

Access With(out) Anonymity – Anonymity in Public Libraries in Modern Times

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The right not to be known against our will - indeed, the right to be anonymous except when we choose to identify ourselves- is at the very core of human dignity, autonomy, and freedom. *George Radwanski*

Abstract

Access to information is one aspect; collecting and retaining data of people accessing information is another aspect of library services in modern times. Users can benefit from new technologies applied in library services, such as user profiles, based on loan history; tailor made services through advanced marketing based on customer segmentation etc. Searching history on library internet computers, films with pictures of persons on security cameras are other data which may reveal a person's identity.

Libraries as providers of services are legally and professionally obliged to guarantee anonymity to their users, meaning that users should remain unidentified, nameless, but in practice it more often means that their names are known to the providers of services, but should not be revealed to the greater public.

A number of international IFLA/UNESCO documents on libraries, emphasize the libraries' obligation to protect anonymity of their users, but do not provide a definition of anonymity in library nor a sufficient guideline for library practice. Therefore, the important and relevant question is: If libraries wish to deliver modern services – and they do so - to what extent should and could (public) libraries use or allow to use the above mentioned types of tools for collecting data?

Is access to information only possible by giving up anonymity? Or can libraries give access to information safeguarding users' anonymity? This article deals with these questions based on a research into relevant literature and legislation and a comparative survey of library practices and awareness of librarians in the Netherlands and Croatia.

Introduction

Access to information is one aspect; collecting and retaining data of people accessing information is another aspect of library services in modern times. Users can benefit from new

technologies applied in library services, such as user profiles, based on loan history; tailor made services through advanced marketing based on customer segmentation etc. Searching history on library internet computers, films with pictures of persons on security cameras are other data which may reveal a person's identity.

Life in the contemporary society requires from an individual to provide data about herself/himself willingly in order to obtain access to necessary services such as provision of medical care, educational and day care services, bank services, etc. The type and range of personal data collected by various organizations that provide those services vary, but should normally be kept to the minimum considered necessary for a particular service.

The new technologies have allowed for increased collection and easier accessibility of personal data. This fact has raised concern over privacy of the users of services who must offer data about themselves and who are often unaware of the further use their personal data might be put to. Providers of services are legally and often professionally obliged to guarantee anonymity to their users. Anonymity means that users should remain unidentified, nameless, but in practice it more often means that their names are known to the providers of services, but should not be revealed to the greater public.

Libraries process personal data of their library users in good faith. In times that libraries become more and more computerized, they collect and use the personal data of their library users in different ways.

First of all, libraries collect different personal data of their library members in their library system, for example: name, address, date of birth, phone number, e-mail address and present registered loans. Secondly, by current advanced possibilities in the library system, libraries can use the collected personal data of their library members in their library system for new services. An illustration of some of these new services:

- Library members can see by themselves their own loan history.
- Library members can prolong by themselves the borrowing of a material.
- Library members can see by themselves the details of outstanding financial duties.
- Library users get reading advice (borrowers of this title also read ...) in the catalogue.

Thirdly, by current advanced possibilities in the library system, it is also possible to keep into detail a log history (overview of loan transaction) or a financial overview of a library member. Fourthly, libraries could collect personal data of their library users by the internet use in the library, for example which websites they are visiting. Fifthly, libraries could collect personal data of their library users by camera surveillance.

An interesting relation for these different ways of collecting personal data of library users, is the privacy policy of a library. This is a policy in which arrangements with respect to managing the personal data of library users are established. One may think of internal arrangements, like the control and protection of the personal data of the library users, or of the way in which library users by the library are informed about their management of personal data, for example in the Library (Loan) Rules.

Libraries are societal organizations which collect data from, about and for their users. These data include different types: basic data such as name, address, phone number, etc.; pictures from security cameras, and data about transactions performed by the users in the library. Combination of those data can not only offer an insight into the personality of users, but can also indicate their present activities. A number of international documents on libraries, such

as UNESCO Manifesto on Public Libraries, IFLA Statement Libraries and Intellectual Freedom and others emphasize the libraries' obligation to protect anonymity of their users. But those documents do not provide a definition of anonymity in library nor a sufficient guideline for library practice. Therefore, the important and relevant question is: If libraries wish to deliver modern services – and they do so - to what extent should and could public libraries use or allow to use the above mentioned types of tools for collecting data?

Is access to information only possible by giving up anonymity? Or can libraries give access to information safeguarding users' anonymity? In a larger framework one would inquire: Would the requirement of preserving user's anonymity prevent libraries from performing their societal tasks of providing access to information? And also: Can anonymity be guaranteed at all in libraries which in their daily routine rely heavily on new technology (public computers, RFID, security cameras, etc.)? The article deals with these questions of access and anonymity in times of increased use of new technology based services.

Purpose and methods used

The purpose of the research is to investigate and compare the awareness and application of anonymity protective measures, in the changing context of increased tailor- made and personalised user services in libraries.

The above mentioned different ways of collecting personal data of library users and the privacy policy are part of the research, which investigates the theory and practice of the following questions:

- what kind of information on users is collected in public libraries?
- is the information collected really personal (sensitive or confidential) information which requires protection?
- what does anonymity mean in a library setting?

The research comprises the survey of literature, the survey of relevant legislation and also interviews with (public) librarians before designing a questionnaire which has been tested and distributed in the field.

A special feature of the research is that it has been carried out simultaneously in two countries: the Netherlands and Croatia following the same pattern outlined above. The cooperation between the Netherlands Public Library Association and the University of Zagreb is part of a twinning relation between the two countries in the field of library and information services. This research builds on previous joint research and exchanges.

The set up and execution of this research was done in a division of tasks: First of all, the research at the Netherlands Public Library Association focuses on a survey of literature to the meaning of anonymity. Secondly, for designing the survey the Netherlands Public Library Association did some interviews in different types of libraries, interviewing a variety of professionals with different responsibilities and functions. Thirdly, the Netherlands Public Library Association in consultation with the University of Zagreb designed a questionnaire in Dutch, English and Croatian. Fourthly, the survey was carried out. The Netherlands Public Library Association did this online and the University of Zagreb by mail, in October/November 2007. The results are compared and interpreted. An overview of the research and its preliminary results are presented here in order to contribute to recommendations on preserving anonymity of library users accessing information in modern times.

