



# Mobile Devices & Privacy, A Conversation

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## What is BYOD?

BYOD stands for **Bring Your Own Device**. It is when employees are allowed or encouraged to use their personal mobile devices, including notebooks, phones, and tablets, for work (either on site or off). The term first appeared in 2009 via Intel<sup>1</sup>, but only gained widespread use in later years as other companies began discussing their employees using personal devices at work. In 2012, the EEOC adopted a BYOD policy, ushering the era of this practice in government organizations<sup>2</sup>. Even the White House has a BYOD policy at this point<sup>3</sup>.

According to Tech Pro Research, 74% of organizations either already using or planning to allow employees to bring their own device to work."<sup>4</sup>

## Why Should You Care?

Research has shown that even if you are not participating formally in BYOD, it is likely that your employees are likely already using these devices to do work. Think about your own device usage—do you use your phone to make business calls, send e-mails, or post to social media for your job? When you are at the NJLA conference or an event like today's TechFest, are you taking notes, posting, answering e-mail? If you said yes, you BYOD.

In NJ, BYOD has serious implication for both employers and employees because of the Open Public Records Act. The recent 'Bridgewater' scandal involving Governor Christie's aids sending e-mails about closing of the bridge entrance has highlighted this concern of BYOD<sup>5</sup>. Forbes recently reported<sup>6</sup>:

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<sup>1</sup> Mobile: Learn from Intel's CISO on Securing Employee-Owned Devices. (n.d.). Retrieved January 14, 2015, from [www.GovInfoSecurity.com](http://www.GovInfoSecurity.com)

<sup>2</sup> Blake Johnson, N. (2013, January 7). BlackBerry Strategizes For More U.S. Government Clients. Retrieved January 12, 2015, from <http://www.defensenews.com/article/20130107/DEFBEAT02/301070014/BlackBerry-Strategizes-More-U-S-Government-Clients>

<sup>3</sup> Digital Services Advisory Group and Federal Chief Information Officers Council. (2012, August 23). Bring Your Own Device. Retrieved January 10, 2015, from <http://www.whitehouse.gov/digitalgov/bring-your-own-device>

<sup>4</sup> Hammond, T. (2015, January 5). Research: 74 percent using or adopting BYOD. Retrieved January 10, 2015, from <http://www.zdnet.com/article/research-74-percent-using-or-adopting-byod/>

<sup>5</sup> Cohen, R. (2014, January 9). Six Lessons for Non Profits from Chris Christie's Bridgewater Scandal. Retrieved January 10, 2015, from <https://nonprofitquarterly.org/policysocial-context/23511-six-lessons-for-nonprofits-from-chris-christie-s-bridgewater-scandal.html>

<sup>6</sup> EMC Voice. (2014, June 25). The Tech Trends Making Government Smarter. *Forbes*.

“One thing Gartner emphasizes is the importance of realistic public-sector BYOD policies. The report states, “Government IT organizations may have an illusion of control by either providing and managing those devices or issuing well-articulated policies to allow and manage employee-owned devices. However, the reality is that employees...can decide how much they want to use corporate information and applications versus personal information and applications.” ***Gryth adds that BYOD can be even more contentious in government offices because employees’ work devices are subject to public records requests.***”

## **What about Privacy? Employee? Patron?**

As we move to a mobile world, we are outsourcing more and more library functions to third party vendors—think Overdrive or Zinio. When an employee, or patron, is using their own device are you making it known that they are being tracked by a third party? Does that party sell the information? Are you using “free tools” such as Google products? Have you made the privacy issues clear to your employees?

### **Resources for Further Research:**

**NJ State OPRA Information:** <http://nj.gov/opra/>

quick guide: [http://www.nj.gov/grc/public/docs/Citizen's%20Guide%20to%20OPRA%20\(July%202011\).pdf](http://www.nj.gov/grc/public/docs/Citizen's%20Guide%20to%20OPRA%20(July%202011).pdf)

exemptions to OPRA: <http://www.nj.gov/grc/public/eoexempt/>

**IBM:** IBM has a nice summary of what BYOD is, what the risks are, and some considerations when creating a policy. Full disclosure, they do sell an Enterprise Product for helping employers to manage BYOD. <http://www.ibm.com/mobilefirst/us/en/bring-your-own-device/byod.html>

**IT Manager Daily:** A very broadly drawn policy template. <http://www.itmanagerdaily.com/byod-policy-template/>

**Tech Republic:** Another template for policy. <http://www.techrepublic.com/blog/it-consultant/learn-byod-policy-best-practices-from-templates/>

**The White House:** commentary on best practices, crafting a policy, considerations for security and privacy. <http://www.whitehouse.gov/digitalgov/bring-your-own-device>

**American Bar Association:** Discussion of Employee Rights vs Employer Needs/Concerns and Rights. [http://www.americanbar.org/news/abanews/aba-news-archives/2014/08/collision\\_courseahe.html](http://www.americanbar.org/news/abanews/aba-news-archives/2014/08/collision_courseahe.html)

**California Case Law:** This case may (or may not) completely change the BYOD landscape. <http://www.computerworld.com/article/2599121/byod/california-cell-phone-ruling-poses-big-byod-challenge.html>

**Privacy Rights Clearinghouse:** Workplace Privacy and Employee Monitoring <https://www.privacyrights.org/workplace-privacy-and-employee-monitoring>

**ACLU Position on Privacy & Technology:** <https://www.aclu.org/issues/privacy-technology> This is a terrific general overview of privacy issues facing humans today, what our rights are in the US, and how to manage these issues. <https://www.aclu.org/blog/librarians-privacy> this is specifically for librarians!

**Public Libraries Online:** <http://publiclibrariesonline.org/2013/06/is-your-library-ready-for-byod/>

**Disruptive Library Technology Jester:** <http://dltj.org/article/advancing-patron-privacy-with-shared-understanding/> This is a fantastic blog post on how to protect patron privacy while using third-party vendors.

**Library Freedom Project:** <https://libraryfreedomproject.org/author/nerdison/> <http://boingboing.net/2014/09/13/radical-librarianship-how-nin.html>