Moore: Yeah?

Laura Davis: Is that the right term?

Laura Moore: Yeah?

Laura Davis: Um, so whereas other people might feel like that's not worth their insurance. I'm not personally, I do, but, so it's a. Yes. Some people might be able to get it for a fiver. Some people might pay more. [00:03:00] If you've got employees, it will be more. But on the whole, I don't know many people who are spending. No more, more than like 20 quid or 50 quid max. Surely.

Laura Moore: Yeah. Yeah. I think the, one of the reasons that people don't get it is 'cause they don't realize the benefits of being insured. And like you just said about the, I was gonna totally say cyber stalking, it's not that, um, cyber security.

Like there's so many different things that you can be protected with, with your insurance, like. You might wanna be protected in case a client doesn't pay you. You can get, be protected if you accidentally make a mistake on a client's content or client's account, you wanna make sure that you are protected with that, in case they sue you.

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Laura Davis: Yeah.

Laura Moore: You know, there's so many different things.

Laura Davis: You could also be, if you are someone who goes out delivering, I dunno, um, a b b-roll, uh, workshop where you are out on the local hills with a group of business owners helping them to record and they've paid –

Laura Moore: What, and someone falls off a cliff? [00:04:00]

Laura Davis: Yeah, but if they've paid you and in that they trip over something and it's, that's your, you need to have, is it public liability for that?

Laura Moore: No, it's indemnity. I don't know.

Laura Davis: Ah, well, clearly –

Laura Moore: Public liability, one of the two. I don't know. I'm not an insurance person.

Laura Davis: Yeah. Don't take your, uh, insurance nitty gritty from us because that's not what we are, but –

Laura Moore: But also it's not, it doesn't have to be that dramatic that you are doing something by a cliff. It could be that you're delivering something in a perfectly amazing hotel and someone trips over a bit of carpet. You know.

Laura Davis: Yeah. Although that's normally covered by the hotel.

Laura Moore: Yeah. But, you know.

Laura Davis: But check.

Laura Moore: Yeah.

Laura Davis: But insurance, like we, we, our insurance has been incredible for us for various reasons, um, over the years, and we've tapped into it some, and then you can have a year where you don't, it's like everything, isn't it, with insurance? You have a year go by and then renewal comes and you're like, oh. But then the next year we utilise it all the time.

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Laura Moore: Yeah. You rinse it. [00:05:00]

Laura Davis: Yeah. Yeah. And it's been, it's been brilliant for us. So whether it be just because you want something to cover devices, 'cause your laptop breaks, you know, when you accidentally sit on it or whatever it may be, you know, something legally happens in your business.

Like for us, it's been brilliant and your insurance just sometimes immediately takes, you know, take, takes hold of whatever's going on and just lifts that kind of stress from you, so

–

Laura Moore: Yeah, and it like, it's not, it doesn't just relieve the, the financial impact of things. It literally will take the stress off you because there's things that you don't have to deal with that someone else will deal with for you, which is great when you're busy running a business and you don't wanna be thinking about other things.

Laura Davis: Yeah. Yeah. So it's not optional, but there are huge benefits.

Laura Moore: Like legally, it's optional, but don't make it optional.

Laura Davis: Yeah. Don't regret it. You know when something then happens and you go, well, I, my business is gonna fold because I cannot afford to, to move on or, [00:06:00] you know, so don't –

Laura Moore: Like, you literally could lose your house or whatever if somebody sues you and you haven't got insurance. Why take the risk?

Laura Davis: Yeah. Especially if you are not a limited company. If you are sole trader.

Laura Moore: Yeah, yeah. Like crazy.

Laura Davis: Yeah. Yeah. So don't. I know insurance. I know people don't like paying for insurance, like I know that, but it's a business expense. At the end of the day, you are not paying for it. Your clients essentially are paying for your insurance.

'cause any good social media manager has considered all of their outgoings when they've put together their pricing for their clients, so in theory, you are not paying for it. It doesn't matter. And it's a, it's a taxable expense as well. So it keeps your tax bill down. It's honestly,

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it's like there were so many benefits to having insurance, uh, like I don't know why anyone would not do it.

Laura Moore: No. So, please, if you don't have it, when you finish listening to this, obviously finish the podcast first. Um, and then yeah, go and grab some.

Laura Davis: Yeah. Nice. Okay. I think we've hammered that point home.

Laura Moore: Okay. Yeah, definitely. Okay. Number two is a bit more beefy, I [00:07:00] think.

Laura Davis: It is a beefy one.

