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Ethical access practices: Interviews with practitioners

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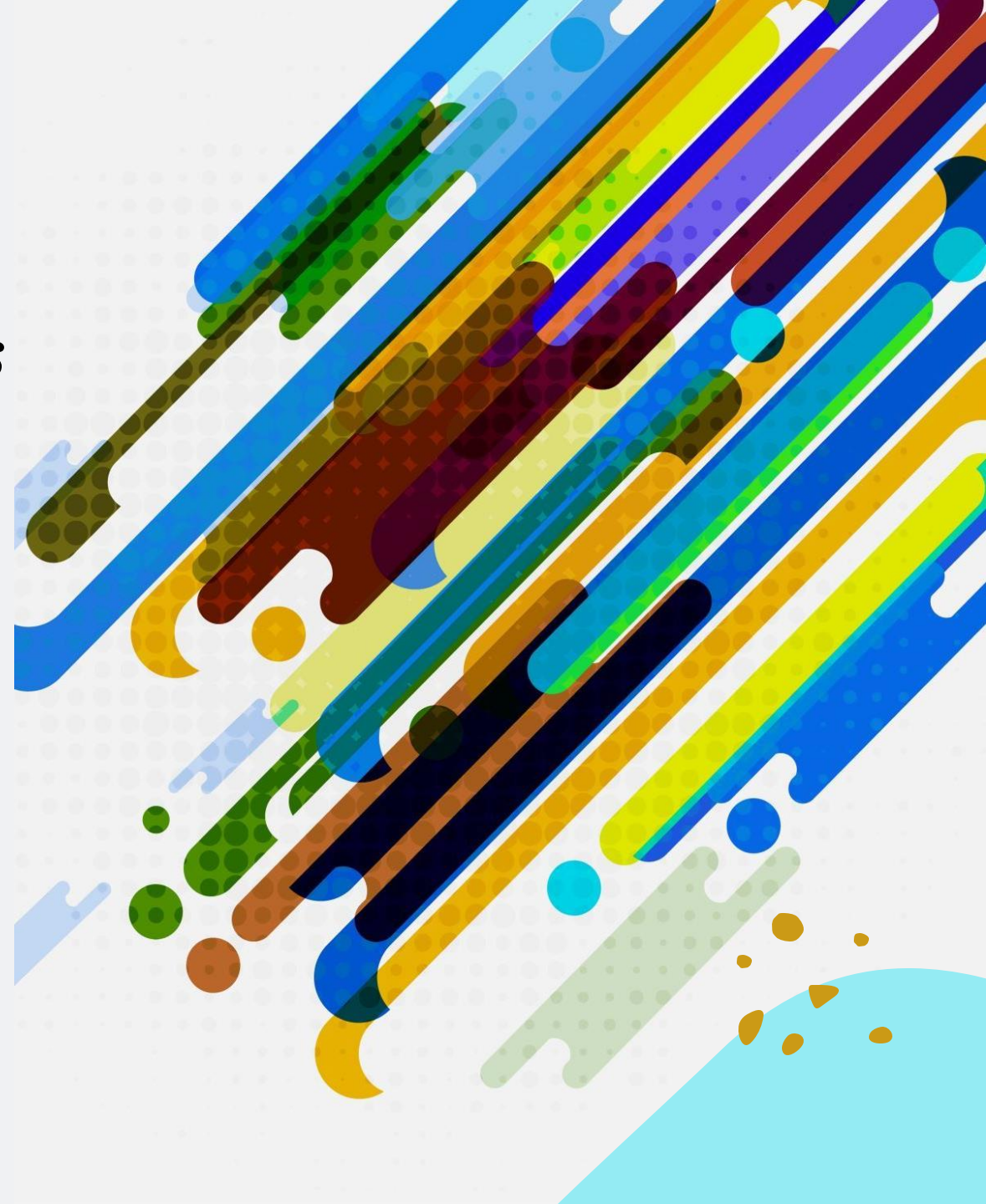
Ethical access practices: Interviews with practitioners

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Florida International University



Introduction & overview

Together, Virginia & Kelley have ~30 years of experience working in digital collections in academic libraries.

The research is inspired by real world situations & experiences as practitioners, as well as:

- Tara Robertson's overview of the ramifications of the On Our Backs digitization project 'digitization: just because you can, doesn't mean you should'- <https://tararobertson.ca/2016/oob/>
- University of California Berkeley Library "Responsible Access Workflows", 2020.
- Rowan, Kelley F. and Bakker, Rebecca, "The Dark Side of Digitized Content: Stalking, Consent, and Subpoenas" (2019). *Works of the FIU Libraries*. 82. <https://digitalcommons.fiu.edu/glworks/82>

