Data Privacy, The Library, and You

Becky Yoose
Library Data Privacy Consultant, LDH Consulting Services
Data Privacy Best Practices Training for Libraries
March 2021
Week 1

Pacific Library Partnership

This project was supported in whole or in part by the U.S. Institute of Museum and Library Services under the provisions of the Library Services and Technology Act, administered in California by the State Librarian. The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Institute of Museum and Library Services or the California State Library, and no official endorsement by the U.S. Institute of Museum and Library Services or the California State Library should be inferred.

INSTITUTE *of* **Museum**and**Library** SERVICES

Today's Schedule

10:00 – 10:20	Welcome and course housekeeping
10:20 – 10:45	Training
10:45 – 10:50	Break
10:50 – 11:25	Training
11:25 – 11:30	Wrap up

Series Housekeeping – Expectations

Online Sessions
- 90 minutes/week for 4 weeks
- Lecture
- Small and large group discussions
- Exercises

Homework/Basecamp
- 30 to 60 minutes/week
- Readings
- Discussions on Basecamp
- Exercises

Series Housekeeping – Guidelines

- When you disagree, challenge or criticize the idea, not the person.
- Speak from your own perspective.
- Be mindful of the time.
- One speaker at a time.
- What is said in this space, stays in this space unless you have permission.

Series Housekeeping - Outline

Week One (this week!)
- Privacy & library data primer
- Current/evergreen privacy issues

Week Two
- Developing library privacy training
- Supporting staff outside training

Week Three
- Privacy risk assessment
- Vendor relations
- Patrons and privacy

Week Four
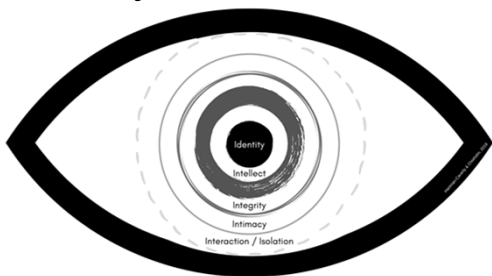- Creating a culture of privacy
- Keeping up with updates
- Action planning!

Introduce Yourself!

1. Name
2. Job title and where you work

_____

_____

_____

_____

_____

_____

_____

1. Starting From The Top – Privacy Fundamentals

_____

_____

_____

_____

_____

_____

_____

_____

What Is Privacy?

_____

_____

_____

_____

_____

_____

_____

General Legal and Standards Overview

- "The Right to Privacy" (1890)
  - "the right to be let alone"
- US Legal Regulations & Caselaw
  - Fourth Amendment
  - Katz v. United States (1967)
  - PATRIOT Act, Freedom Act
- Privacy frameworks
  - FTC Fair Information Practice (FIPs) and Fair Information Practice Principles (FIPPs)
  - OECD Privacy Guidelines

Privacy and Libraries

- ALA Code of Ethics excerpt:
  - "3. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted."
- ALA Library Bill of Rights, Article VII
  - "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information."

Privacy

Security

Notice
Choice/Consent

Confidentiality
Use
Access

Integrity
Availability
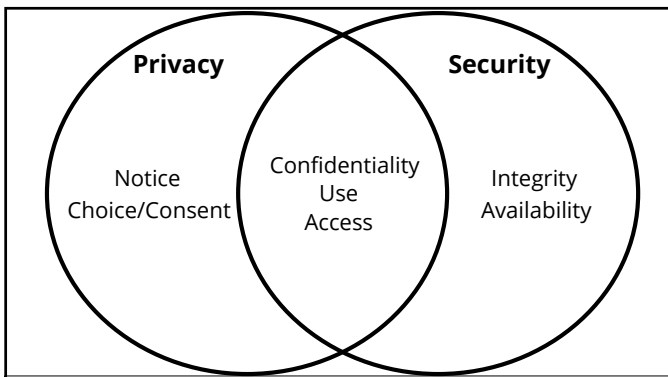
What is Data?

Definition of _data_

1 : factual information (such as measurements or statistics) used as a basis for reasoning, discussion, or calculation

   // the _data_ is plentiful and easily available
   — H. A. Gleason, Jr.

   // comprehensive _data_ on economic growth have been published
   — N. H. Jacoby

2 : information in digital form that can be transmitted or processed

3 : information output by a sensing device or organ that includes both useful and irrelevant or redundant information and must be processed to be meaningful

---

We create data. | We are data.

Discussion – Data, Data, Everywhere…

## 2. Library Patron Data Privacy Fundamentals

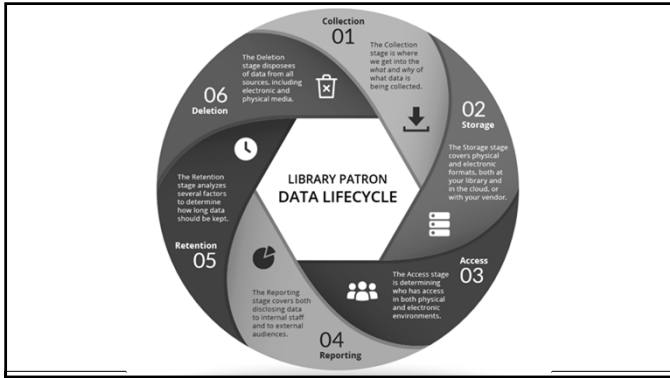## Personally Identifiable Information [PII] In Libraries

PII 1 - Data about a patron

- Name
- Physical/email address
- Phone number
- Date of birth
- Patron record number
- Library barcode