Investigation of literature: in search of anonymity

The context for providing library services is changing rapidly. Librarians are well aware that modern users need a different type of services. Libraries should keep pace of new technology, and apply it to provide targeted and personalised services. As professionals they have been educated in the tradition to protect the privacy of the user. What professional support can they get in keeping up these professional principles? For both Croatian and Dutch professionals, some international professional documents on services and privacy/anonymity may serve as guidelines.

International documents on libraries and privacy

An investigation into these documents reveals a clear professional obligation to respect the rights of the user to personal privacy and anonymity. One example is the *IFLA Statement on Intellectual Freedom* which states:

‘Freedom of access to information through public institutions such as libraries intends to guarantee the individual full opportunities to encounter free expression. Good quality library services form an essential component of the universal access. A commitment to intellectual freedom is a core responsibility for the library and information profession. Libraries and library staff should therefore adhere to the principles of intellectual freedom, uninhibited access to information and freedom of expression and recognize the privacy of library user: (...) Library users shall have the right to personal privacy and anonymity. Librarians and other library staff shall not disclose the identity of users or the materials they use to a third party.’

As nowadays internet services are becoming common in libraries worldwide, special attention is drawn to the privacy of users in this context. The IFLA/UNESCO Internet Manifesto Guidelines (September 2006) elaborates privacy and unhampered access as follows:

‘In a library the right to privacy is the right to open inquiry without having the subject of one’s interest examined or scrutinized by others. Privacy definitions begin with the sense that individuals have a kind of ownership of various aspects of their lives. This means the right to solitude and the ownership of the space around oneself; to be left alone without intrusion on one’s physical senses. It means the right to anonymity and ownership of one’s name and personal details and therefore the ability to avoid undue publicity. (...) It is also essential that access to information should not come at the cost of user privacy. Privacy in this case means the freedom to choose the degree to which personal information is monitored, collected, disclosed and distributed. Users must be informed of library policies regarding privacy and the rights of anonymity and privacy while accessing and sending information must be protected as an essential element of an access to information framework. (...) Consequently it is the responsibility of the library to protect users’ privacy, and offer a neutral space in which it is possible to maintain individuality.’

Users should be able to access information on the Internet without experiencing obstacles that causes the information seeking process to become impaired. (...) Users’ freedom to express themselves through information seeking choices is hampered by their inability to protect their anonymity and privacy. (...) Furthermore, political situations in different countries or regions around the world – such as the ‘war against terror’ – will also shape the environment in which libraries operate. Nevertheless, as facilitators of access to information, libraries are required to offer as unhampered an information-seeking environment as possible. This situation is less likely to exist if users’ privacy is compromised.’

One may notice the abstract formulation of this Statement. This is understandable as IFLA statements should serve the professional field worldwide, in a broad variety of developments. For countries like Croatia and the Netherlands, it does not offer very concrete items to hold on. This international standard setting by IFLA is based on and backed up by similar formulations and professional considerations. To present another example of an association of librarians and information professionals: In the CILIP Statement on Information Access A Set of Principles for Access to Information (2002) has been formulated. It reads on Protection of privacy: 'All individuals have the right to personal privacy and anonymity in their use of information. Privacy of personal information should be defended and extended. The principles of Data Protection should be upheld. These should support the free flow of information that is in the public domain, particularly bibliographic data.' In the practice of Academic libraries in Europe, attention is drawn to the anonymity of users, also in the context of license agreements. For example, it reads in the LIBER principles (2001) in the Information on Use: 'The anonymity of individual users and the confidentiality of their searches must be fully protected. It is imperative that a license agreement with publishers guarantees individual libraries the right and the opportunity to monitor the use and to gather the relevant management information needed for collection development.'

Apart from (inter)national principles and practice, professional literature addresses the topic of anonymity and privacy as well. Some highlight the advantage of privacy in cyberspace. Janice Koyama, for example reports that cyberspace users 'prefer anonymity to in-person, over-the-desk delivery of reference service and feel free of the captive nature inherent sometimes in the personal interview controlled by the librarian.' (1999, 51). But what if this privacy can no longer be guaranteed? What does anonymity really mean?

Research literature on anonymity in modern times

In the literature the concept of anonymity is related to privacy. The conceptual analyses of privacy are far more voluminous than of anonymity. The debate over the exact definition of privacy still continues (Dumsday, 2005).

Westin (1970) makes a distinction between four basic states of individual privacy:

1. Solitude; "here the individual is separated from the group and freed from the observations of other persons".
2. Intimacy; "the individual is acting as part of a small unit that claims and is allowed to exercise corporate seclusion so that it may achieve a close, relaxed, and frank relationship between two or more individuals".
3. Anonymity; "occurs when the individual is in public spaces or performing public acts but still seeks, and finds, freedom from identification and surveillance".
4. Reserve; "is the creation of a psychological barrier against unwanted intrusion; this occurs when the individual's need to limit communicating about himself is protected by the willing discretion of those surrounding him".

This is one possible concept of privacy, one in which the concept of anonymity is incorporated. In the research on relevant literature on the concept of anonymity, a key article has been written by Wallace (1999), but a thorough discussion falls outside the scope of this article.