Project is part of on-going privacy & ethics research

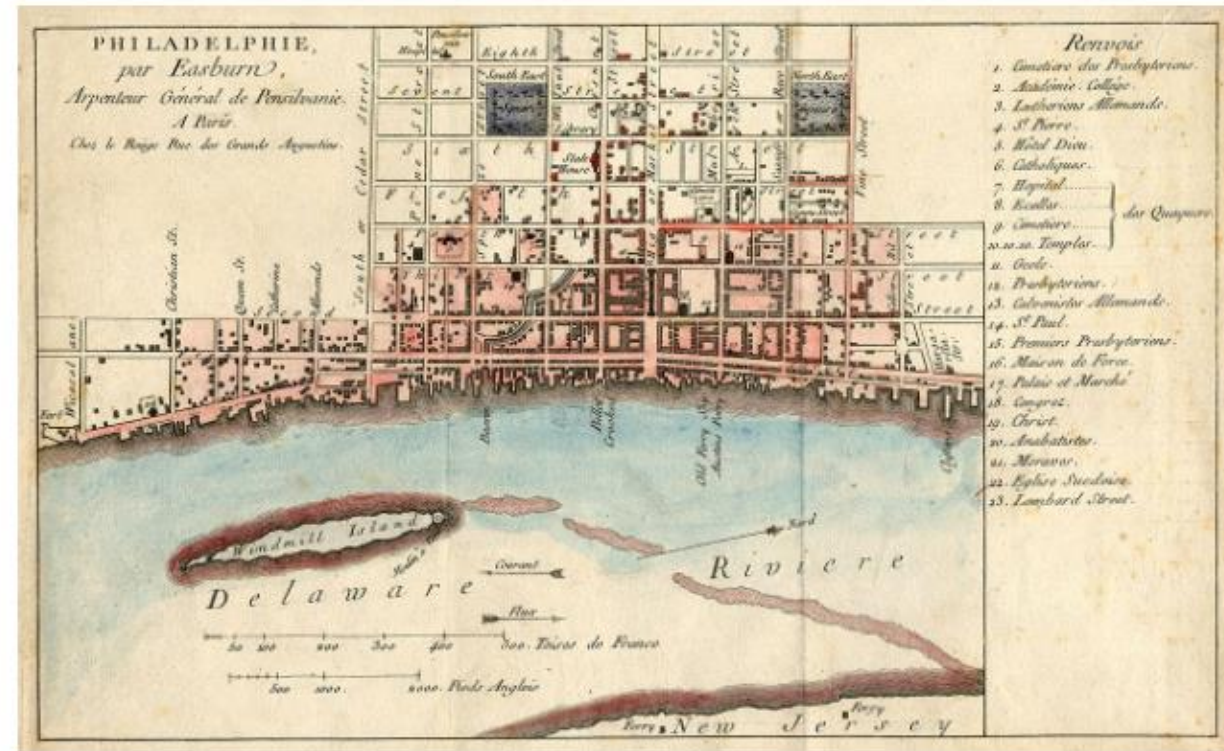
- Dressler, V. 2018. *Framing privacy in digital collections with ethical decision making*. Morgan & Claypool
- Dressler, V., & Kristof, C. 2018. The Right to Be Forgotten and Implications on Digital Collections: A Survey of ARL Member Institutions on Practice and Policy. *College & Research Libraries*. 79:7
- Dressler, V., Rowan, K. and R. Bakker. 2021. Managing privacy: A survey of practices in digital archives and libraries. *Journal of Digital Media Management* Vol. 9 (No. 2).
- Dressler, V. and J. Kearns. "Probing archivists' perceptions and practices in privacy," *The Journal of Archives and Records*, Vol. 44 (Issue 2), 2022
- Levi, A. and V. Dressler. 2024. "The Past(s) We Access Online: Foregrounding Ethical Challenges of Digital Archives." Accepted for inclusion in *Shelf Life: Libraries, Archives, and Collective Grief*

The Interviews

Mix of libraries, archives & museums

- Academic (public and private), public libraries, museums as well as historical societies/state archives
- Varying staffing levels

- Interviews took place during February - June 2024
- More interviews will be done in Summer and Fall of 2024

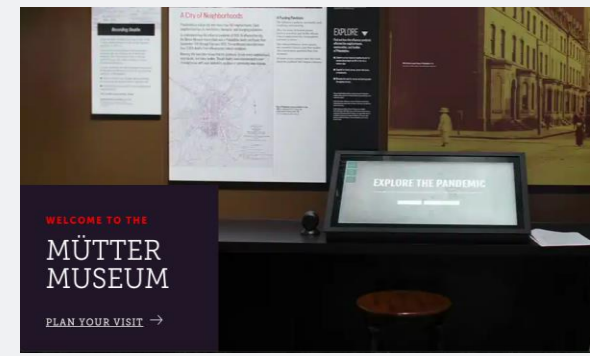


Interview Sites



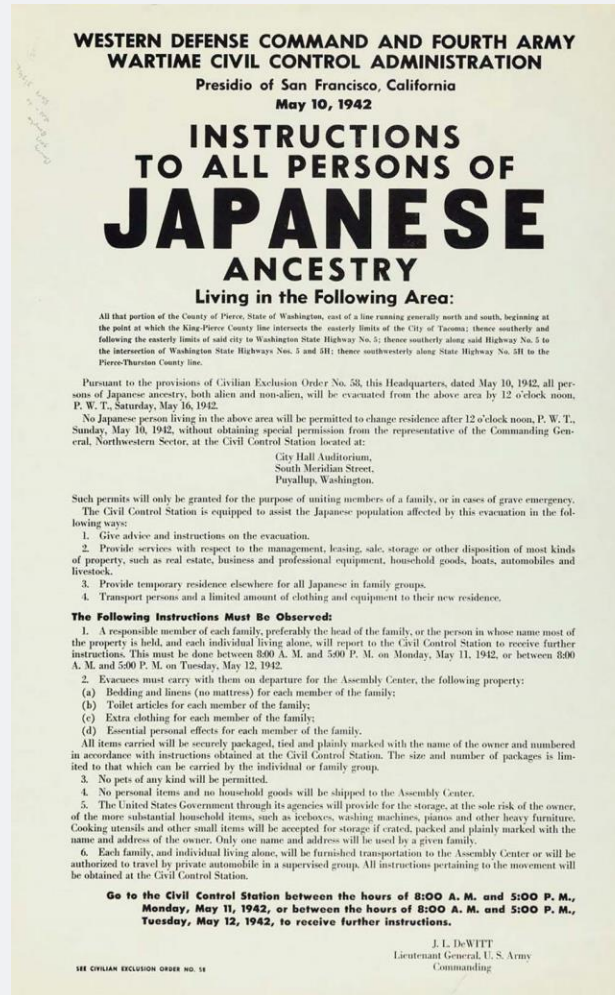
- Andy Warhol Museum
- American Philosophical Society
- Archives of the History of American Psychology, University of Akron
- Dittrick Medical Museum (Case Western Reserve University)
- Cincinnati & Hamilton County Public Library
- Cleveland State University
- Columbus (Ohio) Metro Library
- Historic New Orleans Collection

