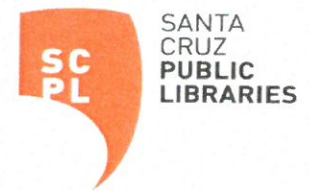


Chair Carlos Palacios
Vice Chair Jamie Goldstein
Board Member Martin Bernal
Board Member Tina Friend



**SANTA CRUZ CITY/COUNTY LIBRARIES
JOINT POWERS AUTHORITY BOARD**

Special Session

THURSDAY SEPTEMBER 5, 2019

9:00 A.M.

**DOWNTOWN BRANCH LIBRARY
224 CHURCH STREET, SANTA CRUZ, CA 95060**

1. CALL TO ORDER / ROLL CALL

Board Members Jamie Goldstein, Martin Bernal, Tina Friend and Chair Carlos Palacios

2. ADDITIONS AND DELETIONS TO AGENDA

3. ORAL COMMUNICATION

Any member of the audience may address the Board on any matter either on or off the agenda that is within the Board's jurisdiction. Note, however, that the Board is not able to undertake extended discussion or act on non-agendized items. Such items can be referred to staff for appropriate action which may include placement on a future agenda. If you intend to address a subject that is on the Agenda, please hold your comments regarding that item until it is before the Board, so that we may properly respond to all comments on that subject at the same time. In general 3 minutes will be permitted per speaker during Oral Communication; A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

4. GENERAL BUSINESS

A. Grand Jury Response (PG.3-72)

RECOMMENDED ACTION: Approve Grand Jury Response

B. Naming Contract for Live Oak Library (PG.73-76)

RECOMMENDED ACTION: Approve Naming Contract for Live Oak Library

CLOSED SESSION

An announcement regarding the items to be discussed in Closed Session will be made prior to the Closed Session. Members of the public may, at this time, address the Board on closed session items only. There will be a report of any final decisions during the next Open Session Meeting.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 21340 East Cliff Drive

Agency negotiator: Susan Nemitz

Negotiating Parties: Library JPA and Bill and Bob Simpkins (Property Owners)

Under negotiation: Price and terms of payment for potential lease

5. SCHEDULED UPCOMING MEETINGS

October 3, 2019	Scotts Valley Branch Library	Agenda Items:
	251 Kings Village Road, Scotts Valley, CA 95066	Approve Interlibrary Loan Policy Service Model Presentation

6. ADJOURNMENT

Adjourned to a Regular Meeting of the Library Joint Powers Authority (LJPA) to be held on Thursday October 3, 2019 at 6:00 p.m. at the Scotts Valley Branch Library, located at 251 Kings Village Road, Scotts Valley, CA 95066.

The Santa Cruz City-County Library System does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment please call the Library Administration Office at (831)427-7706 at least five days in advance so that we can arrange for such special assistance, or email library_admin@santacruzpl.org.

Chair Carlos Palacios
Vice Chair Jamie Goldstein
Board Member Martin Bernal
Board Member Tina Shull



STAFF REPORT

DATE: September 5, 2019
TO: Library Joint Powers Authority Board
FROM: Susan Nemitz, Library Director
RE: Grand Jury Report – Response

RECOMMENDATION

Approve Response to Grand Jury Report

DISCUSSION

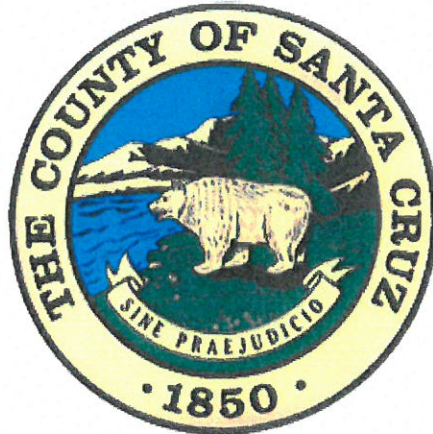
A Grand Jury has concluded that SCPL management did not recognize the importance of

- informing patrons how SCPL uses their personal data;
- giving patrons the opportunity to consent to use of their personal data;
- explaining patron data use in proposed privacy policy and online documents;
- adopting best practices outlined by the American Library Association;
- carefully evaluating risks versus rewards when using data analytics;
- staying abreast of state laws concerning library use of patron data; and
- resolving the disagreements among staff regarding the use of data analytics and its implications for patron privacy.

Library Advisory Commission (LAC) response is not yet complete but will be finalized by dead line.

Attached:

- 1) Patron Privacy at Santa Cruz Public Libraries - Trust and Transparency in the Age of Data Analytics
- 2) Library Director's Response to the Findings and Recommendations
- 3) Library Joint Powers Authority Board Response to the Findings and Recommendations
- 4) Library Journal, August 12, 2019: "California Grand Jury: Data Analytics Threaten Patron Privacy"



Patron Privacy at Santa Cruz Public Libraries

Trust and Transparency in the Age of Data Analytics

Summary

Libraries are one of the most trusted institutions in our country. People place librarians in the same class as doctors, nurses, firefighters, and teachers.

– Erin Berman, Library Privacy Advocate^[1]

The quotation from Berman reflects the importance of libraries as sanctuaries of intellectual freedom. In the Digital Age, however, the role of libraries is evolving. In an attempt to satisfy perceived patron demand, some libraries, including Santa Cruz Public Libraries (SCPL), have started using data analytics tools similar to those used by businesses to market products to consumers. Using these tools in libraries is a potential threat to patron privacy and trust.

This report examines SCPL's use of third-party data analytics in relation to current California law pertaining to confidential patron data; industry best practices for patron privacy; current SCPL privacy policy and staff concerns regarding privacy, transparency, and patron consent; and the perceived usefulness of these analytical tools. The Grand Jury has concluded that SCPL management did not recognize the importance of

- informing patrons how SCPL uses their personal data;
- giving patrons the opportunity to consent to use of their personal data;
- explaining patron data use in proposed privacy policy and online documents;
- adopting best practices outlined by the American Library Association;
- carefully evaluating risks versus rewards when using data analytics;
- staying abreast of state laws concerning library use of patron data; and
- resolving the disagreements among staff regarding the use of data analytics and its implications for patron privacy.

Background

Although Santa Cruz County library services began in 1916, the current structure of the Santa Cruz Public Libraries (SCPL; the Library) system, created in 1996, consists of a network of ten neighborhood library branches distributed county wide, a web-based digital library, a bookmobile, and community-based programs.

Last year, SCPL expenditures were about \$12M (\$7.6M in salaries and \$4.2M in operating costs). SCPL employs about 90 full-time equivalents and serves roughly 135,000 registered patrons. All SCPL employees are City of Santa Cruz employees. The Watsonville library system is not part of SCPL and is not a subject of this Grand Jury investigation.^[2]

SCPL is governed by the Library Joint Powers Authority (JPA), the agreement for which was last amended in 2015. The JPA board is currently composed of the County Administrative Officer and the city managers from Capitola, Santa Cruz, and Scotts Valley. Among other responsibilities, this board chooses the Library director and votes on approval for budget and library policies.

SCPL is also guided by the Library Advisory Commission (LAC). The LAC represents the community by providing advice and feedback to the JPA board and the Library director. The LAC reviews programs and services and makes necessary recommendations as they pertain to the provision of these programs and services. The LAC consists of seven members:

- Three residents of unincorporated Santa Cruz County appointed by the County Board of Supervisors.
- Two Santa Cruz city residents appointed by the Santa Cruz City Council.
- One Capitola resident appointed by the Capitola City Council.
- One Scotts Valley resident appointed by the Scotts Valley City Council.

In early 2019 the LAC recently agreed to participate in the review of library policies, including privacy policies.^[3]

As prescribed by Measure S, approved by voters in 2016, SCPL is in the midst of a massive infrastructure upgrade, which will dramatically affect all of the branches in the system.

SCPL's "Strategic Plan 2017-2021: Premise and Process," published on the SCPL website,^[4] stresses the importance of finding better ways to connect with patrons. This planning document quotes former Santa Cruz Museum of Art and History Director Nina Simon's book, *The Art of Relevance*:

*The most powerful way to gain access to a new community is **not by creating programming or marketing campaigns you think might fit their interests. Instead it starts with networking.** ... Listen to their interests and concerns. The more you understand what matters to them and what experiences they seek, the better you can assess whether and how you can connect with them. [emphasis added]*

Using this premise of community relevance, in 2016 SCPL initiated conversations with individuals, small groups, and organizations to explore new potential directions for the Library.^[5] However, the concluding paragraphs of the SCPL's "Premise and Process" document describe the proposed use of a data analytics tool called Gale Analytics on Demand (AoD) that "allows the Libraries to have access to detailed analysis of SCPL household level data to better understand communities' and patrons' needs."

There is a disconnect within the SCPL's "Premise and Process" document. The document suggests that the best way to understand patrons' interests and concerns is to ask patrons directly. Contrarily, the document advocates obtaining patron information by using a data analytics tool, which does not involve any direct interaction with patrons.

There is also a conflict between how SCPL protects patron privacy and how SCPL uses patron data to "better understand communities' and patrons' needs."^[6] The Grand Jury found that SCPL did not adequately research protection of patron information when using data analytics tools.

The Grand Jury also found that SCPL did not inform patrons what additional information about them was gathered and retained in the library's computer system, nor were they allowed a choice about whether they consented to SCPL gathering this information.

Scope and Methodology

The Grand Jury interviewed staff and management of SCPL, as well as representatives of the JPA board and the LAC.

The Grand Jury also interviewed representatives of external library organizations with expertise in patron privacy and data analytics.

Grand Jury members attended JPA board and LAC meetings.

The Grand Jury sought legal advice in understanding specific State laws governing library mandates and requirements for handling confidential patron information.

The Grand Jury reviewed the SCPL public website, budget and planning documents, internal documents and reports, operational procedures, and contracts with third parties.

The Grand Jury reviewed documents from external organizations including the American Library Association (ALA), Pacific Library Partnership (PLP), Califa Group (a state-wide purchasing consortium supporting regional consortia like PLP), and the State Library Board.

The Grand Jury compared and contrasted the online privacy policies of selected American libraries and conducted additional internet research concerning data analytics and library patron privacy.

Investigation

What is Gale Analytics on Demand?

Gale Analytics on Demand (AoD) is a service provided by Cengage Learning since 2014 that allows libraries to conduct socio-economic analysis of the communities they serve.^[7] AoD includes a suite of analytical tools for

- evaluating and visualizing patron demographics, branch activity, and collection usage;
- planning marketing campaigns; and
- targeting voting patrons ahead of elections that could benefit the library.^[8]

These tools are powered by Mosaic, Experian's proprietary system of 71 socio-economic profiles ("lifestyle segments") for categorizing households in the community.^{[9] [10] [11]} Appendix A illustrates the Mosaic system and includes a description of "Silver Sophisticates" (C-13), a well-represented lifestyle segment in Santa Cruz.

To use AoD, the library exports patron information—such as physical address, date of last checkout, and number of books checked out—from its internal database to the AoD cloud service. AoD blends and augments this patron information with the Experian Mosaic profile and U.S. census data for each household. AoD then delivers the resulting aggregate data file and illustrated summary reports to the library for further analysis. The library uses this information to plan programs and services. As a result, the library holds significantly more household-level data in its computer system than patrons originally provided.