Most authors refer firstly to the original meaning of anonymity. "The term anonymity originally meant un-named, as in anonymously authored writings (Wallace, 1999, p. 23)". But this meaning is nowadays limited. For example, on the basis of a membership number, one

could identify a library member in the library system. Nissenbaum (1999) raises that in a computerized world concealing or withholding names is no longer adequate, because information technology has made it possible to track people in historically unprecedented ways. Kerr (s.d.) mentions a range of personal identifiers that can be linked to an individual, for example: social security number, driver's license number, vehicle registration, email address and phone number. In the context of libraries one may think of: address, date of birth, email address, frequented websites in the library, membership number and status of materials. The electronic medium offers many points of entry, some of which may be even more effective than a name (Nissenbaum, 1999). For example, a membership number is a unique number, a name is not always unique. So, according to Nissenbaum the value of anonymity lies in the possibility of acting or participating while remaining unreachable and not in the capacity to be unnamed. She uses an interesting metaphor to explain the meaning of being unreachable, namely that no-one will come knocking on your door demanding explanations, apologies, answerability, punishment or payment. No-one will come knocking on your door demanding explanations why one have borrowed from your library five months ago a weapon encyclopaedia or why one have borrowed a week ago books about child ill-treatment. This is the value of anonymity. In the computerized world protecting anonymity amounts more than only withholding a name, which was the traditional means by which unreachable has been achieved (Nissenbaum, 1999). Nowadays we must think how a person can prevent all the crucial bits of information from being divulged, in particular, the bits of information that when divulged would enable access to him or her. So libraries may take to heart this Nissenbaum's concluding important remark: "If, as a society, we agree that what is importantly at stake in anonymity is the capacity to be unreachable in certain situations, then we must secure the means to achieve this". So, if libraries agree that it is important for users to remain unreachable while borrowing materials from a library, then librarians must secure that the borrower will remain unreachable.

Professional and legal context in the Netherlands

Apart from IFLA standards, a Charter for the Public Library (1990) has been formulated and adopted by the Netherlands Public Library Association, based on the IFLA Public Library Manifesto. It reads that '...all creations of knowledge and culture without exception will be made available in such away that the privacy of the user of the public library will be respected.' On several occasions it has been noticed that librarians in the Netherlands pay little attention to ethical questions (Koren, 2003).

The professional unrest related to the US Patriot Act, led to a number of articles, also in the Dutch library journal (*Informatie Professional*), but with little responses. When new Dutch legislation was introduced to make it easier for police and legal authorities to request personal data (also from libraries), a library seminar was organised to raise further awareness: *Access to information: libraries, privacy and government*, (2005) Contributions were made from several countries, including Croatia. It resulted in protest and warning letters by the library umbrella organisation FOBI to the minister. Nevertheless, the legislation has been adopted, although evaluation will follow after three years.

As a matter of principle the *Charter for the Public Library* also states: 'Public libraries have sensitive information at their disposal in the form of registered information about users and loans. The data are only linked to one another for the duration of the loan. By current advanced possibilities in the library system, it is possible to keep a loan history of a library member in the library system. And it is possible for library members to see by themselves their own loan history. The modern focus of the Public Libraries seems to be more on services

than on privacy principles, at least in the development 'Guideline for base libraries', privacy is only mentioned once, in the example of how to design an information corner on health issues. No reference is made to the general principles or the Charter of 1990.

Librarians are associated in the Netherlands Librarians Association (NVB), which has a special section for public librarians. They have adopted a newly reformulated *Statute for Professionals in Public Libraries* (2007) which relates the professional principles, the Guideline for Basic Libraries' with concrete legislation: Under the heading 'Integrity' it reads: 'We do our work on the basis of openness, accountability and impartiality. We renounce censorship completely. Concerning the protection of privacy, we act according to the Act on Protection of Personal Data and related legislation.' This Statute is a clear sign of increased awareness on relevant legislation. What does this *Personal Data Protection Act* entail?

Personal Data Protection Act

The Personal Data Protection Act came into force on 1 September 2001 and replaces the Personal Data Files Act. This Act implements an European Directive from 1995 (95/46/EC) and provides rules for the processing of personal data. This Act regulates how companies, authorities and institutions are to deal with personal data which they gather, store, keep on file, compare, link, consult or provide to third parties.

Within the meaning of the Personal Data Protection Act, data are personal data when the data contain information relating to a natural person and that person is identifiable. 'Identifiable' means that a person's identity can be established reasonably, without disproportionate effort. If there are directly identifying data, for example, name, address and data of birth, the identity can easily be established. But there are also indirectly identifying data. Whether a person is truly identifiable depends on the possibilities the controller has at his disposal. (Sauerwein & Linnemann, 2001, p. 12-13) In the context of libraries one may think of the example that on the basis of the membership number one could identify a library member in the library system. Special data are data about someone's race, political persuasion, religious or philosophical persuasion, health, sexual life and trade-union membership. There are strict rules and conditions for the processing of these data, because it may be a major breach of someone's privacy. Only organizations which are entitled to process these data by law or which have the unambiguous consent of the persons involved, can process these data.

Since 1 September 2001 the Dutch Data Protection Authority (DPA) supervises the compliance with the Personal Data Protection Act. Companies, authorities and institutions must report the processing of personal data to the Dutch DPA or to a personal-data protection official. But a considerable number of data-processing forms are exempt from this obligation, listed in the Exemption Decree. Exempt is for example processing with regard to suppliers and clients, including the processing in the relation between the library and her users. (Slot, 2007, p. 7)

The Act requires that data are processed in a *proper* and *careful* manner and in accordance with the law. Organizations may only collect personal data if they have a clearly defined *purpose* for this, which must be defined before data collection starts. And the processing of personal data must be necessary for that purpose, and not actually stored any longer than necessary. An organization may store personal data for a longer time if this is done for historical, statistical or scientific purposes. With regard to specific forms of data processing

that are exempted from the duty to notify, a maximum term for storage may be included in the Exemption Decree. (Sauerwein & Linnemann, 2001, p. 19, 20, 40)

An organization must always be able to base its data processing on one of the grounds (or maybe on more than one ground) provided by the Personal Data Protection Act. If this is not the case, an organization is not allowed to process personal data. The grounds for processing are (Sauerwein & Linnemann, 2001, p. 20-24):

1. The processing is based on the unambiguous consent of the data subject.
2. The processing is necessary for the performance of a contract.
3. The processing is necessary for compliance with a legal obligation to which the controller is subject.
4. The processing is necessary in order to protect the vital interests of the data subject.
5. The processing is necessary for the proper performance of a public law duty.
6. The processing is necessary for the purposes of a legitimate interest.