- Ohio History Connection
- Ohio Lesbian Archives
- Miami University
- Mütter Museum
- Stonewall National Archive & Library
- University of California, Berkeley
- Washington State University



Types of collections

- University archives
- Artist (personal) archives
- Business archives
- Oral histories
- Manuscripts



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- Personal correspondence
- Newspaper photo morgue
- Records
 - Japanese internment camp records
 - Insane asylum records

Interviewee Job Titles

- Manager of local history and genealogy
- Assistant Director for Resource Management
- Digital Content and Special Collections Librarian
- Volunteer Archivist
- Community Content Coordinator
- Digital Collections Librarian
- Digital collections specialist
- Manuscripts Librarian
- Archivist
- Curator of Jewish History
- Curator of Indigenous Materials
- Executive Director
- Records and Reference Services Manager

Issues addressed

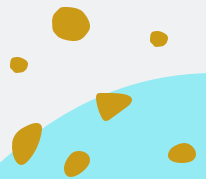
- Privacy concerns in collections
- In-house conversations & processes
- Decision points around access, such as:
 - Redaction
 - Excluding materials from digital collections
 - Sensitivity warnings & disclaimers
 - On & offsite access



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Sample Interview Questions

- Have digitization projects not been possible due to some kind of restriction (such as privacy, sensitive information, etc)? If so, could you share an example or two?
- Tell me about how work at your institution takes place when you need to discuss trickier/problematic collections in terms of access when difficulties or potential hurdles arise or issues are identified.
- Would you have an existing committee or working group that meet to discuss these kinds of scenarios?
- Have there been times when decisions have been reversed around access concerning sensitive or private data aspects?



Some sample collections from institutions



Sam Shepard legal files

Cleveland State University, Law Library

<https://engagedscholarship.csuohio.edu/sheppard/>

Materials from the County Prosecutor's office were donated and digitized.

Most of the collection is online and available for access.

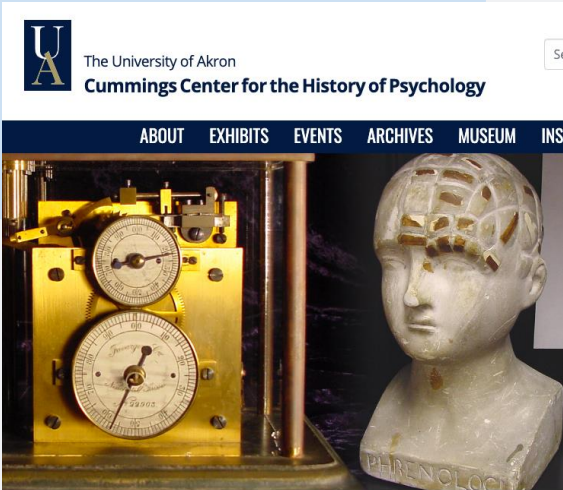
Digital collections also has a warning/disclaimer.

Warning and Disclaimer: This website contains graphic images such as autopsy and crime scene photos, which some may find disturbing. Any opinions expressed in the documents on this site are those of the authors of the documents, not of CSU College of Law or Cleveland State University.

We would love to hear your feedback about the Sheppard site. Is there anything you particularly enjoyed and want to see more of? Is there anything you were expecting to see but did not? Please let us know via email at sheppard.feedback@law.csuohio.edu.

Thank you!

Users of the content in this collection must follow the collection's copyright guidelines:



Archives of the History of American Psychology, University of Akron

<https://collections.uakron.edu/digital/collection/p15960coll10/search>

Over 4,000 linear feet and over 450 finding aids
Holdings include many personal papers from individual psychologists

Restrictions on Use

The researcher assumes full responsibility for observing all copyright, property, and libel laws as they apply. Restricted folders are noted in the Detailed Description of the Collection.

Restrictions on Access

Restricted folders are noted in the Detailed Description of the Collection.



Andy Warhol Museum & Archives

- Audio recordings
- *Time Capsules*
- Personal correspondence



Andy Warhol, *Time Capsule 21*, 1928-1974; Bulk: 1950s-1960s
The Andy Warhol Museum, Pittsburgh; Founding Collection, Contribution The Andy Warhol Foundation for the Visual Arts, Inc.
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Stonewall National Museum Archives & Library



Stonewall Digital Collections

Explicit Content

Please be aware that some material may not be suitable for certain audiences. Though objects within the digital repository are not restricted, explicit materials are marked to notify users. All materials within the digital repository can still be viewed, however, if users attempt to download material containing explicit content, they will be prompted to agree to Stonewall's terms and conditions.

Some materials contain explicit content that may not be suitable for some audiences. By agreeing to the terms and conditions, the user certifies that they are 18 years of age or older.

All materials within the digital repository are for historical and educational purposes.

Stonewall downloadable privacy and explicit content document



Digital Collections Policies

Fair Use

These materials are made available under the [Code of Best Practices in Fair Use for the Visual Arts](#) as published by the College Art Association and applicable Federal and State laws. Materials are provided for the users' personal and/or scholarly application. [Actual copyright has not been evaluated](#) and users are responsible for obtaining copyright permission that may be required for their own future use of these materials. Complaints, corrections, and questions about these materials are to be directed to kendall@stonewall-museum.org

Privacy Policy

SNMA is careful to avoid violating the privacy of individuals represented in the collection. Toward that end, we redact personally identifying information such as social security numbers and home addresses. We also redact last names on sensitive materials that were not designed or intended for public circulation. If any materials on this site violate personal privacy, please contact us and we will address the situation immediately. No assumption should be made about any individual's gender, sexual orientation or other characteristic based upon a mention of them in this digital repository.

Explicit Content

Please be aware that some material may not be suitable for certain audiences. Though objects within the digital repository are not restricted, explicit materials are marked to notify users. All materials within the digital repository can still be viewed, however, if users attempt to download material containing explicit content, they will be prompted to agree to Stonewall's terms and conditions.

