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## Creating Digital Cultural Heritage Collections in an Urban Academic Library Setting

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# Librarians as Feisty Advocates for Privacy

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## Abstract

Librarians are the ideal profession to advocate for privacy and intellectual freedom during online social media product use. Under the central leadership of the American Library Association (ALA), librarians should lead a campaign to urge Internet social media companies to include Privacy by Design principles in their user agreements. This social media privacy campaign would follow librarians' historical privacy advocacy efforts, and promoting ethical user agreements presents a new venue for librarians' advocacy in the era of online information access.

## Keywords

Privacy, Ethics, Intellectual Freedom, Social Media, User Agreements, ALA

*“The old stereotype of librarians as meek maidens whose only passion is for the Dewey Decimal System is now being shattered for good, replaced by a new image of librarians as feisty fighters for freedom.”* (Talbot 2003).

## Introduction

Librarians should harness their advocacy power and lead a campaign to infuse social media user agreements, or terms of service, with privacy assurances in order to fulfill their ethical obligations to patron privacy and intellectual freedom. Of all of the Internet's tools and distractions, social media reigns supreme as the most widely used Internet medium. (Fontecilla 2013). Social media has become a major source for news, crowdsourcing opinions, and forming and maintaining human connections. It is safe to say that social media outlets have become major gateways for information. Librarians, as information science specialists, stand at the pinnacle of this information revolution, creating social media policies and methods of use. In some communities, libraries often provide the only Internet access available

to the public, making libraries the sole access point for online social media. (Privacy Resources 2013).

As this online social media revolution continues, librarians must also be at the forefront of creating social media privacy policies and practices. Social media provides information, but it also takes information, storing tons of personal data, from biographical information to information about personal affiliations with people, organizations and institutions. Social media data contains chat logs, message files, tweets, photos, videos, tags, GPS locations, “likes,” check-ins, login timetables, pins, and even clicks. This in-depth collection of human information should not be surprising, as one of social media’s primary functions is the consumption and distribution of “personal content about the self.” (Ellison et al. 2011, 1).

Librarianship is one of the only professions that explicitly expresses privacy rights in its codes of ethics. That privacy right is described in the American Library Association’s (ALA) intellectual freedom manual as “the right to open inquiry without having the subject of one’s interest examined or scrutinized by others.” (ALA Office for Intellectual Freedom 2010, 177). Librarians must extend their traditional privacy axioms to meet the privacy challenges of the Internet age. Intellectual freedom depends on it: as librarian Deborah Caldwell-Stone (2012) explains, “The right to read freely depends upon the knowledge that what one is reading is not monitored or tracked.”

Librarians and the ALA are the best potential sources of intellectual freedom advocacy for social media products. The ALA has been a proven force against tyranny, censorship and privacy breaches throughout history. Librarians were also some of the first Internet users, and “Libraries have been technology leaders for decades – not in being first adopters, but in being early users of effective technologies.” (Technology Marches On 2013). For these reasons, libraries are ideal centers from which to campaign for intellectual freedom on social media platforms.

This paper reviews librarians’ histories as protectors of intellectual freedom and personal privacy, and outlines a plan for librarians to continue their protective roles into a world where social media is a primary source of information access. Electronic privacy is just as pressing to librarians as privacy in the stacks was in decades past. As the ALA declares, “When users recognize or fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists.” (ALA Office for Intellectual Freedom 2010, 178).

## Librarians’ Privacy Advocacy: A Historical Look

The 1938 version of ALA's *Code of Ethics for Librarians* required librarians to "treat as confidential any private information obtained through contact with library patrons," a decree that has been ardently and consistently upheld ever since (Johnson 1989, 773). Librarians have treated privacy as a basic ethical requirement and professional obligation. (Garogian 1991). Librarians' privacy ethics have withstood various tests throughout time.

In 1953, librarians responded to McCarthyist attacks against communism by participating in statement called "The Freedom to Read," condemning efforts to regulate and track library users' reading habits (Johnson 1989, 780). In the 1960's the ALA protested government attempts at surveillance in libraries when the Federal Bureau of Investigation (FBI) tried to track Vietnam War Protesters' library habits. (Kennedy 1989, 741-742). The FBI believed that the "Harrisburg Seven" conspired to kidnap Henry Kissinger, blow up generators and heating tunnels in Washington D.C., and vandalize draft board offices. During the same era, librarians also fought Federal Treasury plans requiring public libraries to release circulation records identifying library patrons using books on bomb making. (Kennedy 1989, 742).

In 1971, the ALA drafted its *Policy on the Confidentiality of Library Records* requiring librarians to keep circulation records and other patron-identifying records confidential. The ALA lobbied state governments, urging them to pass library patron privacy laws, leading most states to adopt library patron privacy statutes. (Garogian 1991, 217). In the 1980's, when the FBI launched a counter-intelligence initiative profiling people with Russian and Slavic-sounding last names, the ALA responded by directing librarians to follow the ALA's code of ethics over the FBI's demands. (Matz 2008, 72).

The more recent passage of the USA PATRIOT Act in 2001 renewed librarians' protesting spirits. In particular, librarians fought against Section 215 (granting access to "any tangible item" under the Foreign Intelligence Surveillance Act) and Section 505 (permitting the FBI to obtain library records without judicial oversight) of the Act. ALA members staged public protests and drafted press releases and guidance to the nations' libraries to avoid patron surveillance tactics through the new law, and proudly donned pins with the phrase "Radical Militant Librarians" at the 2006 ALA convention after the FBI complained about the librarian backlash to PATRIOT Act decrees. (Dorsett 2006).

