Privacy Matters

**Private Club Websites**
**by Jackie Abrams, Communications Manager**

In the digital era, websites are often the primary source of information about almost any organization. Most businesses use their websites to sell products or services. However, private clubs are not like traditional businesses open to the public, and their websites need to reflect that difference.

**Privacy Matters**

Private status is one of the elements that make private clubs truly unique. When clubs advertise in any form, it can put their private status at risk. In order to protect their privacy, clubs should be very careful not to market or advertise club services, facility use or membership to the public.

The courts have identified key indicia for maintaining a club’s private status that are not very forgiving when it comes to advertising. Clubs derive their private status from the fact that they exist for the sake of their members’ social and recreational use of the facilities. Also a factor in determining private status is the right to exclusive association. When courts try to determine whether a club is truly private, they look to the degree of exclusivity and nonmember use of facilities.

Awareness advertising that is available to the public on websites can be construed by the courts as advertising to nonmembers. Thus, the sections of the club’s website that are available to the public should not include information that could be seen as promoting the club’s offerings or services. All information about almost any organization. Most businesses use their websites to sell products or services. However, private clubs are not like traditional businesses open to the public, and their websites need to reflect that difference.

**The Club Website**

The club website should be seen as an extension of the club itself. Just as a private club does not allow unaccompanied visitors to explore the clubhouse or its facilities, the club’s website should present a very limited view of the club to the public and nonmembers, reserving the majority of the club’s website content and features for the private, members-only, password-protected portion of the site. This way, the club maintains a clear separation between its members and the rest of the public at large.

To avoid challenges to private status, it is recommended that private clubs avoid:

- Advertising membership to the general public
- Encouraging applications for membership from the general public
- Extending an open invitation for anyone to visit the club
- Promoting the use of club facilities for rentals or special events to the public
- Providing information concerning the club’s activities or membership to the public
- Publicizing the member activity calendar or dining menus to nonmembers (club calendars and menus should only be accessible from the private side of the website)

For additional information about maintaining your club’s private status, see The Legal Reference Guide for Private Clubs and Private and Tax-Exempt Status.

Jackie Abrams is NCA’s communications manager.

**Ask The Experts**

Have a question you’d like to ask one of our experts? Please submit it below.

Name:
Taking Out Food Means Taking on Risks

The private club industry is changing with the times—embracing new members and new trends to help clubs stay relevant and competitive in the future. Unfortunately, some of these changes and new programs endanger one of the things that many private clubs value—their tax-exempt status.