Prior permission of the data subject is in principle not necessary if the processing of personal data is necessary for the performance of a contract or the legitimate interest of the library in connection with its regular business activities, among market research and some forms of direct marketing. (Slot, 2007, p. 7)

The Act contains a regulation on information providing to the data subject. The organization cannot just assume but must be sure that the data subject has the information, which should include in any case: who is the controller and for which purpose or purposes the data are collected and processed. If data are collected directly from the data subject, one must inform the data subject prior to the collection. (Sauerwein & Linnemann, 2001, p. 33-34) One may think of the situation when someone registers oneself as a member of a library, the library must inform the data subject before he/she provides the data.

According to the Act citizens have the right to inspect their personal data which are in the possession of an organization. A citizen can ask, preferably in writing, an organization which data it has about him/her. Organizations have the obligation to reply in writing within four weeks. Organizations must correct the data, if the data are incorrect. In case of wrong registration citizens can at all times demand correction of the data. Citizens have also the right to object; they can raise objection against the procession of their data by a certain organization. The data subject can register an objection in connection with his/her particular personal circumstances. If this objection is justified and if the interest of the citizen's privacy outweighs the interest of the data processor, the data processor must end this processing. The data subject also has the right to object, in case of direct marketing; then the controller must always end the processing immediately. The organization must point out to the data subject that he/she has the possibility to object against this use of his/her personal data. (Sauerwein & Linnemann, 2001, p. 39, 52)

Professional and legal context in Croatia

Privacy of library users has been protected by the Croatian Library Association Code of Ethics, adopted in 2002. (Eticki kodeks Hrvatskog knjižničarskog društva, 2002). Croatian librarians drafted up the Code following the principles set up in the current international IFLA/UNESCO documents on libraries. In 2001 Croatian Library Association in collaboration with Croatian Society of Archivists and Croatian Society of Museum

Professionals organized a seminar dedicated in part to the topic of privacy. (Seminar Archives, libraries, museums, 2002)

Prior to 2003, when the first ever Act on Personal Data Protection (APDP) in the country was promulgated (Zakon o zaštiti osobnih podataka, 2003), the safety and secrecy of personal data were guaranteed by the Constitution. Similar to the Netherlands, the APDP is based on the relevant EU legislation (EU Directive 95/46/EC; EU Directive 2002/58/EC). Following the enactment of the APDP two more regulations were adopted by the Government in 2004. The first stipulates the methods of archiving and technical protection of personal data and the second is concerned with the establishment of the central register of personal data collections (Uredba o nacinu vodjenja, 2004; Uredba o nacinu pohranjivanja, 2004). In 2004 the Croatian Personal Data Protection Agency was established as an independent institution which organizes and maintains the central register of all collections of personal data in the country. It was only in 2007 when the Agency first contacted the Zagreb City Libraries with a request that the library fills in a registration form as an institution which collects personal data. As far as we know this library as well as the City Library in Split are the only libraries in the country which have been registered at the Agency.

The APDP states that its aim is to protect the privacy and other human rights and basic freedoms to everyone in the collecting, processing and use of personal data. (Art. 1) It applies not only to data kept in automated systems, but also to those maintained manually (Art. 2). Personal data is defined as any information relating to an identified or identifiable natural person. Personal data filing system controller is a natural or legal person that decides upon the purposes and means of the processing of personal data. Since libraries collect and manage personal data for their own specific purposes, they are included among the controllers.

Personal data may be collected and subsequently processed only for a purpose known to the data subject, explicitly stated and in accordance with the law, but further processing of personal data for historical, statistical or scientific purposes is allowed on condition that appropriate protection measures are in place (Art. 6). This means that library users should be notified why the data are requested in the first place and what would happen to those data in the future. Also the APDP states that data should be kept in a form which permits identification of data subjects no longer than is necessary for the purpose for which they were collected. For libraries this means that a period of keeping personal data of their users should be determined and explicitly stated.

Collections of personal data should be adequately protected from accidental or deliberate abuse, loss, destruction, alteration or unauthorized access (Art. 18). This means that in-house rules in libraries should establish who can access the data about users and/or authorize some of their staff to access the data. Although the concept of users' privacy has been known and to a certain degree respected in Croatian libraries, it is quite obvious that the introduction of the APDP will bring significant changes in the management of libraries and behaviour of librarians.

The preliminary results of the survey in The Netherlands

The survey was set up with the help of an online software programme. Respondents could access the survey online via a special link. The target groups were addressed as follows: All public library leaders received an e-mail requesting cooperation and a link. Furthermore, members of the interlibrary FOBID Legal Committee group were addressed in the same way, and also the members of the University library group (UKB). The survey was announced

through the librarians discussion list (NedBib-L), and appeared on the websites of the Netherlands Public Library Association, its library research group, FOBID Netherlands Library Forum, and the library journal *Informatie Professional* (magazine). Later a banner was added to draw further attention on the Association website.

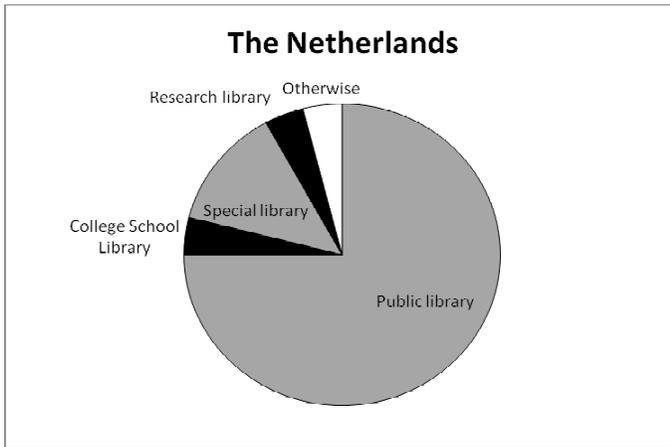


Figure 1: Types of Library The Netherlands.

After 23 days, 53 respondents had filled out the survey completely, of which mainly from Public Libraries (75 %), some 13 % from Special Libraries and from College School Libraries, Research Libraries and otherwise, each 4 %. The persons responding to the questionnaire were mostly Directors (34 %) or Manager or Department Head (28 %) or Policy Advisor (13 %).

