

Introduction

The rapid development of information technology, the fast growth of networks and the transition of the internet from web1 to web2, form the new digital information environment. The production of information in electronic form is continuously increasing, the speed of information processing through the computer is being multiplied, the cost of archiving is being decreased and the internet services are spreading to a wider specter of people and social activities. The nature of information changes as it converts to a marketable good of additional economic value. New technologies and digital means aid to collect data from different sources faster, the match of those is easier to achieve, and in the same way, the recombination of new information with negative effect on individual's rights and freedom, becomes possible.

The deployment of new technologies in libraries, the sophistication of modern automatic systems that they adopt, the sharp increase of the amount of information that they process but also, the increasing interest of exogenous factors as for the libraries, for search and abuse of their archives, form an upcoming fear for the users' violation of privacy of library's services. At the current information environment new services and management tools, coexist with old techniques and practices, habits and values, which sometimes make obvious and painful the incapacity of handling the new and different one. Caution, on the part of the librarians and other information professionals as for how the old and sometimes intuitive habits of evaluation or the close interpretation, are enough and suitable in the "new worlds", the new and different situations that are being formed by the integrated library systems. Legal and ethical principles, challenges and dilemmas for the protection of individual rights and especially for the protection of personal data, intellectual property, freedom of information, freedom of expression, are issues for the moment in librarianship.

In the context of this lecture, the examination of the parameters of privacy and protection of personal data in libraries will take place. Special emphasis will be given to the exploration of the possibility for the creation of a self-regulatory framework of protection and the power of libraries or the professional union to establish rules and what force and binding can these rules have, especially when it concerns to individual rights which are followed by a necessary regulatory intervention by law. Finally, the proposal of a professional code of ethics for the protection of personal data in libraries will be presented.

The protection of privacy from the collection and processing of personal data in libraries

Libraries, the depositories of human knowledge, the past, the present, and our future, “the memory of humanity”, play a very important role to the examination and the facilitation of access to the constantly increasing number of local and remote information resources and services. Apparently from their nature and their particular goals, libraries have the user or the patron as a main target, aiming at their satisfaction of special needs for research and use of demented information. Rules, regulations and technologies are used, in an attempt to give access to services and resources, with no unreasonable restrictions, with respect to patrons’ individual rights.

The right to privacy is the right of everybody to form his life according to his beliefs, anonymously, undisturbed from foreign interventions. This right provides the individual with the power to forbid others to abuse his personal space and his anonymity. The protection of privacy or personal life is supported by the whole librarians’ community in theoretical as well as in practical level. In texts of the American Library Association (ALA), the specialization and the clear distinction of the terms privacy and confidentiality are observed¹. The right to privacy in the context of libraries means the right of free search of information without the user’s reading choices to be examined or censored. The right to confidentiality, also, means the obligation of the library not to notify others of the user’s personal information that may have at its disposal. Librarians recognize that privacy is essential to the exercise of free speech, free thought, and free association and therefore, essential to democracy (Adams, H...[et all.] 2005)

Libraries collect and edit personal information and personal data in order to provide services to their patrons, for better and more effective information management, and development of their services. This era in which libraries and their users are now struggling, is different in one way from any other period in human history. Never before has it been possible to gather such vast quantities of personal information, and bring it all together to create a detailed profile of each and every individual (Woodward J, 2007). Competition, upgrade, and automation of the functions and services, has led to the adoption of new technologies and digital tools, such as technologies for the identification of users through Radio Frequency Identification (RFID) or biometrics, the adaptation of web2 technologies (Blogs, RSS Feeds, Facebook, Twitter, Flickr etc), which lurk new risks. In the new digital information environment, the recordings of acts and moves of the users are constantly growing and there is a wider and easier access to the relevant archives that become more, and more comprehensive and easier to use. The access to electronic resources demands the definition of the users’ identities. The mediation of Internet Service Providers raises issues in relation to storage, possession and use of personal data of those who

¹ (ALA, An Interpretation of the Library Bill of Rights: “In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one’s interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf) (ALA, An Interpretation of the Library Bill of Rights”

use these services. The services of digital libraries and the creation of personalized and customized environment according to user's preferences, demand the collection of more and more personal information.