A Timeline of AoD Use at SCPL

SCPL first considered using AoD in late 2015, under a previous Library director. Library staff voiced concerns about patron privacy at that time.

In early 2016, SCPL obtained free access to AoD through its membership in PLP, a regional library consortium in the San Francisco and Monterey Bay areas.^[12] SCPL started AoD training with the goals of gaining insights into patron demographics and assisting in library strategic planning.

In 2017 SCPL released a strategic planning document that briefly mentioned that AoD would provide "access to detailed analysis of SCPL household level data to better understand communities' and patrons' needs."^[13]

In 2017 and 2018, SCPL staff members experimented with the program to assist in marketing and library planning work.^[14] In late 2018 or early 2019 SCPL suspended its use of AoD. Staff concerns about the use of AoD triggered a series of steps to review and update the Library's privacy policies and practices. After a succession of proposed drafts dating back to November 2018, the JPA approved an update to SCPL's privacy policy on June 6, 2019.^[15]

Issues Raised by the Library's Use of Data Analytics

Disclosing Use of Patron Data

The Grand Jury found that the undated “Information We Keep About You” document on the SCPL website^[16] is inaccurate and incomplete. It does not describe the data returned to the Library by AoD. This tool aggregates more than 300 data factors at the household level—information not provided to the Library by the patron. These factors include household income, education levels, number and age of children, number of years at residence, spending habits, and web browsing behavior.^[17] As discussed above, the tool then assigns one of 71 “lifestyle segments” to the household, which infer patron behaviors and interests based on socio-economic status and other factors. National standards classify these data as personally identifiable information (PII).^{[18] [19]}

Less significant are inconsistencies between “Information We Keep About You” and the information actually gathered during the library card application process. Contrary to what is published on the website, the application process does not require a patron’s Social Security number or the expiration date of the patron’s driver license, but it does require home library branch and mobile phone carrier.^[20]

Furthermore, the “Information We Keep About You” document doesn’t accurately reflect the fact that SCPL retains patrons’ borrowing data in the form of total number of checkouts and date of last checkout; AoD uses these two data points in addition to patron address as inputs for its data analysis process.^[21]

In the April 15, 2019 meeting of the LAC, SCPL staff disclosed the use of AoD. However, the topic was not agendized, did not appear in the minutes, and the discussion did not address how the use of data analytics might impact revision of the library privacy policy. After disclosing use of AoD, Library staff informed LAC that SCPL had stopped using the tool. However, there was no discussion about how privacy concerns introduced by the use of data analytics tools could be resolved—or if they had been resolved, whether the Library would consider resuming use of AoD.^{[22] [23] [24]}

Gaining Consent from Patrons

As the Library began to acquire a wide array of information on each of its patrons, and as data privacy issues appeared more frequently as headlines in the news, some of the staff were increasingly concerned that the patrons were unable to consent to this gathering and examination of additional patron information.^[25]

Staff made suggestions to develop a comprehensive system to clarify for patrons what data is collected by SCPL, and to allow patrons to “opt out” if they so choose. To date, these suggestions have not been implemented.^[26]

As will be examined in more depth in the next section of the report, California laws and regulations are silent on the need for libraries to obtain patron consent when engaging third parties. However, European Union General Data Protection Regulations (GDPR)^[27] and California Consumer Privacy Act (CCPR),^[28] which apply to businesses, could also provide guidance for libraries as they develop patron disclosure and consent policies

and practices. These legislative efforts provide key insights that would allow patrons to stay in control of their data, which is the key element of many of these new privacy initiatives.

Management at the Library has not yet acted on staff suggestions to build a consent system for patrons. Such a system would clearly advise patrons about the data collected and how it is used, and would solicit patron consent as appropriate.^[29]

The SCPL privacy policy update approved on June 6, 2019, includes the following section on the topic of choice and consent:

SCPL will only collect personal information for the administration of library services. Administrative services includes creation of hold records, fine billing and collection, marketing of library programs/services and creation of organizational statistics such as SCPL circulation, website visits and Wi-Fi use.

Patrons may choose to provide additional data such as preserving their circulation records to maintain personal reading lists or receive reading suggestions. If a patron voluntarily chooses to provide additional information, this information will be considered confidential.

SCPL will not sell, license or disclose personal information to any third party without patron consent, unless SCPL is compelled to do so by law.^[30]

Even with these changes, many questions remain. In the context of this investigation, two questions are especially important: Does “marketing of library programs/services” include data analytics that targets specific patron groups? If so, is patron consent required? These and related questions need to be answered before a comprehensive consent policy can be developed and used by both Library staff and its patrons to make informed choices.

A consent system is useful if the library performs some action the patron might not otherwise know about. For instance, if the library gathers information about patrons from third parties to inform library planning efforts, patrons should be allowed to opt-in or opt-out of that data collection and use.

In such situations, the library should explain that personal data is part of the system, how the data will be processed, and how it will be used, *in clear and concise terms*. An overly detailed and technical presentation can lead to patrons simply clicking through to complete the choice; an oversimplified presentation can result in patrons not actually understanding the potential consequences of participating. The privacy policy of the San Jose Public Library is a good example of how to handle this delicate balance, in the way that it addresses patron consent.^[31]

Understanding California Law Regarding Confidential Patron Information

The Grand Jury initiated its investigation amid concern that SCPL may have violated State law by uploading patron data to the AoD cloud. As explained below, recent changes to the California Government Code should put this concern to rest.

The California Public Records Act, or CPRA, requires public disclosure of governmental records upon request, with certain exceptions (California Government Code, sections 6250 through 6276.48). One set of exceptions, related to the confidential records of public library patrons, is covered by Section 6267, last amended in 2011–2012 by Senate Bill No. 445 (SB 445). SB 445 defines “patron use records” (in this context, equivalent to “personally identifiable information”) and clarifies the responsibilities of “private actors” (third-party vendors) employed by public libraries (Appendix B). The bill analysis of SB 445 by the Senate Judiciary Committee includes the rationale for amending Section 6267:

*Due to the public’s increased use of electronic library resources, libraries are increasingly utilizing third parties to store and maintain electronic library records. This bill would clarify that written or electronic patron use records, as defined, stored or maintained by public libraries **or third parties on behalf of public libraries** should not be publicly disclosed, with certain exceptions.^[32] [emphasis added]*

The State Senate Judiciary Committee recognized that, in the current electronic environment, California public libraries and their third-party vendors share responsibility for protecting confidential patron records. However, the law as amended by SB 445 does not state whether libraries are legally responsible for the actions of third parties that they employ. Absent guidance from the law, California libraries can turn to best practices in the library community to guide them in their interactions with third-party vendors. These best practices will be discussed below.

Another issue that the law does not address directly is the responsibility for managing and safeguarding confidential information that a library might acquire *from* a third party; an example is the Experian Mosaic profiles included in the aggregate data files that AoD returns to the library. This is an area where patron privacy law has not caught up with advances in technology.

This review of California law is relevant to SCPL in several respects. When SCPL began using AoD in 2016, the Library’s privacy policy, “Confidentiality of Library Records,”^[33] (revised November 2010) referenced an obsolete version of Section 6267. As noted earlier, this may have contributed to concerns that the Library’s use of AoD violated State law. However, the Grand Jury has concluded that the use of AoD is permitted under the 2011–2012 version of the law, provided that the third-party vendor is working in service of the library.

If SCPL had been aware of the 2011–2012 changes to the law, staff and management would have also understood what constitutes “patron use records” and how libraries and third-party vendors share responsibility in protecting patron privacy. For example, AoD requires the entry of a patron’s physical address; however, the law specifically includes “address” in the definition of “patron use records,” requiring the Library and third parties working on its behalf to keep this information confidential. This knowledge is essential to the Library’s policies and practices regarding patron privacy, patron consent, and third-party contracts.

Understanding the Terms of Use for AoD

The Pacific Library Partnership (PLP), a consortium of 42 libraries, holds a contract with Cengage Learning allowing PLP to provide AoD to its member libraries, including SCPL. Because the contract was executed by the consortium, the member libraries using this analytical tool would not have seen the contract unless PLP shared it or individual libraries requested it. In the case of SCPL, our interviews have confirmed that the Library leadership did not obtain the actual contract until April 2019 and until then could not have been aware of the presence or absence of language protecting the interests of the Library and the privacy of its patrons.^[34] Instead, the Library relied on PLP to conduct due diligence in its negotiation of the contract.

When the Grand Jury requested “any licenses, agreements, or contracts for AoD,” SCPL provided a link to Gale Cengage Terms of Use for all of their web-based services and related apps.^[35] The Grand Jury was unable to determine how or why SCPL came to believe these terms applied specifically to AoD.

The Grand Jury has obtained the contract between PLP and Cengage Learning^[36] and concluded that it fails to explain several key points in clear and simple language, and does not address the following areas:

- The confidentiality clause in the contract does not clearly state whether PLP member libraries should have access to contract’s terms and conditions.
- The contract does not clearly state that the PLP, its member libraries, and Cengage Learning share responsibility for understanding and applying State laws pertaining to the protection of confidential patron information.
- The contract does not acknowledge that PLP member libraries retain ownership of the information they provide to the service.
- The contract does not clarify ownership and sharing of the aggregate data products produced by the service.
- The contract does not explain the responsibilities of Cengage Learning in the event of a data breach.
- The contract does not explain how PLP or its member libraries can terminate the agreement with the assurance that all data has been removed from the system.
- The contract does not provide for the removal of individual patron records, should any patrons choose to opt out.

