

Library Patron Privacy

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SURVEY RESULTS

EXECUTIVE SUMMARY

Introduction

The protection of patron data from disclosure has a long history in the ethics of the library profession. The third clause of the 1995 edition of the *Code of Ethics of the American Library Association* states, “We protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.” Recent legislation, such as the USA PATRIOT Act, however, not only conflicts with the profession’s ethics but also tests the specific practices of libraries with regards to patron privacy.

Legislation is not the only source of concern for the protection of library patron records, though. Law enforcement agencies have numerous other mechanisms for requesting access to library data that specifically identifies patrons and their library use patterns. Libraries should decide how much patron-specific data to retain and reveal before such a request is made.

An analysis of applicable state and local laws was beyond the scope of this survey, as was the review of an institution’s vulnerabilities and risks. Instead, this survey focused on policies and procedures—and staff and patron awareness of these—in preparation for an institution’s review and update of their current policies and procedures.

The survey was divided into three major areas: general statements on the privacy of patron data, a review of the treatment of specific patron

transaction data records, and privacy policy development. The bulk of the survey reviewed of the treatment of specific types of patron data records:

- Circulation: record of checked out items
- Circulation: billing records
- Database search logs
- Archives/Special Collections
- Document Delivery/Interlibrary Loan
- Remote access proxy server logs
- Web server log files and Caching/Statistical/Filtering proxy server log files
- Chat logs for electronic reference
- Media reservation form
- Database personalization features
- “My Library” portal systems
- Caches on microcomputers
- Hardware repair/disposal
- Disposal of paper, magnetic tape, or other media containing patron records

For each of these types of records, a series of questions was asked exploring the development of specific privacy policies for staff and statements for the public. Record retention length and the reasons why records are kept were examined, as was the accessibility of records to library staff and departments beyond the library. Fifty-eight of the 124 ARL member libraries (47%) responded to this survey.

General Privacy Policies and Statements

Three-quarters of the libraries responding to the survey had created (58%) or were in the process of creating (16%) general statements or policies for library staff on the privacy and/or disposition of collected data that is specific to a particular patron transaction. Slightly less than two thirds of the libraries had created (46%) or were in the process of creating (18%) general statements to the public on the same topic. In conjunction with these policies and statements, however, was a perceived lack of awareness of what records are actually out there. Only nine respondents (16%) had conducted an environmental scan of systems or processes within the library in which personally identifiable information can be found. Another sixteen respondents (29%) were in the process of conducting such a review at the time the survey was conducted.

The most popular way new library employees are made aware of the policies is through employee orientation (69%), with 59% of respondents using a Web site or intranet separately or in combination with employee orientation. Other libraries are using written and signed acknowledgement of the policy, either for specific staff that have access to patron information or for all staff in the library. Sixty-two percent make all staff aware of the policies. Of the remaining 38%, the most frequently identified categories of staff were "circulation" or "circulation/reserve" staff specifically and "public services" staff in general. Other groupings or categories of staff across the library were also listed.

When policies are changed, the majority of libraries use e-mail broadcasts (83%) and/or staff meetings (73%) to make staff aware of the update. A plurality of respondents (46%) indicated that the library does not have a fixed schedule for refreshing staff awareness of policies; rather, this is done on an "as needed" basis. When it is done, the same primary mechanisms (e-mail broadcasts and/or staff meetings) are used.

The users of the library are made aware of the policy primarily through the library Web site. Forty-five percent have a link only on a library policy or

general information Web page. Others use links on the library home page or on all library pages to the privacy policy page (31% each). Paper handouts are used in 28% of the responding libraries, and three respondents will address placement as part of the development of public policy statements. Libraries also use signs posted at computer workstations and publicity such as articles in the campus newspaper to promote the policy.

Circulation: Record of Items Checked Out

About a quarter of the respondents have a separate policy for staff and/or a separate statement for the public regarding records of loaned items (28% and 29%, respectively.) The policy or statement could be specifically for this type of record, a specific part of a general document, or in the planning/draft stage. Of libraries responding to this question, 27% purge records of the transaction immediately after it has been completed (the item is returned), 46% keep the record of the transaction indefinitely, and the remaining respondents keep the data for about a year. Some automation systems do not provide the capability to purge this data, and others purge it at an unpredictable rate. When stored data is purged, backup files are also purged in 38% of the responding libraries; 30% do not purge and 32% did not know.

All such transactions record a patron ID number; other recorded components include the patron name (56%), demographic information (42%), and e-mail address (34%). For the most part, this data is kept for the purpose of answering library staff inquiries (71%), patron inquiries (51%) and for reporting statistics (42%). Other uses include auditing, service enhancement, and to contact patrons in the event of missing or damaged items.

