Walking the PII Tightrope: Creating a Privacy Policy Safety Net in an Academic Library

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Introduction

Like many academic libraries, Florida State University (FSU) has demonstrated its value and impact in ways inspired by the *Value of Academic Libraries* report.[1] FSU Libraries sought to align their measures with university-wide student success metrics connected to statewide funding. For example, FSU Libraries recently conducted an assessment to measure whether there was a connection between library space usage and student success measures such as grade point average and graduation rates.[2] Our FSU Libraries colleagues expressed concern about this study, in part because collecting students' personally identifiable information (PII) card swipe data occurred without letting students know that it was being collected and used. Though the assessment librarian had received a waiver of informed consent from the FSU Institutional Review Board Human Subjects Committee, the librarian was not transparent with students about the PII data collected about them.

Those types of assessments, a library-wide inventory of PII data, and the prolific publication of scholarship surrounding student user privacy in academic libraries served as a backdrop to the discussions about student data privacy at FSU Libraries.[3] In spring 2019, these conversations led to two counter-argument posts in the FSU Libraries' Blog about the values and ethics surrounding gathering student data in libraries to measure the relationship between library services, spaces, and collections, and student success outcomes.[4]

A two-pronged approach was applied to address the concerns raised by scholarship and internal conversations about library user privacy and confidentiality. This approach and its application at FSU Libraries illustrate the tensions of walking the tightrope balancing student privacy and confidentiality with the necessity of gathering and analyzing PII-linked data to run an organization. The lessons learned from this approach could help other libraries that might be confronting this tension or similarly trying to apply and communicate library values and ethics about user privacy within a university ecosystem.

Background

It is essential to understand both the university ecosystem that the academic library operates within and the library profession's privacy values and ethics. This understanding helps to surface the tensions faced in academic libraries regarding protecting library user privacy and confidentiality. The university's focus is on using PII data to support its mission and goals.

Florida State University

Founded in 1851, FSU is the oldest continuous site of higher education in Florida. It has a Carnegie Commission classification of "Doctoral Universities; Highest Research Activity." There are approximately 41,700 students, and the operating budget is $1.9 billion. Florida public universities such as FSU are awarded funding based on performance and preeminence metrics that include student success metrics.[5] FSU Libraries has been very aware of these university-wide metrics and have sought to align with them over the years. FSU is grappling with privacy issues and how to govern PII data collected across campus as part of the Data Governance Task Force. FSU Libraries have faculty representation on the Task Force.

Why do libraries care about privacy?

Library users have the right to exercise their intellectual freedom, to have the personally identified information (PII) regarding their library use of services, spaces, and collections be private and confidential, and under equitable, diverse, and inclusive circumstances.[6] The Library Bill of Rights Article VII states that: "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information."[7] *Personally Identifiable Information (PII)* means information used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information linked or linkable to a specific individual.[8]

Along with our ethics and values in the profession, library professionals abide by state and federal laws regarding the privacy and confidentiality of library registration and circulation records[9] and by federal laws like the Family Educational Right and Privacy Act (FERPA) governing protection of student educational records.[10]

Approach

For the FSU Libraries to have a foundational knowledge of key topics related to user privacy and confidentiality, the libraries hosted a series of training and presentations offered to the entire library staff. Backed by this understanding, staff crowdsourced a draft privacy policy in fall 2019. The intent was to get the policy approved by senior leadership to guide library-wide practices and procedures.

Training

After the initial conversations about library user privacy and confidentiality within the libraries, the assessment librarian, Kirsten Kinsley, with the support of her associate dean, Susannah Miller, set out to provide a series of talks for staff focused on a wide range of topics surrounding library user privacy and confidentiality. These talks aimed to provide librarians and other parties interested in the subject with rules, regulations, and laws that already exist regarding user privacy and confidentiality. Topics often covered the umbrella rules under which the libraries and the university already operate. Imparting this knowledge was an effort to help determine how the libraries would handle these areas in the future.

