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APRIL 15-17, 2019

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## Securing Information, Protecting Privacy, Providing Access: Legal Constructs and Library Impacts

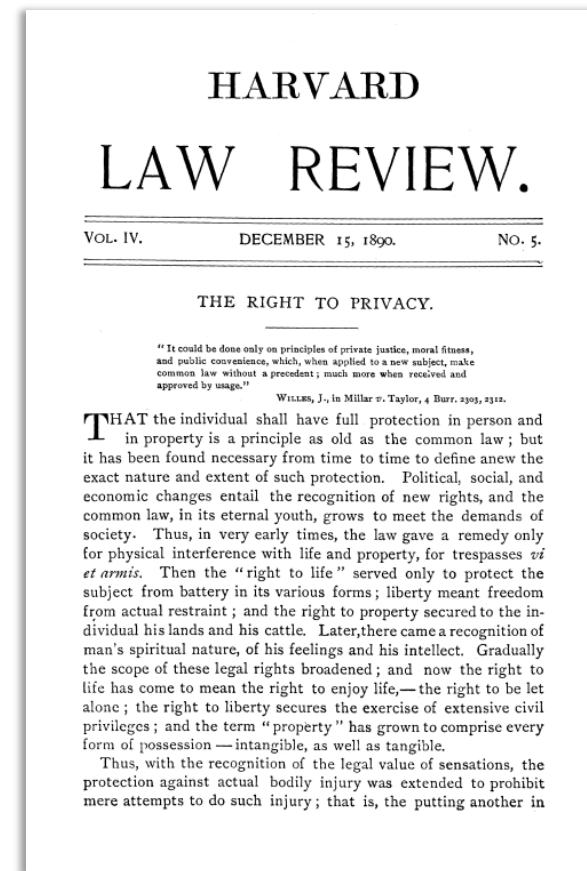
- Jane Canfield, Pontificia Universidad Católica
- Anthony D Smith, U.S. Government Publishing Office



# Privacy

“some treat privacy as an *interest* with moral value, while others refer to it as a moral or legal *right* that ought to be protected by society or the law.”

Stanford Encyclopedia of Philosophy

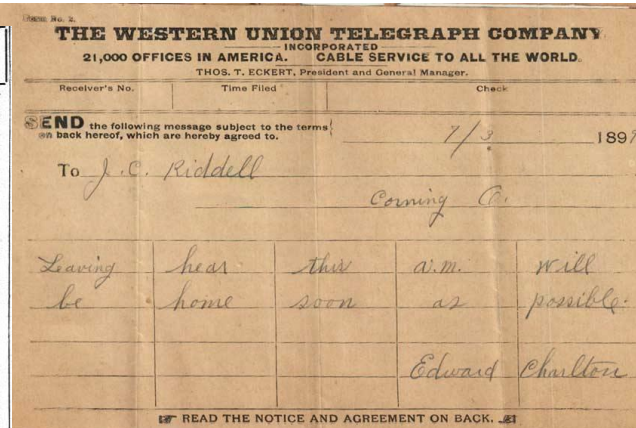




## Privacy



Western Electric Type 301



Courtesy Little Cities Archive, Shawnee OH



Particularly dramatic were “instantaneous” photography, telegraphy, telephony, sound recording, and the popular press, all of which flung open private life to the curious eyes and ears of others.



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## Big Data



US Census Bureau  
1880 Challenge  
Herman Hollerith



2.1. Big data, circa 1936: Social Security was the heftiest venture of its kind, the agency describing itself as “the largest bookkeeping operation in the world.”