Concerns that cause restrictions

Most often, restrictions address known or suspected issues around privacy or potentially sensitive information, such as:

- Unpublished materials not intended for public consumption
 - Personal correspondence, diaries, etc.
- Display of upsetting content
 - Corpses, Nudity, Violence, etc.
- Potential use for harm
 - Identification of individuals (facial recognition)
 - Campus protest photo collection
 - Religious information that could be used negatively
 - Synagogue membership
 - Personal desire from the donor for privacy for a designated amount of time



<https://dpanther.fiu.edu/dpanther/items/itemdetail?bibid=MM00053091&vid=00001#dvFilePanel>

Physical and digital restrictions

- Restricted use
- Password protected items or collections
- Unlisted collections
- Dark archive
- On-site use only (physical & sometimes digital)
 - Copyright related (especially for audio-visual)
- Mediating access
- Requiring researchers to share intended use and/or outputs
- Takedown
- Some indicated that they will remove content or edit OCR on request
 - Generally granted by the individual represented or the donor directly

Methods of restricting access



Redaction

12 of 16 institutions regularly use redaction as a method to restrict identified pieces of information at the file level and provide access.

- 4 reported that they have never used redaction as a method
- 1 added that their policy is to never redact. If something is not public, it will not be posted.
- One interviewee indicated they have in the past opted to not OCR something to make it less discoverable
 - Passive redaction?

[REDACTED]

PLEASANTVILLE DIAGNOSTIC CENTER

Name of Child: [REDACTED] Dates Tested: 8/29, 8/30
Date of Birth: 10/23/70 8/31/79
Date of PDC Adm: 8/8/79 By: [REDACTED], Ph.D.
Worker: [REDACTED]

PSYCHOLOGICAL EVALUATION

REASON FOR REFERRAL:

"Voluntary commitment to PDC was filed by [REDACTED] mother in Court hearing on 7/31/79. This was following a year of disciplinary problems for the boy at home and at school, his near attempt to commit suicide with roach poison four months ago, and, for the past two months, due to the boy's growing expression of hatred for the mother and desire to leave the home."

*Book
✓ 10*

[REDACTED] two major periods of upset -- this past year and when he was 3-years old, seemed to be directly related to jealousy over the mother's involvements with boyfriends."

Please refer to the worker's Intake Summary for details of [REDACTED] acting out behavior, also pertinent family and developmental history.

Internal Workflows

How libraries & archives make decisions about sensitive content

These are case-by-case decisions, though some note standing committees or working groups.

One interviewee noted:

“We don’t have any consistent ways to deal with these issues, and over time attitudes seem to change on the same types of questions, particularly as we have staff turnover. We need to better define this work and have more internal discussions.”



Tough decisions cont.

A larger public library gives their more complex issues to a Risk Compliance Manager

Many other interviewees mentioned conferring with General Counsel staff or office and/or pushing decisions to higher level library administrators



"decisions (#cc)" by marfis75 is licensed under CC BY-SA 2.0.

More Questions

As oftentimes issues are addressed on a case-by-case basis, this leads to more questions

How do we track decision-making over time?

Are there consistencies in decisions?

Are these practices transparent to our users?



The Case-by-Case approach

“We have tried to create policy around this work, though this has not worked out so far.

I wish we had a clear policy, so we don't have to have 17-hour internal conversations every time.

It just isn't the nature of archives. Everything is its own case and has its own exceptions.

How can we make this clearer to researchers, our own staff as well as the donor?”



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What we've learned

*Some
Preliminary
Take-aways*

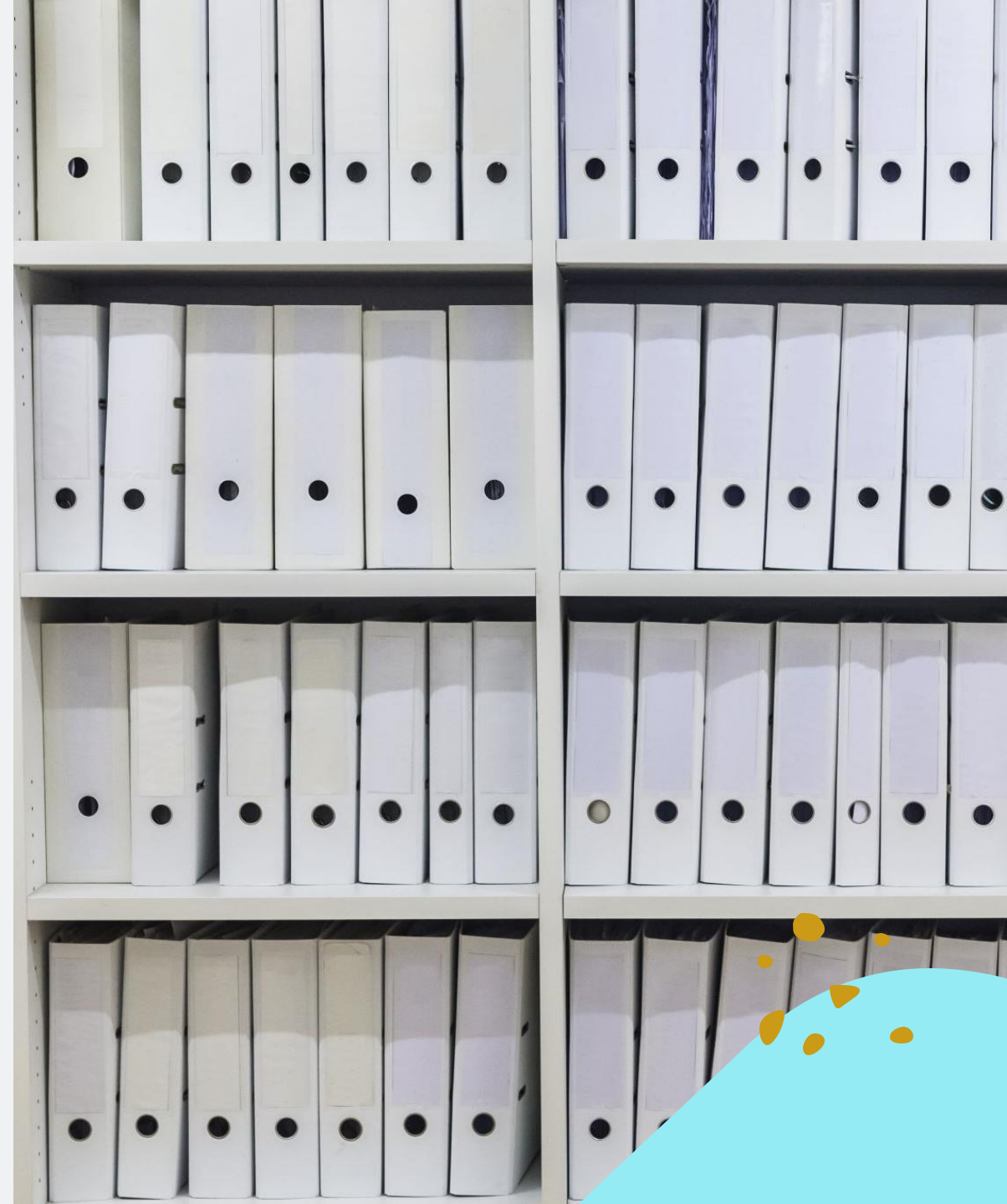
Larger institutions (state historical society, larger academics and publics) had the best protocols and procedures in place

