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## THE KEYHOLE

Newsletter of the Privacy & Confidentiality Roundtable, July 2014

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### **ROUNDTABLE ANNUAL MEETING!!**

Please join us during the SAA annual meeting for the **2014 Privacy & Confidentiality Roundtable annual meeting on Friday, August 15, from 4:00-5:30 p.m.**, at the Marriott Wardman Park Hotel, Washington, D.C. After a short business meeting, Jackie Esposito, Penn State, and Christian Dupont, Atlas Systems will speak about access, privacy, and security in the collection and storage of archival patron registration data, litigation and responses to lawyers' requests, and how to manage patron records electronically in local and commercial systems. Frank Boles, representing SAA Council's Committee on Advocacy and Public Policy (CAPP), will lead the discussion of a document on the NSA records issues, prepared at SAA Council's request by representatives of CAPP and the P&C and Issues & Advocacy Roundtables charged with studying the specific issue of records scheduling related to the NSA records. CAPP will release a draft statement before the SAA annual meeting and Frank will lead a discussion about the document and the NSA records issues at our Roundtable annual meeting.

Please check your SAA pocket program for the location of the Roundtable meeting **and join us on Friday, August 15, from 4:00-5:30 p.m.!**

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### **ELECTION RESULTS!!**

We're very pleased to announce the P&C Roundtable election results!

Vice-Chair/Chair Elect: **VALERIE GILLISPIE**

Steering Committee: **MEG TUOMALA** and **LORAIN WANG**

Congratulations to Valerie, Meg, and Lorain! They will take office and join the leadership at the conclusion of our annual meeting.

## **CURRENT LEADERSHIP**

Chair (2013-2014): Menzi Behrnd-Klodt, Klodt and Associates

Vice-Chair/Chair Elect (2013-2014): Amy Fitch, Rockefeller Archive Center

Immediate Past Chair (2013-2014): Elena Danielson, Hoover Institution Archives, Stanford University (retired)

Steering Committee Members:

Nancy Kaiser (2013-2015), University of North Carolina at Chapel Hill

Erin O'Meara (2012-2014), Gates Archive

Ryan Speer (2012-2014), Virginia Tech University

Web Liaison (2012-2014): Anne Graham, Kennesaw State University

Representative to the Standards Committee (2013-2016): Ryan Speer, Virginia Tech University

Council Liaison (2013-2016): Tim Pyatt, Penn State University

Previous Past Chair: Phoebe Letocha, Johns Hopkins Medical Institutions

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## **WHILE YOU'RE AT THE SAA ANNUAL MEETING....**

Below is a list of privacy-related sessions at the annual meeting. Hope you can attend!

Session 201: A Trickle Becomes a Flood: Agency, Ethics, and Information

Thursday, August 14 • 1:30 pm - 2:45 pm

Session 207: Partners in Practice: Archivists and Researchers Collaboratively Improving Access to Health Concerns

Thursday, August 14 • 1:30 pm - 2:45 pm

Session 408: Access to Religious Archives Impacted by Clergy Sexual Misconduct Allegations

Friday, August 15 • 10:30 am - 11:45 am

Session 509: Life and Death in the Motor City: Two Case Studies of Privacy and Access

Friday, August 15 • 2:45 pm - 3:45 pm

Session 604: Destroyed by the SEM Model22a Hybridized Desintegrator with a 2/32-Inch Screen  
Saturday, August 16 • 8:30 am - 9:45 am

Session 606: The Ethics of Access to Refugee Records and Archives  
Saturday, August 16 • 8:30 am - 9:45 am

It's also not too early to start thinking about privacy sessions for the 2015 Annual Meeting, as the submission deadline is coming up quickly – October 8, 2014!

### **Call for Proposals for 2015 Annual Meeting**

Even though the 2014 conference in D.C. is almost upon us, please consider submitting a proposal on privacy session for the 2015 conference in Cleveland!

The SAA Program Committee announced it has been working hard on innovations to the meeting format. Next year, there is no conference theme, but proposals that emphasize the current state of the profession and how to grow it, as well as archival advocacy, will get extra attention. Successful proposals should incorporate one or more of these aspects:

- Inclusion of diverse or international perspectives and initiatives.
- Relevance to SAA members and other interested attendees.
- Interaction and engagement with session participants.
- Potential impact on archival practice.

Traditional sessions continue to be shorter and less formal than before. For the first time, one hour on Thursday and Friday afternoons will be set aside for impromptu interactive meetings. These **Pop-Up sessions** can be anything from spur-of-the-moment crowds brought together through social media to more deliberate gatherings by sections or roundtables for open discussions on hot topics. Privacy discussions would easily fit into this category!

More information can be found at <http://www2.archivists.org/am2015/program/call-for-session-proposals>.