# Pivotal Events of the 1960-70s

- “Democratization of Personhood”
- Griswold vs Connecticut
- Watergate
- Privacy Act of 1974



# Information Sensitivity

- Private vs. Public
- Personally Identifiable Information (PII)
- Classified
- Business Confidential
- Medical Information
- Education Records



# Privacy Laws

- Federal
  - Sector-Specific Legislation
- State
  - Citizen Protections, ie. breach notification



# Federal Privacy Laws

- Freedom of Information Act (FOIA) 1966
- Fair Credit Reporting Act (FCRA) 1970
- Privacy Act of 1974
  - System of Record Notice (SORN)
  - Federal Register
- Family Educational Rights and Privacy Act of 1974
- Right to Financial Privacy Act of 1978





# Federal Privacy Laws

- Privacy Protection Act of 1980
- Cable Communications Privacy Act of 1984
- Electronic Communications Privacy Act 1986
- Computer Security Act of 1987
- Video Privacy Protection Act of 1988
- Employee Polygraph Protection Act of 1988 (EPPA)



# Federal Privacy Laws

- Telephone Consumer Protection Act of 1991
- Communications Assistance for Law Enforcement Act (CALEA) 1994
- Driver's Privacy Protection Act of 1994
- Health Insurance Portability and Accountability Act of 1996
- Children's Online Privacy Protection Act (COPPA) 1998
- Financial Services Modernization Act of 1999



# Federal Privacy Laws

- US PATRIOT Act 2001
- Controlling the Assault of Non-Solicited Pornography And Marketing (CAN-SPAM) Act of 2003
- Fair and Accurate Credit Transactions Act 2003
- Do-Not-Call Implementation Act of 2003



# Global Cybersecurity

## Global Cybersecurity Index 2018 International Telecommunication Union (ITU)

Global Cybersecurity Index 2018

### Annex B: Global ranking GCI 2018

*The countries marked with an \* are countries that did not participate in GCI 2018. They have neither submitted their answers to the questionnaire nor validated the data collected by the GCI team.*

Member State	Score	Global Rank
United Kingdom	0.931	1
United States of America	0.926	2
France	0.918	3
Lithuania	0.908	4
Estonia	0.905	5
Singapore	0.898	6
Spain	0.896	7
Malaysia	0.893	8
Canada	0.892	9
Norway	0.892	9
Australia	0.890	10
Luxembourg	0.886	11
Netherlands	0.885	12
Saudi Arabia	0.881	13
Japan	0.880	14
Mauritius	0.880	14
Republic of Korea	0.873	15
Oman	0.868	16
Qatar	0.860	17
Georgia	0.857	18

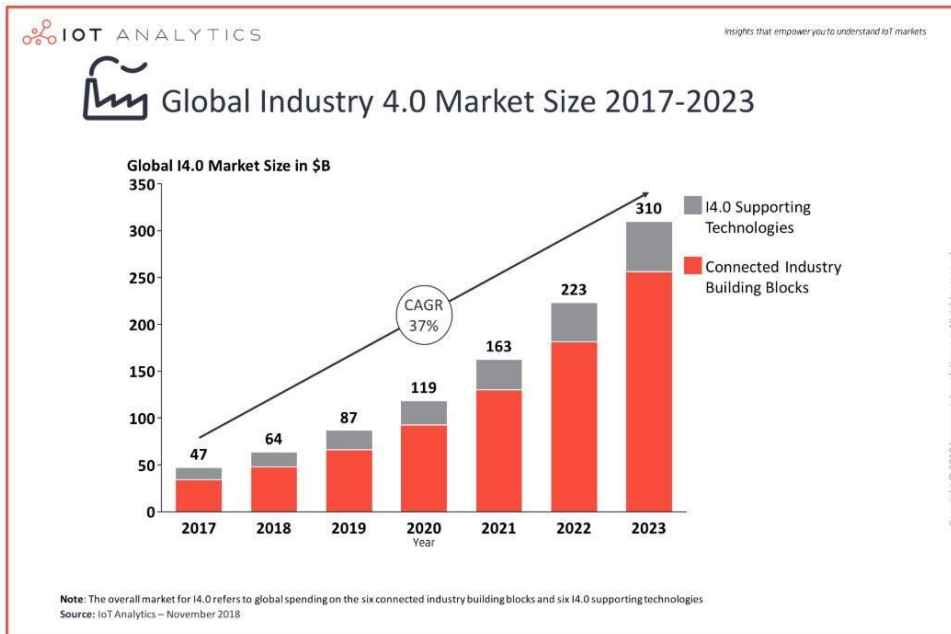


## NIST Privacy Framework

- Goal of the Framework
- Improving Critical Infrastructure Cybersecurity
- NIST Privacy Framework Working Outline
- Request for Information