Some projects require community outreach, buy-in, opt-out and additional conversations

This work is on-going, may require revisiting past decisions, regularly updating practice

Repository/collection size & sensitive content

- In general, the larger collections have more defined protocols, workflows or policies in place to address access questions but not always.
- Some with collections with particularly sensitive content throughout (Warhol, AHAP), have addressed these questions through their primary use and access policies
 - Notedly, pertaining to in-person use and not digital collections



ACCOUNTABILITY

It is not only what we do,
but also what we do not do,
for which we are accountable.

[Moliere]

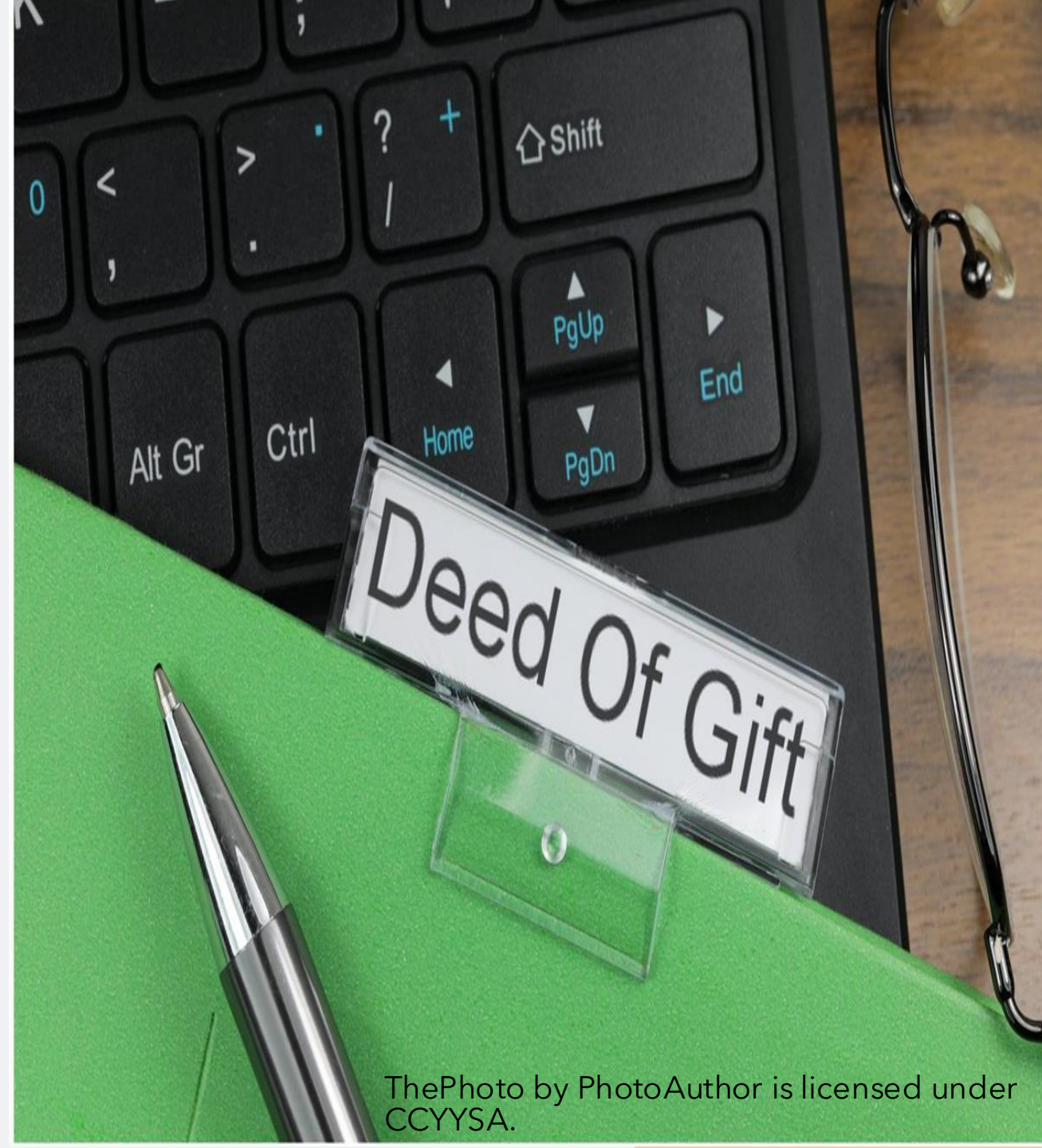
Responsible Stewardship means finding a balance of access and protecting private and sensitive information

- Some repositories have implemented processes asking researchers what their interest is and why *before* granting access.
- Many staff explained that they empathize with the creator or person who is reflected in the documents and ask themselves, 'how would I feel if this was openly accessible'?