Adopting Industry Best Practices and Standards

The American Library Association (ALA) is recognized as the authoritative source of best practices and standards for the library community in the United States. The *Library Bill of Rights*^[37] and *Intellectual Freedom Manual*^{[38] [39]} are general resources that are continually updated. Another document, ALA “Privacy Tool Kit,” provides detailed guidance on implementing policies to protect patron privacy. The recommended practices include designating a privacy officer with authority to administer privacy policies, review privacy clauses in contracts with third-party vendors, and conduct privacy audits.^[40]

ALA recommends that contracts with third-party vendors contain language that explicitly protects the interests of the library and the privacy of its patrons. In “Privacy: An Interpretation of the Library Bill of Rights,” ALA explains in more detail:

*Libraries should not share personally identifiable user information with third parties or with vendors that provide resources and library services unless the library has obtained the permission of the user **or has entered into a legal agreement with the vendor. Such agreements should stipulate that the library retains control of the information, that the information is confidential, and that it may not be used or shared except with the permission of the library.***^[41] [emphasis added]

A case study from the Seattle Public Library (SPL) provides even more specific guidance on contract language. SPL attaches an addendum to the “boilerplate” contracts typically provided by third-party vendors, with language to protect confidential patron information and indemnify the library against willful violations or negligence by the third party (Appendix C).^[42]

The ALA “Privacy Tool Kit” recommends that library privacy policies emphasize *choice and consent*, typically by allowing patrons to opt-in or opt-out of library services that use their personal data.^[43] ALA considers patron consent to be especially important in the case of emerging technologies:

It is important for libraries not to take the attitude that patrons no longer care about privacy. ... Patrons may not possess the discursive language or technology terms to articulate their complaint; however, it doesn't mean that they do not care about data harvesting, data mining and sharing of their personal information behind the scenes with third parties. The lack of transparency in consent, data sharing and terms of service changes is a barrier to patron-centered service.^[44]

ALA policies provide little specific guidance about the use of data analytics tools. However, the following excerpt from the “Privacy Tool Kit” indicates that “big data” tools should be used with caution:

It's too easy to make incorrect correlations when personally identifiable information sits side by side with other data. Unless a patron opts-in, reading records should never be correlated with patron conduct, database usage, meeting room signups, etc. Libraries should also be aware of what information may be publicly visible. Data may exchange many hands with third parties, using libraries as conduits, allowing more opportunity for privacy breaches and data mining. As stewards of patron privacy, libraries should steer away from the practice of creating aggregate data without legitimate purposes.^[45]

In order to better understand best practices of library use of data analytics, the Grand Jury consulted the writings of an expert in the field. In her article entitled “Big Brother is Watching You: The Ethical Role of Libraries and Big Data,” library privacy advocate Erin Berman describes the enticements for libraries to use data analytics:

These [data analytics] companies are telling libraries that our patrons are demanding personalized services, that we are facing a future of irrelevance. Luckily for us, their products have all the answers. By tracking patron behavior we can give them the experience they have come to expect from this new digital world. Libraries can segment out our patrons, sending targeted marketing based on their behaviors, customizing our services based on what they read and what programs they attend. We will finally be able to use real data to tell our stakeholders why we are of value, so they won't withdraw our funding. This messaging is a classic anxiety stick, followed by a marketing carrot.^[46]

Berman summarizes her concerns as follows:

Do not jump into big data without being intentional, transparent, and having a comprehensive understanding of how the products work. Utilizing different datasets to drive decision making and analyze the work done in libraries is extremely important, but it must be done with careful attention paid towards protecting our patrons' privacy.^[47]

The Library and Information Technology Association (LITA, a division of ALA) offers a number of practical steps^[48] that can be taken by libraries to improve patron privacy in the area of digital content. In particular, LITA reviews practices designed to assist in the prevention of, and response to, a possible data breach.

Effectiveness of Gale Analytics on Demand in Library Planning

SCPL staff relied on vendor information to conclude that AoD could be an effective tool for library planning.^[49] The purported benefits of using AoD included the following:

- Justifying a grant request that would help a library better serve its community
- Supporting funding requests
- Deciding where to open a branch
- Understanding where nonpatrons are located so that the library is more likely to reach them
- Communicating more effectively with patrons
- Making community-oriented collection and program decisions

The ALA “Privacy Tool Kit” casts doubt on the effectiveness of data analytics because “it’s too easy to make incorrect correlations when personally identifiable information sits side by side with other data.”^[50]

Recently, SCPL staff demonstrated the real-time use of AoD to the Grand Jury.^[51] Members cross-checked information they knew to be correct with data returned by AoD, and found that the AoD data was incorrect.

The demonstration gave rise to many questions, particularly regarding underserved populations, such as the poor and homeless. AoD generated reports that indicated there is no Experian data on approximately 30% of the total patron population. These are individuals with no credit cards or credit history. There is no evidence that the AoD analysis compensates for this skewing of data.

Homeless individuals frequently give the Homeless Service Center at 115 Coral St. as their address. The individuals who follow this practice all have the same physical address. A similar situation occurs with P.O. box holders, jail inmates, and children who receive library cards at school. The Grand Jury found it difficult to come up with a scenario where treating these clusters of unrelated individuals as households would produce meaningful data.

On one occasion, SCPL staff used AoD to generate a report that showed the number of years patrons had lived at their current residence. The goal of this effort was to market a neighborhood history program to long-term residents of a neighborhood. But staff did not investigate the accuracy of the assumption that long-term residents are more likely to be interested than newcomers in the history of their neighborhoods. SCPL staff stated that this use of AoD did not yield the desired results.^[52] Alternatively, staff might ask patrons directly about their interest in library programs.

Explorations like those described above trigger the gathering and aggregation of patron data. These actions pose a risk to patron data, regardless of whether the data produced leads to successful planning exercises or marketing campaigns for the Library.

Library Staff Concerns About the Use of Data Analytics

Grand jury interviews indicated that Library staff have had ongoing concerns about several aspects of using AoD and data analytics in general: inconsistencies with Library's privacy policy; failure to inform patrons and gain their consent; and legal and ethical issues concerning confidential patron information shared with third parties.

As early as 2015, SCPL staff voiced concerns that AoD use constituted a possible violation of patron privacy.^[53] These concerns were brought to the attention of three successive Library directors but have not been resolved.

SCPL typically responded to these concerns by referring staff to the vendor. In June 2018, for example, the vendor answered a SCPL inquiry as follows:

- *Gale does not personally handle the library data. There is no need for someone outside the library to manually review, handle, or receive files, like there is with other services. All data is submitted to the tool directly by the library. In other words, there is no data being "exchanged with third parties," as the statement from ALA cautions against.*
- *When the tool generates reports, the library can delete the report at their discretion. There is nothing maintained by us or a 3rd party.*
- *The only information AOD requires to function, is an address. We do not require a name or any other identifiable information that is not public record.^[54]*

The Grand Jury and some of the SCPL staff disagree with this assessment and believe that Gale Cengage is a third party that receives and augments patron personal information. AoD proponents among the staff accepted and relied on the above explanation of patron data use without performing an independent investigation into whether these statements were accurate. SCPL management also acknowledged that some risk associated with AoD use might be necessary to remain competitive in the marketplace.^[55]

SCPL staff also expressed concerns that patrons were not informed or given a choice regarding AoD use of patron data. Some questioned whether the Library should be run like a commercial venture vying for patron market share.^[56]

The Grand Jury concluded that these differences of opinion were not adequately addressed within the Library, and the lack of resolution contributed to difficulties in developing and implementing a relevant and timely privacy policy and practice.

Conclusion

SCPL faces many complex challenges in the years ahead. These include rebuilding infrastructure, accommodating potential budget and staffing shortfalls, and satisfying rapidly changing patron needs and expectations. Despite the stresses of these circumstances, and differing visions for the Library, SCPL staff uniformly demonstrated professionalism, dedication, passion for their institution, and unflagging service to patrons.

Public libraries like SCPL are sanctuaries of intellectual freedom. In response to the Digital Age, however, the role of libraries is evolving. People can now use internet search engines to get information, rather than visiting the library or calling a reference librarian. To stay relevant yet true to one of their core missions, *servicing the underserved*, libraries have begun placing more emphasis on services such as computer training and access to electronic media, educational programs and community meetings, and referrals for at-risk patrons to social and government programs.

In an attempt to satisfy perceived patron demand, some libraries, including SCPL, have also started using data analytics tools similar to those used by businesses to market products to consumers. Using these tools in libraries is a potential threat to patron privacy and trust.

This report has examined SCPL's use of third-party data analytics in relation to current California law pertaining to confidential patron data; industry best practices for patron privacy; current SCPL privacy policy and staff concerns regarding privacy, transparency, and patron consent; and the perceived usefulness of these analytical tools.

The Grand Jury has concluded that SCPL management did not recognize the importance of

- informing patrons how SCPL uses their personal data;
- giving patrons the opportunity to consent to use of their personal data;

- explaining patron data use in proposed privacy policy and online documents;
- adopting best practices outlined by the ALA;
- carefully evaluating risks versus rewards when using AoD;
- staying abreast of state laws concerning library use of patron data; and
- resolving the disagreements among staff regarding the use of AoD and its implications for patron privacy.

Findings

- F1. The use of Gale Analytics on Demand by Santa Cruz Public Libraries was inconsistent with the Library's long-standing policy on Confidentiality of Library Records (policy 303, adopted February 2006; revised November 2010) and companion document, "Information We Keep About You."
- F2. The use of Gale Analytics on Demand, or any other data analytics tool, by Santa Cruz Public Libraries is not clearly addressed in the Library's newly revised policy, Confidentiality of Library Records & Patron Data Privacy Policy (policy 303, adopted June 6, 2019).
- F3. Santa Cruz Public Libraries did not adequately inform its patrons about the Library's use of Gale Analytics on Demand or obtain their consent for this use.
- F4. Santa Cruz Public Libraries used Gale Analytics on Demand without adequately considering the patron privacy aspects of current California law.
- F5. Santa Cruz Public Libraries used Gale Analytics on Demand without examining the contract for this service, thus raising potential liability issues related to data ownership, data breaches, and patron privacy.
- F6. The contract is unclear and does not contain language that protects the interests of the Pacific Library Partnership, its member libraries, and their patrons.
- F7. The use of Gale Analytics on Demand by Santa Cruz Public Libraries is inconsistent with best practices in the library community regarding patron privacy.
- F8. Santa Cruz Public Libraries used Gale Analytics on Demand without adequately evaluating the effectiveness of the tool.
- F9. The use of Gale Analytics on Demand by Santa Cruz Public Libraries has created disagreement among Library staff concerning the traditional responsibility of libraries to protect patron privacy, the validity of data analytics as a planning tool, and potential security vulnerabilities of the system.

Recommendations

- R1. Santa Cruz Public Libraries (SCPL), in coordination with the Library Advisory Commission (LAC) and Library Joint Powers Authority (JPA) board, should revisit the Library's revised privacy policy (adopted June 6, 2019) to specifically address the use of data analytics and other tools utilizing patron information. (F1–F4, F7)
- R2. SCPL should implement a system for obtaining and managing patron consent for data analytics and other tools that use patron information. (F3)

- R3. SCPL management and staff, in coordination with LAC and the JPA board, should stay abreast of changes to state law, especially as it concerns patron privacy and evolving technology, and update Library policies and practices in response to such changes. (F4)
- R4. SCPL should review the contracts for all third-party digital services used by the Library, including those provided by library consortia. (F5, F6)
- R5. SCPL should adopt guidelines and practices suggested by the American Library Association with regard to patron privacy and data analytics services. (F7)
- R6. SCPL should designate a data privacy officer and give this officer full authority and responsibility to implement and enforce the privacy policy, and to periodically report to the SCPL director, JPA board, LAC, and the public. (F7)
- R7. SCPL should perform a meaningful evaluation of any tool that uses patron information to determine if the benefits outweigh the risks to patron privacy. (F8)
- R8. SCPL should offer workshops for patrons to explain how the Library uses patron information and to explore related privacy issues. (F3, F4)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Director, Santa Cruz Public Libraries	F1–F9	R1–R8	90 Days September 23, 2019
Library Joint Powers Authority Board	F1–F5, F7	R1, R3, R6	90 Days September 23, 2019

Requested Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Library Advisory Commission	F1–F4, F7	R1, R3, R5	90 Days September 23, 2019

Abbreviations and Acronyms

- ALA: American Library Association
- AoD: Gale Analytics on Demand
- JPA: Joint Powers Authority
- LAC: Library Advisory Commission
- PII: Personally Identifiable Information
- PLP: Pacific Library Partnership
- SCPL: Santa Cruz Public Libraries