The screenshot shows the NIST Privacy Framework website. At the top is the NIST logo and a search bar. Below the logo is a blue banner with the text "PRIVACY FRAMEWORK" and a subtitle: "An enterprise risk management tool to help organizations manage individuals' privacy". A left-hand navigation menu includes links for "About", "Working Drafts", "Request for Information", "FAQs", "Events", "Development Schedule", "Resources", "Related Programs", and "Contact". A "CONNECT WITH US" button with a Twitter icon is also present. The main content area features three promotional cards: "READ THE OUTLINE AND SHARE FEEDBACK!", "REGISTER FOR WORKSHOP #2 IN ATLANTA, MAY 13-14!", and "CHECK OUT THE OUTLINE WEBINAR". Below these are sections for "ABOUT" (describing the framework's development) and "GET ENGAGED, STAY INFORMED", which includes "Events" and "Mailing List" sections with "Learn More" and "Join" buttons.

## Internet of Things (IoT)

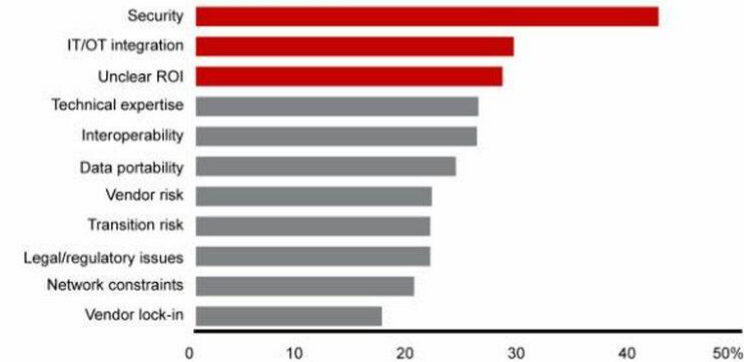


### Vendors need to address customer barriers—especially security, integration and unclear returns on investment

What are the most significant barriers limiting your adoption of IoT/analytics solutions?

Change since 2016

Percentage of respondents (top three barriers)



Sources: Bain IoT customer survey, 2016 (n=533); Bain IoT customer survey, 2018 (n=627); market participant interviews



# Looking Ahead: Other Factors to Consider

- Artificial Intelligence and Machine Learning
  - The Black Box Effect – Managing bias
  - Data is King – Who “owns” the biggest brain?
- Exponential Growth of the Neural Network (IoT)
- Blockchain Adoption Rate
- Quantum Computing



## References (In order of appearance in the presentation)

- Center for the Study of Language and Information (CSLI), Stanford University, “Stanford Encyclopedia of Philosophy” (<https://plato.stanford.edu/entries/privacy/>)
- Warren, Samuel D., and Louis D. Brandeis. "The Right to Privacy." *Harvard Law Review* 4, no. 5 (1890): 193-220. doi:10.2307/1321160.
- Igo, Sarah E. 2018. *The known citizen: a history of privacy in modern America*.
- Clecak, Peter. 1985. *America's Quest for the Ideal Self: Dissent and Fulfillment in the 60s and 70s*.

## References (In order of appearance in the presentation)

- Comparitech, *Which US states best protect privacy online?*, <https://www.comparitech.com/blog/vpn-privacy/which-us-states-best-protect-online-privacy/>, 2018.
- International Telecommunication Union (ITU), *Global Cybersecurity Index 2018 (DRAFT)*, [https://www.itu.int/en/ITU-D/Cybersecurity/Documents/draft-18-00706\\_Global-Cybersecurity-Index-EV5\\_print\\_2.pdf](https://www.itu.int/en/ITU-D/Cybersecurity/Documents/draft-18-00706_Global-Cybersecurity-Index-EV5_print_2.pdf), 27 Mar 2018.