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Deed of Gift & Copyright

- Oftentimes, people sign away rights that ***aren't theirs to give***
- Institutions vary with how much they work with donors to address concerns, including rights after transfer or digitization to remove or restrict information at a later date



Community Input

Many embrace the notion that policies and practice will need to change over time.

- We cannot set firm policies without addressing that things may change in the future that will require adaptation over time.

One institution notes working with the relevant community members and parties requires" a continual process and conversation, this should never be looked at as isolated transactions or requests."

- They add that they "try to be an advocate for the communities they represent and best reflect their decisions and values to the best of their ability as a repository."
- In some cases, they may "step back from stricter collections policies to ensure the decisions around access are most reflective of its constituents."



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One interviewee stated:

“We had an advisory board that met once a month for a grant related project, and they were compensated for their time.


We felt that needed to hear from individuals who were not risk adverse or from our own legal counsel. It was important to hear from the community on how [digital collections] are used and how they are consumed.

We need an advocate in the room, not an employee or someone to give us strictly a legal opinion.”



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Does Information Want to be Free?



4 institutions indicated that they routinely ask in advance of access as to the nature of the research and/or expected output.

Some institutions offer conditional use, utilizing forms for researchers to read and sign before granting access.

Policy forms outline expectations and gather information about intended use.

Such workflows require a pre-approval process before access is granted.



Individual Viewpoints

- Some reflected on the difference between the viewpoint of the individual (practitioner) and how this impacts work, particularly around privacy and sensitive information.
- “[Redacted co-worker’s name] is more cautious, while I’m willing to take more risks. But we both realize it’s all a risk, and some things are pretty low risk, that we aren’t as worried about. We talk a lot about the potential risk of more sensitive content and subjects.”
- “We’ve looked differently on requests that past directors would have not granted. We are taking an emphatic approach, but also want to share our collections as openly as we are able. If we are never going to process or open a collection, what are we keeping it?”

Reasons for Decision Reversals

Images of Native American gravesites

- Removed offline

Correspondence with private information relating to sexual orientation

- Subcollection has restriction but opened for one researcher after multiple visits and vetting their research

Anthropology field notes

- Almost immediate removal from online access

Interviewee thoughts on access & labor

“We [public libraries] want to do the best to respect our donors and patrons. What looks right today won’t necessarily work tomorrow.”

“We are fundamentally geared to provide access, and that isn’t always the best thing to do in some scenarios.”

“We also don’t want to be in the business of having inaccessible collections. It has to be listed on the finding aid and accessible to the public in the reading room.”



Interviewee thoughts on access & labor

This work is often very labor intensive, and requires in some cases meeting and consulting with a number of individuals, as well as continual updates, remediation of metadata, technological updates to limit access, etc.

One institution with an extensive video collection with potentially sensitive content noted,

“We have over 1,600 films in various analog formats with very minimal descriptive information. We are currently working through each film with a review process, but with limited staffing, this is very tedious work.

We have one full-time staff who handles the audio-visual collections and usually around 10-20 hours a week from a student employee, but they also have other work going on.”

Where do we go from here?

Do our digital libraries & archives need their own codes of conduct?

<https://aidhp.com/respect>



American Indian
Digital History Project



[Home](#) > Respectful Online Access

Respectful Online Access

We're taking steps to carefully respect online access to these materials. Here's what we pledge:

1. We carefully select items that appear online. We have tended to focus on government records or other statements of record that are a matter of public. Community collections that appear here have been contributed at the wishes of the community and may be taken down at any time.
2. You might find something in these documents that needs addressing. There will be a lot of documents here. We would ask that you contact us about any corrections or perspectives you feel is necessary.
3. We listen to community members, including family, friends, colleagues, educators, researchers, and other partners, about what goes online.

Please follow our Code of Conduct (coming soon), and respect those participating and sharing online. Please seek to contribute positively and don't be extractive of other people's work. AIDHP does not tolerate harassment, discrimination, or spam. Abusing users will be banned.

The American Indian Digital History Project, the University of Kansas.

Memorandum of Understanding (MOU)



Memorandum of Understanding

On May 17th 2008 the Presidents of Red Crow Community College and the University of Lethbridge signed the first ever Memorandum of Understanding between the two institutions.

Intended to strengthen the relationship between Blackfoot communities and the University of Lethbridge, this agreement will ensure the ongoing success of the project as well as open the door for future agreements.

As stated in the document, the primary responsibility for Red Crow Community College is to provide the content (of which the Blackfoot People retains ownership), collected from the Blackfoot community, ensure its authenticity and to obtain approval from the community for its publication on the Internet. To view the full document please contact either institution.

<https://www.blackfootdigitallibrary.com/digital/collection/bdl/custom/about>



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Content Belonging to First Americans

Do I need to repatriate physical items belonging to Tribal Peoples?

