

SCOPE/PURPOSE

To define how and when the Section's membership mailing list, membership mailing address labels and the Listserves and Website may be used by the Section and other organizations.

BACKGROUND

The Section regularly receives requests for the member mailing labels of the Section from advertisers, candidates for office and Section members who would like to use the labels for announcements. This policy was developed so that the Section and the Council would have a consistent procedure for responding to such requests.

DEFINITIONS

"Section Business" means: the announcement of an upcoming event or program officially sponsored or co-sponsored by the Section; the communication of information regarding the Section's or the Council's operation or actions (e.g., Chairperson's Letter, information concerning the availability of a publication); the transmission of Section publications; any other matter as to which the Council directs communication be made after determining that it furthers the interest of the Section.

"Member List" means a list of members of the Section obtained from the records of the Section or the State Bar, including but not limited to the Section Directory published by the Section. It does not include a list of persons, whether members or not, gleaned from other sources, including documents and lists made *publicly* available by the Section.

"Member Labels" means mailing labels of Section members obtained from the State Bar.

"The Listserves" means the administrative and interactive listserves maintained for the Section by the State Bar.

"Member Information" means the Member List, Member Labels, the Listserves and the Website. It does not include information, whether concerning members or not, gleaned from other sources, including documents and lists made *publicly* available by the Section.

"Commercial Use" means the use of Member Information for any purpose which involves the marketing or publicizing of a product or service, whether by a for profit or

non-profit organization; provided it does not include Section Business, even if that business includes marketing or publicizing.

"Third Party" means any individual or entity, other than a Council member acting in his/her official capacity as Council member or officer.

"Website" means one or more internet sites or pages maintained by the Section or by the State Bar for the Section at any URL.

OFFICIAL COUNCIL AND SECTION COMMUNICATIONS AND TRANSMISSIONS

Any officer of the Section, after determining that the subject matter is Section Business, may authorize the use of Membership Information for purposes of dissemination or otherwise, subject to appropriate Security Arrangements as described below.

USE OF MEMBERSHIP LISTS AND MEMBER LABELS BY THIRD PARTIES

Persons who are not Council members, shall be authorized to use Membership Lists and Member Labels only in furtherance of Section Business. If the matter involves Section Business in the form of Substantive Law Subcommittee work, any officer may authorize the Subcommittee Co-Chair's access and use to the Membership List or Member Labels for the purpose of such communications without Council approval, subject to appropriate Security Arrangements. If the Membership List or Member Labels are sought by a third party for a function or publication, to be given access or use, the Council must have determined that the function or publication is co-sponsored by the Council; if provided, the access and use shall be subject to appropriate Security Arrangements. The Membership List or Member Labels may never be used for Commercial Use which does not constitute Section Business.

USE OF LISTSERVES BY THIRD PARTIES

The Listserves may be used for any Section Business. Use of any of the Listserves for Section Business may be approved by any Listserve moderator designated by the Council (typically the Council members and Substantive Law Subcommittee Co-chairs). The Listserves may also be used for a Commercial Use provided the Chairperson or the Council have determined that the communication through the Listserves will represent a benefit for members of the Section and is consistent with the Section's purpose and goals (e.g., the opportunity to attend a seminar on a health care topic by another section of the State Bar of Michigan or by a non-profit organization).

POSTINGS ON AND USE OF WEBSITE

The Website includes both public and members only information. The online Section Directory and other identifying information in the members only area shall not be made available to non-members. Postings on the Website shall be limited to Section Business

and other announcements that would meet the criteria for use of the Listserves by Third Parties set forth above.

SECURITY ARRANGEMENTS

Because of the Council members' obligations under this Policy, the furnishing of Membership Lists or Member Labels to a Council member for authorized use by that Council member shall never constitute a need for separate security precautions to be taken.

If a person being given the right use the Membership List or Member Labels for Section Business is not a Council member or State Bar employee, the officer must take reasonable steps to assure that there is security in a manner approved by the Chairperson against non-approved reuse. Such security may range from a written commitment to the effect that there will be no copying or reuse to a requirement the actual use of the information will be done only by a State Bar employee or under the direction of a member of the Council.

SANCTIONS

Any Council member and Substantive Law Subcommittee Co-Chair shall be deemed fully bound by this Policy and authorized to carry out this Policy. Willful or negligent failure of a Council member or to comply with this Policy is the basis for sanction including removal from the Council. Willful or negligent failure of a Substantive Law Subcommittee Co-chair to comply with this Policy is the basis for sanction including removal the position of Co-Chairperson.