

Priorities and Guiding Principles for Protecting Patron Privacy

August 17, 2021

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Introduction to the Data Privacy and Retention Task Force

The Duke University Libraries' [Data Privacy and Retention Task Force](#) was charged in the Spring 2020 in response to a [Data Privacy and Retention Audit](#) conducted by the Assessment & User Experience Department. The audit, inspired by calls to action from groups such as the [National Web Privacy Forum](#), reviewed DUL's collection and retention practices surrounding patron data in various library systems. The audit suggested a lack of consistency in privacy policy and practice for different types of library systems and a general need for greater library attention to these issues.

This [task force](#) was charged to develop a document clarifying DUL's priorities and guiding principles related to privacy and to make recommendations for additional work needed to create and implement policies and processes in keeping with our principles. This document completes the first phase of the task force's work by outlining our priorities and guiding principles related to patron privacy. To prepare for writing this document, the task force reviewed introductory materials on privacy concerns in libraries covering a large range of library activities and systems.

In identifying DUL's priorities and guiding principles, we find it helpful to ground ourselves in the current [Duke University Libraries Strategic Plan](#). The Strategic Plan outlines five guiding principles and five strategic priorities and goals, covering a wide range of activities within Duke University Libraries. We will explore each section of the Strategic Plan and outline DUL's values and hopes for privacy protections in each area.

Throughout this document, our statements follow a rough hierarchy of directed action. The strongest statement is one that describes an **obligation**. Statements beginning with obligation indicate that DUL should devote significant time and resources toward this work. The next level is that of **responsibility**. Statements beginning with responsibility indicate that DUL should make a concerted effort toward this work, but the work may not receive the same attention and resources as that related to our obligations. For both obligations and responsibilities, activities fall completely under our sphere of influence. The final level is a **commitment**. This document uses commitment to indicate that DUL will need to partner with other groups to perform this work and thus cannot promise to accomplish all tasks. These actions fall under our sphere of concern, but our sphere of influence may not fully extend to cover everything.

Guiding Principles

DUL's guiding principles are value statements that cut across library departments and projects. They are high-level goals that we can all keep in mind as we organize our work and make decisions about where to devote our resources and energy. Each area has broad but useful implications for our work to educate patrons about privacy concerns and protect patron privacy in our own systems and services.

We design and deliver user-centered services.

We believe that data, collected and analyzed in a responsible manner, helps an organization make better decisions about how to serve its users. Even with the best of intentions, however, our desire to collect and analyze patron data to improve services comes into conflict with our patrons' right to privacy, and we must acknowledge that tension and be thoughtful about how our data practices have an impact on our users.

In addition to keeping privacy needs in mind when making decisions about data collection, analysis, and retention, we must also keep our users in mind when communicating about our practices. We know that simply making information available does not make it findable, understandable, or actionable. As a library, we are especially sensitive to the importance of promoting literacy in areas related to information, especially in the midst of a pandemic that has pushed even more activity into our digital environments.

- We have an obligation to invest time and thought into our data collection efforts and the values that drive them with the end goal of providing direct benefit to our users while limiting risk to them.
- We have an obligation to communicate effectively with patrons about the actions we take that have implications for their privacy, such as tracking user activity on our websites and conducting user satisfaction surveys.
- We have a responsibility to promote literacy around privacy topics to help encourage patrons to empower themselves to make informed decisions about how their data are collected and analyzed. Users cannot consent to something they don't understand.
- We commit to advocating on Duke's campus and with peer institutions to place privacy issues at the forefront in the design of tools and services.

Staff development leads to innovation.

Staff development in areas related to data privacy is crucial because of the rapidly changing privacy and security landscape. Our individual and collective understandings of best practices need to be regularly tested and updated. Staff members need time and resources to take advantage of learning opportunities, and the institution needs to incorporate any lessons learned to guide future decisions and improve practices. Furthermore, regular staff training guards against staff practices that either unwittingly or intentionally compromise data security.

- We have an obligation to train our staff in privacy issues that directly relate to their job responsibilities. This training could take the form of formal professional development, internal presentations by staff with particular areas of expertise, clear communication of guidelines and policies for certain types of library work, participation on consortial projects, etc.

- We have a responsibility to be responsive to new information and skills developed by staff. New insights gained or best practices discovered should be used to update documentation, training, policies, systems, and licenses.
- We commit to participating in the broader library privacy ecosystem, sharing our current understanding, learning from others, and encouraging open discussions on privacy-related topics.

Diversity strengthens us.

The diverse community we provide services for inherently creates a rich source of data with unique challenges to ensuring its equitable and meaningful use. Our users are multifaceted: bringing distinctly valuable perspectives and experiences to their interactions with the library. As stewards of this data, we must be mindful of how data are utilized and whose voices are included in the decision-making processes. Without careful attention and the engagement of our full user community, we run the risk of introducing or perpetuating bias in our data policy and our decision-making efforts.

- We have an obligation to ensure that user data is handled and utilized in a socially responsible matter that protects privacy.
- We have a responsibility to be representative and inclusive of Duke's community in our collection and analysis of data (i.e. gender, race, language, ethnicity, sexuality, nationality, etc.).
- We have a responsibility to critically evaluate patterns in our data to avoid perpetuating systemic bias.
- We commit to advocating for enhancements to systems to improve data quality and inclusiveness while acknowledging the limitations of data in accurately representing our users.
- We commit to acknowledging our biases and how they influence the creation of data policy.

We cultivate and connect communities.

