

A New eDonor Bill of Rights

10.10.19 | Linda J. Rosenthal, JD



More than a quarter-century ago, the [Association of Fundraising Professionals](#) (AFP) spearheaded an effort to create a list of “rights” to define and govern the important interactions between charitable donors and the organizations they choose to support financially. Now, there’s a new version for eDonors.

In 1993, AFP joined with the [Council for Advancement and Support of Education](#) (CASE), the [Giving Institute](#); and the [Association for Healthcare Philanthropy](#) (AHP) in developing and publishing the [Donor Bill of Rights](#). This document that embodies the principle that “philanthropy is based on [voluntary action for the common good](#)” and that donors can and should have full confidence in donee-organizations has been endorsed by numerous other organizations.

The Original Donor Bill of Rights

In the document, there is a declaration that “[all donors have these rights](#)”:

- To be informed of the organization’s mission, of the way the organization intends to use donated resources, and of its capacity to use donations effectively for their intended purposes.
- To be informed of the identity of those serving on the organization’s governing board, and to expect the board to exercise prudent judgment in its stewardship responsibilities.
- To have access to the organization’s most recent financial statements.
- To be assured their gifts will be used for the purposes for which they were given.
- To receive appropriate acknowledgment and recognition.
- To be assured that information about their donation is handled with respect and with confidentiality to the extent provided by law.
- To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature.

- To be informed whether those seeking donations are volunteers, employees of the organization or hired solicitors.
- To have the opportunity for their names to be deleted from mailing lists that an organization may intend to share.
- To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.”

New Day, New Rights for eDonors

The 1993 Donor Bill of Rights reflected the ethical principles and best practices for the philanthropic world at that time.

However, 23 years ago, the world was vastly different. When this document was first published, the technologies we now know and rely on – including the internet and cell phones – were largely in the development stage. “Nonprofits had no websites. Access to online information about an organization’s mission, programs, finances, and leadership was little more than a futuristic dream.” A nonprofit’s annual Form 990 had much less detail than that required once the information return was given a comprehensive overhaul in 2008.

It was also hard to obtain; a 990 was available only on request by mail, fax, or a visit to the nonprofit’s office. (Even a fax machine was a novelty then, not yet widely installed in offices.)

Today, of course, the Internal Revenue Service has gone digital; 990s are now available to the public with a click of the mouse in a handy machine-readable format. And many organizations like charity watchdog groups routinely gather and publish extensive amounts of information on the charities around the United States.

The mechanics of charitable giving have also evolved with these massive technological advances. “Giving days, online contributions, crowdfunding, social media fundraising, ice-bucket challenges and texted disaster-relief support — had yet to be imagined.” Indeed – in 2019 – “technology drives the nonprofit sector.”

In recent years, there have been discussions and efforts to come to grips with the implications of all these changes and to “re-think many aspects of the relationship between donors and the organizations they support.” Government regulators and lawmakers have raced to keep up with the rapid innovations primarily, though not entirely, brought about by technology. For instance, in our recent post, *Charitable Online Giving: Cal AG’s New Guide* (September 17, 2019), we focused on the important new advice and rules published by the Golden State’s Attorney General. That document builds on the tried and true, traditional, ethical principles recognized over the decades in the philanthropy world.

Similarly, when the AFP and its partners created an updated document to reflect the 2019 world, it built upon its original Donor Bill of Rights. (For that reason, we’ve included the text of both documents in full here.)

The recently published eDonor Bill of Rights relates to the 1993 guide but “was created to address concerns and challenges arising from Internet charitable giving.”

The original ten “best practices” were designed to “ensure donor awareness of the responsibilities that a charity has to its donors, and the expectations that donors should have of charities when making a charitable gift.”

The new document affirms that the internet “holds great potential as a charitable giving tool,” but

also holds certain dangers – “both for the donor and the charity” – that can and must be addressed. “In addition to the rights outlined in the 1993 Donor Bill of Rights, online donors should demand the following of their online solicitors:

- To be clearly and immediately informed of the organization’s name, identity, nonprofit or for-profit status, its mission, and purpose when first accessing the organization’s website.
- To have easy and clear access to alternative contact information other than through the website or email.
- To be assured that all third-party logos, trademarks, trustmarks and other identifying, sponsoring, and/or endorsing symbols displayed on the website are accurate, justified, up-to-date, and clearly explained.
- To be informed of whether or not a contribution entitles the donor to a tax deduction, and of all limits on such deduction based on applicable laws.
- To be assured that all online transactions and contributions occur through a safe, private, and secure system that protects the donor’s personal information.
- To be clearly informed if a contribution goes directly to the intended charity, or is held by or transferred through a third party.
- To have easy and clear access to an organization’s privacy policy posted on its website and be clearly and unambiguously informed about what information an organization is gathering about the donor and how that information will be used.
- To be clearly informed of opportunities to opt-out of data lists that are sold, shared, rented, or transferred to other organizations.
- To not receive unsolicited communications or solicitations unless the donor has “opted-in” to receive such materials.

Conclusion

Of course, because of the rapid rate of technological changes, “best practices are still being identified.” Any new publication like this necessarily may leave open or a bit fuzzy some of the many new issues raised by online giving, and we can expect changes and revisions to this eDonor Bill of Rights and other documents (like the California AG’s Online Charitable Giving Guide) over time.