



Privacy Please!

Privacy Concerns in a Post Pandemic Library

Eileen M. Palmer, LMxAC, empalmer@lmxac.org

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Agenda

- ▶ Privacy vs. Confidentiality
- ▶ What Does The Law Say?
- ▶ Pandemics Change Everything, Right?
- ▶ Privacy Audits
- ▶ Virtual Programming



Professional Values:

ALA: All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. When users recognize or fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists.

NJLA Core Values: Privacy and confidentiality: we protect the right to open inquiry without having an interest examined or scrutinized, and we keep personally identifiable information private on behalf of all users.

NJ Law: Library records which contain the names or other personally identifying details regarding the users of libraries are confidential and shall not be disclosed...



**OH, YOU'RE CONCERNED
ABOUT YOUR PRIVACY?**

**TELL ME MORE ABOUT ALL OF THE
PRIVACY POLICIES AND
TERMS & CONDITIONS YOU'VE
ACTUALLY READ THROUGH**

Privacy vs. Confidentiality

- ▶ Privacy is about people
 - ▶ In a library, the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others.
 - ▶ Libraries are public places but we try to protect the privacy of inquiry
 - ▶ But there is no law protecting the privacy of people in a public building
- ▶ Confidentiality is about data
 - ▶ Extension of privacy to protect identifiable data
 - ▶ The law **MAY** protect data you provide to others (doctors, grocery stores, credit card companies and, yes, libraries).
- ▶ NJ has no comprehensive data privacy laws but we do have laws relating to confidentiality – including the confidentiality of library records.

State Laws

- ▶ New Jersey Library Confidentiality Law – What is it?
 - ▶ Library records which contain the names or other personally identifying details regarding the users of libraries are confidential and shall not be disclosed except in the following circumstances:
 - ▶ a. The records are necessary for the proper operation of the library;
 - ▶ b. Disclosure is requested by the user; or
 - ▶ c. Disclosure is required pursuant to a subpoena issued by a court or court order.
- ▶ New Jersey Data Privacy Law – Where Is It?
 - ▶ <https://medium.com/golden-data/new-jersey-privacy-hindsight-is-2021-7aa1d29af258>

Federal Laws

- ▶ No general federal data privacy law
- ▶ Sector specific privacy laws exist (for example in health care, finance and telecommunications)
- ▶ Children are protected through the Children's Online Privacy Protection Act (COPPA)
 - ▶ COPPA places parents in control over what information is collected from their young children online (under 13). The general advice to libraries is that they should comply with COPPA.

General Data Protection Regulation (GDPR)

- ▶ GDP is a set of guidelines for collecting PII from people who live within the European Union (EU). It's the law in the EU.
- ▶ Many US companies and academic institutions have elected to follow the GDPR in the absence of federal law and because they have EU clients.
- ▶ Ever been asked to agree to a Cookies notice on a website? That's the GDPR at work.
- ▶ GDPR also includes the right to be forgotten.

YOU GET A PRIVACY POLICY!

**YOU GET A
PRIVACY POLICY!**

**YOU GET A PRIVACY
POLICY!**

**EVERYBODY GETS A
PRIVACY POLICY!**



How do we safeguard data?

- ▶ Protecting confidentiality is about more than knowing what to do when the police come to the door.
- ▶ Do you treat confidential data as confidential?
 - ▶ If you don't no one else will
- ▶ Do you have an employee policy on handling confidential data?
- ▶ Policies on backups, data handling and retention?
- ▶ What about 3rd party vendors?
- ▶ Do you tell patrons what you collect and why?

Policies and Procedures for Handling:

- ▶ Access to children's records
 - ▶ Parental signature?
- ▶ Picking up holds
- ▶ Providing a mailing list to the Friends
- ▶ Is my daughter at the library?
- ▶ Request from Board Member or Municipal Official



Pandemics Change Everything, Right?

- ▶ To some degree most of these services are new to us or vastly revised in how we deliver them:
 - ▶ Click and Collect
 - ▶ Online Card Applications and Renewals
 - ▶ Virtual Programs
 - ▶ Patron Marketing
- ▶ In these new services have we considered whether or not we are following our existing privacy and confidentiality practices?
- ▶ Do we need to make changes to our existing policies and practices in light of these new services?

Pandemics Change Everything, Right?