If you accept federal funding, **you are required** by *NAGPRA to repatriate these items:

- human remains
- funerary objects
- sacred objects
- objects of cultural patrimony (objects of historical, traditional, or cultural importance)

*NAGPRA - Native American Graves Protection and Repatriation

<https://www.nps.gov/subjects/nagpra/index.htm>

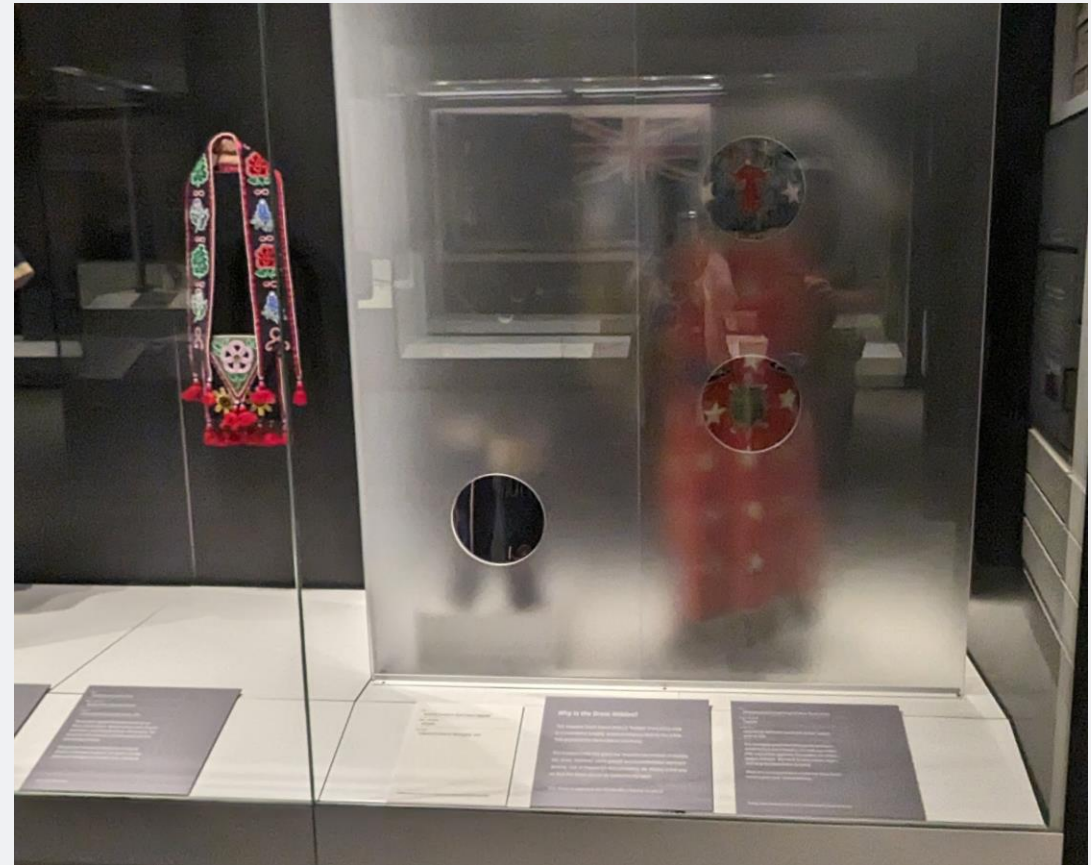
Handling Indigenous Materials

Should you repatriate digital items?

- Every tribe feels differently about indigenous content in digital collections held by various colonial institutions
- A digital item captures the essence and soul of the original artifact

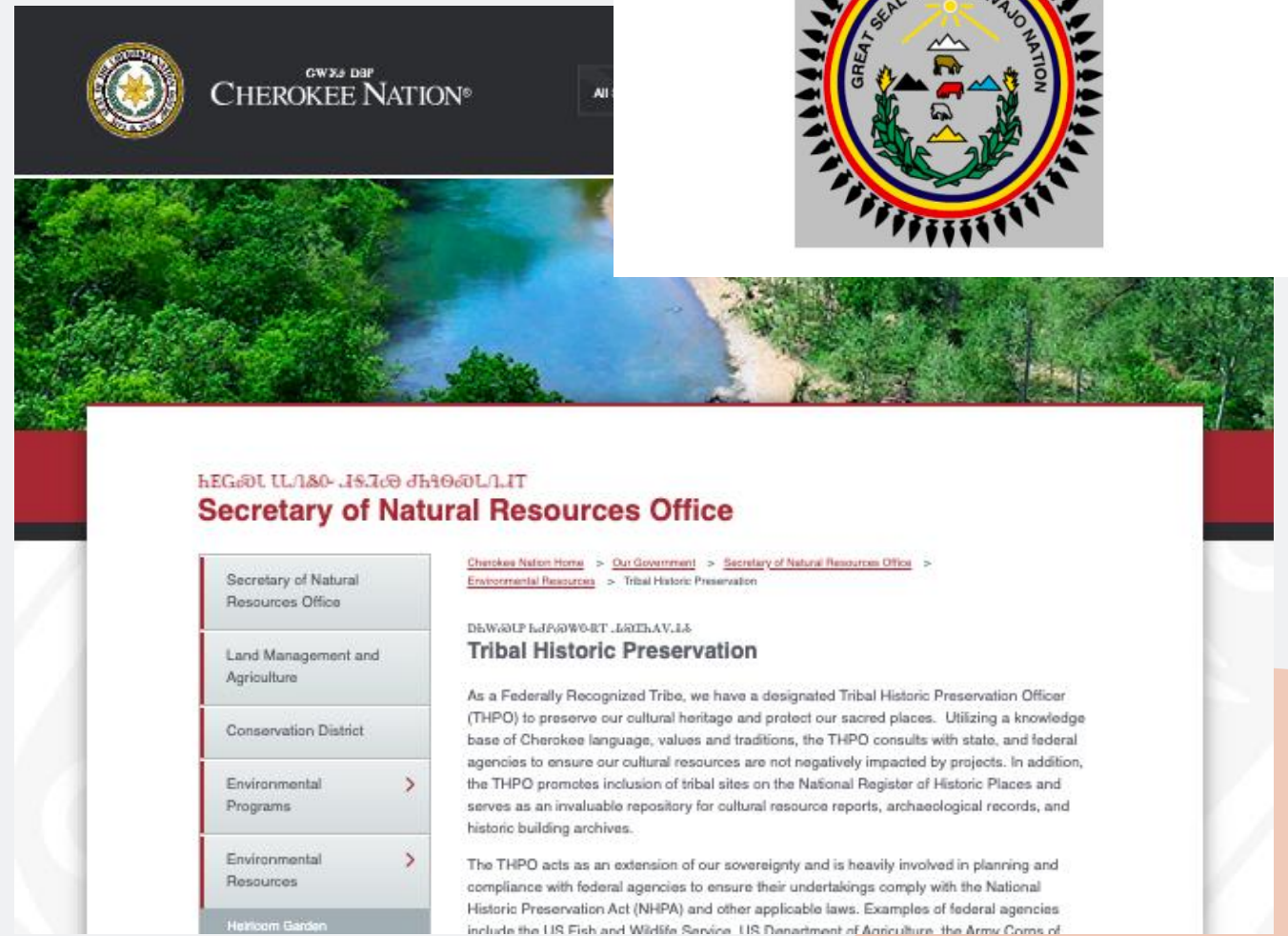
Are you capable of determining what is sacred and what has ritual restrictions (privacy concerns)?