# Privacy, Security, and Access: Three Issues for Serving and Protecting our Users

## Statistics on how Americans view online security:

64% have personally experienced a major data breach

41% of Americans have encountered fraudulent charges on their credit cards

16% say that someone has taken over their email accounts

From Pew Research, 2017



# Lack of Confidence in Data Security

- Many Americans lack faith in various public and private institutions to protect their personal information from bad actors.
- 28% of Americans are not confident at all that the Federal Government can keep their personal information safe and secure from unauthorized users.
- 24% of social media users lack any confidence in these sites to protect their data.

From Pew Research, 2017



# Failure to Follow Best Practices

65% of internet users say that memorization is the main or only way they keep track of their online passwords.

41% of online adults have shared the password to one of their online accounts with a friend or family member.

39% say that they use the same (or very similar) passwords for many of their online accounts.

12% of internet users say that they ever use password management software.

From Pew Research, 2017



# Impact and Challenge for Libraries

“Librarians must be aware of the pitfalls that can be encountered in collecting, organizing, and disseminating information. Additionally, we must recognize that the lines are not as clearly drawn as we would care to have them. There exists a fundamental conflict between society’s need for information of many kinds and the individual’s right to privacy protection.” (Garoogian, 1991)



# A Bit of History

- 1970: Growing interest on the part of the government in subversives, agents began to make inquiries relating to borrowers of books about explosives.
- In Milwaukee, the city attorney ruled that such records were “public records,” at which point the librarian complied.
- In the Atlanta Public Library, the same request was denied in the absence of a subpoena.
- The Seattle Public Library released its 1970 circulation records to the FBI when the agency presented a subpoena for the records in connection with a forgery case.
- The library in Los Alamos, Texas, refused to turn over records that FBI agents had requested regarding individuals included on a subversives list.

From Garoogian, 1991



# Privacy

- LIBRARY PRIVACY AS A PHILOSOPHICAL AND LEGAL RIGHT
- DIGITAL TECHNOLOGIES POSE NEW CHALLENGES
- PATRONS' PERCEPTIONS OF PRIVACY IN THE LIBRARY

From Hess, LaPorte-Fiori, Engwall, 2015



# Security

- **We should be better at protecting patron privacy in the digital realm by:**

Advocating for patron privacy.

Providing information about existing threat environments.

Raising awareness of cybersecurity issues.

Communicating about them to our patrons.



# Access

“Core values of librarianship include free and easy access to all information for all persons; the importance of preserving a cultural record; the value of exposure to new and disturbing ideas to democracy, innovation, and individual freedom; and the societal benefits of providing a safe haven for private learning about history, politics, religion, health, science and art.”

From Klinefelter , 2010



# An International Perspective

The right to be forgotten (RTBF), a concept in European privacy law, is based on the notion that personal information that is irrelevant, outdated, or inaccurate should not be readily accessible to the public. The right was codified in the European Union's 1995 Data Protection Directive (European Commission 2012). In 2014, the Court of Justice for the European Union (CJEU) was petitioned on the question of whether the RTBF applied to digital information held by search engines. The Court ruled that search engines, even those whose data was held largely outside of Europe, were subject to the Directive. To comply, search engines that began delisting certain search results when requested by European citizens; this applies across all domains, but only to viewers within Europe



# Best Practices for Libraries

- Offer encrypted Wi-Fi.
- Clear all patron data after every session.
- Disable “phone home” features of software.
- Keep all software, particularly vulnerable add-ons, regularly updated.
- Have the “do not track” settings on all public computer browsers set for maximum privacy.



# Best Practices for Libraries

**Own your online presence (applies to users and to libraries).**

Make sure that you're modeling best practices online, sending emails in safe and secure ways, and using secure passwords.

Make sure you're checking your social media presence.

Beware of Social Engineering.



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## Conclusion

Everyone is entitled to freedom of access, freedom to read texts and view images, and freedom of thought and expression.

None of these freedoms can survive in an atmosphere in which library use is monitored and individual reading and library use patterns are made known to anyone without permission.

## References (In order of appearance in the presentation)

- Pew Research Center, January, 2017, “Americans and Cybersecurity” ([www.pewresearch.org](http://www.pewresearch.org))
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