Privacy policy

Asked about privacy policy, only 23 % had a privacy policy on paper; 68 % not at all. So, clearly stating on paper how the library manages the personal data of library users is not as usual as we expected. Remarkable is that libraries without a privacy policy on paper, actually have arrangements about the management of personal data of library users. For example, 71 % states that backups of the library system are kept at a safe place. But this doesn't mean that the old versions are timely destroyed, only 38 % do so.

A large variety of arrangements, independent if there is a privacy policy on paper, seems to apply. 40 % says to have taken adequate techniques and organizational measures in order to protect the storage and processing of personal data, and 37 % say they use authorization at position level, for example in the sense that not every staff member can change data in the membership administration. Only 15 % of the libraries have registered itself at the Dutch Data Protection Authority for processing of personal data for which it has no exemption from notification obligation, such as long-term keeping the loan history.

Privacy regulation/privacy statement

In the privacy regulation/privacy statement the library makes public in which way the library manages the personal data of the library users. The privacy regulation/privacy statement can

be extended, but for example also consist of simply the following the sentence in the Library (Loan) Rules: 'Regarding the registration of the personal data, the Personal Data Protection Act applies.' We asked whether the library has a privacy regulation/privacy statement in their Library (Loan) Rules, or a separate privacy regulation/privacy statement for the use of their website, a remarkable 62 % answered that nothing applies.

Guideline

Based on a seminar, the public library organisation VOB and FOBID National Library Forum drew-up a guideline (Slot, 2007), with among other things the recommendation to draw up a privacy policy. So for the Netherlands it would be interesting to know whether professionals know this Guideline: 49 % of the respondents are familiar with this guideline and 51 % are not. If we combine these results with the question whether there is a privacy policy on paper, this shows the following effect of the guideline.

Of the 26 respondents which are familiar with the guideline, 38 % have a policy on paper and 42 % not. So, if they are familiar with the guideline this does not necessarily mean that there is a privacy policy on paper. The 27 respondents which are not familiar with the guideline, 93 % did not have a policy on paper, and 7 % have one. So we may conclude that the Guideline is no guarantee but makes it a bit more probably to have a privacy policy on paper.

Catalogue

Searching the catalogue in the library is common practice. 28 % responded they do not know whether search terms are recorded. In only 9 % search terms are recorded, in 57 % the answer was negative. Regarding consultation of the catalogue at home, even less is known to colleagues: 36 % do not know whether search terms or IP-addresses are recorded.

'My data' or 'My library'

Library member card holders (= registered users) can log on, for example via 'my data' or 'my library' in 83 % of cases. 17 % say they do not offer this service. Of those offering the service 39 % do not know which data are recorded, and for the same service from home, 43 % are ignorant about recorded data. When a library card holder is logged on to the library, for example via 'my data' or 'my library', they can in all libraries see his/her borrowed materials, but only in half of the libraries their loan history. And in 32 % make a profile of interests. Another function: add favourites is offered by 48 %. Prolonging the loan of an item can be done in 98 % of libraries. Reserving materials can be done in 93 % of libraries but in only 75 % of cases the user can also see the status of a reservation.

For users it may be very practical to know whether they have outstanding financial duties. In 68 % of libraries they can see them with details, but in only 18 % they can see the already fulfilled financial duties with details. Other facilities are to see name and address data 75 %, but in only 30 % they can change them themselves. Changing the PIN code is a more common function: 70 %.

Loan history

85 % answer positively to the technical possibility of the library system to retain the loan history of library members, 45 respondents. In 80 % this possibility is actually used, for different reasons. Two important reasons are the improvement of services offered (61 %) and loan history is for library users, we do not use this data (58 %). Improving the service is a common argument but the second reason is surprising. If we combine this answer with the

question on what is the reading and/or listening advice in the catalogue is based, it turns out that from 10 respondents who told earlier that they do not use the data of the loan history, 6 respondents answer that the reading and/or listening advice is based on the loan history of their library members (in the region). This does not correspond with the answer that they don't use the data of the loan history. To conclude, 39 % indicate that technology makes this function possible, this is not such a strong argument. Remarkable is the fact that only 50 % indicate that library members can see themselves their own loan history, for example via 'my data' or 'my library'. This has to do with the library system, because 94 % use the same library system.

In 26 % of libraries all staff members who have access to the library system can generate the loan history of any library member, in 31 % only authorized staff members have access to the loan history. 20 % of the respondents said that staff members can only show to a library member how he/she can see his/her loan history himself/herself. Another 20 % had other arrangements. The application of the loan history shows another variety in practice: In 25 % of libraries, members have been asked explicitly for permission in advance; 33 % respondents answered they chose to apply the loan history standard for all our library members; and 17 % saw technically speaking no other option than to apply this standard. Another 25 % have other ways of application.

In case the library membership card holder wishes to switch off the loan history themselves, they cannot do so in half of the libraries. In 17 % of cases they have this possibility, in 33 % they can request at the library to switch off the loan history. If one record the loan history of library members, is it possible to generate from the library system an overview of borrowers of a specific title? 31 % (11 respondents) answered yes to this question, 36 % (13 respondents) answered no, and 25 % (9 respondents) did not know.

Reading and/or listening advice in the catalogue

Reading and/or listening advice in the catalogue can be a new library service. For example, when searching in the catalogue for the CD *Piece By Piece* of Katie Melua, at the title description comes a message: 'Borrowers of this title also borrowed....' The listening advice is for example: Loose (Nelly Furtado) or Back to Basics (Christina Aguilera). It is less technical possible in the library system to give reading and/or listening advice in the catalogue (36 %, 19 respondents), than to retain the loan history of library members. And if it is technical possible, 79 % (15 respondents) actually make use of reading and/or listening advice in the catalogue. When we asked: Suppose a library member has switched off his/her loan history, are his/her loan data then used for reading and/or listening advice in the catalogue, from the 15 respondents 53 % did not know and 27 % answered yes. So, it is possible that when a library member switched off the loan history, his/her data is used for the reading and/or listening advice.

Interest profile or signalisation

On the question whether the library makes use of for example interest profile or signalisation, 62 % indicate that nothing applies. So, this kind of services are not widely offered by libraries.