Sources

Notes

1. Erin Berman. May 2, 2018. "Big Brother is Watching You: The Ethical Role of Libraries and Big Data." Accessed June 17, 2019.
<https://chooseprivacyeveryday.org/the-ethical-role-of-libraries-and-big-data/>
2. "About the Library," Santa Cruz Public Libraries. Accessed June 17, 2019.
<https://www.santacruzpl.org/aboutscpl/> [see links to "Library Boards," "Planning Documents," and "Governance & Funding"]
3. Grand Jury interviews and documents received.
4. Santa Cruz Public Libraries. January 2017. "Santa Cruz Public Libraries Strategic Plan 2017–2021: Premise and Process." Accessed June 17, 2019.
https://www.santacruzpl.org/files/library_administration/documents/PremiseandProcessStrategicPlan.pdf
5. Santa Cruz Public Libraries. January 2017. "Santa Cruz Public Libraries Strategic Plan 2017–2021: Premise and Process." Accessed June 17, 2019.
https://www.santacruzpl.org/files/library_administration/documents/PremiseandProcessStrategicPlan.pdf
6. Santa Cruz Public Libraries. January 2017. "Santa Cruz Public Libraries Strategic Plan 2017–2021: Premise and Process." Accessed June 17, 2019.
https://www.santacruzpl.org/files/library_administration/documents/PremiseandProcessStrategicPlan.pdf
7. Matt Enis, "Gale Releases Analytics on Demand, a Demographic GIS for Libraries," *Library Journal*, April 10, 2014. Accessed June 17, 2019.
<https://www.libraryjournal.com/?detailStory=gale-releases-analytics-on-demand-a-demographic-gis-for-libraries>
8. Gale, A Cengage Company. 2019. "Gale Analytics: Data-Driven Decision Making." Accessed June 17, 2019. <https://www.gale.com/databases/gale-analytics>
9. Experian Information Solutions, Inc. December 2018. "Mosaic USA: Your Customer Segmentation Solution for Consistent Cross-Channel Marketing." Accessed June 17, 2019.
<https://www.experian.com/assets/marketing-services/product-sheets/mosaic-usa.pdf>
10. Experian is one of the three major consumer credit reporting companies in the United States.
11. Gale, A Cengage Company. December 18, 2015. "Opportunity with Patron Profiles as Told by Users—Gale Analytics on Demand" [video]. Accessed June 17, 2019.
<https://www.youtube.com/watch?v=D0oqU1dvvTk&list=PLaWzTROskk1PzPMeA7x3knE-HkRNvfGaL&index=2> [See 3:30 mark for remarks by David Ziembiec, Gale Western Region District Manager, Analytic Solutions.]
12. Grand Jury interviews.

13. Santa Cruz Public Libraries. January 2017. "Santa Cruz Public Libraries Strategic Plan 2017–2021: Premise and Process." Accessed June 17, 2019. https://www.santacruzpl.org/files/library_administration/documents/PremiseandProcessStrategicPlan.pdf
14. Grand Jury interviews.
15. Staff concerns were documented in Grand Jury interviews and documents received. The long-standing SCPL privacy policy, "Confidentiality of Library Records" [policy 303, adopted February 2006, revised November 2010], has been superseded by "Confidentiality of Library Records & Patron Data Privacy Policy" [policy 303, adopted June 6, 2019]. The JPA board approved the revised policy at its June 6, 2019 meeting, which was attended by a member of the Grand Jury (see meeting agenda, pages P57–P63: https://www.santacruzpl.org/files/library_boards/documents/LJPA/LJPA_2019-06-06_agenda_e5KpLUO.pdf) The revised policy is now posted on the SCPL website: https://www.santacruzpl.org/files/docs/policies/303_confidentiality-library-records.pdf
16. Santa Cruz Public Libraries. "Information We Keep About You." Accessed June 17, 2019. https://www.santacruzpl.org/files/policies/documents/related_Information_We_Keep_about_You.pdf
17. Experian Information Solutions, Inc. December 2018. "Mosaic USA: Your Customer Segmentation Solution for Consistent Cross-Channel Marketing." Accessed June 17, 2019. <https://www.experian.com/assets/marketing-services/product-sheets/mosaic-usa.pdf>
18. Erika McCallister, Tim Grance, and Karen Scarfone, *Guide to Protecting the Confidentiality of Personally Identifiable Information (PII): Recommendations of the National Institute of Standards and Technology* (National Institute of Standards and Technology Special Publication 800-122, April 2010). Accessed June 17, 2019. <https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-122.pdf>
19. Becky Yoose, "Balancing Privacy and Strategic Planning Needs: A Case Study in De-Identification of Patron Data," *Journal of Intellectual Freedom and Privacy* 2, no. 1 (2017). Accessed June 17, 2019. <https://journals.ala.org/index.php/jifp/article/view/6250/8392> In the Background section of her article, Yoose summarizes the National Institute of Standards and Technology (NIST) definition of PII, which has two parts: PII-1 is information that can directly identify an individual; PII-2 is information about activities that can be linked back to the individual.
20. Santa Cruz Public Libraries. April 10, 2018. "Borrower Information Form." Accessed June 17, 2019. <https://www.santacruzpl.org/media/pdf/borrow-reg-form-eng.pdf>
21. Grand Jury interviews and documents received.
22. Santa Cruz Public Libraries. "Library Advisory Commission, Regular Meeting, Monday, April 15, 2019" [agenda]. Accessed June 17, 2019. https://www.santacruzpl.org/files/library_boards/documents/LAC/LAC_2019-04-15_agenda_fmeZE2R.pdf

23. Santa Cruz Public Libraries. "Library Advisory Commission, Regular Meeting Minutes, Monday, April 15, 2019." Accessed June 17, 2019. https://www.santacruzpl.org/files/library_boards/documents/LAC/LAC_2019-04-15_minutes.pdf
24. Santa Cruz Public Libraries. "Library Advisory Commission, Regular Meeting, Monday, April 15, 2019" [audio recording]. Accessed June 17, 2019. https://www.santacruzpl.org/files/library_boards/documents/LAC/LAC_2019-04-15_audio.mp3 [See 34:00, 48:00, 49:00, 50:00, and 55:00 marks.]
25. Grand Jury interviews and documents received.
26. Grand Jury interviews.
27. European Commission. "2018 Reform of EU Data Protection Rules." Accessed June 17, 2019. https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules_en
28. "Assembly Bill 375: Privacy: Personal Information: Businesses (2017–2018)" [text], California Legislative Information. Accessed June 17, 2019. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB375
29. Grand Jury interviews and review of SCPL website. <https://www.santacruzpl.org/>
30. Santa Cruz Public Libraries. "Santa Cruz City/County Libraries, Joint Powers Authority Board, Regular Meeting, Thursday, June 6, 2019" [agenda, page P58]. Accessed June 17, 2019. https://www.santacruzpl.org/files/library_boards/documents/LJPA/LJPA_2019-06-06_agenda_e5KpLUO.pdf
31. San Jose Public Library. "Our Privacy Policy." Accessed June 17, 2019. <https://www.sjpl.org/privacy/our-privacy-policy>
32. "Senate Bill 445: California Public Records Act: Library Records (2011–2012)" [bill analysis], California Legislative Information. Accessed June 17, 2019. http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201120120SB445
33. Santa Cruz Public Libraries. 2010. "Confidentiality of Library Records" [policy 303, adopted February 2006, revised November 2010]. This long-standing policy has been superseded by "Confidentiality of Library Records & Patron Data Privacy Policy" [policy 303, adopted June 6, 2019], which is now posted on the SCPL website: https://www.santacruzpl.org/files/docs/policies/303_confidentiality-library-records.pdf
34. Grand Jury interviews.
35. Cengage. January 2019. "Gale Cengage Terms of Use." Accessed June 17, 2019. <https://www.cengage.com/legal/terms-gale>
36. Document received by the Grand Jury: "Subscription and Hosting Services Agreement" [Cengage Learning].
37. American Library Association. January 29, 2019. "Library Bill of Rights." Accessed June 17, 2019. <http://www.ala.org/advocacy/intfreedom/librarybill>

38. "Intellectual Freedom Manual, Ninth Edition," American Library Association Store. Accessed June 17, 2019.
<https://www.alastore.ala.org/content/intellectual-freedom-manual-ninth-edition>
39. Helen Adams, "Updating the Intellectual Freedom Manual," *Knowledge Quest*, April 2, 2018. Accessed June 17, 2019.
<https://knowledgequest.aasl.org/updates-the-intellectual-freedom-manual/>
40. American Library Association. "Privacy Tool Kit." Accessed June 17, 2019.
<http://www.ala.org/advocacy/privacy/toolkit>
41. American Library Association. July 1, 2014. "Privacy: An Interpretation of the Library Bill of Rights." Accessed June 17, 2019.
<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/privacy>
42. Becky Yoose, "Balancing Privacy and Strategic Planning Needs: A Case Study in De-Identification of Patron Data," *Journal of Intellectual Freedom and Privacy* 2, no. 1 (2017), Appendix. Accessed June 17, 2019.
<https://journals.ala.org/index.php/jifp/article/view/6250/8392>
43. American Library Association. "Developing or Revising a Library Privacy Policy" [Privacy Tool Kit 4 of 9]. Accessed June 17, 2019.
<http://www.ala.org/advocacy/privacy/toolkit/policy>
44. American Library Association. "Developing or Revising a Library Privacy Policy" [Privacy Tool Kit 4 of 9]. Accessed June 17, 2019.
<http://www.ala.org/advocacy/privacy/toolkit/policy>
45. American Library Association. "Developing or Revising a Library Privacy Policy" [Privacy Tool Kit 4 of 9]. Accessed June 17, 2019.
<http://www.ala.org/advocacy/privacy/toolkit/policy>
46. Erin Berman. May 2, 2018. "Big Brother is Watching You: The Ethical Role of Libraries and Big Data." Accessed June 17, 2019.
<https://chooseprivacyeveryday.org/the-ethical-role-of-libraries-and-big-data/>
47. Erin Berman. May 2, 2018. "Big Brother is Watching You: The Ethical Role of Libraries and Big Data." Accessed June 17, 2019.
<https://chooseprivacyeveryday.org/the-ethical-role-of-libraries-and-big-data/>
48. Library and Information Technology Association. "Library Privacy Checklist 3: E-Book Lending and Digital Content Vendors." Accessed June 17, 2019.
<http://www.ala.org/lita/advocacy/privacy/library-privacy-checklists/e-book-lending-and-digital-content-vendors>
49. Grand Jury interviews and documents received.
50. American Library Association. "Developing or Revising a Library Privacy Policy" [Privacy Tool Kit 4 of 9]. Accessed June 17, 2019.
<http://www.ala.org/advocacy/privacy/toolkit/policy>
51. Grand Jury interviews.
52. Grand Jury interviews.
53. Documents received by the Grand Jury.

