



KENT STATE
UNIVERSITY

Navigating complex issues in modern archival collections: Privacy and copyright

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Dublin, OH
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Navigating Privacy and Copyright



Kent State May 4th Collection background

Kent State University was placed into the international spotlight on May 4, 1970, after 13 students were shot by members of the Ohio National Guard.

Four students were killed and nine others were wounded, including one who was permanently paralyzed from his injury.

The May 4 Collection, established by the KSU Libraries in 1970, includes over 300 cubic feet of primary sources related to the Kent State shootings and their aftermath.

The collection is open to the public and is used by researchers from around the world.

About the May 4th NHPRC Grant Project

- In 2016, Kent State University Libraries was awarded \$119,443 matching grant from the National Historical Publications and Records Commission (NHPRC) to digitize ~35 cubic feet of archival content, mostly documents
- Primarily, material were drawn from administrative, faculty, and student subcollections
- The two-year grant ran from September 2016-August 2018, and really pushed some interesting questions around complex copyright & privacy within our grant project working group

Privacy Review

**“Privacy, like an elephant, is more readily recognized than described.”
John Young, 1978**

Dealing with a modern archival collection led to internal discussion on a review process for privacy

- **Personally Identifiable Information (PII)**
- **Other forms for private information (relating to religion, sexuality, etc.)**

Personally Identifiable Information (PII)

PII is any information that can be used to distinguish an individual's identity.

Examples include:::

Proper names, aliases, identification numbers, address, date of birth, place of birth, race, religion, weight, activities, geographical indicators, employment information, medical information, education information, financial information

**National Institute of Standards and Technology, “Guide to Protecting the Confidentiality of Personal Identifiable Information”,
<https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-122.pdf>**

Privacy continued...

Privacy breaches through open dissemination of PII are hazardous to both individuals & organizations

Harm from disclosing PII could include identity theft, embarrassment, or blackmail.

NIST guide recommends institutions devise their own list of the kinds of information that should be protected

Privacy review, cont.

- Family Educational Rights and Privacy Act of 1974 (FERPA) protected certain information in student records
- Identify & redact private information before publishing item
- Conducted 2 separate privacy reviews to ensure a thorough assessment

Kent State Special Collections & Archives: Private Data Commonly Found in Archival Collections

This document includes commonly encountered **sensitive or private data** that occurs in archival or manuscript collections. It is not an exhaustive treatment of private data, so **if in doubt, please always ask your supervisor** for assistance. It is important to **first perform archival appraisal** of any records, papers, or files before redacting private information. In some cases, the items have no historical/archival value and can be destroyed in accordance to University and departmental guidelines. Therefore, redaction is unnecessary. However, if the item is deemed to be of value and will be retained, **private data will need to be redacted**, if the records in question are or may possibly be associated with **living individuals**. If it is certain the individual(s) in question are deceased, redaction is no longer necessary.

Social Security Numbers (SSN), Identification Numbers

First issued in the US in 1935 and continue to be used. For KSU or other academic-originated records, the SSN may be labeled as an ID or identification number. This ID number was used at KSU through 2007.

Format(s)

A 9-digit number, sometimes including a suffix (digit or letter). Note: The number may appear without the hyphens, so any similarly formatted numbers should be potentially considered as SSNs.

XXX-XX-XXXX (123-45-6789)

XXX-XX-XXXX-X (123-45-6789-A); (123-45-6789-2)

