

Volume 6, Issue 8

Originally Published
April 21, 2011

Nonprofit Strategies



SAN LUIS OBISPO COUNTY COMMUNITY FOUNDATION

Be careful with Facebook

By Barry VanderKelen

Utilizing social media, such as Facebook, is one of many ways nonprofits can connect with prospective volunteers and donors on the Internet. What liability do organizations incur when they use these tools?

One frequent violation is posting someone's photograph without permission, according to June McIvor of the San Luis Obispo law firm Sinsheimer, Juhnke, Lebens & McIvor.

"Under California's right of publicity statute, no one can use the name or likeness of another for the purpose of advertising, selling or soliciting purchases of goods or services without that person's prior consent," McIvor explains.

Events are marketing activities, and every organization wants to

show that people enjoy attending their events. Ideally, even more people will attend the next one. Crowd shots are allowed. However, when individuals or small groups in photographs can be identifiable, the organization may be violating the law.

"The purpose of the right to publicity laws is to allow persons to control the commercialization of their name and image," McIvor said.

"Individuals have the right to choose what marketing campaigns they wish to be a part of or which nonprofits to align themselves with."

Does this mean every person who attends an event must sign a release form?

Not necessarily. "Permission can be given by adequate notice," McIvor explained. "Including language on the back of event

tickets can be effective. Or the language can be on the order form if all attendees must order tickets."

"People may be supportive of an organization's mission but may not be prepared to become publicly associated with the organization by having their photographs posted on the group's social media sites," McIvor said.

Giving notice in advance enables people to decide to attend knowing their image might be used by the organization for marketing purposes. Respect your guests by protecting their rights.

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Resource Use

- Support nonprofit leadership
- Board development/training
- Strategic planning

Nonprofit Business Column of *The Tribune*

Barry VanderKelen, Executive Director of the San Luis Obispo County Community Foundation writes a bi-weekly column to help strengthen nonprofit organizations in the community.

The Tribune publishes the column every other week in the Business section.

Each column is reprinted as a one-page handout for use by local organizations. Barry can be reached at 543-2323 or by e-mail at barry@slocf.org.