**Session Proposals are due on October 8, 2014.**

Amy Fitch

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### **PRIVACY SURVEY UPDATE**

In an update from last year's meeting, Mark Greene has turned over his draft repository survey on practices to Menzi Behrnd-Klodt. Mark did a great job setting up the questions, but his health does not permit devoting the necessary hours to implementation. Elena Danielson has agreed to assist in the survey implementation phase and we hope to meet with Mark in Washington to discuss next steps. One topic for our consideration is balancing depth and breadth in the survey. The more detailed a survey is, the less likely busy professionals will have time to complete it and we'll also strategize how to ensure

the best possible coverage and response. In the next few months, Menzi and Elena will seek feedback on implementing the survey from the Roundtable.

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## **IN OTHER NEWS....**

### **Announcement of Forthcoming Publications**

Four new titles edited by Christopher J. Prom and Menzi L. Behrnd-Klodt will join SAA's modular series TRENDS IN ARCHIVES PRACTICE later this fall, focusing on legal issues for archivists.

In addition to "Understanding Copyright Law," by Heather Briston and "Managing Rights and Permissions," by Aprille McKay, two modules by Menzi L. Behrnd-Klodt focus on privacy: "Balancing Access and Privacy in Manuscript Collections" and "Balancing Access and Privacy in the Records of Organizations." All modules are presented in print and electronic formats.

More about the TRENDS IN ARCHIVES PRACTICE series from SAA's website: This new, open-ended series of modules by the Society of American Archivists features brief, authoritative treatments -- written and edited by top-level professionals -- that fill significant gaps in archival literature. The goal of this modular approach is to build agile, user-centered resources. Each module will treat a discrete topic relating to the practical management of archives and manuscript collections in the digital age. Lots of modules are planned, and readers will be invited to mix, match, and combine modules that best satisfy their needs and interests.

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### **Privacy-Related Session at MARAC Spring Conference, April 24-26, 2014, Rochester, NY (compiled and contributed by Amy Fitch)**

Privacy concerns regarding archival records are gaining a higher profile within professional discourse. A case in point, during the spring meeting of the Mid-Atlantic Regional Archives Conference (MARAC) in Rochester, New York, a panel of three archivists spoke about restrictions and privacy considerations in their universities' collections in a session entitled "Censorship, Self-Censorship, and Restricted Collections in Special Collections and Archives." While this summary only touches on the highlights of their topics, each presenter can be contacted at the addresses below for further details.

Edward Galvin of Syracuse University explained three instances of unusual restrictions and access concerns among their archival holdings. For many years, the university had a Native American mascot. Archives staff have the unusual perspective of seeing numerous versions of their "Saltine Warrior" over the years and can view how the image degraded over time into what Native American students and others called a "painted, feathered, war-crazed, half-naked fool." That mascot was sidelined in 1978, and now the Archives has to censor the use of the Warrior image and ensure that any use is presented "in context." Another restriction concern involves a 1959 campus fire that took the lives of seven U.S. airmen studying Russian and Slavic languages at the University. Fifty years later, the lack of a proper memorial to the lost students came to light and required Archives staff to review every related document to ensure that nothing inappropriate was being released to the media. Finally, there are several censorship issues involving the Syracuse University Archives' major collection relating to the

bombing of Pan Am Flight 103 over Lockerbie, Scotland, which took the lives of 35 students studying abroad with the university. Questions arise as to what graphically difficult images to release, what to do with personal effects of the victims--basically how to balance the research needs of the public and media while still protecting the victims and their surviving family members. Ed summarized that the best that can be done is to follow accepted standards and policies and try to not cause anyone any undue harm or pain.

Daniel Linke's presentation addressed the complexities of access to the American Civil Liberties Union collection at Princeton University, now the university's most highly used collection. In Dan's absence, Ray LeFever of Delaware County Historical Society read the presentation notes, which delved into the restrictions necessitated by a range of attorney-client and work-product issues in case files that comprise a substantial portion of the ACLU collection. The guiding wisdom from Dan was that archives should place the onus of identification of restricted records on the donor when a complicated restriction needs to be administered on a set of historically important materials.

Jeremy Floyd of Buffalo State College spoke about two collections with potentially challenging material. First, the Lester Glassner African American Experience Collection focuses on American pop culture and the ideas of kitsch and nostalgia from the 1940s. A collection of children's books and a collection of objects with racist depictions of African Americans on salt shakers, books ends, board games, consumer packaging, and endless tchotchkes document an important, if uncomfortable, aspect of American history but raise the question of self-censorship by the college. Second, the Madeline Davis Lesbian, Gay, Bisexual, and Transgendered Archive of Western New York is an actively growing collection. It came from many donors under the umbrella of the collections founder, and it is the largest collection of materials from the LGBT community in the Buffalo area. Beyond the personal papers, organizational records, and artifacts are more than 200 gay pulp romance and erotica novels from the 1970s and 1980s. Precisely because of their ephemeral nature, this collection of books is a wealth of historical and sociological research material. However, their pornographic nature (discretely displayed in this presentation) makes these books challenging from a self-censorship perspective. So what to make of these collections, and how to handle these provocative materials? As with many things in the archival field, it seems to come down to providing context and demonstrating the cultural and historical value of the collections.

