

# **DONOR PRIVACY POLICY**

ABC FOUNDATION  
123 Fifteenth Avenue  
New York, New York 10000  
(212) 123-4567

## **Policy on Donor Confidentiality**

---

As a not-for-profit corporation, ABC Foundation (the "Foundation") issues to Board Members, Officers, Management, Staff and Volunteers the Foundation's Policy on Donor Confidentiality on an annual basis. This policy is attached.

The Foundation is committed to the maintenance of the trust and confidence of its donors and the general public. Our reputation in the community and our obligation to comply with the federal and state laws as a not-for-profit corporation that is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, necessitates strict compliance by the Foundation's Board Members, officers, management, staff and volunteers with the prohibitions against disclosing confidential information as contained in this policy.

While you are required to read and be familiar with all of the prohibitions contained in this policy, it bears mention that, as stated in this policy in Section IV., entitled Policy Implementation, you must not disclose any confidential information about any donor or prospective donor to any person or entity outside of the Foundation.

Please read this policy and execute the acknowledgement at the end of this policy whereby you agree to comply with this policy.

Should you have any questions, please call \_\_\_\_\_ at \_\_\_\_\_.

Thank you.

# **ABC FOUNDATION**

## **Policy on Donor Confidentiality**

**(Adopted \_\_\_\_\_)**

### **I. Purpose**

ABC Foundation (the "Foundation"), is a New York not-for-profit corporation that is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Foundation is committed to the maintenance of the trust and confidence of its donors and the general public. Our reputation in the community and our obligation to comply with the federal and state laws therefore necessitates strict compliance by the Foundation's Board Members, officers, management, staff and volunteers (hereinafter collectively referred to as "Representatives" and individually as a "Representative") with the prohibitions against disclosing confidential information as contained in this policy.

### **II. Certain Definitions**

"Confidential Information" means information that is not generally known to the public about the Foundation, its donors or other parties with whom the Foundation has a relationship and that have an expectation of confidentiality. Specifically, the Foundation regularly receives information in confidence from its donors, from prospective donors and other sources. The Foundation is fully committed, and expects all Representatives to be fully committed to respect and protect the collective confidences of which we are in physical or intellectual possession.

Confidential Information includes all non-public information pertaining to any donor or prospective donor and, specifically, includes a broad range of information which is not otherwise generally known or available to others, such as, without limitation:

A. Information, whether oral or written, transmitted to the Foundation and/or any Representative of the Foundation by any donor or prospective donor;

B. Information about donors and prospective donors that is compiled by the Foundation or which is internally available to Representatives of the Foundation;

C. Compilations and analysis of information by the Foundation about our donors and prospective donors;

D. Information about the Foundation's dealings with donors and prospective donors;

E. Donor and prospective donor lists and information about the Foundation's business and financial arrangements with any donor and prospective donor;

Confidential Information is physically contained in many materials including, without limitation, our reports, letters, e-mails, documents, call notes, review documents, memoranda, software and databases, budgets, financial information, and strategic plans.

Some of our information will be expressly stamped or marked "confidential", "secret" or "proprietary". However, Representatives need to be aware that there may be information that is confidential or which the Foundation has a serious responsibility to protect on behalf of donors and prospective donors even if it does not bear our express legends or warnings to that effect.

### **III. Policy Goals**

The Foundation's principal goals for protecting our Confidential Information are as follows:

A. To protect the Foundation and its Representatives from the adverse consequences that would result to the Foundation as a result of misuse or misappropriation of Confidential Information; and

B. To fulfill our legal and moral obligations of confidentiality to our donors and prospective donors.

### **IV. Policy Implementation**

To achieve our policy goals, the Foundation has designed, and will continue to design and improve, procedures to protect our Confidential Information. If you have any questions about this policy the Foundation urges you to raise such questions with \_\_\_\_\_ . The Foundation expects that all Representatives will diligently comply with and implement the confidentiality procedures from time to time established by the Foundation, including the following:

A. Representatives may use the Foundation's Confidential Information only in furtherance of the Foundation's operations. Representatives may not use the Foundation's Confidential Information for their own benefit or for the benefit of any third parties.

B. Representatives may disclose the Foundation's Confidential Information only to authorized persons on an authorized/official need-to-know basis and only in

furtherance of the Foundation's operations. Representatives should always ask themselves whether the party with whom they are speaking (in the office, on the phone, or in meetings) has an official and authorized need to know the information. All reports, memoranda and other written material prepared by Representatives that includes any confidential or proprietary information should be marked "Confidential and Proprietary" and Representatives should not furnish copies of any such report other than to authorized persons on an authorized/official need-to-know basis.

C. Representatives should not leave notes, documents or any other materials that contain Confidential Information open and unattended on their desks, in conference rooms or in public work areas.

D. Representatives must not download, electronically transmit or electronically copy any of the Foundation's Confidential Information except to the extent necessary for use with Foundation transactions, or other Foundation matters as expressly authorized by the Foundation. Representatives must also not enter into or review any computer files or drives which such Representatives are not authorized to have access to and must promptly report any such unauthorized review which they may become aware of to their immediate supervisor.

E. Representatives in possession of confidential passwords providing access to the Foundation's Confidential Information must not disclose the passwords to any unauthorized persons. Also, Representatives must protect against inadvertent disclosure, including making sure to log-off their computer when they are out of their offices.

F. Representatives must not use any computers, computer storage devices or other hardware or software in a manner which would violate the terms of this Policy.

G. Representatives must not make any unauthorized photocopies or printer copies of materials containing Confidential Information. After making authorized copies, Representatives should make sure that no additional copies have been left by the photocopier or in any other place where they are not under the direct control of such Representative.

H. Any unauthorized use or disclosure of our Confidential Information that a Representative either knows about or suspects must be immediately reported to the Representative's supervisor or to \_\_\_\_\_.

## **V. Consequences of Failing to Comply with the Policy**

Compliance by all Representatives with this Policy is essential for the protection of the Foundation and to ensure that the Foundation complies with its confidentiality obligations to its donors and prospective donors. Consequently, the Foundation will consider breaches of this Policy grounds for immediate termination. Moreover, if the Foundation considers the breach (or the damage arising out of the breach) serious

enough, the Foundation may pursue all legal remedies available to it including seeking injunctive relief.

#### **VI. Obligation to Return Firm Property**

Your obligation to protect the Foundation's Confidential Information continues even after you are no longer associated with the Foundation, and you must return all such information in your possession upon your departure. Thus, should a Representative's affiliation with the Foundation be terminated, regardless of the reason for termination, he or she must immediately turn over to the Foundation all documents, computer downloads, floppy discs or software and other material or media in his or her possession (or in the possession of any person or entity under his or her control) that belongs or relates to the Foundation or any of the Foundation's donors or prospective donors, without making or retaining any copies.

#### **VII. Annual Statements**

Each Representative shall annually sign a statement, a copy of which is annexed hereto as Exhibit A, which states that such person:

1. has received a copy of the Policy on Donor Confidentiality,
2. has read and understands the policy, and
3. has agreed to comply with the policy.

**Policy on Donor Confidentiality**

**Annual Statement**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This annual statement is made pursuant to the Policy on Donor Confidentiality of ABC Foundation, a New York not-for-profit Organization.

The undersigned is a \_\_\_\_\_ of ABC Foundation and the undersigned advises that he/she:

1. has received a copy of the Policy on Donor Confidentiality,
2. has read and understands the policy, and
3. has agreed to comply with the policy.

Dated: \_\_\_\_\_

\_\_\_\_\_