With thriving global research activities and an international campus at Duke Kunshan University, Duke University is part of large, complex network of scholarly activity. This network includes our increasingly global local community. Participation in such a network complicates attempts to comply with privacy regulation and stay up to date with best practices for data collection, protection, and analysis. Ultimately, however, we see globalization as a strength in information work and strive to take into account the important legal and cultural ramifications of our work.

- We have an obligation to communicate our policies and activities as a data collector in ways that will be accessible to users from all over the world, even those who interact with our systems for short amounts of time.
- We have an obligation to review global privacy regulations regularly and update our policies and systems to be in compliance with applicable regulations.

- We commit to extending our efforts to promote privacy literacy to the global community, striving for a widely accessible design for our public materials.

We break down barriers to scholarship.

The library's commitments to open access, open source, and open standards encourage widespread sharing of academic work, tools, and infrastructure in the hopes of allowing everyone to benefit from the products of (often publicly funded) research. These commitments have the potential to undercut for-profit companies that offer free services in exchange for predatory surveillance practices, compromising the safety and privacy of our users. We recognize, however, that as an institution reliant on stretched budgets and staff, we are often faced with our own tough choices about using low-cost or free software that trades our users' data for convenient features and long-term stability.

- We have an obligation to use open source, privacy-protecting tools whenever possible.
- We have a responsibility to contribute effort back to open source projects we rely on.
- We commit to advocacy and support around open tools and scholarship in academic communities that resist such openness, including efforts to challenge incentive structures that require the use of proprietary software or publication in closed journals.

Strategic Priorities and Goals

Our Libraries Create Platforms for Scholarly Engagement

As platform creators, we have the opportunity to actualize our values in software and services. We develop platforms that can serve as alternatives to those trying to monetize user data and that can embody our commitment to open sharing of research sources and products. When we implement, modify, or design platforms, we make choices about what we require from our users, what we offer our users, and how well we communicate what is happening in our platforms. The choices we make can encourage a high level of engagement from a wide variety of people, or they can restrict activities in ways that are frustrating and hurtful to our users. For some systems, our interests as service designers and data collectors will come into direct conflict with our users' right to privacy.

- We have an obligation to approach the development of our platforms with an eye toward protecting the privacy of our users.
- Where our current systems fall short in protecting user privacy, we have a responsibility to devote time and resources to building better solutions.

Our Libraries Teach and Support Emerging Literacies

Information exchange about individuals and groups occurs automatically in the background of library systems, often going unnoticed and without interrogation by the subjects of that information. This exchange occurs both to provide convenient and easy-to-use services, and as the good exchanged in an economy of behavioral data. Our users can only make informed decisions about their privacy when they understand this exchange of information that occurs when they use our systems.

- We have an obligation to communicate in plain language what data we and our partners collect while providing our services.
- We have a responsibility to provide education, tools, and collection materials to shed light on the general processes of information exchange behind technology systems.
- We commit to partnering with researchers seeking to understand the effects of information exchange processes and related policy interventions.

Our Libraries Advance Discovery

While fulfilling our role in providing access to new technologies and emerging opportunities to enable more sophisticated discovery and access of information, we acknowledge that with that role comes a charge to understand how these technologies and partnerships make use of users' information. As with other areas related to privacy, our role as an access provider will come into conflict with our users' right to privacy when we consider using tools or services that offer useful features for us or our users in exchange for problematic data practices.

- We have an obligation to protect users' privacy when investing in and licensing new materials, services, and software, by treating the absence of language protecting users' data as a deal breaker when negotiating with third parties.
- We have an obligation to support authentication methods that will protect users' anonymity.
- We have a responsibility to use our resources to support partnerships that share our same values and goals related to privacy.
- We commit to advocating for our principles and priorities in consortial work and negotiations.

Our Libraries Partner in Research

Libraries are especially well suited to partner in research related to data privacy issues. The library field has a long history with privacy protections, as evidenced by [state laws](#) protecting the privacy of library records across the country. Libraries are often intimately involved in the development of industry standards, privacy policy language, and privacy-protecting software solutions. Library research partners include a broad range of individuals, groups, and institutions - from local patron communities to

consortial and global library peers. Libraries have a vested interest in research on ways to better protect patron privacy, either through software improvements, regulatory change, or user education.

- We commit to partnering with researchers seeking to understand the effects of information exchange processes and related policy interventions.
- We commit to leveraging our research partnerships with librarians, library staff, patrons, faculty, and administration to advocate for privacy literacy and data protection throughout the research data lifecycle.
- We commit to developing internal partnerships between public services, acquisitions, and scholarly communications to improve our ability to help our patrons navigate their own privacy concerns in licensing and publication situations.

Our Libraries Transform the Information Ecosystem

The work we do at Duke University Libraries can benefit from and be a great benefit to other library partners around the world. Far from being a neutral party, libraries can engage directly with social and political forces to promote privacy protections. By working in concert with the broader library community, we can leverage our collective power to effect real and lasting change on privacy issues.

- We commit to advocating for privacy protections through professional associations, consortia, and other collaborative efforts in the library and information community.
- We commit to reaching out to partners to learn about and communicate best practices for data privacy and retention, both for locally-controlled systems and for third party, vendor-supported systems.

Select Resources

- [Crazy/Genius podcast episode: Why Should We Care About Privacy?](#)
- [PLP Data Privacy Best Practices for Libraries Project](#)
- [NYC Library Staff learning modules](#)
- [Tip of the Hat \(library privacy blog/newsletter\)](#)