Public websites and especially Facebook are used by libraries and librarians as a tool in order to communicate with professionals of the same scientific field and to notify a library's activities or facts. Also, many facebook applications for libraries have been developed (Facebook Group about Library). As the use of facebook creates complete digital profiles of the users, deep concern is observed in the collection of such great amount of personal data by Facebook Inc, the possibility of their processing by the same company or other associated companies and the risk of state authorities to use them as a means of surveillance. The company has the ability to share users' data to others in some cases that is considered to be necessary for some reasons (service offer etc). The company can also share information when necessary for the satisfaction of any obligations imposed by law or for the deterrence of web-crime. Furthermore, every registered friend is able to copy, edit, change and re-publish data.(Piskopani , A-M, 2009)

In the library world, RFID tags, replace the technology of barcodes on books and other items in order to achieve a more productive and more improved library's collection management. The reason why the critics of this technology are concerned is that the growing risk for privacy of record borrowers from libraries, because of the amount of data and the limited security of these systems (ALA, RFID).The use of RFID tags has raised also privacy issues centered on concerns that the technology will make it easy to detect what patrons have checked out from the library. According to Butter there are threats that refer not only to the borrower or the debtor, but also to the collection of the library (Butters 2007).

The violation of privacy referring to the undesirable processing of personal data is stemming not only from the possibility to edit archives with personal data that create and maintain libraries themselves, but also, from the possibility for exploitation data that third parties might have leveraging on the data activities regarding access and use of library's services offered in electronic format and/or in the online environment of the internet. The appropriate processing of all these archives gives the opportunity to form an "invisible image" of users, as it can reveal values, political and religious beliefs, research interests, consumers' preferences, health problems etc. It is worth mentioning that in many cases, researches and reading preferences reveal data that the law considers as "sensitive", by reserving essential, enhanced and procedural protection.

The main risk for these personal data is to be used for a different cause than the one for which they were collected. In the context of libraries, many institutions with different purposes are interested and sometimes press for the acquisition of access to archives that reveal the preferences of library users. These institutions are a) private such as database providers that are interested in the check of database use,

commercial companies that want to promote products, publishers and bookstores that want to know the reading trends or habits of the users etc., and b) public institutions, mainly prosecuting authorities that seek access to readers' archives so as to use them for national security and crime detection reasons. In U.S libraries, for example, privacy of users has many times been violated when the prosecuting authorities asked for the use of library archives in order to detect crimes, even though the strong resistance of the library community. A common example is the American authorities' demand to access archives with personal data and reading habits of users in order to find those who were responsible for the terrorist attacks of the 11th of September ((Gardner, 2002), (Weiner, 1997). Estabrook, 2003)).

The use of personal data for different reasons, challenges a basic principle of the data protection legislation i.e., the "purpose principle" and the associated prohibition of secondary use of data, which is based on national and international regulatory texts. The "purpose principle" is based on the article 5 of the Convention 108 of the European Council, on the article 6 of the instruction 95/46EK of the European Parliament and the Board of 24th of October 1995, on the article 8 of the Map of Fundamental Rights of the European Union and the article 4 of the Greek law 2472/1997. Additionally, with the reserve of exceptionally achievement of the superior public interest or legal interest of third person, disposal, notification, and transmission of personal data challenges, first of all, the right of people's informational self-determination, which means the right of the data subjects to determine which information that concerns them will become known to others and who will be the receivers of this information.(Strakantouna V...[et all.]. 2007

The uncertainty concerning to the use of personal data in the field of libraries is possible to have a significant negative impact on the relation between the user and the library. If habitual users believe that their privacy is threatened, they will limit their access to the facilities, services or the informational recourses so as to protect themselves. This will result in an irreversible damage of the public's trust to libraries regarded to be considered as "safeguarding sites" of privacy and free research of knowledge but places where the reading choices will be notified, checked and judged by others.

