



*About this document:* This document collates and analyses the evidence collected during the privacy project which particularly relates to what CILIP members think about how privacy is reflected in Ethical Principle number 8 and the Professional Code of Professional Practice. The Privacy Board makes three main recommendations and this report represents one of four outputs of the privacy project. Please see the accompanying two documents for a summary of the privacy survey results and some key information about the evidence gathering phase of the project which includes the numbers of participants.

## **Summary of recommendations**

Ethical Principle 8 and the Code of Professional Practice (or whatever replaces it) should:

### **Be extended to include**

- Data and data content
- Specific reference to children and vulnerable adults

### **Be re-written to be**

- More direct in its language and purpose
- More proactive in its language and purpose
- Focused on informed consent

### **Reflect**

- The responsibility of the profession to educate and inform citizens of their rights in regard to their own data and of the value of their own data
- The responsibility of the profession to take due care in the information/ data they do collect on their clients and users, the content they create, and the duty they have to be transparent about the decisions they make on the collection and use of that data

## **Introduction**

1. Ethics and values are at the core of CILIP's PKSB and privacy is mentioned specifically in CILIP's *Ethical Principles and Code of Professional Practice for library and information professionals*. Namely:
2. [Ethical principles](#)

Number 8: Respect for confidentiality and privacy in dealing with information users.



3. [Code of Professional practice](#)

*Section B: Responsibilities to information and its users Number 4:* Protect the confidentiality of all matters relating to information users, including their enquiries, any services to be provided, and any aspects of the users' personal circumstances or business.,

4. *Section D: Responsibilities to society Number 4:* Strive to achieve an appropriate balance within the law between demands from information users, the need to respect confidentiality, the terms of their employment, the public good and the responsibilities outlined in this Code.

### What's the problem?

5. Evidence suggests that without the right to privacy the right to freedom of access to information and freedom of expression is unlikely to be fully exercised. Information professionals have long held an ethical commitment in principle and practice to freedom of access to information and freedom of expression and privacy.

### Key issues identified at the beginning of the privacy project:

6. The digital world has changed the nature of how we access information and resources including government services and this has impacted upon an individual's privacy
7. Information professionals have to a degree been excluded from the design and implementation of new technologies, systems and processes which collect and store personal information. This means that the levels of privacy we can offer users has changed without a corresponding shift in how we as a profession manage this change
8. Our consultation discussion paper asked the question:

***Are the existing Ethical Principles and Code of Professional Practice an adequate summation of a professional approach to privacy? How could it be improved?***

### Key messages from the evidence

9. This report will confirm much of what has already been gathered by the ethics review. That CILIP should focus on and advocate for informed consent.
10. CILIP needs to extend the Principle on privacy to include data and content. *It's not just about the users of the information, it needs to cover the subject's information – not necessarily the same thing.*



11. Ethical Principle 8 and the Code of Professional Practice (Section B and D) should be re-written to be more direct and proactive with a focus on informed consent. This should be facilitated through educating citizens to understand their rights and the value of their own data. Delivering this education should be part of the responsibility of the profession.
12. The Ethical Principle and Code should have more explanatory material and guidance that stresses the importance of informed consent and the need to educate all clients/ users. This includes individuals generally and specific groups, especially children and vulnerable adults.
13. Library and information professionals should take due care in the information/ data they do collect on their clients/ users, in the content they create and a duty to be transparent about the decisions made on how this data is used.

## **The Evidence**

14. As well as specific questions asked at the privacy workshops and in the survey about how privacy was represented in Ethical Principle 8 and the Code of Professional Practice, a question about the privacy challenges faced by information professionals and the sector as a whole generated some relevant comments.
15. Nobody attending the workshops, responding to the privacy survey or during the one-to-one interviews said that the existing Ethical Principle and Professional Code of Conduct were totally unfit for purpose. In the privacy survey 74% of respondents think that Ethical Principle number 8 adequately covers professional concerns around privacy and 83% think that the Code of Professional Practice adequately covers the responsibilities of an information professional in relation to privacy.
16. There were, however, sixty comments on Ethical Principle number 8 and forty one comments on the Code of Professional Conduct which have contributed to the evidence.
17. Most suggestions for change were for a tightening up of the wording to reflect the growing importance of privacy issues and the addition of specific words and phrases that properly reflect the online digital world. Comments in the privacy survey also suggested additions to the Ethical Principles and Professional Code of Conduct in order to better reflect the more complex information landscape in which information professionals now operate.
18. There were also comments about the limitations of any set of ethical principles and the fact that there has to be room to make a professional judgement call.



## Ethical Principle 8

### *Wording of the ethical principle*

19. "Respect" in the phrase "**respect for**" was really not liked across the workshops and in the privacy survey. People thought it was meaningless and too passive. *"Respect for" needs to be more clearly defined in the current climate.*
20. *This statement really only says that you have noted the need for ethical behaviour, it does not say what you should or should not be doing. It should not just be about respecting privacy but about understanding and applying the principle.*
21. "**Dealing with**" is too vague. Privacy and confidentiality were flagged up as being connected but not necessarily identical concepts.
22. "**Information users**" was too narrow as there are potential privacy concerns for far more people than just service users.

