

President's Car

August, 2011

Sharing member information

Back in the old days the NMRA printed a National Directory annually. I remember receiving 6" x 9" soft-cover books containing the names and addresses of nearly every member in the organization, listed by place of residence. I remember poring over those books for hours on end as a teenager, marveling that with the information contained in those books I could send a letter to such luminaries as John Allen or Linn Westcott.

When I studied an older edition of a Directory that I borrowed from a friend, I was thrilled to discover that no less a personage than Mel Thornburgh, the celebrated scratchbuilder and B&O modeler whose work was featured regularly in *Model Railroader*, once lived about two blocks from the hobby shop where I was working. Boy, would I have been thrilled to meet him!

By the late 1970s the NMRA Directory was discontinued, falling victim to increased costs and tighter NMRA budgets. There was quite an outcry when the books went away, and I remember the NMRA leadership promising to continue to make area-based membership rosters available to persons who were planning a visit to a particular part of the country. This is a request that HQ had continued to honor through the years, until just recently.

As an organization that exists partly for fellowship, it is not surprising that our membership wanted to know how to get in touch with one another. From the complaints received when the Directory was discontinued, it was clear that most members were pleased that the National printed a membership roster for the entire NMRA that contained their names and addresses for all to see.

At the same time, many Regions and Divisions printed rosters that they then handed out to their members. Some are still doing it, and others are sending out the information electronically. In a more perfect world this practice of sharing member information could have continued for many, many years. But once again, real life has intruded on our world.

I'm sure you're all aware of the increasing problems we all are having in trying to protect our personal information these days. Not a week goes by without one large company or another reporting that its security has been breached and an undetermined amount of customers' personal information has been stolen.

In the old days, a crook would have to hit you over the head to steal whatever you had in your pockets. But now, thanks to electronic communications and an overdependence on computers, a criminal can take everything you have – even your name – while he sits on his couch eating a pizza.

Because of the growing problems we are all facing in protecting our identities, the U.S. Congress and most state legislatures have become increasingly strict about how well we guard our members' personal information. And because we share the growing

international concern that member information must be protected to the best of our ability from theft and unauthorized use, the BOD has adopted a new policy concerning the use of NMRA members' personal information. That policy is printed below.

Briefly, what the policy says is that the National, the Regions, and the Divisions cannot share members' personal information with anyone who is not an NMRA official or volunteer authorized to have access to the information for official NMRA use. Some of the persons who can have access to the information are elected officials, membership volunteers, Achievement Program volunteers, and the like. Some of the persons who are *not* authorized to have access to the information are private members, 100% clubs, hobby dealers or manufacturers, and the like.

This means that we have to stop doing some things that we've always done. Regions and Divisions can no longer mail or email their complete membership rosters to the general membership. Divisions can no longer sign up new members to chat lists without first asking for permission. HQ can no longer send a list of members to a person who will be visiting an area on vacation and is hoping to see some nice layouts. When we send emails to multiple members, we have to be sure that their email addresses are not visible to the entire group of recipients. (You can do this by putting all recipients' addresses in the bcc address block.) We all have to become much more careful about sharing member information without checking first to make sure it's okay to do so.

There are times when it's still all right to share some information. For example, it is customary for Region and Division newsletters, as well as the *NMRA Magazine*, to print the names and contact information for officers and volunteers. That's still okay, because the member in question has consented to serve in that particular role and he could not do his job if his information were not known. Or if a member invites everyone to an open house, then it's permissible to list his address, etc., as long as the member agrees to it.

But it's wise to use caution in sharing this kind of information. For example, when I get calls from the public on my Division's hotline, I give out names and phone numbers only if I've been told it's okay. If a caller wants to reach the Division Super, for example, I can give out his name, phone number, and email address because he's already told me it's all right to do so. But if a caller wants to speak to an expert about, say, a DCC decoder problem, then I ask for the caller's contact information and pass that along to our DCC expert, and I leave the decision to him about whether to return the call.