In the news: Cleveland Museum of Art- Removes Native American physical displays, but retains digital collections- <https://www.cleveland.com/news/2024/01/cleveland-museum-of-art-conceals-displays-of-native-american-art-in-observance-of-new-federal-regulations.html>



Tribal Historic Preservation Officers

- Make tribal connections that are relevant to your collections and region
- Develop policies **WITH** tribal entities for handling such content
- Create a workflow **WITH** tribal entities
- Always provide food for in-person meetings!



The screenshot displays the Cherokee Nation website. At the top, the Cherokee Nation logo and name are visible. Below the header is a scenic image of a river flowing through a lush green forest. The main content area features a navigation menu on the left with the following items: Secretary of Natural Resources Office, Land Management and Agriculture, Conservation District, Environmental Programs, Environmental Resources, and Heritium Garden. The main content area is titled "Secretary of Natural Resources Office" and includes a breadcrumb trail: Cherokee Nation Home > Our Government > Secretary of Natural Resources Office > Environmental Resources > Tribal Historic Preservation. The page is titled "Tribal Historic Preservation" and contains text explaining the role of the Tribal Historic Preservation Officer (THPO) in preserving cultural heritage and protecting sacred places. It mentions that the THPO consults with state and federal agencies to ensure cultural resources are not negatively impacted by projects and promotes the inclusion of tribal sites on the National Register of Historic Places. The text also states that the THPO acts as an extension of the tribe's sovereignty and is heavily involved in planning and compliance with federal agencies to ensure their undertakings comply with the National Historic Preservation Act (NHPA) and other applicable laws. Examples of federal agencies mentioned include the US Fish and Wildlife Service, US Department of Agriculture, the Army Corps of Engineers, and the National Park Service.

NAVAJO NATION POLICY FOR THE DISPOSITION OF CULTURAL RESOURCES COLLECTIONS



Be Proactive!

- **Talk about these kinds of scenarios in advance instead of waiting for a potential issue to arise**
- Set internal workflows and guidelines for this work, such as:
 - **Privacy**
 - University of Georgia 'Best Practices Guidelines for Handling Sensitive Personally Identifiable Information' https://eits.uga.edu/access_and_security/infosec/pols_regs/policies/sensitive_personal_info/
 - NIST 'Guide to Protecting the Confidentiality of Personally Identifiable Information (PII)' <https://csrc.nist.gov/pubs/sp/800/122/final>



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- Build in community involvement and participation into projects
 - Create advisory boards or committees when needed
 - Compensate board members
 - How transparent are our practices?
- An empathy-based approach
 - We can't use cookie cutter models in stewardship
 - Sensitive collection review and/or metadata remediation process
- Understand context & cosmology or cosmovisión
 - Work with tribal contacts to understand the significance of your digital content
 - Use [Local Contexts](#) to respect tribal knowledge and rights
- Determining access
 - Does death imply the end of privacy?
 - How do we balance respect for privacy or sensitive information while providing access?

Engagement Notice



The Engagement Notice is used to indicate a researcher or institution is committed to equitable engagement and ethical partnerships with Indigenous communities.

[LEARN MORE](#)

Disclosure Notices



The Disclosure Notices are used to identify Indigenous collections and data and to recognize there could be accompanying cultural rights, protocols, and responsibilities.

[LEARN MORE](#)

Upcoming Publication!

These interviews (and more!) will be published in a book for *Publications in Librarianship* under ACRL. Expected publication Fall 2026

The Ethical Digital Repository: A Compassionate Approach to Managing Sensitive Content and Decolonial Archives





Discussion Questions

How do you handle ethical conundrums at your institution?

What should our roles be as practitioners who serve as stewards and gatekeepers to collections?

Tools & Resources

- Asset Based Community Development (ABCD): is a strategy for sustainable community-driven development
- American Philosophical Society 'Protocols for the Treatment of Indigenous Materials' <https://www.amphilsoc.org/library/CNAIR>
- Markkula Center for Applied Ethics engineering and design practice toolkits <https://www.scu.edu/ethics-in-technology-practice/ethical-toolkit/>
- Postmortem: Mütter Museum <https://www.pewcenterarts.org/grant/postmortem-mutter-museum>
- An audience-centered project explores complex questions around respect, consent, and ethics related to the Mütter Museum's interpretation and display of human remains.
- University of California, Berkeley, Responsible Access Workflows <https://www.lib.berkeley.edu/about/news/responsible-access>
- Washington State University, Memorandum of Understanding template- <https://sustainableheritagenetwork.org/digital-heritage/mou-moa-template>

Warhol quote

"Tennessee Williams saves everything up in a trunk and then sends it out to a storage place. I started off myself with trunks and the odd pieces of furniture, but then I went around shopping for something better and now I just drop everything into the same-size brown cardboard boxes that have a color patch on the side for the month of the year. I really hate nostalgia, though, so deep down I hope they all get lost and I never have to look at them again. That's another conflict. I want to throw things right out the window as they're handed to me, but instead I say thank you and drop them into the box- of-the-month. But my other outlook is that I really do want to save things so they can be used again someday." Andy Warhol, *The Philosophy of Andy Warhol: From A to B and Back Again*

Contact Us!

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