54. Documents received by the Grand Jury.
55. Grand Jury interviews and documents received.
56. Grand Jury interviews.
57. Experian Information Solutions, Inc. December 2018. "Mosaic USA: Your Customer Segmentation Solution for Consistent Cross-Channel Marketing." Accessed June 17, 2019.
<https://www.experian.com/assets/marketing-services/product-sheets/mosaic-usa.pdf>
58. "Mosaic USA: Segmentation," Experian, Accessed June 17, 2019.
<https://www.segmentationportal.com/us>
59. "Senate Bill 445: California Public Records Act: Library Records (2011–2012)" [text], California Legislative Information. Accessed June 17, 2019.
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB445
60. Becky Yoose, "Balancing Privacy and Strategic Planning Needs: A Case Study in De-Identification of Patron Data," *Journal of Intellectual Freedom and Privacy* 2, no. 1 (2017), Appendix. Accessed June 17, 2019.
<https://journals.ala.org/index.php/jifp/article/view/6250/8392>

Site Visits

- Joint Powers Authority meetings (various locations): 12/6/18; 1/10/19; 2/7/19; 3/7/19; 5/2/19; 6/6/19
- Library Advisory Commission meetings (various locations): 11/19/18; 2/11/19; 4/15/19; 5/20/19
- SCPL CyberSecurity Class (Aptos branch library): 10/30/18
- Felton Library Open House 3/16/19

Websites

- American Library Association: <http://www.ala.org>
- Pacific Library Partnership: <http://plpinfo.org/>
- Santa Cruz Public Libraries: <https://www.santacruzpl.org/>

Appendix A

Experian Mosaic Groups and Segments with Nationwide Percentages^[57]

Mosaic USA group and type structure

A	Power Elite 7.17%	A01	American Royalty	2.02%
		A02	Platinum Prosperity	1.25%
		A03	Kids and Cabernet	0.89%
		A04	Picture Perfect Families	0.98%
		A05	Couples with Clout	1.11%
		A06	Jet Set Urbanites	0.93%
B	Flourishing Families 4.30%	B07	Generational Soup	1.29%
		B08	Babies and Bliss	0.87%
		B09	Family Fun-tastic	0.85%
		B10	Cosmopolitan Achievers	1.29%
C	Booming with Confidence 6.96%	C11	Aging of Aquarius	2.39%
		C12	Golf Carts and Gourmets	0.60%
		C13	Silver Sophisticates	2.68%
		C14	Boomers and Boomerangs	1.30%
D	Suburban Style 4.57%	D15	Sports Utility Families	1.15%
		D16	Settled in Suburbia	1.25%
		D17	Cul de Sac Diversity	0.58%
		D18	Suburban Attainment	1.59%
E	Thriving Boomers 5.95%	E19	Full Pockets, Empty Nests	1.39%
		E20	No Place Like Home	2.17%
		E21	Unspoiled Splendor	2.38%
F	Promising Families 3.80%	F22	Fast Track Couples	3.00%
		F23	Families Matter Most	0.80%
G	Young, City Solos 3.08%	G24	Status Seeking Singles	1.38%
		G25	Urban Edge	1.70%
H	Middle-class Melting Pot 3.52%	H26	Progressive Potpourri	1.60%
		H27	Birkenstocks and Beemers	0.93%
		H28	Everyday Moderates	0.53%
		H29	Destination Recreation	0.46%
		H30	Stockcars and State Parks	1.63%
I	Family Union 5.27%	I31	Blue Collar Comfort	1.16%
		I32	Steadfast Conventionalists	1.41%
		I33	Balance and Harmony	1.07%
J	Autumn Years 6.96%	J34	Aging in Place	3.15%
		J35	Rural Escape	1.89%
		J36	Settled and Sensible	1.92%

6 | Experian Marketing Services

Experian Mosaic Groups and Segments with Nationwide Percentages (cont.)

K	Significant Singles 1.71%	K37	Wired for Success	1.10%
		K38	Gotham Blend	1.37%
		K39	Metro Fusion	0.41%
		K41	Bohemian Groove	1.86%
L	Blue Sky Boomers 5.55%	L41	Booming and Consuming	0.92%
		L42	Rooted Flower Power	2.36%
		L43	Homemade Happiness	2.27%
M	Families in Motion 2.69%	M44	Red, White and Bluegrass	1.47%
		M45	Diapers and Debit Cards	1.22%
N	Pastoral Pride 4.62%	N46	True Grit Americans	1.31%
		N47	Countrified Pragmatics	1.14%
		N48	Rural Southern Bliss	1.56%
		N49	Touch of Tradition	0.61%
O	Singles and Starters 11.16%	O50	Full Steam Ahead	0.56%
		O51	Digital Dependents	4.24%
		O52	Urban Ambition	1.25%
		O53	Colleges and Cafes	0.84%
		O54	Striving Single Scene	2.68%
		O55	Family Troopers	1.58%
P	Cultural Connections 4.71%	P56	Mid-scale Medley	0.85%
		P57	Modest Metro Means	0.69%
		P58	Heritage Heights	0.51%
		P59	Expanding Horizons	1.29%
		P60	Striving Forward	0.91%
		P61	Humble Beginnings	0.47%
Q	Golden Year Guardians 8.77%	Q62	Reaping Rewards	1.79%
		Q63	Footloose and Family Free	0.45%
		Q64	Town Elders	4.63%
		Q65	Senior Discounts	1.89%
R	Aspirational Fusion 2.47%	R66	Dare to Dream	1.50%
		R67	Hope for Tomorrow	0.97%
S	Economic Challenges 3.72%	S68	Small Town Shallow Pockets	1.24%
		S69	Urban Survivors	1.62%
		S70	Tight Money	0.19%
		S71	Tough Times	0.67%

Description of Experian Mosaic Silver Sophisticates Segment⁴⁵⁸

Silver Sophisticates are a mix of older and retired couples and singles living in suburban comfort. All but a small percentage of households are empty nests. Members of Silver Sophisticates live in upscale neighborhoods located near big cities and are highly educated. Typically, there is at least one retiree in the household, and those who are still in the workforce have well-paying technical and professional service jobs. They can afford to buy older, stylish homes worth upwards of half a million dollars.

With the luxury of both time and money, these households pursue leisure-intensive lifestyles. They like to dine out, go to plays and concerts and shop for decorative antiques. They travel often, both on cruises and flights abroad to experience other cultures. These are fitness-minded households whose members typically belong to health clubs where they can be found walking, using cardio machines and pedaling stationary bicycles. Relaxation at home typically involves a book or Kindle.

Silver Sophisticates describe themselves as brand loyal in the marketplace. They like to buy clothes and housewares in high-end stores as well as through catalogs and online. Acknowledging their technological anxiety, they rarely buy trendy consumer electronics. They do, however, like to buy premium cars, typically new imported models. Self-described “smart greens”, they also look for products that are made or packaged using recycled materials.

This is a segment where traditional media still reigns supreme. Silver Sophisticates are into news; they are avid newspaper readers and tune in to radio newscasts. They subscribe to specialty magazines that cover cooking or cars. They have an above-average interest in TV and are particularly fond of news broadcasts, history programs, movies and political commentary. The internet is their first place they turn for practical activities like travel planning, researching stocks and doing medical research. Just don't ask them to send a tweet, update their status or play a video game.

Unlike other older segments, Silver Sophisticates are relatively liberal in their views, although they have a fairly equal split in support for the Republican, Democrat and Independent parties. Silver Sophisticates support environmental causes, equal rights for women and other progressive social issues. They are also active in the community and see themselves as members of the global village. They worry about international issues and volunteer for community groups. They also donate to a variety of charities involved with health, social services, education, politics, the environment, the arts and public broadcasting.

Silver Sophisticates can afford to be philanthropic. These folks have amassed large nest eggs from diversified portfolios. They have high rates for owning retirement accounts like IRAs and Keoghs. They carry a number of credit cards, in part to take advantage of the rewards programs. After all, they never know when they might come across the perfect offer for a cool restaurant or a hot ticket to a Broadway show.

Appendix B

California Government Code, Section 6267, as Amended by SB 445 (2011–2012)^[59]

6267. All **patron use records** of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed **by a public agency, or private actor that maintains or stores patron use records on behalf of a public agency**, to any person, local agency, or state agency except as follows:

(a) By a person acting within the scope of his or her duties within the administration of the library.

(b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.

(c) By order of the appropriate superior court.

As used in this section, the term “patron use records” includes the following:

(1) Any written or electronic record, that is used to identify the patron, including, but not limited to, a patron’s name, address, telephone number, or e-mail address, that a library patron provides in order to become eligible to borrow or use books and other materials.

(2) Any written record or electronic transaction that identifies a patron’s borrowing information or use of library information resources, including, but not limited to, database search records, borrowing records, class records, and any other personally identifiable uses of library resources information requests, or inquiries.

This section shall not apply to statistical reports of patron use nor to records of fines collected by the library. [emphasis added to indicate changes from SB 445]

Appendix C

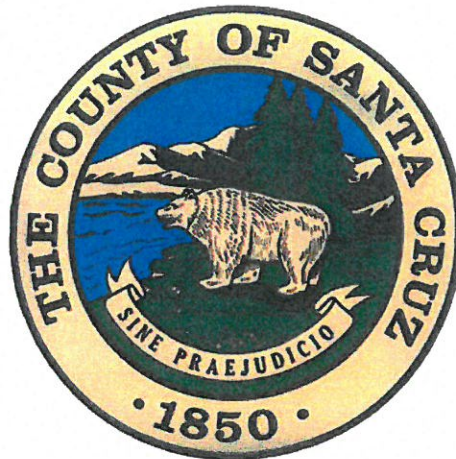
Sample Contract Addendum from the Seattle Public Library (SPL)^[60]

A provider of services to SPL will not reveal or disclose any data or records, either physical or electronic, which are designated as confidential by the Library or which pertain to SPL patrons when such data or records could be used in any manner to identify a Library patron or any references or materials that a specific Library patron accesses.

A provider of services to SPL must treat all the designated or individually identifiable SPL records as confidential and protected. Encryption of such data while in motion or at rest, and restricting access to confidential data, are typical methods of data protection. No SPL records or data shall be released by the provider to any third party without the prior written consent of the SPL.

In the event that the provider violates this addendum, then said provider agrees to indemnify, defend and hold harmless SPL and its employees from and against any losses, costs, expenses, liabilities (including attorney's fees), penalties and sanctions arising out of or relating to such violation. This addendum does not limit the provider's liability as specifically established under law.

The Parties hereto agree that this amendment modifies, changes, amends and has precedence over any contradictory language in the contract between the Parties. [emphasis added]



**The 2018–2019 Santa Cruz County Civil Grand Jury
Requires that the
Director, Santa Cruz Public Libraries
Respond to the Findings and Recommendations
Specified in the Report Titled
Patron Privacy at Santa Cruz Public Libraries
Trust and Transparency in the Age of Data Analytics
by September 23, 2019**

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
Santa Cruz Courthouse
701 Ocean St.
Santa Cruz, CA 95060

Instructions for Respondents

California law PC §933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. The use of Gale Analytics on Demand by Santa Cruz Public Libraries was inconsistent with the library's long-standing policy on Confidentiality of Library Records (policy 303, adopted February 2006; revised November 2010) and companion document, "Information We Keep About You."

