

Mary Beth Romo
SJSU
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Privacy Issues in Digital Preservation Programs

As the production rate of "born-digital" materials continues to increase exponentially, institutions are striving to develop systems to capture and preserve this information. The capture and preservation of born-digital content on social media formats raises ethical questions about privacy. Recent accounts have revealed secret and institutionalized government practices of gathering and storing personal information posted by US citizens on social media. Public understanding of government data collection programs remains unclear and privacy legislation does not deter the NSA.

The Supreme Court of the United States has ruled that the right to privacy, including personal information, is ensured by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments. The Privacy Act of 1974, Public Law 93-579, 88 Stat. 1896, addresses concerns about the acquisition and storage of identifiable personal information by the government. This law protects the confidentiality of individual records and restricts the use and sharing of personal information among federal agencies. (Garoojian, 1991, pp. 221-222; Privacy Act of 1974)

However, FISC requirements for obtaining a surveillance order do not apply to presidential authorization for the surveillance of electronic communications by the National Security Agency (NSA). The NSA may surveil these communications without a court order for the purpose of gathering foreign intelligence information. Edward Snowden, former contractor for the NSA, has revealed that secret surveillance is not limited to foreign terrorist suspects, but also includes innocent U.S. citizens. Secret NSA surveillance of electronic communications of US citizens who are not suspected of any crime violates privacy (Munk debates, 2014). Also

called into question is the purpose and effectiveness of US government collection of vast amounts of personal social media data from its own citizens.

While public understanding of government data collection programs is questionable and legislation struggles to respond, personal data on social media continues to be gathered and stored. This information, which provides a window into the culture of the time, may be of interest for research. However, the responsibility for "maintaining human records as complete, unimpaired, and undivided as possible" must be balanced with ethical issues of privacy (Neal, 2015). Proper oversight by the legislative and judicial branches and an informed public are critical to ensure intellectual freedom and an adherence to the foundations of democracy.

References

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