



**Australian
Privacy
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10 January 2008

Mr A. Smith
Director
State Library of South Australia
North Terrace
ADELAIDE SA 5001

Dear Mr Smith

Re: Demands for the Identity of Library Users

I refer to my short email of 26 September 2007. Thank you for your reply of 2 October 2007, and for the care taken in preparing it. My apologies for the delay in responding.

However, it gives rise to serious concerns. For completeness, I have commenced this letter by repeating some information from my original email.

Preliminary Matters

I expressed concern that SLSA demands name and (in a qualified manner) address, as a condition of use of the Library's computers:

http://www.slsa.sa.gov.au/site/page.cfm?area_id=15&nav_id=2554

I noted that this appeared to be a substantial departure from longstanding practices in relation to access to library materials, and a serious restriction on the right of open access to information.

In response to my enquiry as to the basis on which this policy has been instituted, you indicated that the practices are consistent with the Privacy Guidelines of the Australian Library and Information Association (ALIA), at: <http://alia.org.au/policies/privacy.guidlines.html>.

I note that the ALIA document is at a more abstract level than the matters addressed here. I intend contacting ALIA about the inadequacy of their guidance, once we have resolved these issues.

My Understanding of SLSA's Requirements

On the basis of the web-site and your letter, my understanding is as follows.

Use without registration (and hence without disclosure of identity) is permitted for "Open Access and Storage collections", "assistance at the Library service points", "use of seating for study and reading", and "use of general audiovisual equipment and discussion rooms".

On the other hand, the provision of varying quantities of personal data is a condition of use of the following services:

- the English Language (ELLIS) service;

- entry into the Somerville Reading Room;
- the PC Booking System;
- Home access to online resources.

The intensity of personal data demanded varies. For example:

- for ELLIS, name is required, and current residential address is "preferred"; and
- for Somerville, all of name, "proof of ID" (whatever that that may mean in that particular context) and current residential address are all required.

Use of ELLIS and Somerville appear to indicate a person's physical presence at SLSA's premises, but not the resources that the person accessed there.

Areas of Concern

Concern is expressed in relation to the other two circumstances, because they open the door to monitoring and retrospective access to a person's reading behaviour.

(1) Library PC Usage

No information is available on the web-site about what personal data is demanded, and your letter merely states that "the PC Booking system requires that customers be registered with the Library". Hence I am not clear as to the intensity of registration data that is demanded.

(2) Home Access to Online Resources

For home access, it appears to be additionally necessary to provide one's home phone-number (without allowance for people who have no landline, and for those who have a silent number): <http://143.216.21.3/selfreg/home>.

The Reasons for the APF's Serious Concern

Any means whereby electronic access to data can be associated with an individual undermines freedom of access to information.

In SLSA's systems, it is unclear to what extent linkage exists or is feasible between the identification data and the content accessed. For example, registration data may be associated with a particular PC and/or with a particular IP-address, which in turn may be associated with entries in a log of documents accessed, whether held on SLSA's servers or on those of some other organisation.

If any such linkage exists, or can be constructed from data stored by the Library and/or by other organisations, then it is readily accessible by third parties.

Contrary to the impression that the ALIA Privacy Guidelines provide, the requirement for "a warrant, a court order, or an authoritative document from the law enforcement agency" is completely inadequate protection against incursions into readers' privacy.

Sub poenas have never been subject to prior controls, and judges almost always simply pass the data to the organisation that requested it. A variety of forms of warrant are no longer subject to reliable prior controls. No librarian is in a position to dictate what a warrant should contain. And the demand provisions that have been granted to some agencies even preclude information about the access being provided to the person whose privacy has been breached.

Linkage between the identification data collected by the Library and the reader's access to content would represent an abuse of public trust, unless the Library:

- (a) has designed the system so that no such linkage is possible; and
- (b) communicates clearly to the public how that has been achieved.

Conclusions

The APF's understanding has always been that libraries were stalwart protectors of public access to information, and emphatically did not require that the individual identify themselves and the information that they access.

Some years ago, I conducted a consultancy assignment for SLSA on 'IT for the SLSA of the 21st Century' (through ETC, final report dated 16 October 1998). It was abundantly clear at the time that the 'physical portal' that libraries represented would be rapidly supplemented and progressively replaced by a 'virtual portal'.

The new context sees individuals at grave risk of having their use of library facilities and their access to content monitored by libraries, and accessible by third parties. It appears that SLSA, and perhaps other libraries as well, may be facilitating the demolition of free and open access to information.

Would you please provide further details in relation to the crucial PC Access and Home Access aspects of this matter. If a telephone call would assist in the discussion, please feel free to call me on either number below.

Thank you for your consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roger Clarke', with a long horizontal flourish extending to the right.

Roger Clarke
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