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Libraries take patron privacy very seriously, and most adhere to the American Library Association's "Library Bill of Rights" (<http://www.ala.org/advocacy/intfreedom/librarybill>) which includes VII. *All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.* It is with this lens that libraries constantly think about how much data they want to retain in their ILS, and how much they want to share with trusted vendors.

SCPL's former policy stated:

The Santa Cruz City County Library System complies with all sections of the State of California Public Records Act (Protection of Library Circulation and Registration Records, Government Code Title 1, Division 7, Chapter 3.5).

That is, all registration and circulation records of library users shall remain confidential and shall not be disclosed to any person, local, state, or federal agency except by order of the appropriate superior or federal court.

The Library also treats patron requests for reference information and records of patron Internet use as confidential.

Further, the Library Joint Powers Authority Board regards any inquiry about library use as an invasion of patron privacy. It prohibits staff from giving information about any library use absent a valid order from a superior or federal court or at the discretion of the Library Director. The common sense exception to this rule is when a law enforcement officer describes a situation involving immediate danger.

It is not clear how the use of AOD is inconsistent with the Library's longstanding policy on Confidentiality.

The Grand Jury concluded that AOD's use is "permitted under the 2011–2012 version of California law, provided that the third-party vendors working in service of the library." (p. 7)

F2. The use of Gale Analytics on Demand, or any other data analytics tool, by Santa Cruz Public Libraries is not clearly addressed in the Library's newly revised policy, Confidentiality of Library Records & Patron Data Privacy Policy (policy 303, adopted June 6, 2019).

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The Library is on the record for discontinuing its use of Gale Analytics on Demand in January 2019. All other third party software products are listed on the Library's data privacy website.

F3. Santa Cruz Public Libraries did not adequately inform its patrons about the Library's use of Gale Analytics on Demand or obtain their consent for this use.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

"The Grand Jury initiated its investigation amid concern that SCPL may have violated State law by uploading patron data to the AoD cloud. As explained below, recent changes to the California Government Code should put this concern to rest." (p. 6)

The Grand Jury found, "California laws and regulations are silent on the need for libraries to obtain patron consent when engaging third parties." (p. 5)

They also concluded that AOD's use is "permitted under the 2011–2012 version of the law, provided that the third-party vendors working in service of the library." (p. 7)

F4. Santa Cruz Public Libraries used Gale Analytics on Demand without adequately considering the patron privacy aspects of current California law.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

“The Grand Jury initiated its investigation amid concern that SCPL may have violated State law by uploading patron data to the AoD cloud. As explained below, recent changes to the California Government Code should put this concern to rest.” (p. 6)
The Grand Jury found, “California laws and regulations are silent on the need for libraries to obtain patron consent when engaging third parties.” (p. 5)

F5. Santa Cruz Public Libraries used Gale Analytics on Demand without examining the contract for this service, thus raising potential liability issues related to data ownership, data breaches, and patron privacy.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The Library relied upon the Pacific Library Partnership, a consortium of 42 Bay area libraries, to negotiate the contract. SCPL will not do this in the future.

F6. The contract is unclear and does not contain language that protects the interests of the Pacific Library Partnership, its member libraries, and their patrons.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The SCPL no longer uses this product and will forward this report to the Pacific Library Partnership for their edification.

F7. The use of Gale Analytics on Demand by Santa Cruz Public Libraries is inconsistent with best practices in the library community regarding patron privacy.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

There are major disagreements within the public library community about the use of big data to improve programs and services. Large libraries systems around the country buy and use AoD and other products like CommunityConnect by CIVICTechnologies. In the Bay area, Sacramento Public used and Oakland Public uses AoD to plan and market programming by branch. Like most government entities, SCPL is faced with a tension between providing relevant and convenient access to its services and the need to ensure the data security and privacy of its users.

F8. Santa Cruz Public Libraries used Gale Analytics on Demand without adequately evaluating the effectiveness of the tool.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

SCPL staff experimented with the product to evaluate its effectiveness, primarily in 2017. Staff looked at the income distribution and diversity of our users, mapped the usage of the Capitola branch library, and experimented with marketing a program to long term residents. Staff had mixed reactions as to its efficacy. After staff concerns were expressed, SCPL put a moratorium on any additional use of AoD in 2018. Library leadership voted to end use of the product and delete all files in January 2019.

F9. The use of Gale Analytics on Demand by Santa Cruz Public Libraries has created disagreement among Library staff concerning the traditional responsibility of libraries to protect patron privacy, the validity of data analytics as a planning tool, and potential security vulnerabilities of the system.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Recommendations

R1. Santa Cruz Public Libraries (SCPL), in coordination with the Library Advisory Commission (LAC) and Library Joint Powers Authority (JPA) board, should revisit the Library’s revised privacy policy (adopted June 6, 2019) to specifically address the use of data analytics and other tools utilizing patron information. (F1–F4, F7)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The Santa Cruz Public Libraries Joint Powers Authority approved a new patron privacy policy at their June 2019 meeting after a six month consultation process that included staff groups and citizen members of the Library Advisory Commission.

The Pacific Library Partnership, a consortium of 42 Bay area libraries, recently received an LSTA grant to develop California specific training workshops and a resource toolkit for libraries on privacy-related topics surrounding library data privacy and digital safety, including privacy policy and procedure best practices, tips for library staff for working with vendors in sharing patron data, and an overview of the data privacy lifecycle in libraries. The goal is to help libraries improve their policies, processes and procedures regarding patron data retention and sharing of data with vendors. PLP hired a data privacy consultant to develop the workshops and related toolkit and anticipates the workshops will take place between January and April of next year. The initial survey of PLP staff identified the top five topics PLP libraries are interested in are Data Privacy Lifecycle Best Practices; Data Retention Policies/Procedures, CCPA and its Implications; Privacy Policies/Procedures and Vendor Contracting, so PLP will be designing training in those areas. The Santa Cruz Public Libraries plan on participating in this training prior to attempting a rewrite of the current policy.

R2. SCPL should implement a system for obtaining and managing patron consent for data analytics and other tools that use patron information. (F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Within the library community there is a fundamental discussion taking place on how best to make information services easily accessible while at the same time ensuring that library users are given the opportunity to consent to the use of their personal identifying information. Options range from lengthy user agreements that must be initialed before a patron can access a website or service to requiring individual opt in authorizations to a laundry list of software products . Decisions in this area will have broad implications for most of the digital resources the Library uses.

SCPL staff plan on participating in the PLP training prior to making decisions with broad implications on informing patrons and/or requiring their consent.

R3. SCPL management and staff, in coordination with LAC and the JPA board, should stay abreast of changes to state law, especially as it concerns patron privacy and evolving technology, and update Library policies and practices in response to such changes. (F4)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

- Library staff drafted a new policy that was reviewed by several staff groups, the Library Advisory Commission and approved by the Joint Powers Board in June.
- Library IT developed a web page at: https://www.santacruzpl.org/data_privacy/. It has the library’s policies and a list of third party vendors and their privacy agreements with the Library.
- The Library has developed a cookies usage statement for patrons visiting our website.
- SCPL implemented a data breach procedure.

R4. SCPL should review the contracts for all third-party digital services used by the Library, including those provided by library consortia. (F5, F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Library IT does privacy audits with all third party vendors (including those provided by a library consortia) asking each a list of vendor security questions and publishing their privacy statements for the public to review at: https://www.santacruzpl.org/data_privacy/

R5. SCPL should adopt guidelines and practices suggested by the American Library Association with regard to patron privacy and data analytics services. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

The ALA “Privacy Tool Kit,” provides detailed guidance on implementing policies to protect patron privacy. The Library has implemented practices including designating a privacy officer with authority to administer privacy policies, reviewing privacy clauses in contracts with third-party vendors, and conducting privacy audits.

ALA recommends that contracts with third-party vendors contain language that explicitly protects the interests of the library and the privacy of its patrons. The Library is currently reviewing their contracts with vendors.

R6. SCPL should designate a data privacy officer and give this officer full authority and responsibility to implement and enforce the privacy policy, and to periodically report to the SCPL director, JPA board, LAC, and the public. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

SCPL has a data privacy officer. The Library conducts privacy audits of vendors. Results are shared and discussed.

R7. SCPL should perform a meaningful evaluation of any tool that uses patron information to determine if the benefits outweigh the risks to patron privacy. (F8)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Privacy audit findings are shared with the Management Team. The group has chosen not to use vendors based upon these findings.

R8. SCPL should offer workshops for patrons to explain how the Library uses patron information and to explore related privacy issues. (F3, F4)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe
(not to exceed six months)

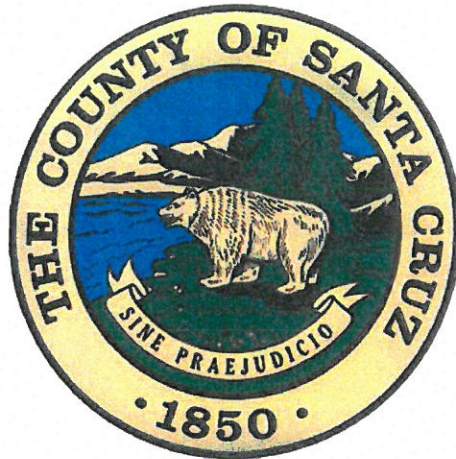
WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The Santa Cruz Public Libraries has offered a public information series each fall on cybersecurity. Expansion of this series to include patron privacy will occur after participation in the PLP training.

Penal Code §933.05

1. For Purposes of subdivision (b) of §933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of §933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**



**The 2018–2019 Santa Cruz County Civil Grand Jury
Requires that the
Library Joint Powers Authority Board
Respond to the Findings and Recommendations
Specified in the Report Titled
Patron Privacy at Santa Cruz Public Libraries
Trust and Transparency in the Age of Data Analytics
by September 23, 2019**

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
Santa Cruz Courthouse
701 Ocean St.
Santa Cruz, CA 95060

Instructions for Respondents

California law PC §933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

Validation

Date of Board's response approval: _____

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

- F1. The use of Gale Analytics on Demand by Santa Cruz Public Libraries was inconsistent with the library's long-standing policy on Confidentiality of Library Records (policy 303, adopted February 2006; revised November 2010) and companion document, "Information We Keep About You."

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Libraries take patron privacy very seriously, and most adhere to the American Library Association's "Library Bill of Rights" (<http://www.ala.org/advocacy/intfreedom/librarybill>) which includes VII. *All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.* It is with this lens that libraries constantly think about how much data they want to retain in their ILS, and how much they want to share with trusted vendors.

SCPL's former policy stated:

The Santa Cruz City County Library System complies with all sections of the State of California Public Records Act (Protection of Library Circulation and Registration Records, Government Code Title 1, Division 7, Chapter 3.5).

That is, all registration and circulation records of library users shall remain confidential and shall not be disclosed to any person, local, state, or federal agency except by order of the appropriate superior or federal court.

The Library also treats patron requests for reference information and records of patron Internet use as confidential.

