

Chapter 19

Personal Data Protection in Digital Libraries

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ABSTRACT

Digital libraries provide many advantages compared with traditional libraries, such as wide and round the clock availability of resources, lack of physical boundaries, etc. However, the disclosure of personally identifiable information in the course of processing activities may lead to an invasion of privacy of library users, without their being aware of it. In fact, privacy threats are increased in the digital environment, in which digital libraries operate. The right to privacy in the library is “the right to open inquiry without having the subject of one’s interest examined or scrutinized by others” (ALA, 2005). Users of digital libraries have similar privacy expectations when making use of their services. The issues concerning the privacy of digital libraries’ patrons are thus addressed in comparative perspective, in this chapter. In more particular, the legal regulations with regard to data protection in digital libraries in the EU and the US are presented. The comparative analysis of the two legal orders shows differences and similarities, but also highlights loopholes of protection.

INTRODUCTION

In our network connected world, libraries undergo significant changes. They are being transformed into “virtual destinations”, which provide convenient and unrestricted access to their collections on the Web (Tonta, 2008, p. 1). The transformation from traditional to digital libraries was the outcome

of the technological development and in more particular, of enhanced processing capabilities of electronic documents and information distribution through open networks such as the Internet.

New emerging digital technologies are thus used to activate, engage and transform the social and intellectual capital held in cultural institutions (Cameron & Kenderdine, 2007). This development provides a thrust towards the creation of technologically accessible institutions, and in

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particular, as far as libraries are concerned, of libraries “without walls”, i.e. digital libraries (Hudson & Kenyon, 2007).

Digital libraries bring together the cultural wealth of nations, providing a means for easy access of books, recordings, pictures and other digital collections. They provide many advantages compared with traditional libraries, such as wide and round the clock availability of resources, lack of physical boundaries, requirements for storage space, and multiple accesses of their contents by various institutions and long-term presentation of material.

However, as information processing often involves personal data processing, new information technologies pose privacy problems and digital libraries are no exception. In particular, the disclosure of personally identifiable information in the course of processing activities may lead to an invasion of privacy of library users, without their being aware of this eventuality.

In traditional libraries the collection and archiving of personal data is necessary for the provision of library services and thus, the protection of privacy of patrons is essential. The potential for an invasion to privacy is far more extensive in digital libraries, in which collection and processing of personal data are more advanced, since an increased amount of personal information must be disclosed in order to provide customer-tailored services to users of library users and allow access to an indefinite number of people (Strakantouna et al., 2007, p. 3).

The difference between a traditional and a digital library is considerable as far as privacy issues are concerned. By default, all libraries keep electronic files for their users and employees. The categories of data included in those files are the following: (a) patron data used for various functions, such as interlibrary loan and use of electronic resources, (b) data of patrons and external users for the provision of online, interactive services, (c) e-mail records concerning users and employees of libraries, (d) Web forms, (e) records of online

searches carried out in library computers and (f) other data (Neuhaus, 2003; Strakantouna et al.).

Library users may use the library onsite or borrow books and their privacy interests differ in each case, i.e., when they act as users or borrowers (Blume, 2003, p. 453). A third category refers to external users, accessing a library at a distance (digital reference, see Neuhaus, 2003). Such a distinction is not made with regard to digital libraries, in which all users are acting as borrowers (Strakantouna et al., p. 3). In this way, though, users are becoming ‘transparent’ and their personal data become widely accessible.

In the digital environment the processing of a big number of data is possible. In particular, records of transactions are created electronically which are thus easier to access than traditional library records. Reading records of users are being filed and could, therefore, be used for building users’ profiles. Besides that, other information is unveiled which concerns users’ activities on the Internet. Monitoring concerns in particular, email activity and also information finding activities by users, and librarians acting on their behalf, that necessarily involves electronic communication (Sturges et al., 2003).

A digital library has access to following information related to library patrons (Sturges et al., 2003, p. 2):

- membership files,
- records of document loans or electronic publications consulted,
- lists of requests for information,
- user profiles for dissemination services,
- records of online searches,
- logs of email and other Internet activity,
- records of webpages visited and downloaded.

The example of a digital library such as Google books illuminates the omnipresence of privacy risks. As pointed out by the Electronic Privacy Information Center (EPIC, 2010), there are many

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