Law and ethics for the protection of privacy in Libraries

Users, in order to satisfy their informational needs, turn to libraries because of their reliability to the given services and because they are thought to be legitimate collectors of users' right of information and right to privacy. It is supported that information professionals are not enough to protect alone these rights (Sturges P, 2002).

The respect to these rights is simultaneously a legal and ethical obligation of both libraries and librarians. In Greek Law the right of information is guaranteed by article

5, paragraph 1 of the Constitution of Greece. This is the right of research, collection and reception of information but also the right to access a pluralistic frame of information sources. This right is limited according to article 5A, paragraph 1, only for national security reasons, for crime fighting or protection of rights and interests of others. By interpreting this article in the framework of the function of libraries, the information professional cannot limit unreasonably the right of the user to have access to the informative material of a library. The access to library information is guaranteed by the Constitution of Greece and especially the article 16 1975/86/01, according to which, freedom of science and especially freedom of accessing the conclusions of searches and generally the public accessible inquiring elements. The obligation of libraries to ensure the access of users to any kind of knowledge and information specialized and to the “Regulation of Library’s Operation” (YA 8300/2003) which contains regulations for the operation of libraries and certain ethical rules (Kanellopoulou-Bottis, M, 2004).

Contrary, neither the “Regulation of Library’s Operation” nor the relative law about libraries (L. 3149/2003 (FEK A’ 141) “National Library, Public Libraries and other provisions”.....), contemplate a special obligation of information professionals to protect patron personal data and privacy. However, the right of protecting personal data is explicitly guaranteed in the new article 9A of the Constitution of Greece 1975/1986/2001. Specific legislation which has as a base the law 2472/1997 for the “protection of the individual from the processing of data of personal character”, who was banned from law 3471/2006 to embody the direction 97/66/EC that was also banned by 2002/58/EC which provides a series of principles and rules that have to be followed by the “managers of processing” of personal data.

The obligation of librarians and other information professionals to protect patron rights is found in many deontological or ethical codes. It is meant that professionals are obliged to the society to have a specific behavior, by supporting the basic principles of its professional terror (Rubin, 2000). Deontological rules have to do with the sense of ethics so that deontology is considered as an expression of ethics. Ethics is a source of inspiration of the basic principles of deontology, such as the duty of information, equal treatment and respect of personal life is ethics. Code of ethics or codes of conduct or best practices have usually the form of a list of ethical duties that professionals of every department have to fulfill, according to the characteristics and their capacities, independently from their obligations as they are formed by law. The principles of such codes are dictated from an ethical system which defines the limits within which professionals can work, act and regulate the behavior and the permitted methods during the exercise of their professional duties. They set out the requirements of ensuring quality services and may be found as beneficial mechanisms so as to improve the standards of a professional terror and useful at the regulation of an ethical frame for its professionals. A main characteristic of such codes is that they do not - legally-have a compulsory nature and are revised every time that the circumstances require or justify it.(Livada Chr, 2005)

In the era of a digital technology, professional ethics of information scientists are considered very important issue because of the new risks for the protection of personal data and intellectual property. Information ethics is a constantly evolving field of research and demands a scientific approach. The new code of ethics includes individual issues, set principles and suggest practises that make the flow of information and ideas easier, protect and promote the rights of every person in free and equal access in information sources. Lately there has been discussions upon the issues of equal access to information sources from an ethical and deontological point of view, at least more discussions then ever before in the librarian context.