Further, the Library Joint Powers Authority Board regards any inquiry about library use as an invasion of patron privacy. It prohibits staff from giving information about any library use absent a valid order from a superior or federal court or at the discretion of the Library Director. The common sense exception to this rule is when a law enforcement officer describes a situation involving immediate danger.

It is not clear how the use of AOD is inconsistent with the Library's longstanding policy on Confidentiality.

The Grand Jury concluded that AOD's use is "permitted under the 2011–2012 version of California law, provided that the third-party vendors working in service of the library." (p. 7)

F2. The use of Gale Analytics on Demand, or any other data analytics tool, by Santa Cruz Public Libraries is not clearly addressed in the Library's newly revised policy, Confidentiality of Library Records & Patron Data Privacy Policy (policy 303, adopted June 6, 2019).

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The Library is on the record for discontinuing its use of Gale Analytics on Demand in January 2019. All other third party software products are listed on the Library's data privacy website.

F3. Santa Cruz Public Libraries did not adequately inform its patrons about the Library's use of Gale Analytics on Demand or obtain their consent for this use.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

“The Grand Jury initiated its investigation amid concern that SCPL may have violated State law by uploading patron data to the AoD cloud. As explained below, recent changes to the California Government Code should put this concern to rest.” (p. 6)
The Grand Jury found, “California laws and regulations are silent on the need for libraries to obtain patron consent when engaging third parties.” (p. 5)
They also concluded that AOD’s use is “permitted under the 2011–2012 version of the law, provided that the third-party vendors working in service of the library.” (p. 7)

F4. Santa Cruz Public Libraries used Gale Analytics on Demand without adequately considering the patron privacy aspects of current California law.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

“The Grand Jury initiated its investigation amid concern that SCPL may have violated State law by uploading patron data to the AoD cloud. As explained below, recent changes to the California Government Code should put this concern to rest.” (p. 6)
The Grand Jury found, “California laws and regulations are silent on the need for libraries to obtain patron consent when engaging third parties.” (p. 5)

F5. Santa Cruz Public Libraries used Gale Analytics on Demand without examining the contract for this service, thus raising potential liability issues related to data ownership, data breaches, and patron privacy.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The Library relied upon the Pacific Library Partnership, a consortium of 42 Bay area libraries, to negotiate the contract. SCPL will not do this in the future.

F6. The contract is unclear and does not contain language that protects the interests of the Pacific Library Partnership, its member libraries, and their patrons.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The SCPL no longer uses this product and will forward this report to the Pacific Library Partnership for their edification.

F7. The use of Gale Analytics on Demand by Santa Cruz Public Libraries is inconsistent with best practices in the library community regarding patron privacy.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

There are major disagreements within the public library community about the use of big data to improve programs and services. Large libraries systems around the country buy and use AoD and other products like CommunityConnect by CIVICTechnologies. In the Bay area, Sacramento Public used and Oakland Public uses AoD to plan and market programming by branch. Like most government entities, SCPL is faced with a tension between providing relevant and convenient access to its services and the need to ensure the data security and privacy of its users.

F8. Santa Cruz Public Libraries used Gale Analytics on Demand without adequately evaluating the effectiveness of the tool.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

SCPL staff experimented with the product to evaluate its effectiveness, primarily in 2017. Staff looked at the income distribution and diversity of our users, mapped the usage of the Capitola branch library, and experimented with marketing a program to long term residents. Staff had mixed reactions as to its efficacy. After staff concerns were expressed, SCPL put a moratorium on any additional use of AoD in 2018. Library leadership voted to end use of the product and delete all files in January 2019.

F9. The use of Gale Analytics on Demand by Santa Cruz Public Libraries has created disagreement among Library staff concerning the traditional responsibility of libraries to protect patron privacy, the validity of data analytics as a planning tool, and potential security vulnerabilities of the system.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Recommendations

R1. Santa Cruz Public Libraries (SCPL), in coordination with the Library Advisory Commission (LAC) and Library Joint Powers Authority (JPA) board, should revisit the Library’s revised privacy policy (adopted June 6, 2019) to specifically address the use of data analytics and other tools utilizing patron information. (F1–F4, F7)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The Santa Cruz Public Libraries Joint Powers Authority approved a new patron privacy policy at their June 2019 meeting after a six month consultation process that included staff groups and citizen members of the Library Advisory Commission.

The Pacific Library Partnership, a consortium of 42 Bay area libraries, recently received an LSTA grant to develop California specific training workshops and a resource toolkit for libraries on privacy-related topics surrounding library data privacy and digital safety, including privacy policy and procedure best practices, tips for library staff for working with vendors in sharing patron data, and an overview of the data privacy lifecycle in libraries. The goal is to help libraries improve their policies, processes and procedures regarding patron data retention and sharing of data with vendors. PLP hired a data privacy consultant to develop the workshops and related toolkit and anticipates the workshops will take place between January and April of next year. The initial survey of PLP staff identified the top five topics PLP libraries are interested in are Data Privacy Lifecycle Best Practices; Data Retention Policies/Procedures, CCPA and its Implications; Privacy Policies/Procedures and Vendor Contracting, so PLP will be designing training in those areas. The Santa Cruz Public Libraries plan on participating in this training prior to attempting a rewrite of the current policy.

R2. SCPL should implement a system for obtaining and managing patron consent for data analytics and other tools that use patron information. (F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Within the library community there is a fundamental discussion taking place on how best to make information services easily accessible while at the same time ensuring that library users are given the opportunity to consent to the use of their personal identifying information. Options range from a lengthy user agreements that must be initialed before a patron can access a website or service to requiring individual opt in authorizations to a laundry list of software products . Decisions in this area will have broad implications for most of the digital resources the Library uses.

SCPL staff plan on participating in the PLP training prior to making decisions with broad implications on informing patrons and/or requiring their consent.

R3. SCPL management and staff, in coordination with LAC and the JPA board, should stay abreast of changes to state law, especially as it concerns patron privacy and evolving technology, and update Library policies and practices in response to such changes. (F4)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

- Library staff drafted a new policy that was reviewed by several staff groups, the Library Advisory Commission and approved by the Joint Powers Board in June.
- Library IT developed a web page at: https://www.santacruzpl.org/data_privacy/. It has the library's policies and a list of third party vendors and their privacy agreements with the Library.
- The Library has developed a cookies usage statement for patrons visiting our website.
- SCPL implemented a data breach procedure.

R4. SCPL should review the contracts for all third-party digital services used by the Library, including those provided by library consortia. (F5, F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Library IT does privacy audits with all third party vendors (including those provided by a library consortia) asking each a list of vendor security questions and publishing their privacy statements for the public to review at: https://www.santacruzpl.org/data_privacy/

R5. SCPL should adopt guidelines and practices suggested by the American Library Association with regard to patron privacy and data analytics services. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

The ALA “Privacy Tool Kit,” provides detailed guidance on implementing policies to protect patron privacy. The Library has implemented practices including designating a privacy officer with authority to administer privacy policies, reviewing privacy clauses in contracts with third-party vendors, and conducting privacy audits.

ALA recommends that contracts with third-party vendors contain language that explicitly protects the interests of the library and the privacy of its patrons. The Library is currently reviewing their contracts with vendors.

R6. SCPL should designate a data privacy officer and give this officer full authority and responsibility to implement and enforce the privacy policy, and to periodically report to the SCPL director, JPA board, LAC, and the public. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

SCPL has a data privacy officer. The Library conducts privacy audits of vendors. Results are shared and discussed.

R7. SCPL should perform a meaningful evaluation of any tool that uses patron information to determine if the benefits outweigh the risks to patron privacy. (F8)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Privacy audit findings are shared with the Management Team. The group has chosen not to use vendors based upon these findings.

R8. SCPL should offer workshops for patrons to explain how the Library uses patron information and to explore related privacy issues. (F3, F4)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The Santa Cruz Public Libraries has offered a public information series each fall on cybersecurity. Expansion of this series to include patron privacy will occur after participation in the PLP training.

Penal Code §933.05

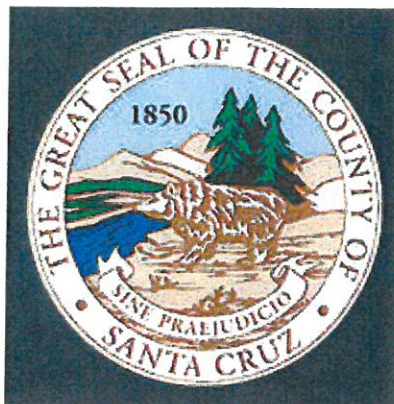
1. For Purposes of subdivision (b) of §933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of §933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**

California Grand Jury: Data Analytics Threaten Patron Privacy

by [Matt Enis](#)

Aug 12, 2019 | Filed in [News](#)

Following an investigation into Santa Cruz Public Libraries' (SCPL) use of Gale Analytics on Demand, a California grand jury reported on June 24 that the use of data analytics tools by libraries "is a potential threat to patron privacy and trust." The report's broadly negative view regarding the use of big data and analytics software raises several questions about library privacy policies and how they should apply to the use of any data collected about patrons by third parties, when patrons have not explicitly given libraries permission to use that data.



This finding wasn't the result of a lawsuit. California's Superior Court convenes 58 separate [civil grand juries](#) each year—one for each of the state's counties. These carry out several functions, including "investigating and reporting on the operations of local government." In this watchdog role, a grand jury acts as a representative for county residents, generating recommendations for improving operations and enhancing local government accountability. Any local government entity subject to an investigation is required to respond to the recommendations within 90 days. In this case, the investigation was launched in early 2019, in response to concerns raised by SCPL staff.

These recommendations are not legally binding, and the report explains that SCPL's use of Analytics on Demand does not appear to have violated any state laws. In addition, SCPL Director Susan Nemitz told [LJ](#) that the combination of staff concerns about utilizing commercial big data software to analyze patron habits, and the sense that it would require a major initiative to integrate Analytics on Demand into the library's marketing efforts, had already led SCPL leadership to discontinue use of the tool prior to the investigation.

“Even though it’s a relatively simple product” to use, she explained, library management ultimately decided that “it really would take a major staff effort to make it part of our institutional research processes. So I don’t think our experiments [with Analytics on Demand] really went very far.”

Analytics on Demand is built on Experian Mosaic, a demographic analysis and classification tool used by many businesses for neighborhood-level analysis of customers and potential customers. Mosaic classifies households into 19 groups and 71 unique types such as “middle-class melting pot” or “young, city solos.” Since it is driven by the vast trove of consumer data collected and aggregated by multinational credit-reporting agency Experian, the tool can generate a lot of information, reporting demographic composition and predicting consumer habits, product preferences, and the prevailing attitudes of neighborhoods—or even individual households.

SCPL officials had used an Analytics on Demand license provided by the Pacific Library Partnership (PLP) consortium for a handful of projects beginning in 2017, Nemitz said.

“We aren’t a large library system—we don’t have a huge marketing team—so we had a couple of staff...go to a [PLP] training at Oakland Public,” she explained. “For us, the interest was, we collect no demographic data on our users. Could we [use Analytics on Demand to] provide our funding bodies with some reports about demographic use? Proving that we are serving low-income patrons? Another thing that we looked at when temporarily closing a branch, was...where to put temporary services. We did do one marketing thing to try to figure out where history programs geared toward older adults might be best presented.”