▶ Health Questionnaires

- ▶ What information are you collecting? How are you keeping it confidential? How long are you keeping it? Is it covered under our confidentiality law?
- ▶ <https://chooseprivacyeveryday.org/when-libraries-become-medical-screeners-user-health-data-and-library-privacy/>

▶ Contact Tracing

- ▶ <https://chooseprivacyeveryday.org/guidelines-on-contact-tracing-health-checks-and-library-users-privacy/>

▶ Wellness Calls

- ▶ What is the purpose of such calls? What rules govern staff who make such calls? <https://chooseprivacyeveryday.org/calling-users-in-a-pandemic-best-practices-to-protect-privacy/>

Privacy Policies and Disclosures

- ▶ A privacy policy communicates the library's commitment to protecting users' personally identifiable information. A well-defined privacy policy tells library users how their information is utilized and explains the circumstances under which personally identifiable information might be disclosed.
- ▶ Users have the right to be informed what policies and procedures govern the amount and retention of personally identifiable information, why that information is necessary for the library, and what the user can do to maintain his or her privacy.
- ▶ A privacy audit is a tool used to examine existing practices and identify data collection points, data elements and policies around those data elements.

What information do you keep and how long do you keep it?

- ▶ Integrated Library System
 - ▶ Log files
 - ▶ Access
 - ▶ Borrowing history
- ▶ PC Reservation System
- ▶ Calendaring / Program Registration System
- ▶ Virtual Programming Platform
- ▶ Paper records (Reference, holds, meeting rooms, etc.)
- ▶ Website
- ▶ 3rd party vendors – what do your contracts say? Disclosure

Elements of a Patron Privacy Policy

- ▶ What you collect, why you collect it and how long you retain it
- ▶ What is protected by law. What rules the library must follow for disclosure.
- ▶ When (and under what circumstances) you will disclose data or provide services (from law enforcement to picking up holds).
- ▶ How data is protected and secured.
- ▶ 3rd party vendors.

Sample Policies

- ▶ San Francisco Public Library Privacy Policy
 - ▶ <https://sfpl.org/about/privacy-policy>
- ▶ East Brunswick Public Library
 - ▶ <https://ilove.ebpl.org/ebpl-privacy-policy>
- ▶ Princeton Public Library Privacy Policy
 - ▶ <http://princetonlibrary.org/privacy>
- ▶ Montclair Public Library
 - ▶ https://montclairlibrary.org/wp-content/uploads/MGT-1_Confidentiality_and_Privacy_Policy.pdf
- ▶ LMxAC
 - ▶ https://www.lmxac.org/wp-content/uploads/2019/08/LMxAC_Privacy_Policy_April_2019.pdf



Virtual Programming





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Zoom Agrees To Settle A Privacy Lawsuit For \$85 Million

Updated August 1, 2021 · 6:54 PM ET 

CATHERINE WHELAN 

Platforms – Is there a Privacy Driven Choice?

- ▶ Zoom
- ▶ Microsoft (Teams, Skype)
- ▶ Cisco (Webex)
- ▶ Google (Hangouts, Meet, Duo)
- ▶ Facebook Live



“While there are differences among the privacy policies of the different platforms, on balance, the differences aren't enormous,” says Bill Fitzgerald, a privacy researcher in Consumer Reports' Digital Lab “And from a privacy point of view, none of these options are great.”

Questions to Consider

- ▶ Do you allow anonymous registration?
- ▶ Do you provide ways for patrons to stay anonymous within the program even though they have provided PII when registering?
- ▶ What are your rules around recording programs? Do you protect PII when recording events? Do you acknowledge that PII cannot be protected in recorded events?
- ▶ Do you provide presenters with tips to assure they do not infringe on patron privacy? (Don't keep asking people to turn on their cameras for example).
- ▶ What else do you do to promote patron privacy?
- ▶ Do you provide multiple ways to view events (Zoom + FB Live; recording for anonymous viewing)

Virtual Programming – Choosing a Platform

- ▶ Are communications encrypted to help limit surveillance?
- ▶ Does this platform share or sell user data?
- ▶ Is the privacy policy clear on what personally identifiable information (PII) the vendor collects and how the data is used?
- ▶ Is there a privacy or security officer who can provide additional information about the platform's data privacy and security policies and practices?
- ▶ Does the platform require disclosure of PII to use, and if so, can libraries obtain a license to limit the PII collected?
- ▶ Does the platform have a clear data retention and use policy?
- ▶ Do users have to create an account to access the program?
- ▶ Are there alternative services that avoid the collection and use of user data?

Patron Education

- ▶ What is our obligation to teach our patrons about these issues and what they can do to protect their own privacy when online?
- ▶ San Jose Public Library
 - ▶ <https://www.sjpl.org/privacy>

Virtual Privacy Lab



About the Virtual Privacy Lab

Learn about privacy topics and generate a custom privacy toolkit geared towards your online needs. Toolkits include links, tips, and resources that empower you to customize your online identity. Email or print your privacy toolkit for future use.



Thank You!

EMPALMER@LMXAC.ORG