Topics included:

- Best practices in data privacy from campus IT perspective
- Ethics and privacy in libraries by the FSU chief compliance and ethics Officer
- FERPA talk with the FSU registrar
- Institutional Review Board (IRB) human subjects training: CITI and RAMP introduction for FSU Libraries
- Library integration on institutional learning analytics—professional development day with Megan Oakleaf
- Library patron data and privacy: cycles and strategies[11]

Crowdsource Writing the Privacy Policy

Following the training series, staff began to crowdsource a draft privacy policy. The staff could attend two writing sessions that were both remote and in-person. Assessment staff drafted framework elements included in a template document. Those elements included ALA's library values related to privacy and confidentiality and the Fair Information Practice Principles (FIPPs).[12] As a result of the number of different authors and the varying interpretations of how to apply library values and ethics to practice, some contradictory elements were evident in the draft. For example, the Learning Analytics section

appeared to have two completely different perspectives. The FSU Compliance and Ethics Officer assisted with various drafts throughout the writing process. Her input was invaluable as she understood library ethics and values related to privacy, and she understood how those must be in tension with university values and goals. Our policy did not resolve issues related to third-party vendors and user privacy.

Findings

Divergent voices existed in the document, and the application of a policy document itself was fraught with contradictions and possessed limitations as a communication tool both externally and internally. Nonetheless, library staff discussed the draft content during a library open forum. They discussed issues about the document's scope and the conflicting voices evident in the draft. The policy did not address lingering questions about learning analytics, and its purpose seemed unclear. The document was revised and shared with the library dean. After that, it went to the library leadership team, which did not approve or disapprove of the draft. However, soon after, one of the associate deans suggested a rewrite of the document since a policy document was not realistically enforceable. The associate dean requested that the newly formed Privacy Special Interest Group in FSU Libraries rewrite a principles document to guide practice and inform our users. This seemed like a better approach than a formal policy.

It was apparent in creating the draft that there was a difference in opinion within the libraries about what the university should control and influence and what the libraries should control and influence relating to student privacy. Libraries are proponents of intellectual freedom and therefore concerned with any monitoring that may occur regarding our patrons, in case that could result in negative consequences. The trust and comfort level amongst libraries' leadership with the university entities protecting student privacy was good. However, some colleagues' second nature was to question that trust. They questioned why some information is kept on students at all. Moreover, there were concerns expressed about what our vendors collected about our users and whether that information was protected.

One of the most challenging parts of the process was agreeing internally on how the libraries were going to approach privacy. It was difficult obtaining buy-in internally with the document because some conflicting issues were left unresolved, such as whether and how the libraries might participate in learning analytics. FSU Libraries are just beginning to explore learning analytics and whether participating could contribute to the university's overall student success data initiatives. There is thought on the side of library administration that measuring our impact on learning within the university would provide valuable data to further our mission.

Outside of learning analytics, other ways of sharing our data might be of benefit as well. What if, for example, the data show that the libraries should add more services and space for the STEM disciplines based on the numbers and types of users accessing our science library? Showing how many biology majors come in, how long students stay, what spaces they like the best, what materials they are checking out, and how they engage with library services might help us serve this population more effectively. This information could also provide ample justification for budget requests, fundraising goals, or grant applications—all of which benefit our users. There are myriad examples of how detailed data about our users could benefit our goals as an organization.

Practical Implications and Value

Principles before Policy

During this process, library staff also learned that they were not sure who the audience was for this proposed privacy policy. The libraries wanted a document that it could share with library users, while also using it to guide internal practices and procedures. The impact of this uncertainty caused the authors to

question their approach. Communicating to users is not possible until the libraries applies the policy to practices, but those practices are highly decentralized and not evident unless explored more thoroughly.

Applying the Principles

In discussing developing privacy principles, the authors quickly realized that they needed to test them out on some of their current practices. For example, as all libraries do, FSU Libraries engages with outside vendors to acquire new resources and enter into license agreements with them for resources such as e-books. While the libraries examined its contracts with these vendors previously and reviewed them with the university's general counsel, the privacy principles document was not in place when doing so. In the future, the staff involved needed to review those contracts to discern if they align with the principles and, if not, determine the path forward on whether revisiting them would be necessary and feasible. The libraries also would face the issue of potentially having to negotiate with vendors if they were not in agreement with our principles and confront the question of what is most important on a case-by-case basis.

