

## **Member Data and Contact Information Policy**

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This policy lays out WSBA policy for the collection, use, and sale of member information. It has been reconciled to the provisions of the privacy act passed by the Legislature in 2000.

### **Collection of Identifying Information**

As the licensing agent for Washington lawyers, and as required by Admission to Practice Rule 13(b) and (c), the WSBA must have a mailing address and telephone number for each member, and members should advise the WSBA of a business e-mail address if one exists. If a member chooses to provide his/her home address and telephone number as his/her mailing address and telephone number, this information will be a matter of public record. The WSBA collects fax numbers and e-mail addresses that are considered part of the member's contact information, and, as such, are public, except that a member may request that his/her e-mail address not be made public. The WSBA also collects non-public information that is confidential and unaffected by this policy.

Notice of how the information will be treated and disseminated is included on licensing forms used to collect the information.

### **Public Disclosure of Membership Information**

The WSBA will provide the data to the Court, as required by Admission to Practice Rule 13(b) and (c).

The following member data is public record: name, WSBA number, mailing address, telephone, e-mail address (unless the member has requested it not be made public), fax number, membership status (both current and historical), date(s) of admission, and WSBA committee membership. If provided by the member, practice area and languages spoken are also public. This information, except date(s) of admission and historical information about status is published in the *Resources* directory and is on the WSBA website. In addition, this information can be obtained by calling the WSBA office. All other member demographic information maintained by the WSBA is confidential.

### **Exemptions**

A member may request an exemption to this public record requirement, as per WSBA Bylaws, Article XV, Section B.6.a(12). Such an exemption will be granted only for compelling circumstances, such as threats or harassment. To request an exemption, a member must send a written request to the Executive Director specifically stating the compelling reasons for the request. The Executive Director may grant or deny the request at his/her discretion. When a request for exemption has been approved, the member's contact information is confidential. Once each year, members with this exemption must reapply for the exemption in order for their contact information to remain confidential. The WSBA will notify each member who has an approved exemption of the procedures and deadline to reapply; if no response is received, the member's exemption will expire.

The member name, WSBA number, and current status for members with approved exemptions will appear in the *Resources* directory and on the WSBA website. On the website and in *Resources*, the

message "confidential per WSBA Bylaw Article XV, Section B.6.a(12)" will appear in the address field. In addition, name, WSBA number, current status, and the date(s) of admission for members with approved exemptions will be available by calling the WSBA office. Someone needing to contact a member with an exemption may send materials to the WSBA office, and the materials will be forwarded to the member.

The WSBA will report to the Court those members who have approved exemptions.

### **The Use of Age as a Membership Criterion**

Age may be used as a criterion for determining membership status in groups within the WSBA only when used in conjunction with a "years in practice" criterion.

### **Dissemination of Member Contact Information**

It is the general policy of the WSBA to be restrictive in the distribution or sale of contact information of its members. This policy is intended to balance the member-service aspect of receiving information with the inconvenience of receiving too much information.

Mailing labels or lists of members' names and addresses (whether in electronic or hard-copy format) are covered by this policy. Lists of members' fax numbers, phone numbers, and/or e-mail addresses will not be provided, with three exceptions: (1) public e-mail addresses may be provided to CLE vendors (e-mail addresses of members who have indicated they do not want their e-mail addresses sold will not be provided); (2) public e-mail addresses may be provided to candidates for the Board of Governors or Washington New Members Committee; and (3) fax numbers, phone numbers, and/or public e-mail addresses may be provided to WSBA sections. The following demographic information that is supplied voluntarily by members: gender, ethnicity, disability, and sexual orientation is kept strictly confidential and is used only in the aggregate for demographic analysis — labels or lists will not be provided sorted by these categories. Labels and lists based on practice area or language spoken will be provided, and the WSBA will include a disclaimer that information has been provided voluntarily by members and is not necessarily up-to-date or complete.

1. The WSBA reserves the right to inspect the actual contents of any proposed mailing prior to providing mailing labels or lists for the purpose of determining the category of user and to apply the terms and prohibitions of this policy.
2. All sales are on a one-time only basis for the requested purpose. Purchasers are not authorized to duplicate, reuse, or re-market WSBA labels or lists, whether in hard-copy or electronic format. If provided in electronic format, data must be destroyed or returned to the WSBA after the one-time use.
3. The request to purchase mailing labels or lists must be in writing, along with a copy of the material to be mailed. A sales agreement must be executed by each purchaser, and by the mailing house, if one is used by the purchaser, prior to delivery of the requested labels or lists.
4. Payment shall be required prior to delivery of requested labels or lists.
5. The WSBA reserves the right to review e-mail address protections of CLE providers to assure adequate safeguards against unauthorized e-mail address "harvesting."