Laura Moore: Yeah. And I think it's something that people possibly don't even have on their radar.

Laura Davis: Don't think it applies to them.

Laura Moore: Yeah. And let me just tell you now that when we, before we get into what this is, if you work in any sort of social media marketing, any kind of marketing, uh, whether you do ads or organic email marketing, like anything like that, if you're dealing with clients, you are dealing with their data, you're dealing with your own data, all of that stuff, this is relevant to you and we put in an overarching banner on this of: data. You need to –

Laura Davis: Or data protection if we want to make it a little bit more specific.

Laura Moore: Protect data. Yeah, exactly. And there's a few different things that you need to consider. First one, if you –

Laura Davis: It, just, pro-, there probably is a caveat to this, that there, there will be variations, depending on where you are in the world, because we know –

Laura Moore: Exactly what, what I was gonna say.

Laura Davis: – this is an international podcast. Yeah. So, um, do –

Laura Moore: Exactly.

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Laura Davis: Yeah. Sorry. If you were about to say that, I thought you were gonna go straight in.

Laura Moore: I was gonna go straight in and say the [00:08:00] first one is to register with the ICO if you're in the UK.

Laura Davis: Okay. Well there you go.

Laura Moore: If you are not in the UK, there may be another version of this. What does ICO stand for?

Laura Davis: Information Commission. Uh, office commissioners com Information commission's office. Information Commissioner's Office, something like that.

Laura Moore: Something like that.

Laura Davis: Information Commission Office.

Laura Moore: Yeah. Anyway, the ICO. Go and Google ICO and you have to register with them. It's a, it's a legal requirement that you have to register with them. They have a test on their website to see whether you have to register with them. Spoiler alert. You will have to register. That's it. Because you –

Laura Davis: And pay.

Laura Moore: – and pay and I think, isn't it 40 quid or 50 quid?

Laura Davis: 40 quid, yeah. 40 quid a year. It's like –

Laura Moore: Oh, that's what I meant. Sorry.

Laura Davis: Yeah, it's, it's. Well, unless you are listening to this and you are part of a huge business, which I suspect you're not, but if you are a freelancer, tiny agency, uh, it's, it's 40 quid. Unless they change that anytime soon. So totally [00:09:00] affordable.

Laura Moore: Yeah. And it literally is a legal requirement. If you don't do it, you, you can get found out.

Laura Davis: You're a criminal.

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Laura Moore: And get fined and you are a criminal. Um, and it's quite annoying paying that 40 quid because you're like, well, what am I actually getting? You're getting nothing.

Laura Davis: Yeah. You get nothing.

Laura Moore: You're literally getting nothing for it. But you have to do it.

Laura Davis: It's like the best business ever. Just give me 40 quid.

Laura Moore: Yeah. Give me 40 quid

Laura Davis: Every business in the UK. Like honestly, genius business plan.

Laura Moore: Totally. Um, I mean, they do do stuff. It's just that it's not really beneficial for most freelancers. But yeah. And they've got loads of information on their website about like data protection and all of that stuff, but it is about protecting the data.

And you might think, yeah, but that's fine. But I, I just create content. Well, yeah, maybe you do, but you also collect your client's email address because you're emailing them.

Laura Davis: Yep.

Laura Moore: You've probably got their bank details where they've paid you.

Laura Davis: Yep.

Laura Moore: You may be having conversations with them.

Laura Davis: Yep.

Laura Moore: All of that stuff is data, if you are in their DMs answering questions.

[00:10:00] That's dealing with other people's data.

Laura Davis: Data.

Laura Moore: So it's just so much data that you are dealing with.

Laura Davis: Yep.

Laura Moore: If you've got a pixel on your website –

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Laura Davis: Data.

Laura Moore: – or Google Analytics tracking.

Laura Davis: Data.

Laura Moore: Data, it's all data.

Laura Davis: Data.

Laura Moore: So yeah, you are dealing with data.

Laura Davis: And I always think it's really interesting 'cause I, when you, you think of the word data, I, and maybe this is my brain and maybe you being a words person would be different, but I think of data, I think of numbers.

Laura Moore: Oh yeah, yeah.

Laura Davis: And, which I can understand why people will go, well, hang on. I don't deal with numbers. Like that's not, but it's like just information. Yeah. You know, a, if a customer emails you or client emails you and you have that conversation, you are then on email, sorry, or DMs. You are then holding their data. You have their name, you have their email address. You may have more, more information. But as soon as that has happened, you are holding their data.