Financial overview

It is possible to generate from the library system a financial overview at title level of fulfilled duties of a library member in 19 % of libraries, in another 12 % also but not at title level. In 38 % of libraries this is not possible, but another 31 % do not know. In the positive case, data

are kept in general longer than 6 months in half of these libraries; in the other half they do not know how long they are kept.

Internet use

There is a large variety on how internet can be used in the library. For 34 % everyone can use internet for free (for a limited time at least). In 11 % of cases the registration number/user number and password give one access (for a limited time at least). In 4 % showing your library membership card gives one free access to internet (for a limited time at least). In 9 % of the libraries one pays at a desk, gets a receipt with his/her name and starts internet without log in. 26 % libraries work with a coin machine at the computer, and 25 % sell access with a code to log in. 23 % respondents work with an internet deposit on the library card. And another 25 % have other arrangements. 15 % (8 respondents) indicate that the frequented websites of the use of internet in their library are recorded. And as much as 88 % indicate that the library users are not informed about the recording of frequented websites.

Library membership card

Different data of a library member can be found on his/her library membership card. 87 % answered registration number/user number and 75 % answered name. Only 4 % add the user's address. 11 % request the user's date of birth, and 15 % the user's signature and still 23 % had other varieties of data.

Camera surveillance

21 % (11 respondents) of libraries indicate that they have camera surveillance. In 18 % of the cases cameras are directed towards the entrance and in 82 % located in various parts of the library.

The preliminary results of the survey in Croatia

The aim of our research was to assess the situation in the field of privacy of library users in our libraries and to raise awareness of the pending changes in the management of libraries and behaviour of librarians. We have translated the Dutch questionnaire and sent it on 22nd October 2007 together with a short introductory letter by e-mail to the addresses of 47 libraries, out of which 26 public and 21 academic or special libraries. We relied on the directory of libraries maintained by the Croatian Library Association and chose to contact only a central library of a network excluding branches. If there was no central university library, faculty/departmental library was contacted.

The National and University Library in Zagreb was also included. Prior to sending out the questionnaire we decided to test it by conducting an interview with librarians from the National and University Library and the Zagreb City Libraries. This interview helped us to improve the translation and better formulate the questions. It also helped us understand that personal data protection is a field where several members of the staff must co-operate and agree upon the library policy. In those libraries we discussed the matter with Head of Information Service and Head of Automation Department.

By the 15th November 25 libraries sent their replies what makes a return of 53 %. In the sample of respondents 48 % were academic libraries, 44 % public, 4 % special, and 4 % national.

The persons responding to the questionnaire in public libraries were mostly directors or heads of research and development departments; in academic libraries they were heads of libraries.

Public libraries use different library systems (3 different systems are used in the majority of public libraries), all developed and distributed by small private firms in the country.

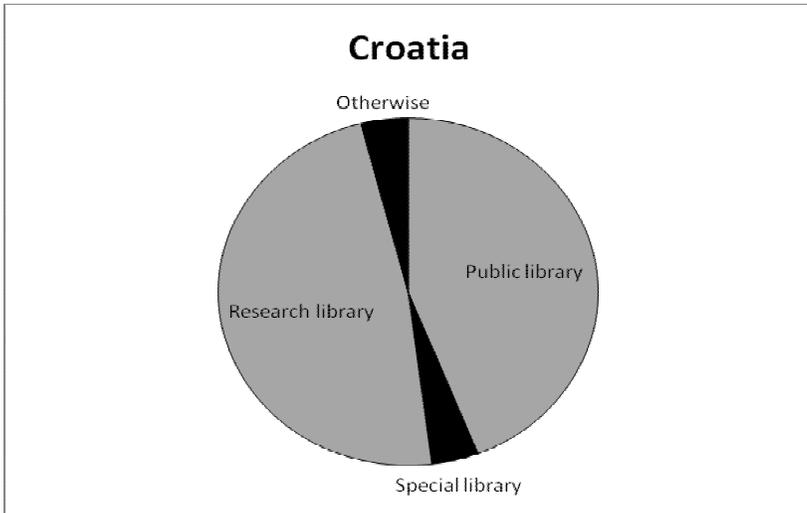


Figure 2: Types of Library Croatia.

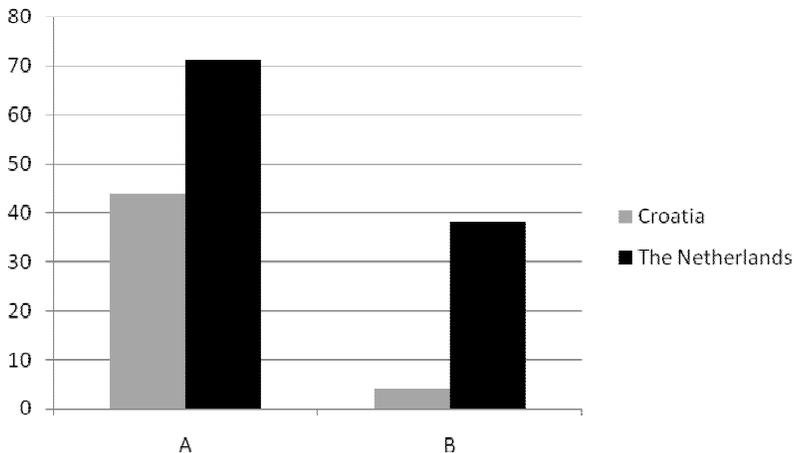
Some of the academic and special libraries use the same systems, some use systems developed in their own institutions, but quite a number of them do not have the automated lending. The National and University Library is the only library which uses the US system Voyager.

Table 1: Library systems used in Croatian libraries.

System name	Percentage	System name	Percentage
Metel	20 %	Medved	8 %
CDS/ISIS	20 %	Osa/ISIS	4 %
CROLIST	20 %	Voyager	4 %
ZAKI	8 %	Card catalogue	4 %
		Other	12 %

Only 8 % libraries state that they have a document on paper on privacy policy. Others have statements on privacy included in various regulations, such as *Regulations on conditions of use of library materials*, *Regulations on library work*, etc. 40 % libraries have internal regulations on privacy.