PII 2 - Activity that can be tied back to a patron

- Search & circulation histories
- Computer/wifi sessions
- Reference questions
- Electronic resource access
- IP Address
- Program attendance
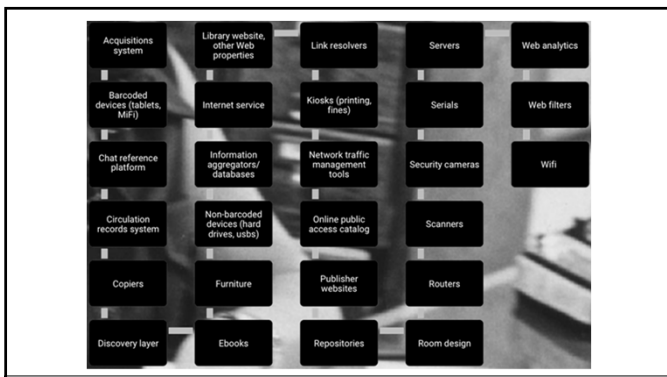
What Affects Library Data Privacy?

- Legal regulations
  - Federal
  - State
  - Local
- Industry standards
  - FIPPs
  - OECD Privacy Principles
  - NIST/ISO

- Professional standards/ethics
  - ALA Bill of Rights and Code of Ethics
  - IFLA
  - State, consortia, regional orgs
- Third parties/vendors
- Technology
- Organizational culture, resources, and priorities

---

3. Current/Evergreen Patron Data Privacy Topics

Shifts to Virtual-First Services and Work

Working from Home
- Device security
- Network security
- Data storage and access
- Increased reliance on third party systems and applications to work with patron data

Virtual Patron Services/Programs
- Web conferencing platforms
- Can we guarantee the same level of privacy as the physical equivalent of the program/service?
- Privacy and security
  - Recordings
  - Data exhaust
  - Zoombombings

Discussion – Your experiences with shifting to virtual

Library Surveillance of Patrons

Library Security
- Security incident databases
- Shift logs
- Security cameras
- Body cameras on security staff/police

Vendor Tracking
- Web analytics
- Data from library vs data from patron
- Behavioral tracking
  - Cross-site
  - Social media
- Marketing and data disclosure/reselling

Library Data Analytics and Marketing
- Patron profile of use of library
- Use of external data sets to create segments
- Primary use of data vs secondary use
- Patron expectations

Patron Data Requests/Access

Law Enforcement
- Legal regulations around access
- Policy and procedure
- Court-issued order vs administrative orders
- "Being a helpful citizen" or other factors around interacting with LEOs

Other Patrons
- Parents, guardians, and custodians
- Authorized users
- Social workers/Case workers

Library Workers, Volunteers, Affiliates
- Who has access to what data
- When it is appropriate to access, use, and disclose patron data
- **Insider threat happens in libraries, too**

Exercise – What keeps you up at night?

Specific Privacy Risks for Patron Groups

- Minors
- Seniors
- Insecurely housed
- Incarcerated persons
- Researchers/journalists
- Students
- LGBTQIA+
- BIPOC
- Patrons with disabilities
- Immigrants and undocumented persons
- Patrons currently in or escaping abusive situations or harassment

Questions and Open Discussion

_____

_____

_____

_____

_____

_____

_____

Wrap Up

_____

_____

_____

_____

_____

_____

_____

Next Week

Week Two - Data Privacy Training at Your Library
• March 10th, 10 am – 11:30 am
• Register at https://www.plpinfo.org/event/data-privacy-training-at-your-library/

Week One Activities/Reading
• Readings – Toolkit Sections 1, 2 (up to page 13), 6
• Exercises on Basecamp

_____

_____

_____

_____

_____

_____

_____

Thank you

:-)

Becky Yoose
Library Data Privacy Consultant
LDH Consulting Services

Email:
becky@ldhconsultingservices.com

LDH
Consulting
Services

Resources and Further Reading

- "California Goverment Code § 6254. Records Exempt from Disclosure Requirements." https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6254.&lawCode=GOV.
- "California Government Code § 6267. Registration and Circulation Records of Library Supported by Public Funds." https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6267.&lawCode=GOV.
- Chisholm, Alexandria Edyn, and Sarah Hartman-Caverly. 2020. "Privacy Literacy Instruction Practices in Academic Libraries." https://scholarsphere.psu.edu/resources/6e465f98-fc36-478e-bba5-3f29c52a7632.
- "Data Privacy Project." https://dataprivacyproject.org/.

Resources and Further Reading (con't)

- "Fourth Amendment." n.d. Legal Information Institute. Accessed February 23, 2021. https://www.law.cornell.edu/wex/fourth_amendment.
- Frické, Martin. 2009. "The Knowledge Pyramid: A Critique of the DIKW Hierarchy." *Journal of Information Science* 35 (2): 131–42. https://doi.org/10.1177/0165551508094050.
- Tokson, Matthew. 2016. "Knowledge and Fourth Amendment Privacy." *NORTHWESTERN UNIVERSITY LAW REVIEW*, 66.
- Weinberger, David. 2010. "The Problem with the Data-Information-Knowledge-Wisdom Hierarchy." *Harvard Business Review*, February 2, 2010. https://hbr.org/2010/02/data-is-to-info-as-info-is-not.

Additional bibliographies and resources can be found in the Toolkit and training resources at the https://www.plpinfo.org/dataprivacytoolkit/.