The greatness of ethical and deontological codes in the daily practise of librarians and other information professionals is widely accepted and the development and promotion of the codes of professional behaviour is a matter that concerns the professionals since the 19th century. A series of recent codes for librarians is found in the website of IFLA.(IFLA FAIFE). For the structure and organization of the content in many of them is used the user/profession/collection approach, placing great emphasis on the respect of users' rights, the social mission of the profession, the duties and rights of professionals, the development and maintenance of collections according to the users' needs and the role of libraries in each community (Sturges, 2009). Principles and values like protection of privacy, protection of intellectual property and resistance to censorship, equality of treatment among users, universal access to the internet, freedom of expression, freedom of knowledge, support of open and free access to information, which are required in deontological codes or information policies for organizations and associations in the wider field of informational science. The necessity and the usefulness of such codes are also noted by the national and European Community legislature, which instructs to the principle of personal data protection of every country, to urge the professional associations to institute ethical rules.

Despite the establishment of code of ethics, many professionals wonder about their usefulness, especially when through them is attempted effort to regulate individual rights the regulation of which requires the regulatory intervention of law. The answer to this question will emerge from the examination of capacities and jurisdiction that a professional association or an organization has to regulate rules for the protection of rights but also of the nature of law that protects these specific rights. Moreover, it is quite useful to observe the way of regulating such issues in the wider environment of information, like the internet.

A professional association or an informational organisation like a library can introduce or establish code of ethics that regulate the relations between professionals and patrons (like the obligation of mutual respect and cooperation). The ability of them to establish rules for the protection patron's individual rights is being questioned. Their main argument concerns their legalization, since society has entrusted the evaluations of the individual rights to the state and not to the professional sectors. The regulation of individual rights is assigned to the State; the

regulatory intervention of law is necessary and ethical rules are not sufficient. As the law of personal data protection is a complex but also a general system of principles, guarantees and rights, the expedient application of these rules depends on the ability to be adjusted to the needs of each environment and regulate it satisfactorily. This involves the specialization of general rules from the professionals. The law sets principles and every professional sector specifies the legislative needs.(Strakantouna V...[et all.] 2007) Especially as far as it concerns the specialization and adaptation to the library and information services context, the cooperation of information professionals is required, who, due to their specialization, experience, closer relation with their profession and their contact with technological development at the domain of librarianship and knowledge management, they are considered as more appropriate to predict the dangers for users and disincline them. Also, effective protection of library users depends to a great extent on the knowledge of protection need and the awareness not only of librarians and other information professionals but also of the subjects of personal information.

The regulation of privacy issues in digital era constitutes a complex matter, while the discussion about the most suitable frame of regulation is constantly developing. Apparently from legislating rules, the regulation of conflicts that human behavior creates is tested through self-regulation and the creation of ethical and deontological rules. Methods that existed before the new technologies are kept and tested as a way of regulating in the internet and in the so-called highways of information, as self-governance. Globalization, the judgement of law and institutions, the emphasis on economic parameters of law and the problems of modern economy, created the presuppositions for the creation of a deregulatory environment. Overcoming the weaknesses of the traditional legislating regulation but also the problems created in the domain of self-regulation, is sought now in the model of co-regulation or controlled self-regulation which concerns the introduction and adoption of processes of consultation with those interested but also the experts (institutions, special scientists, citizens). It is about processes that help with the definition of tensions and the production of consent among the participants, which do not strictly lead to the production of law, but create a common space of dialog among the interested. In this model, the main regulator is the state, which defines the basic principles and the standards that must be in effect. Its role is found in the check of context of the rules and functions as a guarantor of the correct work of the production mechanisms of these rules (Mitrou, 2005).. Thus, the state is not exhausting itself with the creation and the enforcement of impositions and prohibitions, but contributes to the aid of social institutions

In this frame, legislation has to consider the special role of libraries in social development, by predicting regulations that serve the wholeness, and the scientific associations have to promote the application of legal codes of ethic. This regulating model is followed by many attempts to create codes of practices, offering to professionals, principle guidelines which are specialized, in order to be applied in

specific circumstances such as when interests are being jeopardized or confront other obligations, organisational structures and public safety. As far as the protection of personal data is concerned the Data Protection Code of Practice for the Higher and Further Education Sectors is very significant, with the support of Joint Information Systems Committee ASSIST (JISC, 2002). Additionally, the Advisory Committee on Access to Information Systems and Services (ACAISS), of Society of College, National and University Libraries (SCONUL) has drawn up and published a relevant directory, in which the protection practices that are used in many British Colleges are mentioned. Its contribution is very important as it provides advisable acts for the treatment of subjects that have to do with the protection of personal data (Sconul, 2002).