### **Categorization of Types of Users**

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- Official WSBA business: Official mailings generated by the WSBA office or with the approval of the Board of Governors shall be provided mailing labels or lists at no charge, based on the premise that a portion of attorney license fees is attributable to maintaining membership records and mailing costs. This category includes mailings from the Washington State Supreme Court.
- County bar associations within Washington: Mailing labels or lists will be provided to county bar associations of WSBA members in their respective counties at no charge, to further the WSBA's goal of providing support to county bar associations.
- Minority and specialty bar associations within Washington: Mailing labels or lists of WSBA members will be provided to minority and specialty bar associations at no charge, to further the WSBA's goal of providing support to minority and specialty bar associations.
- Candidates for the Board of Governors or Washington New Members Committee: One set of mailing labels or lists for WSBA members in a governor-candidate's congressional district or a Washington New Members Committee candidate's district will be provided to each governor or trustee candidate at no charge upon request (additional sets may be purchased).
- WSBA members: Mailing labels or lists for WSBA members may be provided at no charge upon request if for a purpose related to the practice of law. *Example #1:* If a WSBA member wants to send a letter to all other lawyers in his/her city for the purposes of forming a legal-issues discussion group, the WSBA would provide mailing labels or a list. *Example #2:* If a member is changing firms, mailing labels or a list would not be provided (although the member may purchase labels or a list). If mailing labels are ordered, the WSBA may ask the member to pay for the actual cost of the labels.
- Noncommercial mailings by WSBA committees, WSBA sections, and the Washington New Members Committee: Mailing labels or lists will be provided to WSBA committees, WSBA sections, and the Washington New Members Committee at no charge.
- Endorsed or sponsored vendors, approved CLE providers, commercial users: Mailing labels or lists will be provided at commercial prices to vendors of products or services endorsed or sponsored by the WSBA, to providers of CLE offerings accredited by the Washington Board of Continuing Legal Education (MCLE Board), and other vendors of law-related products and services approved by the Executive Director. The purpose of selling or providing mailing labels and lists to entities in this category is to inform the membership of products and services related to the practice of law.

The sale of mailing labels and lists for commercial purposes is a discretionary act. All sales of mailing labels or lists in this category must be approved by the Executive Director or his or her designee. The Executive Director is authorized to reject requests for mailing labels or lists related to the sale of products and services that are not directly related to the practice of law or that conflict with the goals and purposes of the WSBA. The Executive Director is also authorized to provide mailing labels or lists to others not specified above.

Mailing labels or lists shall not be provided for:

- Partisan or nonpartisan political mailings at any level except for candidates for judicial office or for the WSBA Board of Governors or for the Washington New Members Committee.

- Solicitations for contributions by any organization not specifically approved by the Executive Director or the Board of Governors.

The Executive Director shall publish a fee schedule from time to time. The price for contact information for newly admitted members, which is priced higher than that of all members in general, may be waived or reduced for bona fide employers looking for prospective employees or for certain law-related organizations. New admittees are generally members admitted to the WSBA within the last two years.

### **Member Requests to Limit Mailings or Contact**

Unless otherwise arranged, members receive all WSBA mailings, and their contact information is sold or provided in accordance with the policy above.

If a member requests and obtains an exemption to the public records disclosure, the member's contact information is confidential. These members will receive only official WSBA mailings: annual license fee forms, annual sections dues invoices, ballots for elections of the Board of Governors, Bar News, and referendum mailings.

*Mail Restrictions:* Members whose contact information is not confidential but want to limit the information they receive by mail may select all options that apply:

1. I do not want any CLE information, including CLEs that are section-sponsored.
2. I do not want any CLE information, except for CLEs that are section-sponsored.
3. I do not want my mailing address sold or provided to non-WSBA-sponsored entities.

*E-mail Restrictions:* Members whose contact information is not confidential but want to limit the information they receive by e-mail may select all options that apply:

1. I do not want my e-mail address sold.  
*Note: The WSBA sells e-mail addresses to CLE providers only.*  
*Note: If you select option #1, you will not receive information about any CLEs, including WSBA and section-sponsored CLEs.*
2. I do not want any CLE information except for CLEs that are sponsored by sections to which I belong.
3. I do not want any non-official WSBA or legal-community notices.
4. I do not want my e-mail address published in *Resources* or the online Lawyer Directory.

Exceptions to this policy may be authorized by the Executive Director.

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