History makes it clear that privacy protection and the support of intellectual freedom are ingrained in the profession of librarianship and that librarians are prepared to engage in grassroots advocacy campaigns to safeguard those rights. It is important to keep the flames of advocacy from fizzling out as we

cross over from traditional, print media to the new world of information dissemination and searching on Internet platforms like social media portals.

## Plan for Advocacy: How Librarians Can Push for Social Media Privacy Measures

Although some Internet gurus minimize privacy online, saying things like “You have zero privacy anyway. Get over it,” (Sprenger 1999) librarians should not resign themselves to giving up patron privacy rights in exchange for online information access. Grassroots campaigns for social media privacy have developed to increase awareness and concern for the issue. (Fischer 2013), (McAuley 2013), (Opsahl 2010). Similarly, librarians can lead their own campaign as they have when upholding intellectual freedom and privacy rights in the past.

An ideal librarians’ campaign for social media privacy would be organized under the ALA and combine concepts from the “People’s Terms of Service Contract” and Ann Cavoukian’s model for Privacy by Design. Harnessing the collective power of librarians under the ALA, a powerful force for change, librarians could urge social media companies to adopt Terms of Service that incorporate Privacy by Design concepts.

The People’s Terms of Service Contract, created by academics and activists, is a version of the traditional terms of service that you agree to when you click “I agree” on most Internet services. It replaces the boilerplate, privacy-sacrificing language of the small print that users consent to while creating social media accounts with language that focuses on consumer priorities, including security and confidentiality for social media users. Advocating for replacing traditional social media user agreement language with the People’s Terms of Service is an ideal collective action to urge social media companies to respect consumer privacy rights. (Melber, Hartzog and Selinger 2013). The People’s Terms of Service Contract drafters urge the public to consider a world where social media users and consumer advocates collectively negotiate a contract that reflects common consumer priorities, like privacy rights. They suggest that the contract “could be pressed on existing Internet companies, and also provide a model for new companies that want to compete for users who demand respect for their freedom, choice and privacy.” (Melber, Hartzog and Selinger 2013).

A People’s Terms of Service contract truly focused on privacy rights would incorporate a set of fundamental privacy principles that social media companies would have to follow. Ann Cavoukian, the privacy commissioner for Ontario, Canada has already created an ideal set of privacy principles. The U.S. Federal Trade Commission, an agency focused on protecting the

nation's consumers, has adopted Cavoukian's Privacy by Design approach. (National Public Radio Interview). Privacy by Design consists of seven principles requiring Internet companies to:

- 1) Be proactive anticipating privacy issues, not reactive (acting after-the-fact),
- 2) Use privacy as the default setting, not as an opt-in,
- 3) Embed privacy into the design and architecture of systems and practices as an essential component of the core functionality being delivered,
- 4) Remove the pretense of false dichotomies, not declaring privacy as a tradeoff for security or other services,
- 5) Provide end-to-end security and cradle-to-grave information management from information creation to destruction,
- 6) Create transparent components and parts that remain visible to users and providers alike (trust but verify) and
- 7) Keep the interests of the individual at the forefront of all options and functions. (Cavoukian 2014).

The ALA can heed the call for social media privacy through amended terms of service contracts. The organization can urge libraries to push privacy standards for social media, and it can directly engage social media corporations as a powerful, national organization of information professionals. Creating a sample terms of service contract that incorporates the Privacy by Design standards and launching a campaign to urge social media outlets to infuse their user agreements with those contractual obligations would help librarians protect Internet users privacy in their libraries. By demanding things like "do not track" settings as the default setting in social media platforms and requiring social media providers to agree to remove content upon user request as boilerplate terms of service, librarians could turn the tides of privacy invasion by social media corporations. Contract terms are a tool that librarians can use to help transfer their steadfast resolve for intellectual freedom from the stacks to the Internet.

Undertaking a campaign involving contracts may seem beyond the realm of librarianship. After all, librarians are not contract lawyers and may know relatively little about Internet social media enterprises. However, the "People's Terms of Service" drafters urge us to recall the initial pessimism surrounding Creative Commons, an effort that drew on the collective power of artists and creators to better protect copyrighted works on the Internet. Although the Creative Commons plan initially sounded complex, involving dense legal copyright concepts and tricky Internet coding ideas, Creative Commons is now widely known to anyone searching for fair use materials

online. Maybe, in the future, these terms of service contracts will be common knowledge, and a widely used tool for forwarding consumer priorities online.

## Conclusion

Because of librarians' ethical obligation to support patron privacy and intellectual freedom, they must work to push social media providers into ethical compliance. Library users' freedom of inquiry is undeniably chilled by social media's privacy breaches. (Ostrowsky 2005). The privacy given to library records should be extended to Internet search records. Internet searches are the modern way of retrieving information, Internet viewing is the new version of browsing a bookshelf or thumbing through a card catalog and "clicking" may as well be checking out a volume for personal use.

Corporate policies and user agreements do not have to be accepted at face value. As the "People's Terms of Service" drafters wrote, "We're finally moving past the simplistic notion that one-sided corporate agreements are an unavoidable "cost" of using social media—as if every company's corporate policy must be accepted as the automatic baseline. That's not how we regulate BP, why should our attitudes be more lax towards Google?" (Hartzog, Woodrow and Stutzman 2013). Using a Privacy by Design model can force social media companies to assure the privacy of their users and avoid post-hoc solutions for privacy invasion with pre-set privacy assurances. (National Public Radio Interview). A collective campaign for contractual privacy obligations for social media providers headed by the ALA would implement change by forcing social media platforms to make a binding promise to each and every user to improve their privacy practices, which would eventually become the default for the social media providers.

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