Laura Moore: Yeah, you're classed as a data processor. 'cause you are processing it in a way. [00:11:00]

Laura Davis: Yeah. Which is, and the same will apply in the fact that your cust–, your clients, you have access to your client's data. Because you potentially have their customers DM, put in the DMs and you are replying to those DMs. So you have access to your client's customer's data.

So you will need, as part of working with a client to have seen and signed probably their data processing agreement. And that's where you need to be on the same page with your clients so that you know how, how you are meant to handle their data. Like, what are you allowed to do?

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Laura Moore: For example, it might say you cannot upload customer comments into ChatGPT. 'cause the customer comments are data. So it could be anything like that. And there will be data processing agreements with every single tool that you use online. The social media platforms will have them in their terms.

Like if you're [00:12:00] using, I dunno, CapCut, Edits, all of those sorts of things. They will be in there. Airtable, Trello, all of those people will have a data processing agreement that by signing up to them, you have agreed to it. You've agreed to whatever that they say they're gonna do with your data.

Laura Davis: Yeah.

Laura Moore: And your clients will be the same.

Laura Davis: Yeah. Yeah, so it's, it's, it's important stuff. As more so now than ever because people are more, you know, savvy about their data and what they are prepared to, you know, we, we have emails where people have signed up, well, I think probably one, this has ever happened, but where we've had someone sign up to our lead magnets, then they've emailed us the next day saying, can you remove all of your, my data from your systems?

Which is fine, like, and we're obviously happy to and people are well within their rights to do that, and as they would be for you too. So you just have to be aware of, of that and how you handle these situations and have, that you [00:13:00] are understanding that you are processing people's data. So yeah, you need to know about your data processing agreements with your clients.

You also need to be registered with the ICO. There's loads of information on the ICO's website, like Laura said. Um, yeah, and, and as that caveat, there may well be equivalents to this wherever you are in the world. So, um, do kind of do a little bit of due diligence there and have a bit of research.

Laura Moore: There's some other things that you're gonna need to do, and I will caveat this by saying we are in the UK, so we are under UK, GDPR. If you're in the EU, you're under GDPR. And if you are elsewhere in the world, you're under whatever. You know, kind of legal equivalent there is. If you want to make sure that you are protected and you are protecting data of everybody – follow the GDPR because that is the strongest one.

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Across the whole world. So if you are compliant with GDPR, even if you're in America, Canada, Australia. You know that you're [00:14:00] covered because that is literally the strictest one currently that may change in the future. And so the GDPR requires you to have various things in place. We won't go through all of them 'cause it's like, boring as hell.

Um, but there are two things that you must have on your website. The first one is a privacy policy so that people know what you do with their data and they understand that. So that's like your data processing agreement and all of that stuff about what happens with their data and how they can unsubscribe, for example.

The second one, and this is the one that so many people don't know they need, or they get wrong, and that is a cookie banner on your website. So if somebody lands on your website, particularly if you're using any sort of tracking, uh, and you would've seen this on any website you've been on, you know, go on Marks and Spencer or whatever, a popup will come up and it will say, do you accept cookies?

And if you say Yes, great. Carry on with your day. If you say no, that cookie banner behind the scenes should do some work. To stop you from being tracked –

Laura Davis: Some techie magic.

Laura Moore: – techie magic. Exactly. And it'll stop you being from being [00:15:00] tracked. Now, some sites like this, so there's like media sites will make you pay to turn that off, and that is absolutely fine because you could just choose not to be on the website, or you can choose to pay to have that tracking off, but your cookie banner has to do the work for them.

It, it cannot say that they, it, it can't automatically assume that they accept the tracking. And it can't not give them a, an option to opt out. So they either agree to it, they can change it, or they can opt out entirely. Whether that's free or paid.

Laura Davis: And that, that's, that's, we were talking about this quite recently, like there's so many cookie banners which are not compliant because they have to have, accept, decline or word words to that effect, not accept or, um, settings or.

There has to be, there has to be an equal balance of being able to accept as there is to decline you, if you have to press two buttons [00:16:00] to accept, you have to press two

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buttons to decline or, so if you've got an accept and then you don't have a decline, then that is not a compliant cookie banner. And obviously not having one at all is even worse.

And I tell you now, when I go on, especially marketers, if I go on marketers websites and they do not have. A, a banner at all then like they can't, it's wrong. And you like, we all need to be good at this. This is what we do. This is what makes us stand out. This is what makes us be the best, is because we're compliant legally.