### *Additions to the ethical principle*

23. **Data** and **digital** including **data protection** and **data security** were the most commonly requested additions to the Ethical Principle.
24. There should be a referencing of the relevant legislation, in particular **GDPR**. And the principle should not just cover users of information - it should also cover the **subject's information** which is not the same thing.
25. *It would be worth explicitly referencing upholding data protection legislation for our customers, which would encompass both privacy and the individual's rights as a **data subject**.*
26. A general comment from the ethics survey refers to the Ethical Principles in general and makes a similar point made by some people commenting on the Code: *The Ethical Principles should confirm a boundary between confidentiality and privacy of users and the confidentiality of material they are trying to access.*
27. There is no reference to our professional **role as educators**, *ensuring users have the skills required to ensure their privacy*, or any information about what happens when things go wrong. The relationship between us (information professionals) as employees and our employers was also raised *The focus is on users – nothing on employers*. **Censorship/ net neutrality** were also mentioned as topics for inclusion.

## The Code of Professional Practice

### *Wording and particular phrases of the Code of Professional Practice*



28. The phrase "**Public good**" is not clear or adequately defined. The term: *...is widely abused by government to undermine, ignore or override the privacy interests of individuals*. One person suggested "public interest" as an alternative to "public good".
29. The phrase "**Appropriate balance**" was also not liked: *We either stand for the rights of our users or we do not*. The phrase also does not reflect the fact that the profession should be upholding core ethical principles of confidentiality when faced with "unethical" access to private information.
30. "Where legally possible" was a suggested caveat to the phrase "Responsibilities to information and its users".
31. More allowance within the wording for discretion, and an acknowledgement of sharing work- related information and **sharing information with those who should be able to access it** was a recurrent theme.
32. Legal requirements and the prevailing legislation, in particular **GDPR** and the **Data Protection Act**, came up as candidates for the Code (as well as for Ethical Principle 8 see above).

#### ***Additions to the Code of Professional Practice***

33. An expansion to include a wider group than service "users" and expansion beyond the individual. An **individual's rights as a data subject** should be added.
34. A distinction should be made between personal and non-personal confidential information. The comments about this distinction related to sharing information and data within an organisation "confidentiality within a service space." The comment *We have a responsibility to raise concerns about procedures and data handling across multiple systems* reflects the fact that technology provides the impetus for many of the recurring privacy issues.
35. The **balance between data protection and freedom of information** should be reflected and there should an "amplification" of issues associated with **clash of ethics and the law**.
36. Another area for expansion highlighted was in the **provision of more guidance** such as illustrative case studies and scenarios and there should be a **reference to an arbitration code** or means of **redress when things go wrong**.
37. A general comment about the code being "too soft for today's world" and a need for clarity, particularly in regards to electronic information, perhaps sums up comments received under this section.



## Freedom of access to information and privacy

38. The PID for the Privacy project specified that our advice to the Ethics review was in regard to privacy and freedom of access to information.
39. The sharing and re-use of information, equality of access, FOI, and government legislation were all mentioned in responses to this topic. Also the competing push and pull forces which have to be negotiated by information professionals.
40. Technology and digital practices such as profiling, filtering, student learning analytics and allowing third party access to data have all been mentioned as raising privacy concerns.
41. *(the code) doesn't provide guidance as to how to mitigate needs of individual vs needs of organisations vs demands of suppliers/ providers and any applicable legal frameworks. What has priority ethics or the law? Individual vs corporate?*
42. For example: how the push for more open access can disadvantage some communities as locating information digitally (data mining) becomes easier and could impinge upon the confidentiality of certain groups of people whose interests can be protected more easily within an analogue collection. The balance between these two forces is particularly felt amongst the research community, national collections and archives.
43. No solutions as to how this balance could/ should be reflected in the ethical principles or code of professional practice were proposed by the participants in this project. Reading through the comments the most a code could offer would be a recognition of this dynamic and the acknowledgement of the right of an information professional to demonstrate discretion and judgement in a way that tries to respect the competing information needs of the different users.
44. The use of case studies and scenarios were requested as a means of illustrating these "dilemmas".
45. Whilst the majority of comments around commodification of data and commercial use of data were negative there were some comments which reflected an opposing view (in particular within a public library environment) namely that some allowance should be made for using user data.
46. *I'd like to see Libraries being more free and entrepreneurial about how we use our incredibly rich datasets to improve the offer for our customers, develop marketing strategies to appeal to more people, and maybe even output headlines of this data to publishers in search of marketing help*



47. In the one to one interviews we conducted the fact that individual privacy isn't an absolute came up when discussing ethics.
48. *If we know that under certain circumstances we would share, give data away, the ethical responsibility on us becomes one of telling our users under what circumstances we would do that.*
49. Another interviewee stressed that the issue was whether the *purpose* to which the information would be used was ethical and had the agreement of the data subject.
50. There was a general comment about the lack of visibility of CILIP's ethics. "Few people would say there was anything wrong with the Code but I think it needs to be surfaced more".

### **Key privacy issues highlighted which helped to inform the Privacy Board's recommendations to the Ethics Committee**

51. Some of the key privacy issues for our members were the same issues our members wished to see reflected in the Principles and Code. These were; third party suppliers, commodification, Prevent, government and corporate surveillance generally, data protection and the use of data, and social media harvesting.

### **An Information Rights Charter**

52. The things which people said they would expect to see in an Information Rights Charter had similarities to the topics which came up when discussing/ responding to questions specifically about the Ethical Principle and Code of Professional Conduct. This suggests that these topics should somehow also be reflected in any new code or set of ethical principles.

- Citizens, users/ data subject, client's rights
- When and how to challenge requests front third parties
- Right to be forgotten
- Freedom of information
- Protection of an individual's right to privacy
- Data protection
- Cyber security
- Data sharing/ between organisations
- Responsibilities/ role of information professionals



- Legal/ the law
- Redress/ where to go when things go wrong