Codes of ethics for the protection of personal data in libraries and information services

As far as the Greek reality is concerned , an attempt for the creation of a code of ethics for the protection of personal data was made by the author hereto in 2005. The suggestion of this code is a part of a postgraduate work with the title “process of personal data and protection of privacy in the modern environment of libraries and information services” that was placed in discussion at the 14th Conference of Greek Academic Libraries in 2007.

This code emerged from the need for existence of a protective tool of personal data in Greek libraries, which was a result of the research that took place in 2005 in a typical example of Greek libraries. The purpose of this research was to seek a) the existence of policies that protect privacy in libraries, b) to what extent personal data is edited, c) the practises of collection, storage and availability of data, d) the level of concern of the personnel and users, e) the awareness of the existing legislation of the protection of personal data, f) the disclosure of cases of undesirable processing and the users’ and personnel’s reactions, g) the necessity of creating documents – instructions of the policies of privacy and protection of personal data.

The research revealed that all libraries create electronic archives with users’ personal data. There are archives that contain a) users’ information that is very important for the facilitation of functions and procedures, such as material movement, lending among libraries, use of electronic sources and databases, b) demands of members and external users for the information services and for specialized services, selective dissemination of information etc, c) members’ and personnel’s information, which emerge from the use of internal and external e-mails, d) recordings of online searches and other online activities that take place by the personnel’s terminal or public use terminal, e) personnel’s information for the fulfilment of economic and other demands and finally, f) recordings of information from the archives of the supervising and material handling systems and facilities. Comparing the 2005 results with the current situation we could say that libraries and their patrons are more informed about the risks that exist and therefore more careful, even though they continue to trust libraries

but not the internet service providers (ISPs). Also in the most libraries websites you can see a privacy policy statement.

The above mentioned code of ethics for the protection of personal data in libraries and information services is an attempt to combine the self-regulating dynamic of the librarian practices and the regulatory rules of the Greek and European law about the protection of individuals with regard to the processing of personal data. The nature of these rules is dual. They are rules with committing and ratifying character that specialize in the current law of protection of personal data. Simultaneously, are simplified rules with explicit directions for the processing of personal data in libraries, that akin to ethical rules. As for its structure, firstly, the used terms of protection of personal data are clarified and specialized in the environment of libraries and information services.. According to the protection of personal data policies when information is collected for the purposes of libraries' operation, from which we define the natural person, the library is considered by law as the "process manager" and librarians that collect data in favour of the information organisation as "processors". The library and its personnel, as "process manager", have to follow specific principles and rules for the process of personal data. The main body of the code consists of the following rules and principles which all users (personnel and patrons) have to abide with.

- The principles of fair and legal collection and process of personal data, which are applied independently from the data processing form and the ownership of libraries and information services.
- The general obligations of the library (to comply with legislation, adaptation to technology development, creation of policies, taking up legal competence, security mechanisms, education of personnel and users, providing the appropriate environment, delineating external requirements)
- The general rights of the subjects of data so as to be informed as for the capability of practice of their legal rights for information, accessibility, objection and temporary judicial protection.
- The specific commitments and demands of the library as for the organization of the archive system and the knowledge of its formation.
- The legal principles of the collection and process of data, users', personnel's, following the principles of proportionality and clarity purposes.
- The principles that have to be followed in case of the demand of others to access the archives, interconnection, maintenance and notification of data
- The principles of security and secrecy of data and process of processing manager, the administrators and the whole personnel.