Contact Information:

Edward Galvin, University Archivist, Syracuse University, [elgalvin@syr.edu](mailto:elgalvin@syr.edu)

Daniel Linke, University Archivist, Princeton University, [dlinke@Princeton.edu](mailto:dlinke@Princeton.edu)

Jeremy Floyd, Project Archivist, SUNY Buffalo State, [floydjj@buffalostate.edu](mailto:floydjj@buffalostate.edu)

THANK YOU, Amy!

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**Summary of a session on privacy and surveillance at the American Library Association meeting in Las Vegas, NV, June 26-July 1, 2014; contributed by Louise Sherby, P&C RT member:**

Louise Sherby of Hunter College is a member of the ACRL Professional Values Committee, which sponsored a program on “Surveillance” at the annual ALA Conference. The first speaker, Jim Teliha, ACRL Liaison to the ALA Office of Intellectual Freedom and the Intellectual Freedom Committee, spoke first from the library perspective. The ALA Code of Ethics protects library users’ rights to privacy and confidentiality. By the end of the 1990s, library records were considered private and confidential in all 50 states. After the attacks of September 11, 2001, the PATRIOT Act was passed and libraries were required to turn records over if relevant to an investigation. The National Security Letters, Sect. 505, further loosened the privacy restrictions. ALA passed many resolutions regarding the PATRIOT Act but the law was not changed to enhance or protect library records privacy and confidentiality. The FISA Amendment Act of 2008 “fixed” the problems by further loosening privacy of records. It required the government to adopt “minimization procedures.”

Jim also briefly discussed the FISA courts and Secret Law--the Foreign Intelligence Surveillance Court was established and it was not intended to be adversarial. Only the government presents its case, the proceedings are classified, and there is no transparency. In 2003, Congress defunded the Total Information Awareness program, instead letting the government collect everything, all the time. Collecting it all doesn’t fix that issue, as agencies don’t talk to each other (as we’ve seen repeatedly in recent years). They don’t follow up on leads. Congress has essentially at this point made illegal gathering of information legal and given retroactive immunity to anyone who broke the old laws. What remains unknown to the public: secret laws, secret interpretations of those and other laws, and the rampant overclassification of information by the federal government. The press’s war on whistleblowers, the U.S. Department of Justice’s use of the “state secrets” privilege, the use of parallel construction, and the use of surveillance for regular law enforcement continue to be issues.

Additionally, Seeta Peña Gangadharan, Senior Research Fellow, New America Foundation’s Open Technology Institute, spoke on “Surveillance, Culture and Access to Knowledge.” She is familiar with corporate surveillance. She stated it takes a cultural shift to collectively self-govern. This happens in phases: 1) mass government surveillance, 2) targeted government surveillance (example, NYPD surveillance of Muslims), 3) government surveillance and commercial data and 4) commercial data profiling (which maps commercial predatory targeting by companies). Each type of surveillance has different characteristics. Libraries are important because of their cultural and educational roles. They provide a multifaceted community role, including access to the Internet to the public. Seeta was involved in a study of Brooklyn Public Library users and staff relating to issues of privacy. Brooklyn Public created a handout for staff to use to help answer patrons’ questions, but they really needed to do staff training. Just because something is legally permissible to do doesn’t mean it’s the right thing to do.

The two presentations were followed by a very lively question session that covered a wide range of topics on privacy, confidentiality, and surveillance. One useful resource mentioned was the IFC Privacy Toolkit that is available at <http://www.ala.org/advocacy/privacyconfidentiality/toolkitsprivacy/privacy>

THANK YOU, Louise!

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### **Thanks from the Chair!**

Finally, as I’m about to step down as Roundtable Chair, this is an opportunity for me to THANK the leadership for its work and assistance this past year, to the speakers, membership, candidates for office,

and newsletter contributors! Many thanks to Amy Fitch for her help in preparing the newsletter and throughout the year; I expect that you'll hear a great deal more from her in the coming year. And many thanks, too, to Elena Danielson, immediate past chair, for her editorial and other assistance and for her "institutional memory"!

**A reminder, too, that the Roundtable leadership looks to you to help make the organization a success. Please contribute your thoughts, items for the newsletter, possible speakers for the next annual meeting, and work on various Roundtable projects. Thanks!**

Menzi

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The *Keyhole* newsletter is emailed to all members signed up with the Society of American Archivists Privacy and Confidentiality Roundtable. The newsletter will be issued at least once a year, basically whenever there is enough content worth reporting. If you wish to unsubscribe or for comments and questions about the newsletter and roundtable, please contact the chair, Menzi L. Behrnd-Klodt, [Menzi@xyte.com](mailto:Menzi@xyte.com)