

FAMU Division of University Advancement and FAMU Foundation Donor Privacy and Confidentiality Statement

The rights of free speech and free association in the First Amendment protect the right of people to be anonymously associated with organizations. The 1958 case of NAACP v. Alabama confirmed that this right forbids the government and the general public from demanding member lists. Donors have similar privacy interests in not having their relationship to an organization be publicly known. Federal law requires the IRS to collect “the names and addresses of all substantial contributors” (typically, those who contribute \$5000 or more) to tax-exempt organizations. Although the FAMU Foundation as a tax-exempt organization must report names and addresses of substantial contributors to the IRS, by law and the First Amendment, it is not required to publicly disclose its donors’ confidential information to the general public.

Our donors’ trust and confidence are important to us. The purpose of this statement is to detail the position of the Florida A&M University (FAMU) Division of University Advancement (DUA) and the FAMU Foundation on donor confidentiality and donor anonymity and will guide the actions of the FAMU Division of University Advancement staff regarding the rights of donors and potential donors to confidentiality regarding their transactions with the Foundation.

The FAMU DUA and Foundation recognize that the operation of the Foundation requires the maintenance and management of extensive donor and prospect records. Donor records often contain sensitive information that has been shared with or developed by DUA staff on a confidential basis. “Records” means all files, including electronic data, containing information on donors or prospective donors to the Foundation.

Information about donors and donations is handled with respect and confidentiality. Employees are not permitted to use this information for any purpose other than to carry out the services they are performing as a part of their job duties for the benefit of Florida A&M University and the FAMU Foundation.

Confidentiality of Records

The Vice President (VP)/Executive Director (ED) shall be responsible for maintaining the confidentiality of donor and prospect records and will ensure that all staff have clear direction regarding the confidentiality of records through the establishment of appropriate operating procedures. He/she may, in his/her discretion, may make all or part of any record available to staff members if essential to them in executing their job responsibilities. Disclosure decisions will honor the wishes of donors unless otherwise required by law. The DUA/ FAMU Foundation will not sell, share, or trade donors’ or prospective donors’ personal information for third party fundraising or marketing purposes. The DUA / FAMU Foundation does not sell its mailing lists.

To carry out its responsibilities, the staff may need to review donor/prospect records. They shall respect the DUA and Foundation's significant interest in protecting the sensitive nature of those records and shall maintain these policies for donor confidentiality.

The Foundation's auditors are authorized to review donor and prospect records as required for the purposes for which they are engaged. Gift agreements are considered "strictly confidential information" and are not public documents. Particulars of a gift agreement will not be shared with the general public unless the donor has granted permission to do this.

Publication/Sharing of Donor Names and Gifts

The names of donors may be listed in the DUA/Foundation's annual donor rolls, on the website and/or in similar public relations communications only if specially authorized in writing by the donor. Exceptions will be made for any donor who specifically requests anonymity. The DUA/Foundation will not publish the specific amount of any donor's gift without the permission of the donor on annual donor rolls or to any non-employee. Donors making gifts to the Foundation by bequest or other testamentary device are deemed to have granted such permission through their signed gift agreement, unless otherwise noted. If authorized by the donor the names of donors of memorial or honor gifts may be released to the honoree, next of kin or individual(s) designated by the immediate family.

The VP/ED is authorized to accept anonymous gifts to the Foundation. In the event the VP/ED is uncertain about the desirability of accepting an anonymous gift, he/she shall consult with the President, General Council, and Foundation Board Chair. The VP/ED shall disclose to the President, General Council, and Foundation Board Chair the names of any donors requesting anonymity.

Information and It's Use

Kinds of Information

The DUA/Foundation defines "personal information" as information that can be used to distinguish, identify or contact a specific individual. It does not include publicly available information such as business contact information, names, addresses and telephone numbers as published in public sources, such as telephone directories. Credit card information is handled by a secure third party host and used only to process payment initiated by a person contacting the DUA/Foundation. This information is not stored by the DUA/Foundation.

How Donor Information is Used

The Foundation collects, uses and discloses personal information concerning our donors for the reasons below.

- To establish a relationship and communicate with donors

- To understand who our donors are and how we may improve our services to meet their preferences and expectations
- To process a donation (e.g. a credit card transaction)
- To issue a tax receipt
- To recognize contributions if permission is granted
- To meet requirements imposed by law