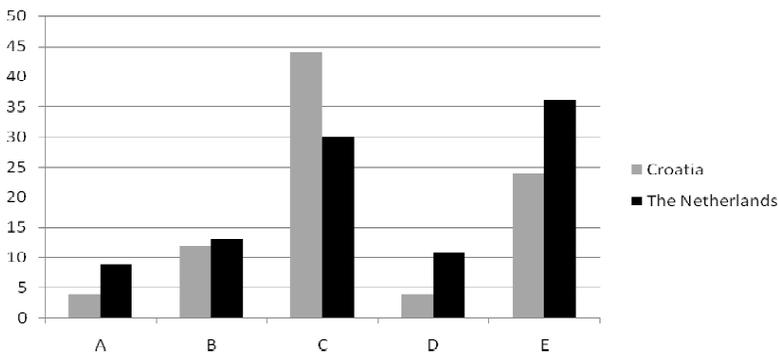
44 % libraries hold back-up of the system in a safe place, only 4 % destroy the old versions. Only 8 % authorize persons who can access the personal data while 4 % appoint a member of staff to take care of the protection of personal data. 8 % have been registered at the Personal Data Protection Agency.



Explanation: A: Back-ups of the library system are kept at a safe place. B: Old versions of the back-ups are timely destroyed

Figure 3: Privacy and library systems: Back-ups.

Regarding librarians' awareness of the capability of the library system to record searches and/or IP addresses, respondents vary in their answers. 12 % of respondents state that IP address or search words are recorded.



Explanation:
 A: Search terms
 B: IP-address
 C: No search terms and no IP address is recorded
 D: One cannot consult the catalogue from home via the internet
 E: Don't know

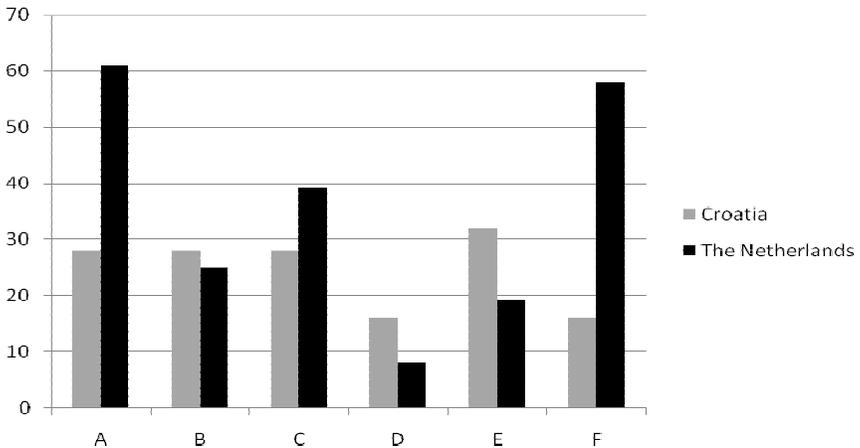
Figure 4: Data recorded when someone at home consults the catalogue.

4 % admit that they do not know, but believe that searches may be recorded, all the others state that searches are not recorded or that they do not know about it. These answers show clearly that librarians still believe that if they don't record the searches, nobody else does, and that they have not yet fully started using all the opportunities offered by the library system.

Library members in the majority of libraries can log on via 'my data'. However, when asked what kind of data is recorded when users apply this function, librarians almost in unison reply that they do not know or that data are not recorded. Only 8 % of respondents confirm that time of log in or kind of search is recorded.

In slightly less than 50 % of the libraries users can see the borrowed material and/or loan history. In 24 % of libraries users can also see details of outstanding financial duties and reserve the material. In only 8 % of libraries they can prolong the borrowing, in 4 % compose profile of interest; in 24 % of libraries users can see their name/address, in 8 % they can also change it and in 16 % of libraries they can change the pin code.

The results show that libraries provide opportunity for users to browse and search the library's collection from outside and check their own use of library materials. But they have not yet fully used all the opportunities offered by the system.



Explanation:

A: Improves our services

B: Request of our library members

C: Technology makes this function possible

D: We can use loan history for our collection development

E: We can use loan history for our statistics

F: Loan history is for library users, we don't use this data

Figure 5: Reasons for loan history.

68 % of libraries state that loan history can be retained by the system, but only 48 % actually offer this service. It is interesting that among libraries which do not offer this possibility, 8 %

reply that they do not know if the library system provide it. This is a clear indication of the unawareness of the opportunities provided by the system. The main reason for the use of loan history is statistics (32 %), improvement of services (28 %), the simple fact that technology provides this opportunity (28 %), or that users request it (28 %), help in collection building (16 % libraries). One library uses loan history for producing overdue notices!

In 52 % of libraries any member of the staff may generate loan history of all users, in 12 % only authorized members of the staff have access to loan history. The rest of respondents did not reply to that question.

Can the users oppose to the recording of their loan history? 36 % of libraries reply that this is a technology matter and loan history is generated automatically, 8 % explicitly state that no permission from users is required, the same percent leave to the user to decide whether or not s/he will record the loan history. 8 % state that asking permission is a standard question put to user when he becomes a member. 48 % did not reply to that question at all. Overview of all borrowers of a certain title can be obtained in 56 % libraries, 44 % did not respond to the question.

An overview of financial dues is provided by the library system in 28 % of libraries, 4 % keep relevant data on paper cards, the same percent respond that the overview is possible, but not at the title level, the others do not provide the overview. 12 % of respondents do not know how long these data are kept in the system, 4 % think that this depends on the library system and 8 % set no limit to keeping the data. Variations in replies show that there is no standard policy in libraries regarding data on loans and reading and that users' privacy depends on local library habits and tradition.

Use of internet in libraries varies depending on the type of library. It is free of charge for the members in public libraries, but the time of use is limited (normally half-an-hour). The further use must be paid for, and the users do it at the information desk, where they get receipt. In 5 public libraries use of internet is free (time limit) for everyone, regardless of membership. One library offers free access to internet for children only. For the users of academic libraries use of internet is free of charge, but is often done outside the library premises. Individual visits to websites are recorded in 32 % of libraries, 12 % keep data for 1 month. Other libraries respond that data are kept during the day and then deleted. 60 % respond that visited websites are not recorded.

