

Privacy and Libraries

Martyn Wade

Linlithgow, Scotland, United Kingdom

Email address: martynwade315@gmail.com



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Abstract:

The information releases – or leaks – about surveillance by Edward Snowden in 2013 prompted a debate and awareness amongst the library and information profession about the issue of privacy. The paper briefly summarises the development of the concept of privacy until its acceptance today as a human right. The important role that library and information services have to play in ensuring individual privacy is described together with the role of librarians as advocates of privacy. The paper argues that the profession must take an ethical stance towards privacy, as reflected in professional codes of conduct and practice. The paper concludes that privacy is recognised as a human right and is important in every culture, and that the absence of privacy can have a chilling effect on both the citizen and society as a whole. Library and information services should respect this right and work in an ethical way when working to ensure citizens can enjoy and benefit from that right, but also should manage their own services in ways that respect their users' privacy.

Library and information workers must continue – as they have always done – to take a carefully thought out ethical stance to ensure that they we also maintain their role of working to ensure freedom of access and freedom of expression.

Keywords: ethics, privacy, libraries, surveillance, Snowden

In 2013 Edward Snowden started to release, or leaked – depending upon your point of view – major revelations about the level of digital and internet monitoring and surveillance being carried by a number of governments across the world. His revelations brought many of us up sharply, although perhaps in retrospect they should perhaps not have come as such a surprise, and they prompted a major debate amongst our profession on how we should respond to the situation as we now understood it. It was generally accepted that privacy had always been vital to the effective delivery of library and information services; however it was clear that the ground rules had changed significantly.

Governments have always been interested in the behaviour of citizens to a greater or lesser degree, and whilst the digital age has provided new opportunities for citizens to communicate, learn, exert their rights and live their lives as they wish, it has also become easier to monitor individuals and groups in new, unobtrusive and more complex and detailed ways.

Similarly corporations and businesses large and small have also become interested in personal data, often provided by citizens voluntarily in exchange for services, and concerns over public awareness of the risks of this, together with regular examples of astonishing lapses in data security, and caused considerable concern. The Guardian is a United Kingdom newspaper which was one of the first papers to cover the Snowden releases and has continued to report extensively on data security issues. In June this year it reported the hacking of the United States Internal Revenue Service which released personal details of 104,000 citizens; and in February the paper reported that TalkTalk – a major phone and broadband service provider with 4 million customers in the United Kingdom had suffered a major data breach in which account numbers, addresses and phone numbers have fallen into the hands of online criminals who used the data to steal thousands of pounds.

This combination of an awareness of the high level of monitoring and surveillance combined with the risk of data breaches and loss has increased interest amongst many professionals in the issue of privacy and libraries, and many librarians have looked again at privacy, and have not only considered it as a practical issue but also revisited from an ethical perspective something that has been such a basic, day to day feature of their work.

The modern concept of privacy has developed over the centuries, and does differ between different cultures. The idea of universal individual privacy is a construct often associated with Western culture. However every culture does recognise the ability of individuals to control some personal information in relation to the wider society, for example recognising a degree of personal privacy, particularly the idea that when something is private to a person, it is particular, sensitive or special to them.

So, how can privacy be defined? In 1890 in the United States Warren and Brandels published a paper which argued that privacy meant “the right to be let alone”. This included the right to be immune from scrutiny or observation in private spaces. Their paper stimulated a long term debate over privacy rights for individuals.

Liberty, a United Kingdom group set up in 1934 and continuing to work to promote human rights, argues that “the importance of the right to personal privacy became self-evident in the immediate aftermath of the horrors of the Second World War. The right to a private life is based on principles of human dignity and is inherently linked to many other rights such as equal treatment and free expression. A society that does not pay proper regard to personal privacy is one where dignity, autonomy and trust are fatally undermined.”

In 1960 William Prosser identified four “rather definite” privacy rights that had been generally accepted over the years:

- Intrusion upon a person's seclusion or solitude, or into his private affairs.
- Public disclosure of embarrassing private facts about an individual.
- Publicity placing one in a false light in the public eye.
- Appropriation of one's likeness for the advantage of another)

Today the right not to be subject to unsanctioned invasion of privacy by government, corporations or individuals forms part of the legal framework of many countries as well as being included within international treaties. Perhaps the most important of these is contained within the Universal Declaration of Human Rights.

Article 12 states that “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”. It is worth noting that this does not provide for an absolute right, and like many rights can be in conflict with other rights contained in the declarations, for example another that is of vital importance to library and information work – Article 19 which states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Additionally, the United Nations General Assembly adopted in December 2013 a resolution “Right to privacy in the digital age,” calling all countries to “respect and protect the right to privacy, including in the context of digital communication”.

Similarly Article 8 of the European Convention on Human Rights speaks of the Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Why is privacy so important? As I indicated earlier the importance of privacy is recognised in every culture. Similarly, it has been recognised that the absence of privacy can lead to negative effects on how people behave. It can be shown that in any circumstance when individuals are being observed, their behaviour changes.

When people do lose their privacy, it can have what is often described as a chilling effect on society, where people self-censor themselves in their search for information, and they self-limit their freedom of expression. Whilst the impact of this is often focused on individuals and groups whose ideas and opinions do not follow the mainstream of society it can also have a wider effect. For example in 2013 International PEN published a survey which showed that the surveillance carried out in the United States by the National Security Agency has had a significant impact on writers and authors.

