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

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

<table>
<thead>
<tr>
<th>Online Sessions</th>
<th>Homework/Basecamp</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 90 minutes/week for 4 weeks</td>
<td>• 30 to 60 minutes/week</td>
</tr>
<tr>
<td>• Lecture</td>
<td>• Readings</td>
</tr>
<tr>
<td>• Small and large group discussions</td>
<td>• Discussions on Basecamp</td>
</tr>
<tr>
<td>• Exercises</td>
<td>• Exercises</td>
</tr>
</tbody>
</table>

## 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

<table>
<thead>
<tr>
<th>Week One (this week!)</th>
<th>Week Three</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Privacy &amp; library data primer</td>
<td>• Privacy risk assessment</td>
</tr>
<tr>
<td>• Current/evergreen privacy issues</td>
<td>• Vendor relations</td>
</tr>
<tr>
<td></td>
<td>• Patrons and privacy</td>
</tr>
<tr>
<td>Week Two</td>
<td>Week Four</td>
</tr>
<tr>
<td>• Developing library privacy training</td>
<td>• Creating a culture of privacy</td>
</tr>
<tr>
<td>• Supporting staff outside training</td>
<td>• Keeping up with updates</td>
</tr>
<tr>
<td></td>
<td>• Action planning!</td>
</tr>
</tbody>
</table>

Data Privacy Best Practices Training
Week 1 - March 2021
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.”

![Venn Diagram: Privacy and Security](image)
What is Data?

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

<table>
<thead>
<tr>
<th>Law Enforcement</th>
<th>Other Patrons</th>
<th>Library Workers, Volunteers, Affiliates</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Legal regulations around access</td>
<td>• Parents, guardians, and custodians</td>
<td>• Who has access to what data</td>
</tr>
<tr>
<td>• Policy and procedure</td>
<td>• Authorized users</td>
<td>• When it is appropriate to access, use, and disclose patron data</td>
</tr>
<tr>
<td>• Court-issued order vs administrative orders</td>
<td>• Social workers/Case workers</td>
<td>• Insider threat happens in libraries, too</td>
</tr>
<tr>
<td>• “Being a helpful citizen” or other factors around</td>
<td></td>
<td></td>
</tr>
<tr>
<td>interacting with LEOs</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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/](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
Resources and Further Reading

  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.

  https://scholarsphere.psu.edu/resources/6e465f98-fc36-478e-bba5-3f29c52a7632.


Resources and Further Reading (con’t)

  https://www.law.cornell.edu/wex/fourth_amendment.


• Tokson, Matthew. 2016. “Knowledge and Fourth Amendment Privacy.”
  NORTHWESTERN UNIVERSITY LAW REVIEW, 66.


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