This is the things that build trust. If your client is aware of all this, which the chances are they will be because they'll have had to have gone through it with their own businesses. If when they land on your website you don't have these simple things in place, they'll be like, they might be like, Ooh, I don't know what they're doing.

You know, these little things can give [00:17:00] impressions to people and you want always to be giving a positive impression. Um, so definitely cookie, banner that is compliant and a privacy policy. And register with the ICO.

Laura Moore: And then you're working with clients, if, if you notice that they don't have them, tell them to put them on because they will be appreciative of that. And then you know that they are GDPR compliant. They can have the, you know, the reassurance that they are. And particularly if you're running ads, for example, they're taking people straight over to a website, you know that everything's working properly.

Laura Davis: Yeah. And people can, you can be reported to the ICO if you do not have a compliant cookie banner.

Laura Moore: Yeah. And they, their fines are massive. And like, and don't you get a criminal record too, if you like do this, some of this wrong?

Laura Davis: Uh, I don't know.

Laura Moore: Oh, maybe I'm thinking of something else.

Laura Davis: I don't know, but it's it, you know, if there are people out there who are very, very, very strict on data and. You know, and I'm talking about [00:18:00] just normal cust-, like day-to-day people, they are very aware of when something's right, when something's wrong because they are very protective of their own data, which is what people are well within their rights to, to do that.

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Um, so people can report you to the ICO. You know, whether the, whether the ICO has capacity to deal with all of those complaints. I don't know, maybe they have a threshold where –

Laura Moore: They're too busy processing their 40 pound payments.

Laura Davis: Yeah. Maybe they have a threshold and go like, well, look, if this, if this website has X number, then we investigate. I like, I don't know the inner workings of the ICO, but I personally don't wanna get on the wrong side of them.

Laura Moore: Same.

Laura Davis: Um, so these aren't big, you know, expensive things. Quite simple things.

Laura Moore: I feel like we've probably made this sound a little bit scary. It's not as scary as it, as it sounds.

Laura Davis: It's very easy to rectify.

Laura Moore: It's very easy to rectify. It's literally: make sure that you've registered with the ICO, [00:19:00] have a cookie banner, have a privacy policy. Job done. Simple. Yeah.

Laura Davis: All of this is correct. As of June, July, 2025. If it changes between recording and this publishing, please don't sue us. Although we have got insurance.

Laura Moore: We take no responsibility.

Laura Davis: Yeah, yeah, we have, uh, we've got insurance.

Laura Moore: Please read our terms.

Laura Davis: Yeah, yeah.

Laura Moore: Oh, love it.

Laura Davis: Okay.

Laura Moore: Um, which actually takes us on to the third and final one.

Laura Davis: Nicely, smooth.

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Laura Moore: Very nicely. We're really good at these segues, you know. Um, and that one is a legal contract forward slash terms and conditions. You know, however you want to call it, which again, protects you.

And sometimes if you've got insurance but you don't have a legal contract, your insurance isn't valid and it won't help you because you never had a contract in place. So you wanna make sure you do have a contract and don't ask ChatGPT to write it for you for crying out loud. Please don't do that.

Laura Davis: Yeah.

Laura Moore: ChatGPT, just for the record, is the worst [00:20:00] lawyer on the planet.

Laura Davis: Yes, it is. Definitely. Um, like legal contracts aren't, so if you're working with client and you want to issue them with a contract when you start working with them, which obviously you should be. You just need to invest in one. You invest in one legal contract template that you can use again and again and again.

Again, they're not expensive. Now, obviously if you want to go to a lawyer and have a bespoke one written, then again you are absolutely well within your rights to do that. But I would absolutely advise going to a lawyer who offers templates or companies that are, lawyers, have got lawyers who are writing them.

Like people often say to us, have you got a contract within the toolkit? And we have people, people, oh, could you put a contract in the toolkit? No, because we are not lawyers. Now, we could, and we've been approached before about getting one, which is white labelled, and we sell it on behalf of them. [00:21:00] Like, and we don't want to do that. We don't, like, that's not our thing.

Laura Moore: It's, it's not our responsibility.

Laura Davis: And, and also if people have questions about those contracts, we, we can't legally advise you. Um, so if you are in other courses and memberships that offer, oh, you get, you join, get this legal contract for free, it's being written by a lawyer.

Just, I personally would advise everybody to go direct to the lawyer, get your own template. Make sure you're happy with it. Use one that, you know that you are happy to go and drop them an email if you've got questions. You don't understand something, you

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know, you, you don't need to be investing a lot in this, but you do need to invest and then you can just keep using it like rinse and repeat.

