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**Use and Release of Constituent UPPS No. 03.05.02**

**Information Issue No. 5**

 **Effective Date: 04/19/2022**

 **Next Review Date: 01/01/2025 (E3Y)**

 **Sr. Reviewer: Director, Advancement Services**

**POLICY STATEMENT**

*Texas State University is committed to protecting donors and constituent’s information by establishing and maintaining database safeguards.*

1. **BACKGROUND INFORMATION**
	1. This policy relates to all donor and constituent information held within the alumni and donor database managed by University Advancement. This information, which is owned solely by Texas State University, is maintained by the Office of Advancement Services under the direction of the vice president for University Advancement and is the system of record for all constituents (i.e., donors, alumni, and friends of the university). Constituent information shall not be released, except as permitted under this policy or as required by law.
	2. Private support organizations, The Texas State Development Foundation, McCoy College of Business Administration Foundation, Texas State Research Foundation, and the Texas State Alumni Association, are separate 501(c)(3) organizations. Where not otherwise specified as part of the memorandum of understanding (MOU) with the university, each of these affiliated organizations will follow university policy on use and release of constituent data. Affiliated organizations are responsible for reporting gifts and donor information to Advancement Services for recording and reporting.
2. **PROCEDURES REGARDING CONSTITUENT-RELATED INFORMATION**

02.01 Constituent information includes the name, contact information, educational history, giving history, and other information pertaining to the university’s relationship with its constituents.

02.02 University Advancement collects information about constituents from a variety of sources. A significant portion of the information maintained is that which constituents have provided directly to the university, either by updating their profile, registering for an event, communicating with the university, or donating. For Texas State alumni, data is transferred from the student record system and other data collection systems on campus. University Advancement may also augment the information collected about constituents from publicly available sources or third-party data append services.

02.03 Constituent addresses are submitted to the National Change of Address (NCOA) registry quarterly to maintain current address information.

02.04 Private support organizations for Texas State are managed by [Chapter IX of The TSUS Rules and Regulations, Private Support Organizations](https://www.tsus.edu/about-tsus/policies.html) and the MOU between the university and organization. Where not otherwise specified as part of the MOU with the university, the support organizations operate within the university system of record and have access to use constituent data to accomplish their mission in supporting the university. The organizations must follow university policies on using university owned data, including using approved technology when handing constituent data and following all policies for data usage and collection. All private support organizations are required to share constituent information with the university and maintain that information in the universities system of record.

02.05 Constituent information will only be released to third-party vendors working on behalf of the university upon receipt of a signed nondisclosure and confidentiality agreement, and after completion of required security review, per [UPPS No. 05.02.06](https://policies.txstate.edu/university-policies/05-02-06.html), Acquisition of Information Technology Products and Services.

02.06 Personal information is used for several purposes in support of the university and its mission. If a constituent has concerns about any purpose listed in this policy or how Texas State communicates with them, the constituent may contact UAservices@txstate.edu. The university will abide by constituent requests regarding the utilization of their personal information maintained by the university (subject to legal obligations). Specifically, information is used to:

1. keep constituents updated with information about Texas State, college activities, alumni activities, and volunteer activities;
2. conduct feedback surveys related to university business;
3. provide alumni services;
4. fundraise for university priorities to support its educational mission;
5. invite constituents to university events and activities;
6. perform administrative tasks and for internal record keeping purposes; and
7. create and analyze aggregated information about alumni, donors, and other supporters for statistical research purposes in support of the university’s educational mission.

02.07 Texas State maintains physical, electronic, and procedural safeguards to protect against the loss, misuse, or alteration of the information under the university’s control. Safeguards include restricted access to computer systems, firewalls, encryption, and secure authentication methods. Only employees who need information to perform a specific job are granted access to personally identifiable information. The university conducts an annual security audit of systems.

02.08 Texas State considers relationships with alumni, donors, and other stakeholders to be lifelong. Therefore, records are maintained on all alumni and donors as permanent records.

02.09 The university maintains donor communication preferences in the database to manage the type of contact a constituent receives. The constituent can manage their preferences directly online or by contacting Advancement Services. Codes used to manage communication preferences include:

1. Requests No Contact from Texas State – applied to records when the constituent does not wish to receive any contact from Texas State.
2. Requests No Email – applied to records where the constituent does not wish to receive any emails from Texas State.
3. Do Not Mail – applied to records where the constituent does not wish to receive any postal mail from Texas State.
4. Do Not Phone – applied to records where the constituent does not wish to receive calls from Texas State.
5. Do Not Text – applied to records where the constituent does not wish to receive text messages from Texas State.
6. Do Not Solicit in Any Way – applied to records where the constituent should not receive any mass solicitations from Texas State.
7. **PROCEDURES FOR ACCESS AND USE OF CONSTITUENT INFORMATION**

03.01 University employees may only access constituent information with authorization by the vice president for University Advancement, or a designated representative operating through security access policies and processes, and for business-related purposes specific to the responsibilities of their position. Requests for data are vetted by the Office of Advancement Services, and approvals are elevated based on risk assessment.