PEN is a worldwide association of writers, founded in 1921 to promote friendship and intellectual cooperation among writers; to emphasize the role of literature in the development of mutual understanding and world culture; to fight for freedom of expression; and to act as a powerful voice on behalf of writers harassed, imprisoned, and sometimes killed for their views. Its 2013 report was based on a survey of 520 writers and found that 1 in 6 had avoided writing on or speaking about subjects they thought would make them liable to surveillance, and a further 1 in 6 had seriously considered doing so.

Whilst there are clearly issues developing in a digital world, privacy has always had an important place in the provision of library and information services. I would argue that we should continue to adopt the same principles that we applied in the analogue age to the digital age.

Freedom of access to information and freedom of expression lie at the heart of library and information services. They are safe places which support individuals to access the information necessary to shape their identity, to form and affirm their views, to become well informed citizens and be able to take an active part in society.

To ensure that libraries are safe spaces, they should be places where privacy is guaranteed. Their users should be assured of, and confident of their privacy when using library and information services.

Library and information workers should respect privacy as a fundamental value of society as a whole and be advocates for privacy; they should respect the privacy of users in their own libraries and minimise the information that they keep themselves on users.

In this way, library and information workers are taking an ethical stance in relation to privacy as a human right, and reflecting this in their professional codes of ethics.

The Oxford Online Dictionary defines ethics as the moral principles that govern a person's behaviour or the conducting of an activity, and help decide solutions for moral conflicts and dilemmas. Ethics are also used to establish standards in certain communities – for example the library and information community.

IFLA's own Code of Ethics and Professional Conduct suggests that "The function of codes of ethics can be described as

- encouraging reflection on principles on which librarians and other information workers can form policies and handle dilemmas
- improving professional self-awareness
- providing transparency to users and society in general

The Code itself is clear that "Librarianship is, in its very essence, an ethical activity embodying a value-rich approach to professional work with information" and privacy is clearly part of that ethical activity.

The Code strongly reflects the Article 19 of the United Nations Universal Declaration of Human Rights which I mentioned earlier which sets out rights of freedom of opinion, expression and access to information for all human beings. Implicit in the code is the idea of information rights which support human rights.

The IFLA Code of Ethics and Professional Conduct is built upon six core principles

1. Access to information
2. Responsibilities towards individuals and society
3. Privacy, secrecy and transparency
4. Open access and intellectual property

5. Neutrality, personal integrity and professional skills

6. Colleague and employer/employee relationship

The section on privacy, secrecy and transparency is clear on its importance to the profession:

- Librarians and other information workers respect personal privacy, and the protection of personal data necessarily shared between individuals and institutions.
- The relationship between the library and the user is one of confidentiality and librarians and other information workers will take appropriate measures to ensure that user data is not shared beyond the original transaction.
- Librarians and other information workers support and participate in transparency so that the workings of government, administration and business are opened to the scrutiny of the general public. They also recognise that it is in the public interest that misconduct, corruption and crime be exposed by what constitute breaches of confidentiality by so-called 'whistleblowers'

The IFLA Code is also clear that library and information workers should “develop a principled critique of relevant law and to be prepared to advise and, if appropriate, advocate the improvement of both the substance and administration of laws”.

The importance of privacy is also recognised in almost every national code of ethics for library and information workers. And here I would like to give you just a few examples.

In the United Kingdom, the Code of Professional Practice of Chartered Institute of Library and Information Professionals (which I must agree is a little dated) makes the importance of privacy absolutely clear:

- h (i) Members must not divulge or permit to be divulged any materials, information or administrative record (in manual or electronic form) which has been entrusted to them in confidence, to any third party nor use such information without the prior consent of the client for any purpose other than that for which it was first obtained. This duty to the client continues after the relationship of librarian and client ceases.

The Code does go on to recognise that there can be times when this is challenged by legislation:

- (ii) Members are absolved from the duty set out in sub-paragraph (i) above in so far as is required by law and in so far as it is necessary to answer accusations before the Disciplinary Committee.

Looking at three other codes of ethics from the many examples which are currently available on the FAIFE section of the IFLA website:

Section three of the American Library Association Code of Ethics is unambiguous:

- 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.

The Code of Ethics of the Botswana Library Association section on Relations of Librarian and Infomediary with Clients

- Librarians and/or Infomediaries protect the privacy and confidentiality of each patron

And the Library and Information Association of South Africa states that:

- Members should protect the right to privacy and dignity of all library staff and users and show respect for the confidentiality of the library-client relationship, even after the relationship ceases.

To conclude, privacy is recognised as a human right and is important in every culture. The absence of privacy can have a chilling effect on both the citizen and society as a whole. Library and information services should respect this right and work in an ethical way when working to ensure citizens can enjoy and benefit from that right, but also should manage their own services in ways that respect their users' privacy.

Privacy has always been challenged usually with the claim that this is for the greater good of society. It is sometimes accompanied by the justification that if you have nothing to hide you have nothing to fear. However, in the digital age individual and community privacy has never been under greater threat than it is at present. Like all rights, privacy is not an absolute. But library and information workers must continue – as they have always done – to take a carefully thought out ethical stance to ensure that they we also maintain their role of working to ensure freedom of access and freedom of expression.

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