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Privacy Considerations for Digital Collections

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Privacy considerations for digital collections

Ohio IR Day, October 30, 2018

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Introduction

“Recognize that privacy is more than a binary value.” (Zook, et. al, 2017)

- Be mindful of personal perspective, biases & outlook
- Institutional culture/practice around privacy may vary (or doesn’t exist!)
Privacy

“Privacy, like an elephant, is more readily recognized than described.” John Young, 1978

- Privacy is not a given, universal right
- Society & culture often loosely define privacy; while individuals often have personal definitions
- Many consider privacy as a luxury afforded only to the living, especially by the courts
Some U.S. laws that touch on privacy

- Family Educational Rights and Privacy Act (FERPA), 1974
- Health Insurance Portability and Accountability Act (HIPPA), 1996
- Privacy Act of 1974
- Video Privacy Protection Act (VCPA), 1988
- Electronic Communications Privacy Act, 1986
- Telephone Consumer Protection Act (TCPA), 1991
- Driver’s Privacy Protection Act (DPPA), 1994
- Children’s Online Privacy Protection Act (COPPA), 1998
Personally Identifiable Information (PII)

Name
- Full name, maiden name, alias
- Personal ID number
- SSN, passport number, driver’s license number, taxpayer ID number, credit card number

Address
- Postal address, email

Asset information
- IP/MAC address, other host-specific identifiers
Telephone numbers

Information around personal property
  - such as VIN number, title, etc.

Information that reveals an individual’s date of birth, place of birth, race, religion, geographical indications, employment information, medical, education, financial.
Privacy violations

- Privacy violations are often easier to identify over the larger concept of privacy
  - An exposure of personal information; such as pushing information from a more protected arena into a less protected arena
  - Privacy violations may, in some scenarios, be unintentional

Prosser (1955)
- Impede or intrude on an individual’s solitude or seclusion
Digital collections

- Published (Books, articles, etc.)
- Unpublished (Manuscripts, personal papers, diaries, photographs, etc.)
- Special and Archival collections
  - Provenance info
  - Balancing access and privacy
- And many other origins of collections— from both known or unknown avenues...
Role of the practitioner

- Digital librarian as final gatekeeper & ultimately the information discloser
  - Dissemination as disclosure
- We create accessible inlets
  - Adding descriptive metadata & full text search functionality
  - Providing increased search potential & access via digital libraries
- “Now that everything in the connected world can serve as metadata, knowledge is empowered beyond fathoming”,
KSU example

- Directory information & grade discussion
- Consulted with Office of General Counsel
- **Decision:** Redact directory info

Image from the Murray Fishel papers, [https://www.library.kent.edu/murray-i-fishel-papers-1970](https://www.library.kent.edu/murray-i-fishel-papers-1970)
On Our Backs

- Lesbian erotica serial publication (1984-2006)
- Reveal Digital: Independent Voices project

Image from:
Ethical models for decision making

- Some cases may not be as clear in regard to potential privacy violation(s)
- Models can assist with identifying issues & creating discussion points
- Ethical issues are most often in conflict in uncertain conditions that involve many individuals, interests and values, and an individual by default will use their personal ethical standards when no organizational ones are present (Trevino, 2001).
Curtin’s 6-step model

1. Perception of the problem
2. Identification of the ethical components
3. Clarification of person(s) involved
4. Exploration of options
5. Application of ethical theory
6. Resolution/evaluation
DeWolf

1. Identify all outcomes (foreseeable, actual/known, possible)
2. Identify the outcomes associated with each option
3. Identify the probability that the option will produce the desired result
4. Identify the importance the decision-
Privacy review strategies & assessment

- Working towards more *fair information practices*
- Develop a culture of privacy (George, 2004)
  - Openly display institutional practice(s) and/or related policy
  - Provide users with a choice and a clear point of *opt-out*
  - Transparency of practice
  - Set consequences for privacy violations
- Privacy assessment and review can take place
Outline a privacy review process

1. Conduct a privacy review as part of regular digital project parameters
2. Identify situations where permission should be sought before online dissemination
3. Create internal guidelines/documentation for privacy review
4. Use Curtin or DeWolf’s models to enable discussion & address notions of harm
Create internal privacy review

- Identify collections or projects that may be more prone to an item level review during the project proposal phase around a privacy review
- Create a privacy review “cheat sheet” with examples and formats of agreed upon private entities; such as:
  - SSN or other specific IDs
  - Grade and medical information
Framing questions

Posed towards the original item/collection (digital or analog)

1. What was the original context of the information/collection?
2. What was the original purpose of the information/collection?
3. Who was the original audience of the information/collection?
Questions geared towards original content creator (if known)

1. Who retains control of the information (or perhaps more importantly, who should)?

2. Does consent need to be attained before disseminating information broadly?

3. What level of awareness has been made to any constituents as to the planned publication and distribution of the information?
Wrap up

- Can be difficult to make cookie cutter decisions around privacy
- Make friends & talk to General Counsel (They are great resources!)
- Create internal documentation for more consistent review points
- Work towards more ethical & fair information practices through more mindful frameworks for decision making
References

References

- Robertson, T. (2016) “Not All Information Wants to be Free”, LITA Closing Keynote
Thank you!!

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