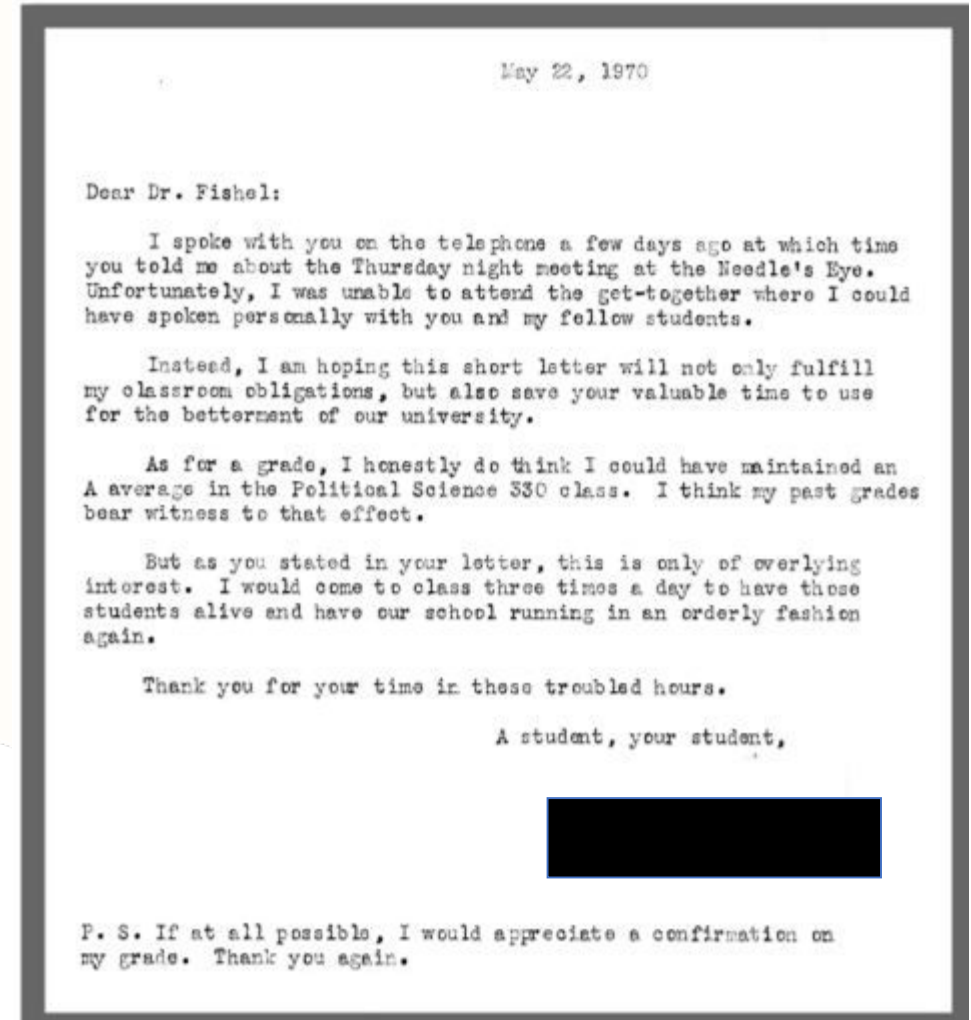
Grade Information

The form of this type of information can vary greatly. Common categories of such data would include the following, but this is not an exhaustive list.

- letter grades (A, B, C, D, F)
- pass/fail (or P/F)

Example #1 (Privacy)

- Redact Directory information when grades are discussed (FERPA)



Example #2 (Privacy)

- Example of strike paper from Wisconsin State College, Oshkosh, dated 1968 to 1970
- Materials included flyers, leaflets, memos, resolutions, and articles from the student papers, The Oshkosh Advance-Titan and The Blade
- On the second privacy review, staff member picked up three unpublished documents that listed students who were suspended



Copyright

“The law is agnostic between creators and infringers, favoring only creativity and the harvest of knowledge.”

**U.S. District Judge Loretta Preska
Adjmi v. DLT Entertainment, LTD.**



Copyright Review

Standard Questions for Use of Copyrighted Works:

1. Is the work in the public domain?
2. Is there a license and does that license allow for your use?
3. Is there a portion of the U.S. Copyright Law that allows for your use?
4. Can you make a good case for fair use?
5. Do you need to seek permission?

Copyright Review

Standard Questions as adapted for the May 4th project:

- 1. Is the work in the public domain?**
- 2. Does Kent State University own the copyright to the work?**
- 3. Can we make a good case for fair use?**
 1. How can Best Practices or other guidelines help in thinking this through?
- 4. Do we need to seek permission/license?**
- 5. If we cannot obtain permissions, can we make a case for fair use?**

ARL Code of Best Practices

“Creating digital collections of archival and special collections materials” in *Code of Best Practices in Fair Use for Academic and Research Libraries*. Washington, D.C.: ARL, 2012, pp. 19-21.

<https://www.arl.org/focus-areas/copyright-ip/fair-use/code-of-best-practices>

- “published and unpublished”
- “copyright status is often unclear”
- “typically can be consulted only on-site”
- “unique assemblage or aggregation”
- “organized around a key topic, era, or theme”
- “Presenting these unique collections as a digital aggregate, especially with commentary, criticism, and other curation, can be highly transformative.”