Staff working in circulation or access services areas are the most likely to have access to this data (81%). Systems staff are also likely to have access (56%). Four respondents indicated that all library staff has access to the database because of the design of the Integrated Library System (ILS). For the most part (84%), this data is not shared with other

departments within the institution. The survey results section contains information about specific departments and the retention policies of those departments.

Circulation: Billing Records

Most libraries do not have a specific policy for staff (83%) or statements for the public (82%) regarding billing records. Of the libraries responding to this question, a single institution purges billing records immediately, 63% keep them indefinitely, and the remaining keep records on average for 3.66 years. When data is purged from live systems, 17% of respondents indicate it is removed from backup media, 28% do not purge it, and 55% do not know.

Most recorded transactions include the patron ID number (96%). Patron name (70%), demographic information (53%), and e-mail address (38%) are also being stored. Reasons for keeping this data include answering patron (78%) and staff (67%) inquiries. Other reasons include auditing, statistics reporting, resolving fine disputes, and refunding money to patrons in the event an item is returned.

Staff in access services areas (circulation, reserves, ILL, etc.) are most likely to have access to billing record data. As with records of checked out items, systems staff are also likely to have access. In a few institutions, accounting office staff who generate invoices have access. Whether this data is shared with other departments is almost evenly split—53% sharing versus 47% not sharing. The majority of those sharing listed a business services or accounts receivable office at the parent institution as the recipient.

Database Search Logs

Almost all of the responding libraries (90%) have not created a specific staff policy for the search and retrieval logs of public access catalogs and other research databases; almost as many (86%) have not created a public statement. In storing these records, 38% purge them immediately, 33% store them indefinitely, and the remainder stores them on average for 3.8 months.

The data element most commonly found in the records is the IP address of the client machine making the request. Data is typically stored for statistical reporting purposes, although one site indicated they had no choice but to save the data. They have submitted an enhancement request to the ILS developer to change this. The data is mostly available to systems staff, although respondents identified other situations where it might be available. In general, the data is not shared outside the library, and when it is, the recipient is most often a central computing center at the parent institution.

Archives/Special Collections

Respondents reported that most archives and special collections departments do not have a separate staff policy for patron-specific records (82%) or a public statement for these types of records (76%). The overwhelming number of responding libraries keep this information indefinitely or for years (42 or 90% combined) although three indicated that the records are purged immediately. Statistics reporting was most often cited as the reason for keeping records, closely followed by document security concerns. Access to data is restricted to staff in the special collections or archives department and generally is not available outside the department or outside the library.

Document Delivery/Interlibrary Loan

Only five respondents (10%) have or are developing staff policies specific to document delivery / interlibrary loan records and only six (14%) have or are developing public statements for the same records. Similar to archives and special collections records, most libraries keep these records for years (44%) or indefinitely (46%). In all cases, the patron's name is stored, and most sites associate demographic information (92%), e-mail address (84%), and patron ID number (71%) with the transaction.

Records are used for a wide variety of purposes, including all of the options identified in the survey: answering patron inquiries, statistics reporting, answering library staff inquiries, service

enhancement, and auditing. Copyright reporting, patron billing, and collection development reports were also listed by respondents. Data is generally not accessed outside the ILL department, but when it is done, it is for billing or collection development.

Remote Access Proxy Server Log

Seven sites have or are developing staff policies (14%) and public statements (16%) for remote access proxy log files. Data is kept for a wide range of time periods (38% do not keep records; 26% keep records indefinitely). Records are kept most often for reporting statistics and resource planning as well as for troubleshooting/diagnostics and to investigate inappropriate use of licensed resources.

Most sites are capturing IP addresses and patron ID numbers as part of the log files, but two sites collect anonymous pseudonyms in transaction data. A number of these servers are run outside the library in the institution's computing center, so the data is shared by default with other departments in the institution.

Web Server Log Files and Caching/Statistical/Filtering Proxy Server Log Files

Sixteen percent of responding libraries have or are developing specific staff policies governing records from these servers and 20% have or are developing specific public statements. Ten libraries (20%) purge this information immediately, 22 (45%) keep it indefinitely, and 17 (35%) have retention policies somewhere in between. IP address is by far the most common element tracked and the most common reasons to keep the data are for statistics reporting and service enhancement.

Systems staff and Web administrators are typically the only individuals who have access to this data. In some cases, a Web site is hosted by the central computing department and library staff may not have access to the raw log files.

Chat Logs for Electronic Reference

Nine of 45 respondents (20%) have or are developing policies specific to electronic reference chat logs and

13 of 39 respondents (33%) have or are developing public statements for these records. Just over half of the respondents keep this data indefinitely, including patron-identifying information such as e-mail address (79%), name (65%), IP address (56%), and demographic information (41%). The data is most often kept for statistics reporting, service enhancement, and follow-up with patrons. A few of the chat services used for electronic reference are controlled by commercial entities and consequently there is reduced flexibility to control what happens to the transaction data.