These uses are typical for Analytics on Demand, and indicative of pressures common throughout the library field, including limited outreach budgets and a demand for specific information about a library’s usage and local impact from government and other funding bodies. Yet SCPL’s staff concerns are also reflective of the tension between the implicit promise of privacy for library users and the competition of library services with commercial entities, such as Amazon, that have expansive data collection and analysis policies built into their terms of service agreements.

According to the report, a key sticking point for concerned SCPL staff was that by inputting address information into Analytics on Demand, the library was downloading significant household-level data that patrons had never

consented to give the library.

“This gets into the question of combining data sets,” explained Becky Yoose, Library Data Privacy Consultant for LDH Consulting Services. “You have patron data in your integrated library system. You have patron data collected by individual electronic systems, like your catalog, your web analytics software, your electronic resources, [and] authentication systems like EZproxy. The issue comes when you start combining this information in one central place—especially when you’re combining this information with other external datasets that might have other sensitive or ‘high-risk’ data,” including information that could personally identify a user.

In addition, SCPL staff expressed concern about how Gale might be using patron data generated by the platform. Noting that the grand jury report did not include any specific recommendations for Gale, company representatives declined to comment for this article. However, the report cited prior SCPL communication with Gale, in which the company stated that “Gale does not personally handle the library data. There is no need for someone outside the library to manually review, handle, or receive files, like there is with other services. All data is submitted to [Analytics on Demand] directly by the library. In other words, there is no data being ‘exchanged with third parties’.... When the tool generates reports, the library can delete the report at their discretion. There is nothing maintained by us or [any additional third] party. The only information [Analytics on Demand] requires to function is an address. We do not require a name or any other identifiable information that is not public record.”

These statements imply that libraries using Analytics on Demand are pulling data directly from Experian Mosaic via patron address ranges, and Gale is not storing or exchanging any resulting reports with other third parties. Still, the grand jury report found that the library’s use of Analytics on Demand was inconsistent with its policy on Confidentiality of Library Records and companion document, “Information We Keep About You,” which was most recently revised in 2010. Among its many recommendations, the report states that the use of any data analytics tools should be clearly addressed in privacy policies. Patrons should be informed about their use, and all vendor contracts should be thoroughly vetted to ensure that vendors protect the interests of patrons and libraries.

Carol Frost, CEO of PLP and executive director, Peninsula Library System, noted that the grand jury process is not yet complete (SCPL's reply to the report is due September 23), and PLP wished to honor that process in comments to *LJ*. But she added that "the section of the report which applies to PLP has some points which all libraries should consider when signing contracts. PLP has an NDA (Non-Disclosure Agreement) which covers patron privacy as well as the non-sharing of data, and addresses most of the items listed in the recommendations. We think it is a best practice for all libraries to use an NDA as a supplement to an agreement when patron privacy is involved, as well as having patron privacy policies. Gale Cengage also has several documents which were not referenced in the Grand Jury report which outline the protection of data when using Analytics on Demand."

PLP member libraries are located in communities throughout Silicon Valley, and the consortium is "acutely aware of data privacy," Frost added. "The Facebook sharing of data last year, along with the California Consumer Protection Act (which goes into effect in January 2020) made our libraries start to think about their own data privacy policies. In January we decided to apply for a [Library Services and Technology Act] grant to explore that nexus between library policies and the Consumer Protection Act."

The grant was awarded, and PLP has used the funding to develop California-specific training workshops, as well as "a resource toolkit for libraries on privacy-related topics surrounding library data privacy and digital safety, including privacy policy and procedure best practices, tips for library staff for working with vendors in sharing patron data, and an overview of the data privacy lifecycle in libraries," according to an announcement regarding the funding.

SCPL will be one of the library systems taking advantage of these new classes and other resources this fall, Nemitz said. SCPL also has established a page on its website with a list of every third party vendor the library uses, along with links to the privacy policies of those vendors, login methods, data retained by each vendor, and other information at santacruzpl.org/data_privacy.

"I want to own that, clearly, we did not address staff concerns well enough" with the library's use of Analytics on Demand, Nemitz said. Going forward, SCPL is facing a challenge that is becoming increasingly

common within the field—meeting the expectations of patrons who have become accustomed to the seamless conveniences enabled by big data, while adhering to policies that promise privacy.

The grand jury report “keeps us talking about really important issues in our field,” Nemitz said. “And I don’t think there are perfect answers right now.... But we as professionals need to care, and we need to help our patrons understand a lot more about data privacy.”



Matt Enis

Matt Enis (menis@mediasourceinc.com, @MatthewEnis on Twitter, matthewenis.com) is Senior Editor, Technology for *Library Journal*.

[Gale Cengage](#)[data analytics](#)[big data](#)[Analytics on Demand](#)[Santa Cruz Public Libraries](#)[Pacific Library Partnership](#)

RELATED →

BOOK NEWS

Page to Screen, Aug. 23, 2019 | Book Pulse

by [Neal Wyatt](#)

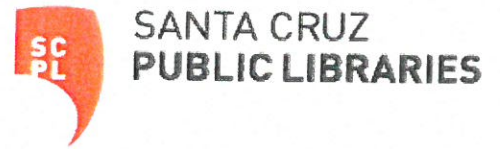
NEWS

Washington State Library Systems Collaborate To Help Local Voters

by [Elizabeth Kobert](#)

CONFERENCE COVERAGE

Chair Carlos Palacios
Vice Chair Jamie Goldstein
Board Member Martin Bernal
Board Member Tina Friend



STAFF REPORT

DATE: September 5, 2019
TO: Library Joint Powers Authority Board
FROM: Susan Nemitz, Library Director
RE: Approve Naming Contract for Live Oak Library

RECOMMENDATION

Approve Naming Contract for the Reading Room of the Live Oak Library.

DISCUSSION

A \$15,000 gift will be made to the Live Oak Branch Library to rename the Live Oak Library Reading Room into the Billy Reid Reading Room. Dr. Reid grew up in the Live Oak area. His family would like to honor his memory with a donation to the branch library.

Attached: Gift Agreement

Live Oak Library Reading Room: The Billy Reid Reading Room

Gift Agreement

This Gift Agreement (“Agreement”), effective as of _____, 2019 (“Effective Date”), is made and entered into by and between Richard & Carolyn Aberman, whose address is 2447 Massachusetts Ave, Redwood City, CA 94061 (“Donor”) and the Friends of the Santa Cruz Public Libraries (the “Friends”) for the use and benefit of the Santa Cruz Public Libraries (“SCPL”). Based upon the Recitals below, and in consideration of the mutual promises and benefits hereunder, the parties hereto hereby agree as follows:

RECITALS

Donor wishes to make a charitable gift to the Friends for the use and benefit of the SCPL as set forth in this Agreement.

The Friends and the SCPL desire to accept such gift, subject to the terms and conditions set forth in this Agreement.

AGREEMENT

1. **Gift.** Donor hereby pledges to the Friends for the use and benefit of the SCPL the following gift: \$15,000 (“Gift”).
2. **Payment of the Gift.** The Gift is an irrevocable pledge that will be paid to the Friends in one (1) payment. The payment will be due immediately upon the execution of this Agreement.

Payment shall be paid by Donor to the Friends via check, electronic funds transfer, stocks or other securities, or other methods acceptable to Donor and the Friends.
3. **Use of the Gift.** The Gift shall be used for any purpose benefitting the Live Oak Branch Library, 2380 Portola Drive, Santa Cruz, CA 95062.
4. **Acknowledgment.** In consideration for the Gift, the Friends and the SCPL will acknowledge the Gift by
 - a. Naming the Live Oak Library Reading Room, (“Facility”), the The Billy Reid Reading Room, (“Naming”).
 - b. Subject to the terms of this Agreement, the Naming will last for a minimum of 20 years.
5. **Recognition** Recognition will be rendered via a conspicuously placed plaque within the Facility and will be consistent with the SCPL’s image and design requirements.
6. **Termination of Naming.** In addition to any rights and remedies available at law, the JPAB may terminate this Agreement and all rights and benefits of the Donor hereunder, including terminating the Naming:

- a. Where unforeseen circumstances make it impossible for a donor to complete a monetary donation commitment provided in this Agreement, or
- b. In the unlikely event the JPAB determines in its reasonable and good faith opinion that circumstances have changed such that the Naming chosen by the Donor would adversely impact the reputation, image, mission or integrity of the SCPL, or the Friends, in the event of a continued association with Donor and the continuation of the Naming provided for herein.

Upon any such termination of this Agreement and/or the Naming hereunder, the Friends, and the SCPL shall have no further obligation or liability to Donor and shall not be required to return any portion of the Gift already paid. The Friends, however, may in its sole and absolute discretion determine an alternative recognition for the portion of the Gift already received.

7. **Modification of Naming.** If within 75% of the expected lifespan of this agreement, the Facility is transferred or conveyed from the SCPL, closed, deconstructed, destroyed or severely damaged, significantly renovated, upgraded, or modified; relocated, or replaced, then the Naming will be carried forward by the JPA jurisdiction in a similar capacity.
8. **Publicity.** For purposes of publicizing the Gift and the Naming, the Friends and the SCPL will have the right, without charge, to photograph the Donor and use the names, likenesses, and images of the Donor in photographic, audiovisual, digital or any other form of medium (the "Media Materials") and to use, reproduce, distribute, exhibit, and publish the Media Materials in any manner and in whole or in part, including in brochures, website postings, informational and marketing materials, and reports and publications describing SCPL's development and business activities.
9. **Assignment.** This Agreement and the rights and benefits hereunder may not be assigned by either party without the prior written consent of the other party, which consent shall be in the sole and absolute discretion of the non-assigning party.
10. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties with regard to the matters referred to herein, and supersedes all prior oral and written agreement, if any, of the parties in respect hereto. This Agreement may not be modified or amended except by written agreement executed by both parties hereto. The captions inserted in this Agreement are for convenience only and in no way define, limit, or otherwise describe the scope or intent of this Agreement, or any provision hereof, or in any way affect the interpretation of this Agreement.
11. **Governing Law and Venue.** This Agreement will be governed by and construed in accordance with the laws of the State of California without regard to any conflict of laws rule or principle that might refer the governance or construction of this Agreement to the laws of another jurisdiction. Subject to the sovereign immunity of the State of California, any legal proceeding brought in connection with disputes relating to or arising out of this Agreement will be filed and heard in Santa Cruz County, California, and each party waives any objection that it might raise to such venue and any right it may have to claim that such venue is inconvenient.

12. **Friends of the Santa Cruz Public Libraries Approval.** This Agreement and the recognition and naming provided for herein are subject to the approval by the Board of the Friends and this Agreement will not be effective unless and until approved by the Board of the Friends.

ACCEPTED AND AGREED TO:

DONOR NAME

Name: Carolyn Aberman

BOARD OF THE FRIENDS OF THE SANTA CRUZ PUBLIC LIBRARIES

Name: Martín Gómez
President of the FSCPL

LIBRARIES JOINT POWERS BOARD

Name: Carlos J. Palacios