

## Questions from Privacy & Donor Data webinar 3/15/24

**Q: I was wondering to what extent the recommendation to not collect sensitive data without consent includes publicly available info? eg: obituaries, LinkedIn, etc**

A: Depends on the individual state law but bear in mind that this publicly available info is increasingly unreliable so you'd need to assess the risk of collecting it.

Comments:

AI obituaries are a thing, and they hallucinate. I don't trust them anymore without verification: <https://www.varrichiolaw.com/ai-and-obituaries-did-ai-write-this-death-announcement/>

Absolutely. I was introduced to this when a friend of mine passed, and AI obits started popping up with incorrect info about his non-existing spouse.

Definitely document where you found the information. I found an obit that dated a death five years earlier than the year it actually happened. Always verify.

A big issue with collecting data is that data crawlers who collect data can't themselves tell the difference between an AI-generated source or one written by a human.

Ditto - I came across a lot of AI obits for our top donor in December

Yep! I include a link to the funeral home

-- Love this! Also helps in future if you need to make a judgement call about deleting a piece of info, if you know where you got it from.

**Q: How does an organization justify "reasonable and necessary" (or however that was worded 😊)**

A: :) Maybe start with your privacy policy and your org's mission then look at what you are collecting. That may help inform where the surplus is and where the gaps are.

**Q: Do you recommend that orgs who have any European constituents just default to GDPR by default?**

A: Yes and no. GDPR is a gold standard and a great place to start but I wouldn't use it for your US constituents unless you can be sure that you have understood the legal basis you're going to use to contact people and have the opt ins if needed. The terminology in GDPR though is standard for privacy laws so it is definitely a good place to get familiar with that, with the concepts of consent and legitimate interest. Who knows what a future federal law might include so any familiarity with these concepts will help!

**Q: Is there a time limitation on "opt-in's" from constituents? Does it have to be renewed yearly or something like that?**

A: No. But, look out for variances in states in which you operate/have constituents because these new laws are varying in subtle ways (and any burden on nonprofits to gather opt-ins won't have been

thought out in the legislation). As good practice though, any chance you get to 'refresh' opt-ins (and definitely preferences) with your constituents, take it. It'll improve your engagement rates. And timestamp it so you know where/when you got it.

**Q: Do you have any "first step" recommendations for orgs who want to minimize their data collection?**

A: There's a PDF on my website you can use as a starting point. You could look at what all you are collecting, compared with what your privacy policy says you are collecting, and identify what you can stop collecting. Also talk to your team about how they treat information they come across. Are they hoarding everything 'just in case' or are they quite strict with what they put in your CRM/other systems? That'll inform where you need to set the messaging for this. Which in itself is a risk assessment - what is the risk of continuing to store info you don't need? Could be risk of having to share info with a donor when, under new state law, they request to see everything you hold about them. Or the risk of what you would lose in the event of a data breach. Your legal folks may have thoughts on this.