Peter Hirtle

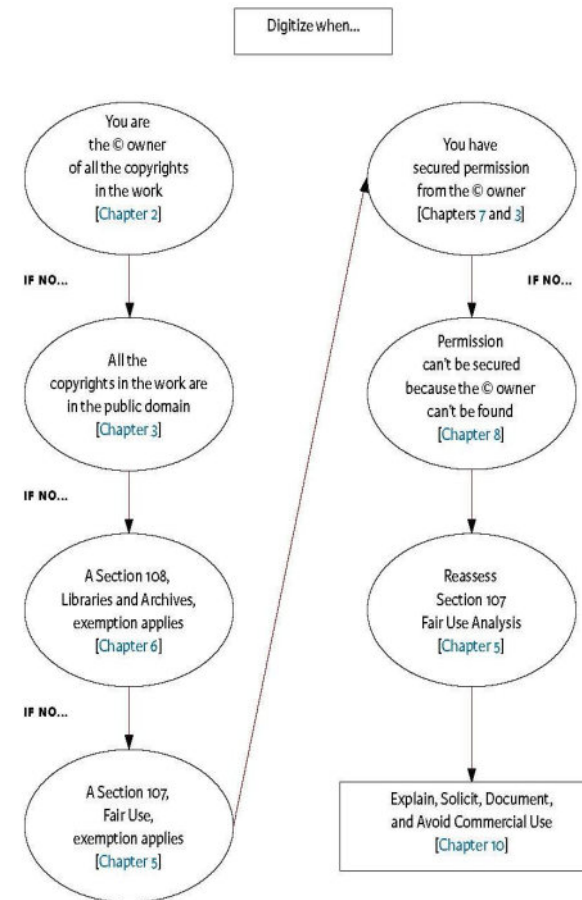
Hirtle, Peter B.; Hudson, Emily; Kenyon, Andrew T. *Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums*. Ithaca, NY: Cornell University Library, 2009.

<https://hdl.handle.net/1813/14142>

- Copyright basics
- Risk assessment
- *Safe Digitization Workflow* flowchart on page 203.

Safe Digitization Workflow

◆ **FLOWCHART 10.1**
Safe Digitization Workflow



Kenny Crews' Fair Use Checklist

Kenneth D. Crews (formerly of Columbia University) and Dwayne K. Buttler (University of Louisville). *Fair Use Checklist*.

<https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>

- We adapted this to make it a PDF form that can be filled out, saved, and cleared.
- Sometimes there were long debates and discussions of fair use cases among all members of the team.

Fair Use Checklist
Copyright Advisory Office
Columbia University Libraries
Kenneth D. Crews, Director
<http://copyright.columbia.edu>

Name: _____
Institution: _____
Project: _____
Date: _____
Prepared by: _____

Purpose

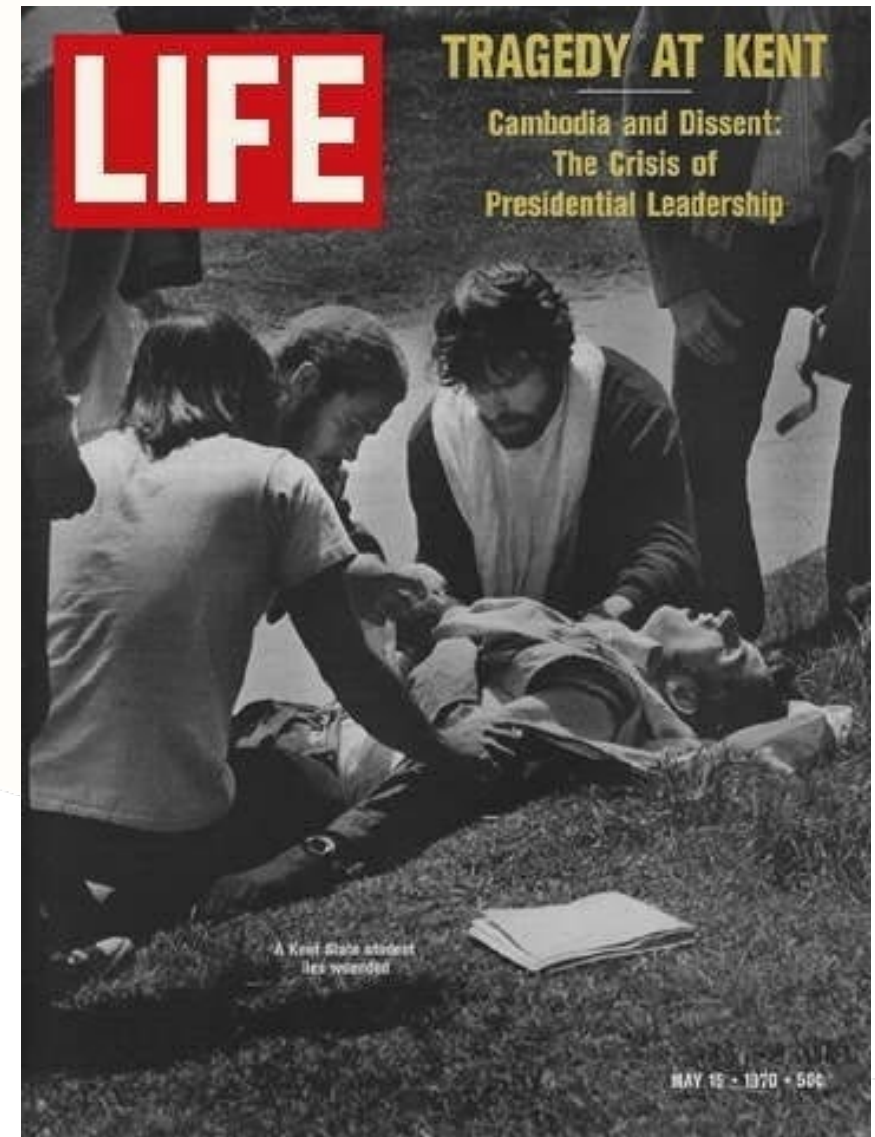
Favoring Fair Use

☐ Teaching (including multiple copies for classroom use)