03.02 All requests for constituent information by any person or entity not authorized to receive such information should be directed to the vice president for University Advancement or The Texas State University System (TSUS) Office of General Counsel for handling. The names and addresses of donors who make memorial gifts or give gifts in honor of individuals may be released to the honoree or immediate family members of the person memorialized unless the donor has requested anonymity.

1. **PROCEDURES FOR ANONYMITY**

04.01 Advancement Services will accommodate requests for anonymity options.

04.02 Complete Anonymity – typically used for selected gifts. The gift is not entered on a person’s record, but instead on a generic record. Only the donor, Advancement Services, and the development officer working directly with the donor, know who made the gift. The only indication of the gift on any report generated using Advancement Services data is that a gift was made anonymously.

04.03 Anonymous Record – gifts and pledges continue to be entered on the record of an individual; however, the record is flagged as anonymous. This option is used for donors who do not want public recognition of their donations, or any mention of their gifts outside the university community. This coding remains permanent until otherwise requested by the donor. Internal gift reports generated by Advancement Services will not show the donor’s name or address.

04.04 Anonymous Gift – a single gift that a donor does not want acknowledged outside the university community. On internal gift reports generated by Advancement Services, the donor’s name will be identified, but the report will also indicate that the gift was made anonymously. If considering publicity for the gift, staff members should communicate with the donor to determine appropriate action.

04.05 Requests Privacy – code is added to a constituent record when that donor does not wish for their relationship to the university to be acknowledged publicly. In such cases, the university will not acknowledge any relationship to the constituent, including educational history, and the constituent will be excluded from any reports provided to parties external to the university.

1. **PROCEDURES FOR RELEASING INFORMATION INSIDE THE UNIVERSITY COMMUNITY**

05.01 University faculty and staff should request lists of constituents through Advancement Services. There is no charge for this service. Data requests can be submitted using the online [report request form](https://www.ua.txstate.edu/about/faculty-staff-services/request-list-form3.htm), and an Advancement Services staff member will follow up with the requestor.

05.02 University faculty and staff are responsible for protecting sensitive and confidential information received from University Advancement. The requesting party is also responsible for communicating the need, intended use, and method of outreach in which the data will be used. This will ensure constituent communication preferences are considered by Advancement Services staff when generating the requested data. The requestor is required to state the purpose of the request, whether it is for invitations, newsletters, correspondence, or solicitation, and provide a copy of the material to be distributed.

05.03 University faculty and staff are responsible for following university policies on data storage and should only use university-approved technology when communicating with constituents.

05.04 It is the responsibility of the requestor to honor the request of the constituent by adhering to the codes provided in the report to reflect constituent communication preferences. Constituent lists should be updated within two weeks of the intended use date to ensure current communication preferences and contact information is included.

05.05 Report requests should be made with as much lead time as possible and allow a minimum of 15 working days to receive the report.

05.06 Directory information (as defined by [UPPS No. 01.04.31](https://policies.txstate.edu/university-policies/01-04-31.html), Access to Student Records Pursuant to the Family Educational Rights and Privacy Act of 1974, and the [Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C., section 1232g](https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html)) of constituents may be shared with representatives volunteering on behalf of Texas State, with approval from the vice president for University Advancement, or designee, and in accordance with donor communication preferences and requests for privacy. Volunteers are required to sign a nondisclosure agreement, and the data shared must be used for the sole purpose of supporting the university.

**06. PROCEDURES FOR RELEASING INFORMATION OUTSIDE THE UNIVERSITY COMMUNITY**

06.01 Giving records are considered private and confidential and will be released only when authorized by the donor or as required by law. A limited exception to the disclosure of the name of the donor is provided in the [Texas Attorney General’s Public Information Handbook](https://texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/publicinfo_hb.pdf). The 78th Legislature added [Section 552.1235 of the Texas Government Code, Exception: Identity of Private Donor to Institution of Higher Education](https://texas.public.law/statutes/tex._gov%27t_code_section_552.1235).

06.02 The name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education or to another person with the intent that the money or property be transferred to an institution of higher education is excepted from the requirements of [Section 552.021 of the Texas Government Code](https://statutes.capitol.texas.gov/Docs/GV/htm/GV.552.htm).

06.03 [Section 552.1235 (a) of the Texas Government Code](https://texas.public.law/statutes/tex._gov%27t_code_section_552.1235) does not except from required disclosure, other information relating to gifts, grants, and donations described by subsection (a), including the amount or value of an individual gift, grant, or donation.

06.04 In this section, “institution of higher education” has the meaning assigned by [Section 61.003, Education Code, subsection (8)](https://statutes.capitol.texas.gov/Docs/ED/htm/ED.61.htm).

**07. REVIEWERS OF THIS UPPS**

07.01 Reviewers of this UPPS include the following:

Position Date

Director, Advancement Services January 1 E3Y

Vice President for University January 1 E3Y

Advancement

**08. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedures from the date of this document until superseded.

Director, Advancement Services; senior reviewer of this UPPS

Associate Vice President for University Advancement

Vice President for University Advancement

President