Ulyx Advisory

MODPA READINESS · NONPROFITS & ASSOCIATIONS

Maryland Online Data Privacy Act · 24-point self-check for nonprofits and associations

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Twenty-four things a Maryland nonprofit or association should be able to show a regulator, with a document, before April 1, 2027.

Unlike most state privacy laws, MODPA has no general nonprofit exemption, and its threshold counts every donor, member, volunteer, program participant and registrant in your systems. Whether it applies to your organization is your counsel's determination. This edition covers the evidence a covered nonprofit needs, function by function. Check an item only if you could hand over the document today.

1 KNOW WHAT YOU HOLD

- ☐ Your count of Maryland consumers across every system: donors, members, volunteers, program participants, event registrants and subscribers. Staff acting in a work role fall outside it; donors and members do not.
- ☐ A data map by function (development, membership, programs and services, events, communications, finance): what each holds, where it lives, and why.
- ☐ A written answer on any exemption you rely on, such as HIPAA- or GLBA-covered data or a narrow nonprofit carve-out (counsel confirms).
- ☐ A retention schedule staff follow, covering lapsed donors and members, past event lists, old volunteer applications and program intake files.

2 PROTECT SENSITIVE DATA AND MINORS

- ☐ Sensitive data flagged: health and disability details, religious affiliation, race, ethnicity, citizenship or immigration status, sexual orientation, precise location, and data on children under 13.
- ☐ Sensitive data collected only where strictly necessary for the service the person asked for, especially intake forms in health, social-service and faith-based programs.
- ☐ No sale and no targeted advertising involving anyone you know, or should know, is under 18, including youth program participants. Consent does not cure it.
- ☐ Confirmation that no sensitive data is sold or traded for value, with or without consent.

3 REVIEW FUNDRAISING AND MEMBERSHIP

- ☐ Prospect research and wealth screening documented: what goes to the vendor, what comes back, and the assessment counsel requires for profiling.
- ☐ Every exchange of donor or member data for money or value identified: list rentals and swaps, data co-ops, sponsor, affinity and member-benefit deals.
- ☐ Tracking pixels and ad tags on donation, membership and event pages inventoried, and Global Privacy Control honored and tested.
- ☐ Member directories, attendee lists and shared rosters reviewed: who sees them, what is shared, and how a person opts out.

4 CONTROL VENDORS AND TOOLS

- ☐ A vendor register: donor CRM or association management system, payments, email and texting, events and ticketing, volunteer, grants and case-management tools, and the data each receives.
- ☐ A written contract on file for each processor, with privacy, breach-notice and deletion terms your counsel has reviewed.
- ☐ An approval step before staff or volunteers put donor, member or client data into a new app or AI tool, including AI fundraising and writing tools.
- ☐ Security safeguards documented and an incident plan tested, including Maryland breach-notice steps and any funder reporting duties.

5 ANSWER DONOR AND MEMBER REQUESTS

- ☐ One intake channel for access, correction, deletion and export requests, with a named owner who can reach every system.
- ☐ A request log that tracks the 45-day response clock, the one 45-day extension and the 60-day appeal window.
- ☐ A suppression step so a deleted or opted-out person is not reloaded by a list import, event platform or data append.
- ☐ A privacy notice that covers giving, membership, programs, events and the website, with working opt-outs (counsel approves the text).

6 GOVERN THE PROGRAM

- ☐ A named privacy owner with time for it (often the COO, finance director or development operations lead) and a small cross-team working group.
- ☐ Data protection assessments on file for targeted advertising, sale, profiling and sensitive data, covering each algorithm or AI tool used.
- ☐ Training for development, membership, program and volunteer-management staff, with completion records.
- ☐ A board briefing: the audit, finance or risk committee has seen the gap list and the April 1, 2027 plan.

The Short Version

THREE DATES

Oct 1, 2025 — MODPA took effect
Apr 1, 2026 — Attorney General enforcement began
Apr 1, 2027 — 60-day cure period ends; after this the AG can act without notice

WHY NONPROFITS ARE COVERED

Nonprofits are **not exempt**. The **35,000**-consumer threshold counts every Maryland donor, member, volunteer, participant and registrant you hold, so many mid-sized organizations reach it on fundraising and membership records alone. Your counsel makes the call.

WHAT IS DIFFERENT FOR NONPROFITS

List rentals and swaps can be a **sale**. Prospect research and donor scoring can be **profiling**. Intake data in health, social-service and faith programs is often **sensitive data**, which Maryland allows only when strictly necessary and bars you from selling.

EXPOSURE

Up to **$10,000** per violation and **$25,000** per repeat violation under the Consumer Protection Act. No private lawsuits.

HOW TO SCORE

0–4 unchecked: confirm with counsel and keep records current.
5–12: a two-week Readiness Snapshot ($4,500) maps the gaps and routes the legal questions to counsel.
13+: the six-week Readiness Program builds the workflows, opt-outs and assessments.

SECTOR EDITIONS

This is the nonprofit and association edition of the 24-point Ulyx checklist. Also free at **ulyxadvisory.com/modpa**: general, independent schools, medical & dental. The youth programs & ed-tech edition is coming soon. Privacy counsel and IT partners are welcome to share any edition with clients.

NEXT STEP

Book a 30-minute call:
ulyxadvisory.com/book

WHO DOES WHAT

Ulyx builds the inventories, registers, workflows and assessment files. Your counsel decides whether the law applies, what the notice says, and whether the assessments are sufficient.

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