Media Reservation Forms

Eight percent of the responding libraries have or are developing specific policies for media reservation forms; nine percent have or are developing specific public statements for the data collected at these service points. Most sites purge this data immediately or within a month of producing it. Name and demographic information is the most often captured patron-specific data and the data is used for statistics reporting (67%) and patron and staff inquiries (54% and 46%, respectively). Data is rarely shared outside the library—only one of 23 responding institutions indicated it was shared.

Database Personalization Features

Five sites (11%) have a specific part of a general policy or are developing policies covering data stored to support database personalization features; eight sites (21%) offer public statements regarding data stored for these services. The patron ID number is most often stored (74%), although name (58%) and e-mail address (47%) are also captured. Generally, this data is only available to systems staff or programmers, and five of 20 respondents (25%) indicated that no one has access to the data. These services are hosted by entities outside the library in some cases, so at times the data is shared with another unit, although this is generally not the case.

"My Library" Portal Systems

At the time of the survey, no libraries had developed

staff policies regarding their portal systems, although two of 31 had such policies in development. One library had a public statement on such data and two others were in development. Half of the respondents indicated the data is kept indefinitely with the other half reported various periods of retention. This data is kept most often for statistics reporting purposes (58%) and for service enhancement (33%), although some libraries indicated it is not possible to turn off the data collection.

Caches on Microcomputers

Most libraries have no specific staff or public statement regarding the caches of information stored on public microcomputers: five of 50 (10%) indicated a staff policy existed or was in development and four of 44 (9%) indicated a public policy existed or was being developed. Three institutions reported an ID number is captured at the public workstation and one each reported a name or anonymous pseudonym is recorded.

Respondents reported that this data is generally not used for any of the purposes stated in the survey, but is a function of the browser itself. A few sites have set their PCs to flush the cache upon reboot or user logout. All report that this data is not shared outside the institution.

Repair/Disposal of Hardware and Disposal of Media

The survey asked if there were staff policies or public statements surrounding the repair or disposal of hardware (specifically, the hard disks contained inside computers) or the disposal of paper, magnetic tape, or other media containing patron records. Eight sites (16%) reported policies in place or in development governing the disposition of hardware and six (12%) reported policies in place or in development for discarded media. Five sites (12%) reported public statements in place or in development for the disposition of hardware and seven (17%) reported public statements in place or in development for discarded media.

Privacy Policy Development

Respondents were asked what departments or other organizations participated in the development and enforcement of policies. The survey results indicate specific names and combinations of groups responsible for such development, but in general 26% indicated a single unit internal to the library was responsible, 11% indicated a group with representatives from multiple institutional units, 6% indicated a single institutional unit external to the library, 24% indicated that the site had no privacy policy, and 33% listed "other." Examples of the last category include policies developed by senior managers, a layer of policies ranging from federal to state to university policies, and deferral to general university policies.

In categorizing participants in such policy groups, library administrators were members in 89% of responses, library IT staff in 53%, legal counsel in 26%, academic faculty in 23%, and library security staff in 23%. Policies are generally reviewed annually (9 or 30%) or as needed (7 or 23%). In most cases, the policy was reviewed in 2003 (43%) or 2002 (21%).

In cases where suspected misuse of patron transaction data occurs, library administrators hold some responsibility for investigation in 85% of the responding libraries, library IT staff in 74%, campus police in 39%, institutional IT staff in 37%, and legal counsel in 35%.

At the time the survey was completed, 49% of respondents had developed a policy to handle requests for patron transaction data from law enforcement agencies, 22% had not, and 29% were in the process of developing such a policy.

Conclusions

The survey provided the option for respondents to list other types of patron-specific data stored by the institution. Respondents listed policies and practices for signup sheets, guest logins, renewal logs, e-mail reference and e-journal use.

The trend among the libraries surveyed appears to be the absence of policies or public statements for

records, or reliance on general statements. This is a source of concern given the wide variety of retention guidelines for various types of records—which range from purging immediately or keeping for roughly a year for circulation records versus the predominance to keep for years or indefinitely archives/special collections and document delivery / interlibrary loan records. These policies, procedures, and public statements may be so general as to be of little use to understanding the disposition of specific types of records.

Another trend is the lack of awareness of what happens to records held on backup media when the main location of records is purged. Answers of “don’t know” to this question for various types

of records ranged from 16% to 55% (excluding the 7% response for caches on microcomputers). As documented in several high-profile investigations, analysis of backup media is a highly sought after investigative tool. Efforts to maintain confidentiality of patron records may be undermined by this oversight.

Since IP addresses can be tied to specific machines, particularly in some campus network situations, and consequently individuals, this can be a source of concern. A number of transactions log this data and it should be treated as if it was a piece of patron-identifying information. There is no data available in the survey responses to determine if libraries were treating it as such.