



## Sample Website Privacy Policy September 2012

***This policy has not been approved by any outside authority, such as the Department of Health and Human Services. This sample policy should not be adopted without first being thoughtfully reviewed and modified as necessary to meet the individual needs of your organization and to comply with any applicable state law requirements and grant terms and conditions. This policy is modeled after a policy originally drafted for CAPLAW's website and, as a result, may contain some information specific to CAPLAW's services. Thus, we strongly recommend that when working with this policy, you consult with an attorney from your state that is knowledgeable about your organization's business and is also well versed in the applicable state laws and laws affecting CAAs.***

### **PRIVACY POLICY** Updated

At Community Action Program Legal Services, Inc. (CAPLAW), we are committed to ensuring your privacy. This privacy policy describes the information we gather from this website and how we use and protect that information.

### **Information Collection and Use**

**Non-Personally Identifiable Information.** We may use non-personally identifiable information, such as the number of hits (visits) per page, collected from you and other website users to perform statistical analyses of user behavior and characteristics. These aggregated statistics would be used to improve the site and for product development and marketing purposes generally. We also may provide such aggregated information to funding sources and other third parties for certain purposes, but such statistics contain no personally identifiable information and cannot be used to gather such information.

**Personally Identifiable Information.** The personally identifiable information we receive from you when you use this website is voluntarily submitted by you and may include your name, e-mail address, credit card number (when applicable) and similar types of information. This information may be used by us to provide products and services to you, to enhance your experience at the site, and, if applicable, to enhance your experience as a user of CAPLAW's products and services. We use secure transaction methods (SSL) when we receive personally identifiable and sensitive financial information, such as credit numbers, via our website. We do not sell or exchange names or other personally identifiable information with mass marketers nor do we partner with or have special relationships with any ad server companies.

### **Opt-Out**

If you supply CAPLAW with your e-mail address, you may receive periodic electronic mailings from us regarding current developments, new products and services, or upcoming events. If you ever wish to stop receiving such mailings please e-mail us at [caplawinfo@caplaw.org](mailto:caplawinfo@caplaw.org).

### **Outside Contractors**

We may employ independent contractors, vendors and suppliers (collectively, "Outside Contractors") to provide specific services and products related to CAPLAW and the site, such as providing credit card processing and fraud screening, order fulfillment and shipment, mailing of CAPLAW publications and other materials, hosting and maintaining the site, and developing applications for the site. These Outside Contractors may sometimes have limited access to information collected from you, including your personally identifiable information, in the course of providing products or services to us. Access to your personally identifiable information by these contractors is limited to the information reasonably necessary in order for these Outside Contractors to perform their limited function for us. We also require that these contractors (i) protect the privacy of your personally identifiable information consistent with this Privacy Policy, and (ii) not use or disclose your personally identifiable information for any purpose other than providing us with products or services for which we contracted.

### **Voluntary Disclosure by You to Third Parties**

You should be aware that if you voluntarily disclose personally identifiable information online when third parties are present – for example on message boards, through email, on listservs or in chat areas – that information can be collected and used by the third parties. As a result, you may receive unsolicited messages from the third parties. Such collection, use and messages by third parties are beyond CAPLAW's control.

### **Reservation of Rights**

We reserve the right to disclose your personally identifiable and non-personally identifiable information to any third party if we have reason to believe that we are required to do so for any or all of the following reasons: (i) by law; (ii) to comply with legal As approved by CAA, Inc. Board of Directors on \_\_\_\_\_

**Comment [a1]:** Website privacy policies are important because of federal and state laws that govern how businesses and organizations collect and use certain kinds of data via a website. For example, if you are collecting credit card numbers via your website, there may be certain laws in your state governing the type of secure connection you are required to have in place. Additionally, if your website is hacked in a way that compromises users' personal and financial information, your organization is required by the Federal Trade Commission and possibly by state agencies, depending on the laws in your state, to take actions to protect your users' data. The National Conference of State Legislatures makes available on its website a chart of [State Security Breach Notification Laws](#).

