



GUARDING MEMBERS' CONTACT INFORMATION

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

California Corporations Code Section 8330 currently allows a member of an Association to request a membership list that includes the Associations' members' names and addresses. In satisfying this request, a 2010 court decision may compel an Association to include member *email* addresses as well.¹

This may be problematic for Associations and their members. Members making a request for a membership list could ultimately give or sell the list of addresses to soliciting vendors.

To prevent this result, we encourage our clients to become familiar with California Civil Code Section 1365.2(a)(1)(I)(iii).² This provision allows a member to request to be removed from the membership list in an effort to prevent the disclosure of their private contact information.

The sample "Privacy Policy" and "Opt-out Form" below are suggested measures that an Association can take to safeguard their members' private information, pursuant to Section 1365.2(a)(1)(I)(iii).

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.

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¹ If you would like to read more information on [Corporations Code Section 8330](#), and the [Worldmark](#) case, [click here](#) to visit our blog post: "Email Addresses in Membership Records".

² If you would like to read more information on [Section 1365.2\(a\)\(1\)\(I\)\(iii\)](#), [click here](#).

XYZ HOMEOWNERS ASSOCIATION

PRIVACY POLICY

1. California Corporations Code Section 8330 allows a member of (XYZ Association) to request and obtain a 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 purpose for requesting the list that is reasonably related to his/her interest as a member of (XYZ Association).
 - a. If the Board of Directors of (XYZ Association) 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 provide that member with the list, or provide a reasonable alternative.
 - b. If the Board of Directors determines that the request is not reasonably related to the requesting member's interest as a member of (XYZ Association), then the Board of Directors does not have to provide the list to the requesting member.

2. California Civil Code Section 1365.2(a)(1)(I)(iii) allows a member to request to be removed from the (XYZ Association) membership list to prevent the unwanted disclosure of their private contact information to a member making a request for the membership list. In order to be removed ("opt-out") of the membership list, a member must notify (XYZ Association) *in writing*. By opting-out, you are notifying (XYZ Association) that you prefer to be contacted via the alternative process described in Corporations Code Section 8330(c).
 - a. If a member chooses to opt-out of sharing his/her name, property address, mailing address and/or email address in the membership list, the opt-out designation shall remain in effect until changed by said member via *written* notification to (XYZ Association's) Managing Agent.



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XYZ HOMEOWNERS ASSOCIATION

OPT-OUT FORM

If you do not want your name and address to be disclosed to other members of (XYZ Association), you may elect to have (XYZ Association) withhold your private information. To opt-out of sharing your name, property address, mailing address and email address with other members of (XYZ Association), complete this form and send it (XYZ Association's) Managing Agent, below.

***This opt-out shall remain in effect until changed by you, via *written* notification to (XYZ Association's) Managing Agent.**

DESIGNATION FOR OPTING-OUT OF DISCLOSURE OF PERSONAL INFORMATION

I/we **opt-out** of the sharing of my/our name, property address, mailing address and email address under the (XYZ Association) membership list, pursuant to Civil Code Section 1365.2(A)(1)(I)(iii). I 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 (XYZ 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 (XYZ Association) membership list.

Signature(s): _____

Print Full Name(s): _____

Property Address: _____

When completed, please mail, fax or email this form to:

XYZ HOMEOWNERS ASSOCIATION
C/O (XYZ Association's Management Company)
(Management Company's Address)



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