The law in this whole area is moving rather quickly, and things that were legal a few months ago may not be legal a few months from now. If you're not sure whether a particular use of your members' information would be considered legitimate in today's climate, please ask.

We have an understanding of what U.S. law requires right now for the protection of member information, but I have already been asked what the privacy laws might be for our non-U.S. members. The answer is simple: we don't know.

Many countries have laws that are more strict than those in the U.S., and we don't have experts in those areas. If you are in a Region or Division that includes Canadian members, we think that you will be protected if you follow the strictest interpretation of the new policy, but it still would be wise to consult an attorney in your jurisdiction. If you

are Region or Division official in an all-non-U.S. Region or Division, we urge you to seek legal advice in your area.

One last caution for all NMRA members: there may be personal liability consequences for Region and Division officers, volunteers, members, and other personnel who ignore the new laws by giving out private member information for use that is not official NMRA business. I know that one Region officer has already been threatened with a lawsuit for sharing a member's personal information without asking first. Fortunately, it was a mistake and the member in question relented after some changes were made and he received an apology, but the next person may not be so understanding.

We do hope in the months ahead to begin asking new and renewing members for permission to share their information with the membership at large. This will take some time, and the effort will not reach our many Life Members, but eventually we hope to be able to share responsibly the information of members who have specifically given their permission to do so. This is called an "opt-in" system for information sharing, and we are still investigating just how this could work.

Again, this is new to all of us, so if you have questions about implementing this policy, please get in touch with either HQ, our Legal Counsel, or me. Contact information for all of us is available, as always, both in this magazine or at nmra.org.

Mike



National Model Railroad
Association, Inc.

Confidentiality Policy

In order to protect the privacy rights and concerns of our members, the National Model Railroad Association, Inc. is forwarding this statement to all Region and Division personnel. All such personnel are expected to understand and abide by this policy.

Due to changes in the law as well as increased concern over privacy issues and identity theft, it is now NMRA policy that anyone with access to membership information obtained from the national NMRA must agree not to disclose any such information to anyone who is not authorized to have access to the information for official use.

The NMRA is in the process of obtaining permission from each member to disclose his or her personal information to other members, as we have in the past for those wishing to visit or contact other members. Due to changes in the law and increased privacy concerns, we can no longer disclose such information without the consent of the members concerned. Moreover, no information should be disclosed by any NMRA official, elected or appointed, at any level of the NMRA, that would allow those without

authorization to obtain the personal information of other members. This would include mass electronic mail distribution with private email addresses in the "to" or "cc" address lines where the information can be read by any recipient.

Currently member information such as name, address, phone number, and email address is made available to each Region membership officer, and is also available to each Region president. Those persons are expected to pass this information along to their Region's Division superintendents and membership officers so that they can use the information for official business. Welcome letters, re-rail letters, newsletters, meeting notifications and the like would be considered official business. Other official mailings to all Region or Division members are also permitted.

This policy strictly prohibits dissemination of member information to 100% NMRA clubs. Such clubs are not part of the NMRA corporate structure, and the NMRA has no way to control how such information would be used. 100% NMRA clubs are clubs whose members are all members of the NMRA, however, they have no other responsibilities to the NMRA. The NMRA HQ will continue to identify if a person is a member of the NMRA to an NMRA club for purposes of confirmation of the person's eligibility for membership in the 100% NMRA club. However, we would request the club to first request a copy of the membership card from the prospective member in order to confirm eligibility.

Any NMRA official who passes personal membership information along to non-authorized individuals runs the risk of being held personally legally liable for this action. Moreover, the NMRA insurance does not apply to such disclosures by region or division officers or personnel.

Further updates of this policy will be issued as they are formulated and adopted by the Board of Directors.

We appreciate that these changes may cause changes in the way that your NMRA organization conducts business and serves its members, but these changes are necessary as the law evolves regarding privacy issues. If you have questions about this policy and how it should be applied, please direct them to me at nmrapres@zoomtown.com or to NMRA General Counsel, Robert J. Amsler, Jr., at legal@hq.nmra.org.

Mike Brestel, NMRA President
June 12, 2011

#