20 % of libraries state that visited websites can be linked (traced) to users. One of them adds that this is possible only in a computer classroom. 44 % reply that no link between visited websites and users can be established. The rest either do not know or provide no answer. 12 % of libraries inform their users that visited websites are recorded by displaying the respective information near computers. 20 % do not explicitly inform the users and 4 % reply that the information is provided on becoming members.

64 % of libraries have the membership number and name displayed on the membership card. 36 % add the user's address. 12 % request the user's date of birth, and telephone number, 8 % number of mobile phone, while the starting date of membership is required by 4 %. One academic library requests the student's identifying number, and one the personal identifying number (JMBG). One adds the academic title on the membership card.

28 % of libraries have cameras installed in various places in the library. Only one public library has camera surveillance at the entrance. One academic library has a camera located above the information desk in order that a librarian seated in her room sees the person at the desk and approaches to serve her/him. All libraries that have installed cameras placed the information about camera surveillance near the library entrance.

Considerations

The preparation of a joint research and questionnaire is an experience in itself. Much is written about new services, but literature on anonymity is scarce, especially when it comes to new library services. Therefore this survey can only be a first step.

We are aware that Croatia and the Netherlands are different societies, and that the professional situation is somewhat different. But both countries are part of Europe and are closely influenced by regulations by the European Union. This is shown in the similar legislation on protection of personal data. In both countries this legislation is rather new or renewed. The professional reaction or awareness to this type of legislation seems to be advanced in the Netherlands, as a Guideline (Slot, 2007) has been drawn up, in view of upcoming professional questions on how to deal with personal data. The reality in the Netherlands shows, however, that the Guideline is not very well known, and even less a guarantee that a privacy policy is put on paper; at its best it may make it more probable that libraries will consider some privacy policy.

In the samples taken, some more academic libraries are represented in the Croatian example, but at first face no strong differences in responses between public and academic libraries are found. Nevertheless, we prefer to speak about preliminary results, as further efforts may help to have optimal sets of respondents.

Although library systems and new applied technology might be a bit less common in Croatia, the variety of library practices regarding systems, membership data and practices around loan history and internet service in both countries are remarkable. It shows that no firm standard has been established, and libraries are continuing as best as they think. The focus on the user is not yet in every library on the forefront, as some of the responses show. Some possibilities of new services are not known or simply not implemented, but less for reasons of protecting privacy. Another feature is that actual application of new technology gives rise to a number of technical and professional questions, which can only partly be answered by the majority of the professionals. A large number of 'don't knows' indicates both in the Netherlands and Croatia a lack of thorough reflection and training.

Because of this technology implementation, finding out how personal data are processed, requires already a lot of pre-knowledge before a questionnaire can be set up. The interviews in the field have helped very much. Nevertheless, they have not prevented us from making a rather long questionnaire with some detailed questions. This may have frightened some of the colleagues, although the number of completed questionnaires was not disappointing, given the short time frame.

The experiences in the Netherlands to have an online survey were encouraging and have given a great deal of expertise, useful for future research.

Conclusions and recommendations

The mere fact that of preparing and presenting the survey, communicating with colleagues, already revealed that the subject of relating new technology, new services, with the aspects of anonymity and privacy, and the professional duties to protect those rights, was quite new and unexpected by many colleagues. The results at this stage show the level of knowledge about library systems and their technology for new services, and also the awareness about the ethical and professional aspects.

For the Croatian situation one may draw the following conclusions:

Use of different library systems produced by small firms makes Croatian libraries dependent on the capabilities of those producers to develop new services quickly and efficiently. On the other hand librarians should be the ones to instigate the further development of the system and to do that they should be aware of opportunities provided by the new technologies.

They should also regularly follow changes in the country's legislation relevant for libraries in order to react on time and adapt their work to new requirements. Four years have passed since the APDP was enacted, but our research shows that its application in the library field has barely started. Less than 50 % of the respondents have some kind of privacy policy, and even smaller percent keep back-up of system in a safe place. What is even worse, very few destroy the outdated data.

Even when libraries have some kind of regulations on privacy included in their various documents, they do not use it to communicate with users. For instance, users must accept that loan history is recorded (because the technology makes it possible) and have no possibility to oppose it. To our mind, the purpose of all library documents, regulations, etc. is communication with users and not a simple prescription of rules. Also, when technology allows introduction of a new service, librarians should be aware of the consequences, discuss the ethical implications and try to find the best solutions for their users.

Changes in the overall management of libraries, as a result of the introduction of new technologies, are needed. Too many negative answers as well as 'I don't know' replies in our research show that librarians in Croatia still do not fully understand the challenges of technology and are not quite ready to find the adequate answers to them. They have to make the most adequate choices for users and understand ethical issues implied in their choices.

For the situation in the Netherlands, the situation has some similar tones and the expectations and recommendations to the librarians can only be shared. On one hand there is less privacy policy on paper than expected. Some measures have been taken in practice. But personal data, especially back ups are kept and not always destroyed. Financial data are also kept for more than 6 months. Awareness of privacy issues will surely have increased after filling out the questionnaire, but a number of issues were answered with many ignorant respondents. On the other hand, a small group (smaller than expected, is keen on offering new services. But for those advanced possibilities a user still has not always authority to do so by him/herself, but has to ask staff.

As a result of this joint research we can state that it is not easy but an advantage to conduct a parallel research and survey in two countries. Developments and upcoming issues are more clearly taken into account when setting up research on new services and its implications for professional practice and behaviour.

Introduction of various types of user- facilities in library systems will continue both in Croatia and in the Netherlands. What is necessary is a firm preparation by librarians on the services the user would like to have, and the protection which professionals are obliged to safeguard in their processing of personal data. In other words, not only technical training on how to use new services is necessary, but also introduction on the professional/ethical aspects, and how to communicate these to the users. That informative and communicative aspect seems overlooked or not well-treated in the modest privacy-protecting knowledge and practice of librarians. Professional education institutes and library associations should take this item up in their programmes and obligatory courses for qualification of professionals.

It would be useful to conduct a similar research in say two years, to find out whether the necessary knowledge and training in both aspects has been improved.

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