

## Minutes for the 2000 USMS Convention

**Committee Name:** Legal Counselors      **Committee Session:** 1

**Day and Date of Meeting:** Thursday, October 12

### No Action Items

**Attendance:** See attached.

Number of committee members present: 10    Number of committee members absent: 2

Total number of delegates attending the meeting: 24

### Minutes

I. Privacy Policies/Issues. The Committee addressed two issues with respect to privacy. First, the Committee drafted a privacy policy for the organization that reflects current privacy policies (that is, USMS's existing practices regarding collection and dissemination of personal data). The privacy policy also sets forth how members can opt out of current distribution practices or change personal information that is incorrect. (This statement will be distributed later at the convention). Second, the Committee outlined additional privacy issues that it will consider in the upcoming year. These issues are ones that the Committee or USMS members believe should be changed or reconsidered or issues on which USMS has not yet formulated an official policy. The issues to be considered include (1) the distribution of personal information through Records and Tabulation, including the questions whether releases should be obtained from swimmers whose biographies appear on our web site and whether members' birth dates should be published on the web site; (2) whether the Committee should craft and publish privacy guidelines or policies for LMSCs or Clubs; and (3) analysis of USMS's opt-out mechanism for those members who do not wish to have personal information distributed. Rick Harris and Jack Geoghegan will lead the research into these matters in this next year.

II. Electronic Records & Signature in Commerce: The Committee discussed the question whether the E-Sign bill can be applied to USMS meet registration, USMS membership renewal and initial membership registration in the near future. The new federal law raises questions of preemption of governing state law, issues of compliance regarding formation of an electronic signature, recordkeeping, and notice to our members/consumers, among others. The Committee will seek a formal legal opinion from our insurers/underwriters as to the ramifications and applications of this law. After obtaining that opinion, the Committee will then formulate proposed procedures and policy issues that USMS will need to consider. Final resolution of the policy issues will necessarily involve input and significant contributions from other USMS Committees (i.e., Championship, Computer On-Line, Insurance, Registration, etc.).

III. New Business: Mike Laux will review and provide comment on the final version of the manual currently being written by our Safety Education Committee in conjunction with Jeanne Crouse and our insurers.

### Tasks for Upcoming Year:

\*1. The Committee will review the organization's existing privacy policies and make recommendations as warranted.

\*2. The Committee will research the federal E-Sign law, working with our insurers, and will make procedural and other recommendations as warranted.

\*3. The Committee will review and provide comment on the Safety Education manual currently in process.