Review and development of the suggested code according to the recent facts both in legislation level and in structural and context level so as to prevent new challenges and risks for the ones involved in the work of libraries, is indispensable.

Conclusion

The right of privacy in the use of a library's services and resources will remain of paramount importance to the library profession. Librarians have a professional commitment to privacy, whether their libraries are located in a physical place or in cyberspace. Nowadays, privacy protection becomes even more difficult as personal data collected, processed and maintained easily but so much with difficulty we develop methods for their removal from the computer systems. Even though library users believe that their privacy is not threatened in the library, professionals owe to deter the risks, inform and train the personnel and the users accordingly to the value of privacy, by ensuring the appropriate frame of information handling, creating policies and tools of ensuring their individual and public rights.

Bibliography

1. Adams H, Bocher R., Gordon C and Berry-Kessler E. (2005) Privacy in the 21st century: issues for public, school, and academic libraries
2. ALA An Interpretation of the Library Bill of Rights). <http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/interpretations/default.cfm>
3. ALA: Radio Frequency Identification Technology <http://www.ala.org/ala/aboutala/offices/oif/ifissues/rfid.cfm>
4. Butters, A (2007) RFID systems, standard and privacy within libraries "The electronic Library vol. 25 No, 4 , 2007
5. Geraris, ch.. (2010)Personal data and new challenges *DIMEE* 1.2010 p.. 42 επ.
6. Estabrook Leigh S et. al, (2003), "Public Libraries' Response to the Events of September 11th." <http://lrc.lis.uiuc.edu/web/911.html>]
7. Facebook Group about Library <http://www.facebook.com/group.php?gid=2469777131>
8. Gardner, Carrie.,(2002). "Fact act or fiction: privacy in American Libraries" Proceedings of 12th Conference of Freedoms and Privacy, pp1-5 <http://www.cfp2002.org/proceedings/proceedings/gardner.pdf>
9. JISC (2002), Data Protection Code of Practice for the HE and FE Sections [τεκμήριο [www, URL](http://www.jisclegal.ac.uk/dataprotection/DataProtectionLinks.htm) <http://www.jisclegal.ac.uk/dataprotection/DataProtectionLinks.htm>,
10. IFLA <http://www.ifla.org/faife/ethics/codes>
11. Kanellopoulou-Bottis M. (2004) Law of Information
12. Livada, Chr. (2005) Codes of conduct in the financial sector: legal nature and function
13. Mitrou L. (2002), *law of Information society*,

14. Mitrou L.(2005). Self-regulation in Cyberspace
15. Piskopani A. M : “The protection of privacy in facebook”, *DIMEE*, 2009
16. Rubin, R.E., (2000) Foundations of Library and Information Science,
17. Karen Senior for the Advisory Committee on Access to Information Systems and Services of SCONUL .
http://www.sconul.ac.uk/groups/access/papers/dpa_checklist.doc
18. Strakantouna V.(2005), Personal data processing and protection of privacy in the new frame of libraries and information services.:
<http://dlib.ionio.gr/mtheses/vstrakan.pdf>
19. Strakantouna V, Piskopani A-M, Mitrou L (2007), «*Personal Data and Libraries* ». *Chronika Idiotikou Dikaiou*, (Z) 2007 p. 281-288
20. Sturges P., Davies E., Dearnley J., Iliffe U., Oppenheim C. and Hardy R (2002). Project “*Privacy in the digital library environment*”
21. Sturges P.(2009). “Information ethics in the twenty first century” *Australian Academic and Research Libraries* (vol 40 no 4pp 241- 251)
22. Weiner, R. G., (1997) “Privacy and Librarians: An Overview”, *Texas Library Journal* 73(1) Spring <http://www.txla.org/pubs/tlj-1q97/privacy.html>]
23. Woodward J. (2007) What every librarian should know about electronic privacy