It's like the more you, more clients you take on over periods of time, the more cost effective that contract was. And again, it's taxable so it keeps your tax bill down and it. What was the other thing I was gonna say? It is taxable [00:22:00] business expense. Can't remember!

Laura Moore: Something really important.

Laura Davis: Yeah.

Laura Moore: Yeah. It's, and it, to be very clear, this isn't just for long-term like management clients. Um, and this is why I said legal contracts slash terms and conditions. 'cause quite often if you are selling something where somebody buys on the checkout and they don't have to sign a contract, they still need to agree to terms and conditions. So like, if you go on any of our checkouts, there'll be terms and conditions there,

Laura Davis: And they have to click the button, don't they? They have to say –

Laura Moore: They have to click the button, although I don't know that that's a legal requirement, I think. I'm not a lawyer, so this may be wrong, but I think you can either have them tick or or say “by paying you agree to the terms” kind of vibes.

But obviously check, that probably depends on where you are in the world. But your terms again, need to be written by somebody who works in law. But they can be templated no matter what you are selling. All of our terms that we use come from a lawyer, but they are all templates that we use on all of our things.

We [00:23:00] just tweak the, like the name of the product that any like, they will have gaps to saying, telling, telling us what we need to put in certain spaces so we know that everything's correct. There's no way we could write our own terms. Can you imagine?

Laura Davis: Well, we could, but it probably wouldn't be very legally tight.

Laura Moore: They would be so long, if you were writing them, they'd have so many words in them.

Laura Davis: Well, to be fair, most contracts are really long.

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Laura Moore: Well, yeah. Some of them are. Yeah. I mean, it depends.

Laura Davis: Yeah. But you also with, with terms and conditions in particular. Well, I guess, and contracts, you do just need to check, check in on them up, update them, you know, add, add things to them as and when things happen, like we've updated ours over time with things like the use of Canva, with the use of AI, all of those kind of things.

We update as regularly as we can. So don't, you know, just. Oh, I've got terms the conditions back in 2021. I'll stick that on my checkout. Just have, just have a look at it, make sure it's relevant because things have changed and things change rapidly.

Laura Moore: Yeah. And how you work will have [00:24:00] changed.

Laura Davis: Yeah. Yeah. So do just make sure you take a good glance at everything before you issue it, whether it be to a checkout or to a client.

Laura Moore: Yeah, if you don't have a template, by the way, we've got a legal shop on our website, go to thetwolauras.com/legal, and there are templates on there for the UK, for America, et cetera. So you can go and grab a template for a legal contract or terms and conditions, depending on what it is you're selling.

Laura Davis: Yeah. But to reiterate, they aren't ours. They are lawyers.

Laura Moore: No, we have not written them. They will take you to the lawyer direct so you can buy them yourself.

Laura Davis: Thank goodness.

Laura Moore: Yeah, yeah, definitely. Yeah. So quick recap then. The three things you wanna check to make sure that you have protected your business. Insurance. You wanna make sure that you know all the data stuff. Make sure you're registered with whoever you need to register with. You've got your compliant website. And then finally, make sure you are protected with a legal contract in terms of conditions, wherever it is you're selling things.

Um, and then you'll thank yourself and you can relax knowing that your business is protected and [00:25:00] hopefully you'll never need to claim on your insurance.

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Laura Davis: Yeah. Agree. This was probably the one of the most boringest topics we've ever had to cover on a podcast.

Laura Moore: Thanks for sticking with us to the end, if you did stick with us to the end, please let us know.

Laura Davis: Yeah. You've won this prize. Um, yeah, but I think it was well worth, like we've talked about this a lot. We talk about it with our, like in the toolkit, um, within our membership, but we felt like it was worth us popping this information on a podcast for people to, to make sure, like some of you might be listening to it going yeah, yeah, I knew all this. But based on the amount of website I've been on –

Laura Moore: Well hopefully you did.

Laura Davis: Yeah, based on the amount of websites I've been on, on the conversations I've had, you know it clearly not everybody does all three, that's for sure. So I hope it was useful and we'll be back next week with something like really sexy and fun.

Laura Moore: Let's not make promises we can't keep.

Laura Davis: Yeah, yeah.

Laura Moore: Anyways. [00:26:00]

Laura Davis: Okay.

Laura Moore: Yeah. Thank you for tuning in and we'll be back, same time, same place next week. Enjoy. Have a good week. Ta-ra!

Laura Davis: Bye!

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