Additionally, the data gathered by the libraries are spread out in a decentralized manner in numerous departments. The authors knew this from a previous data inventory that we conducted. Various PII data were gathered, for example, on library consultations, and this information is managed by and housed in the Research and Learning Services division of the libraries. We also have circulation data kept in our library information system, interlibrary loan statistics, and information on turnstile counts gathered and stored outside of the libraries. Information gathering was occurring throughout the libraries' operations, and there was no established, centralized approach to applying principles and practices. Therefore, it would be necessary for the principles document, once established, to be communicated throughout the organization so that departments could apply the principles to their work. Doing this before scrutinizing other university policies would be the best approach.

Next Steps: What Walking the PII Tightrope Requires

The Privacy Principles document is written in a language that is easy for our users to digest. The Principles contain the reasons why FSU Libraries value user privacy and confidentiality related to our profession. It also explains library staff roles as educators, advocates, and being good stewards of the PII data collected about users: the purpose of the data, its storage and retention, and the libraries' commitment to collect only what is needed to improve services, spaces, and collections. The document also states the responsibility to users to be transparent about the data that is collected. FSU Libraries leadership approved of the Principles as of this writing. The next step is to share it library-wide and help each unit and department use it to guide their practices and procedures. The Privacy Principles will soon be posted on the libraries web site.

Two immediate applications of the Privacy Principles are with card swipe data of users who enter into the libraries and with a Memorandum of Understanding (MOU) with our library consortia regarding how they use our user data during demos of a new library product, OpenAthens.

A web page about the card swipe data aims to be transparent to library users with FAQs concerning its collection, use, and storage. A poster, displayed at the turnstile/card swipe entrances of two libraries on the main campus, is planned once the campus resumes full operations and COVID occupancy limits are lifted. The poster lists what data is collected, why it is collected and will provide a one-page handout about our privacy principles. The libraries will survey library users to get feedback about how they feel about the libraries collecting and using third-party data.

The Florida statewide consortia for academic libraries have provided OpenAthens (an identity and access management service) to its 40 Florida Schools. FSU Libraries are the first academic library in Florida to

ask for an MOU regarding the consortia's use of FSU's library user PII data. The Privacy Principles document helped the writers of the MOU frame its contents. For example, one stipulation is that if the consortia demonstrate OpenAthens to other consortia members, it will omit any attributes that might identify FSU library users.

FSU Libraries look forward to following the latest results from the *Data Doubles Project* and other studies that reflect student perceptions of their privacy and confidentiality related to library usage.[13] The libraries are planning to conduct asynchronous focus groups about students' perceptions of their privacy and confidentiality using FSU's learning management system to ensure a "local" perspective of FSU Libraries' users. Future work includes examining the recent Pacific Library Partnership and LDH Consulting Services publications, including a privacy toolkit for libraries.[14] FSU Libraries may also provide another series of staff trainings—this time, a pre- and post-test will measure learning before and after every exercise. Lastly, now that the libraries have adopted the Privacy Principles, it will be interesting to see how it balances the values and advocacy of those principles internally and applies them to a university ecosystem. These endeavors encompass an approach of one academic library to walk the tightrope balancing student privacy and confidentiality with the necessity of gathering and analyzing PII-linked data to run an organization. The authors hope that other libraries just beginning to look at these issues can find some guidance in the lessons learned at FSU Libraries.

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Endnotes

[1] ACRL, *Value of Academic Libraries*.
[2] Mao and Kinsley, 2017.
[3] Briney, 2019; Jones and Salo, 2018; Jones, 2019; Jones et al., 2019; Jones et al., 2020.
[4] Beauchamp 2019; Kinsley 2019
[5] FSU Office of Institutional Research, n.d.
[6] ALA, 2008.
[7] ALA, 2019.
[8] "Personally Identifiable Information," 2 CFR § 200.79, 2014.
[9] Library registration and circulation records, Florida Statute 257.261 (2020)
[10] FERPA Overview, Florida State University Registrar, https://registrar.fsu.edu/records/ferpa/.
[11] Yoose, 2019.
[12] ALA, 2019; United States Department of Justice, 2020.
[13] Jones, 2018; Jones, 2021.
[14] Pacific Library Partnership and LDH Consulting Services publications, including a privacy toolkit for libraries (2020a; 2020b).

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