



To: Members of the Kansas House Judiciary Committee

From: Steven Greene, Philanthropy Roundtable

Re: Philanthropy Roundtable Proponent Testimony for House Bill 2495 Charity Privacy Act

Date: January 25, 2022

Chairman Patton and members of the committee:

Thank you for the opportunity to offer proponent testimony on House Bill 2495 Charity Privacy Act. My name is Steve Greene and I am testifying on behalf of the Philanthropy Roundtable.

Founded in 1991, the Philanthropy Roundtable's mission is to foster excellence in philanthropy, protect philanthropic freedom, and help donors advance liberty, opportunity, and personal responsibility. Today, the Philanthropy Roundtable has around 600 active members consisting of wealth creators, private foundations, community foundations, and family foundations nationwide, including right here in Kansas.

HB 2495 would help to strengthen the vitality and breadth of civil society in the state. It would uphold a key pillar of philanthropic giving, the right of charitable donors to keep their giving private if they wish. There are a myriad of reasons Kansans may choose to keep their donations private including, but not limited to privacy concerns, religious convictions, and fear of harassment or retaliation.

In a survey from 2021, nearly 70 percent of Americans indicated that privacy concerns are important to them when making charitable donations.¹ Freedom of religion, freedom of speech, and freedom of association are hallmarks of America.

Many donors also wish to remain anonymous due to religious convictions. In the gospel of Matthew, it is stated "Be careful not to practice your righteousness in front of others to be seen by them."²

Hinduism and Islam encourage anonymous giving as well. Maimonides, a Jewish scholar, taught that the second and third highest forms of charity are to give anonymously.³ Forcing disclosure would chill giving in faith-based communities.

As mentioned earlier, fear of harassment or retaliation is a reason why many choose to give anonymously. The right to give and associate privately has been upheld several times by the Supreme Court, including in last summer's Americans for Prosperity Foundation case and in the 1958 NAACP v. Alabama case. In 1958, the Supreme Court ruled that the State of Alabama could not force the NAACP to turn over its members and donors without violating the First Amendment.

Kansans have proven their generosity time and time again. Last year, [two anonymous donors](#) contributed just under \$100,000 to help 430 families pay off their medical debt at Pratt Regional Medical Center.⁴ Kansas City Chiefs player Tyrann Mathieu is a longtime PETA supporter. An [anonymous fan](#) pledged to donate \$100,000 to PETA if Mathieu picked off a pass in the 2021 Super Bowl – he did.⁵ And just this past year, Washburn University received a 10.2 million [anonymous donation](#).⁶

This is just some of the generosity shown by Kansans. Many philanthropists nationwide also prefer to give anonymously so the attention may be focused on the cause and not themselves, as is the case with [Laurene Powell Jobs](#), the widow of Steve Jobs. She funds and invests in many different projects in the environment, education, and immigration reform space, just to name a few.⁷

Without the protections of House Bill 2495, organizations will be at risk of violating the privacy of their donors. The bill prohibits public agencies from disclosing or releasing personal information about membership, volunteers, and financial and non-financial donors of nonprofit organizations, except as required by law. It would also protect individuals who volunteer or give to causes they care about from having their personal information publicly disclosed on a government list.

America has an independent and robust civil society unlike that of any other nation. It is composed of a vast network that includes poverty-relief groups, business and labor organizations, faith communities, cultural and educational institutions, and countless other entities both formal and informal, devoted to a wide range of interests. The vitality of civil society is the long-accepted norm that anonymous giving for philanthropic and civic purposes, and that norm should be protected in all but a very few narrow circumstances.

Every American has the fundamental right to support the causes and organizations they believe in without fear of violence, harassment, or intimidation. I encourage you to advance HB 2495. Thank you for your time today and I am happy to answer any questions.

¹ See *BBB Wise Giving Alliance Poll Shows Donors Concerned About Data Privacy*, BBB WISE GIVING ALLIANCE (Jan. 20, 2022), <https://www.give.org/news-and-updates-new/2022/01/20/bbbwise-giving-alliance-poll-shows-donors-concerned-about-data-privacy>.

² Gospel of Matthew 6:1

³ *Charity (Tzedakah): Eight Levels of Charitable Giving*, Jewish Virtual Library, A Project of AICE (Jan. 21, 2022), <https://www.jewishvirtuallibrary.org/eight-levels-of-charitable-giving>

⁴ *Anonymous donors pay off medical bills, assisting 430 Kansas families*, KIRO7 (Jan. 20, 2022), <https://www.kiro7.com/news/trending/anonymous-donors-pay-off-medical-bills-assisting-430-kansas-families/YCKGWAYQWNB73CE665EJCSEM2E/>

⁵ *Tyrann Mathieu interception in Super Bowl means \$100,000 donation for PETA*, FOX4 (Jan. 20, 2022), <https://fox4kc.com/sports/chiefs/tyrann-mathieu-interception-means-100000-donation-for-peta/>

⁶ *Washburn University receives largest anonymous donation in history*, WIBW (Jan. 20, 2022), <https://www.wibw.com/2021/07/07/washburn-university-receives-largest-anonymous-donation-history/>

⁷ *The Quest of Laurene Powell Jobs*, Washington Post (Jan. 21, 2022), https://www.washingtonpost.com/news/style/wp/2018/06/11/feature/the-quest-of-laurene-powell-jobs/?noredirect=on&utm_term=.f96dbac19f78