



## GUARDING YOUR ASSOCIATION MEMBERS' CONTACT INFORMATION

*How to prevent the unwanted disclosure of members' private contact information, including mailing and email addresses.*

California law allows any member of an association to inspect and copy the association's **membership list**. The membership list includes the "name, property address, mailing address, and email address" of all members.

This may be problematic for numerous reasons. Members making a request for the membership list could ultimately give or sell the list of addresses to soliciting vendors, or to use contact information contained in the membership list for other improper purposes.

To prevent this result, we encourage our clients to become familiar with **California Civil Code Section 5220**. This provision allows a member to request to be removed from (to "opt-out" of) the membership list to prevent the disclosure of their private contact information to other members. This opt-out remains in effect until changed by the member.

The sample "Privacy Policy" and "Opt-out Form" below are suggested measures that an association can take to safeguard its members' private information, pursuant to Section 5220.

If you have any questions concerning the California statutes or the sample forms, please feel free to contact our offices. This document is available for download on our website at: [tinnellylaw.com/opt-out.pdf](http://tinnellylaw.com/opt-out.pdf)

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# **[XYZ] ASSOCIATION PRIVACY POLICY**

California law allows any member of the [XYZ] Association to request and obtain a copy of the Association's membership list. This list includes members' names and addresses. The requesting member can only obtain the membership list if he/she articulates, in writing, a proper purpose for requesting the list that is reasonably related to his/her interest as a member of the Association. This purpose must be provided concurrently with the member's written request for the membership list.

If the Association's Board of Directors determines that the request is reasonably related to the requesting member's interest as a member of (XYZ Association), then the Board of Directors must direct the Association's managing agent to provide that member with the list, or provide a reasonable alternative, as permitted under California law.

If the Board of Directors determines that the request is not reasonably related to the requesting member's interest as a member of the Association, then the Board of Directors does not have to provide the list to the requesting member and the Association shall notify the requesting member accordingly.

California Civil Code Section 5220 allows a member to request to be removed from (to "opt-out" of) the membership list to prevent the unwanted disclosure of their private contact information to another member who is making a request for the membership list. To opt-out of the membership list, a member must notify the Association, in writing. By opting-out, the member is notifying the Association that the member prefers to be contacted via the alternative process described in Corporations Code Section 8330(c).

If a member chooses to opt-out of sharing the member's name, property address, mailing address and/or email address in the membership list, the opt-out designation shall remain in effect until changed by the member via written notification to the Association's managing agent.

# [XYZ] ASSOCIATION

## MEMBERSHIP LIST OPT-OUT FORM

California law allows any member of the Association to request and obtain a copy of the Association's membership list. The membership list includes the names, property addresses, mailing addresses, and email addresses of all members, except those members who have "opted-out" of having their information disclosed to other members on the membership list.

To opt-out of sharing your name, property address, mailing address, and email address with other members of the Association, complete this form and send it to the Association's Managing Agent, below. **This opt-out shall remain in effect until changed by you, via written notification to the Association's managing agent.**

### DESIGNATION FOR OPTING-OUT OF DISCLOSURE OF PERSONAL INFORMATION

*\*Please check only one box below*

I/we **OPT-OUT** of the sharing of my/our name, property address, mailing address and email address under the Association's membership list, pursuant to Civil Code Section 5200. I/we prefer to be contacted via the alternative process described in Corporations Code Section 8330(c). This opt-out shall remain in effect until changed by me/us via written notification to the Association's Managing Agent.

I/we **DO NOT** opt-out of the sharing of my/our name, property address, mailing address and email address under the Association's membership list. I/we understand that this information will be disclosed to any member who makes a lawful request for the membership list.

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Property address: \_\_\_\_\_

Date: \_\_\_\_\_

When completed, please return to the Association's Managing Agent via mail or email:

**[Management Company Name]**  
[Management Company Mailing Address]  
[Management Company Email Address]