**Comment [a2]:** Each time your CAA updates its privacy policy, it should note the effective date of the changes made.

**Comment [a3]:** A website privacy policy helps to establish a relationship of trust with those who use your website. By recognizing the importance of a user's privacy, the CAA conveys its commitment to protecting its confidential information.

**Comment [a4]:** It is important that the policy describes the information that the CAA intends to use and protect that information. ***Thus, this section of the policy will be different for every CAA.***

Careful thought should go into drafting the language for this section. A discussion with those involved in creating, managing and updating the website should occur and a list should be created of the data that may be collected via the website and how that data will be used and stored.

In this sample policy, there are two types of data identified, non-personal data that is used for statistical purposes and then personally identifiable data such as names and credit card numbers that are used to provide products and services. A stat... [1]

**Comment [a5]:** Including an opt-out option protects CAAs from potential claims under the CAN-SPAM Act. The CAN-SPAM Act is a federal law that applies to businesses, including nonprofits when they send e-mails with commercial content including: (1) advertising or promoting a commercial product or service and/or (2) promoting events such as conferences where admission is charged. ... [2]

**Comment [a6]:** This provision further explains how information provided by a website user may be used. It also explains the measures that will be taken to protect that information when outside contractors may need to access users' personally identifiable information.

**Comment [a7]:** This provision establishes when an organization will not be liable for the disclosure of personally identifiable information.

**Comment [a8]:** Certain situations exist when an organization will be compelled to release a website user's personally identifiable information. The organization should reserve its right to act in such situations. It is important to note that in determining the situations where a user's information may be disclosed the user's right to privacy is often weighed against public interest.

processes or governmental requests; (iii) to prevent, investigate, detect or prosecute criminal offences or attacks on the technical integrity of the web site or our network; and/or (iv) to protect the rights, property, or safety of CAPLAW, the users of the web site, or the public.

**Web Links**

This website contains links to other websites. CAPLAW is not responsible for the privacy policies or content of these external websites. Your use of any linked website is solely at your own risk.

**Modifications**

We reserve the right to change this privacy policy at any time, so you should read this page each time you access the site.

**Complaint Procedure**

If you have any questions or concerns about our privacy policy or practices, please contact us call us at [caplawinfo@caplaw.org](mailto:caplawinfo@caplaw.org) or (617)357-6915.

**Comment [a9]:** It is important to clearly that the organization is not responsible for privacy policies of other websites that may be linked to on the organization's website.

**Comment [a10]:** The organization should include some way that a user may contact the organization if the user has concerns about the privacy policy or the way in which the user's data is collected and/or used.

It is important that the policy describes the information that the CAA will be collecting via its website and how the CAA intends to use and protect that information. *Thus, this section of the policy will be different for every CAA.*

Careful thought should go into drafting the language for this section. A discussion with those involved in creating, managing and updating the website should occur and a list should be created of the data that may be collected via the website and how that data will be used and stored.

In this sample policy, there are two types of data identified, non-personal data that is used for statistical purposes and then personally identifiable data such as names and credit card numbers that are used to provide products and services. A statement has been included informing users of how their personally identifiable data is protected.

Including an opt-out option protects CAAs from potential claims under the CAN-SPAM Act. The CAN-SPAM Act is a federal law that applies to businesses, including nonprofits when they send e-mails with commercial content including: (1) advertising or promoting a commercial product or service and/or (2) promoting events such as conferences where admission is charged. If a CAA thinks an e-mail may be subject to CAN-SPAM, it should:

- Accurately identify the person or business who initiated the message in the "From" line,
- Use accurate subject lines,
- Give clear and conspicuous notice that the e-mail is an advertisement or solicitation,
  - Provide sender's valid physical postal address,
- Provide a clear and conspicuous explanation of how recipients can opt out of future e-mails, and
- Honor opt-out requests within 10 business days.