

Kent State University

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Privacy concerns & ethical decision-making in digital collections

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Privacy concerns & ethical decision-making in digital collections

DLF Forum, October 17, 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 the courts
- Privacy rights can be waived by an individual, but not transferred

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
- Gramm-Leach-Bliley Act (GLB), 1999

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 persistent static identifier

PII, cont.

- 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
- Disclose private information about an individual

Digital collections

- Published (Books, articles, film, audio, etc.)
- Unpublished (Manuscripts, personal papers, diaries, photographs, etc.)
- Special and Archival collections
 - Provenance info
 - Balancing access and privacy
- Other types of collections & many other avenues...

Role of the practitioner

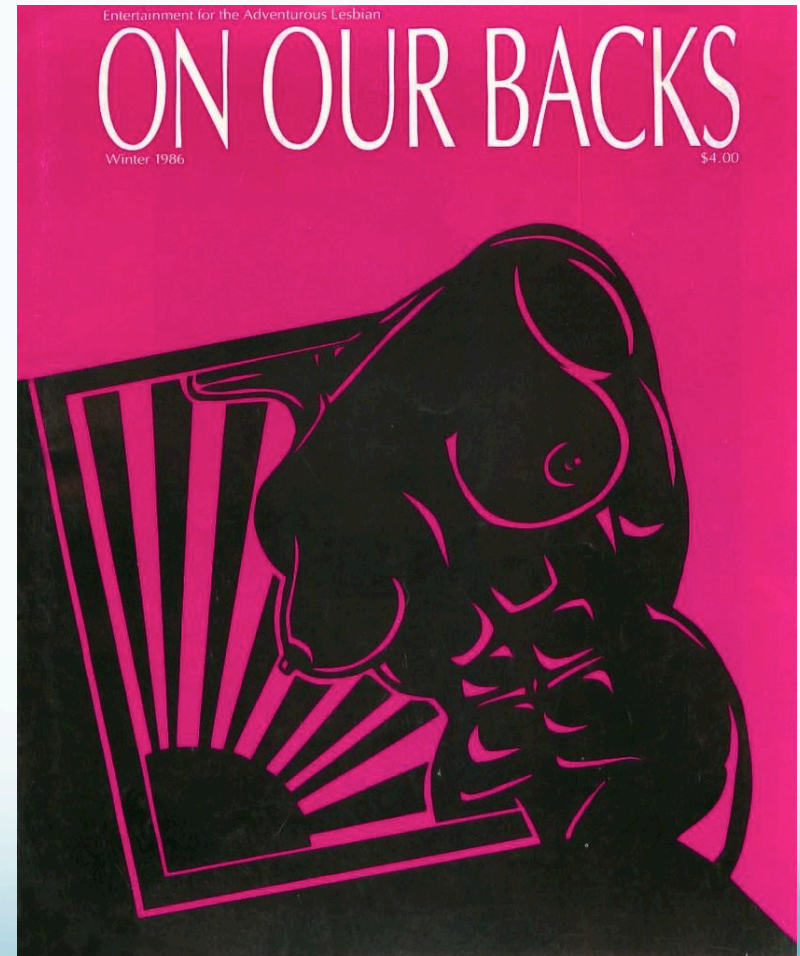
- Digital librarian as final gatekeeper & ultimately the information discloser
 - **Dissemination as disclosure**
- We create accessible inlets for discovery and push content
 - Adding descriptive metadata & full text search functionality
 - Providing increased search potential and access *via* digital libraries

On Our Backs

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

Image from:

<http://www.polarimagazine.com/features/personal-accounts-gay-lesbian-journals-abigail-wiseman/attachment/on-our-backs/>



KSU example

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

May 21, 1970

Dear Mr. Fishel,

I have attempted several letters to you previously, without being able to satisfy myself with the contents. I find it still extremely difficult to express my thoughts. I fail to grasp the total concept of what is happening. I am stunned that much of America supports the actions of the New York construction workers, and shocked by editorials justifying the Kent State tragedy.

I am not an activist, but support any persons efforts to bring about fundamental and necessary social change. I find the bill that the present U.S. Administration is trying to pass on to the public deplorable. I shall not continue on this subject, its' proportions are obvious.

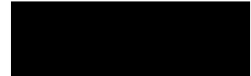
I believe the resolutions and actions taken by the Kent faculty to be sincere and sound.

I shall never return to Kent as a student again, however when I do return as an alumnus, I hope to find the campus police and other security personnel less firearms.

I have attempted to be brief in this letter, my thoughts are not. In all my life I shall never forget the tragedy of May 4th. I read of an offer to donate a memorial statue to the university. If this could be done in a proper way and respectfully, I feel it may serve to help us cure the sickness that des exist in our society. I quote Secretary of the Interior, Walter J. Hickel in saying, "Some think the crisis is on our campuses. But let me ask: Are student demonstrations the disease? Or are they the symptom?"

As for my grade, I was attempting to earn an A and shall therefore request one. I guarantee my education did not end early in May and shall not end in June when I graduate. I hope to survive my frustrations and perhaps work to cure this terrible global disease. I would like to add, I feel fortunate that I was in your International Relations class during the 1968 school year. There are only a handful of professors I remember as truly benefiting my learning experience; I include you as one of these few. I say this in all sincerity.

Thank you,



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, 1986)

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-maker ascribes to each possible option

Privacy review strategies & assessment

- Work towards **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 concurrent with other reviews (preservation, appraisal, etc.), or on its own (Gilliand & Wiener, 2014)

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 and address notions of harm

Create internal privacy review

- Identify collections that may require item level review during project proposal
- Privacy review “cheat sheet” with examples and formats
 - SSN and 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?

Framing questions, cont.

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

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Thank you!!



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