Opposing Fair Use

☐ Commercial activity

Relationships



Example 1 (Copyright): Newspaper clippings

Comments On KSU Tragedy

5-8-70 75
By L. F. PALMER JR.
Beacon Journal-Chicago Daily News

CHICAGO — An alumnus of Kent State University phoned to ask "When will this madness stop?" He said he was so sickened by the killing of four students by National Guardsmen there that he "just went home and got drunk."

His reaction to the Kent tragedy was appropriate when viewed in the grim context of what happened on the campus of his alma mater. For what some are calling the "Kent State Massacre" was born out of America's own intoxication. This nation is drunk from its prolonged course of racism, war psychosis, repression, and ungodliness. Its foundation is crumbling under the weight of an arrogant hypocrisy so eloquently expressed by President Nixon in his statement following the Kent killings.

THIS is what Nixon said: "This should remind us all once again that when dissent turns to violence, it invites tragedy. "It is my hope that this tragic and unfortunate incident will strengthen the determination of the nation's campuses, administrators, faculty and students alike, to stand firmly for the right which exists in this country of peaceful dissent and just as strongly against the resort to violence as a means of such expression."

WHEN the President uttered those words, the facts concerning the Kent tragedy were not in. The situation was extremely confused and it was impossible to determine whether the shootings were provoked by the Guardsmen or the students.

In the view of this writer, there would be extremely rare situations that would justify the shooting down of students on any college campus at any time. No evidence has been presented which would suggest that what happened at Kent was one of those situations.

FOR THE President to imply that the Kent shootings were the result of dissent

'It's Totalitarianism'

Few acts are more violent than war. When that war is declared and considered immoral by many Americans, its violent nature escalates.

KENT students were protesting the war in Vietnam and dissenting from the Nixon policy broadening the war by moving into Cambodia. This represents violence that is ap

proved by the establishmentarians who create it. But wars are fought by youths, many of them the students who were demanding a voice in matters that to them represent their future — or no future at all. The Kent killings lend further credence to a proposition that the "silent majority" ignores: Protection of the establishment is paramount and anybody who seriously challenges it becomes a target for eradication.

A 10 Akron Beacon Journal Friday, May 8, 1970

Biggest Mistake Was Keeping KSU Open---Saxbe

5-8-70 75
By RICHARD McBANE
America's university students have something to say. "And, I think we should listen to them," Sen. William Saxbe told the Akron Bar Association Thursday.

"Repression is not the way to handle this (campus dissent)," Saxbe said in answer to questions from the lawyers. Saxbe said he believes National Guardsmen at Kent State University panicked Monday when they fired into a crowd of students, killing four and wounding nine others.

HE SAID the mistake at Kent State was not in sending in the Guard, or in giving them live ammunition, but in not closing the school.

"If the students don't want to go to school, and the professors don't want to teach them, then who gives a damn? Let 'em go home," Saxbe declared.

He said the 90 to 95 pct. of the students who want an education eventually will apply social pressure on the others to keep the schools open.

Denies Charges He Acted Like 'Czar'

5-8-70
KENT — Portage County Prosecutor Ronald Kane denied charges by Gov. Rhodes' top aide that he acted headedly or like a "czar" in closing down strife-torn Kent state University Monday.

"It's unfair — I'm disappointed in the attitude of John McElroy (Rhodes chief assistant) Kane said. "I don't think his comments about the crisis were warranted."

McElroy had accused Kane of acting too hastily and said Friday: "We didn't think there should have been a czar up there running everything."

KANE SAID, "I gave Kent State University and Gov. Rhodes every opportunity to close the institution; however,

the only piece of paper anyone can provide is the injunction filed by my office.

"Can you imagine the explosive situation that would have further been created Monday evening if the injunction had not been filed, especially after four lives had been lost?"

"It was my judgment that the filing of the injunction would coordinate all agencies under the supervision and direction of Common Pleas Court, and this is precisely what it has done.

All Ohio National Guardsmen and Ohio Highway Patrolmen pulled out of Kent Friday. An 11 p.m. to 6 a.m. curfew and a ban on the sale of liquor remains in effect over the weekend.



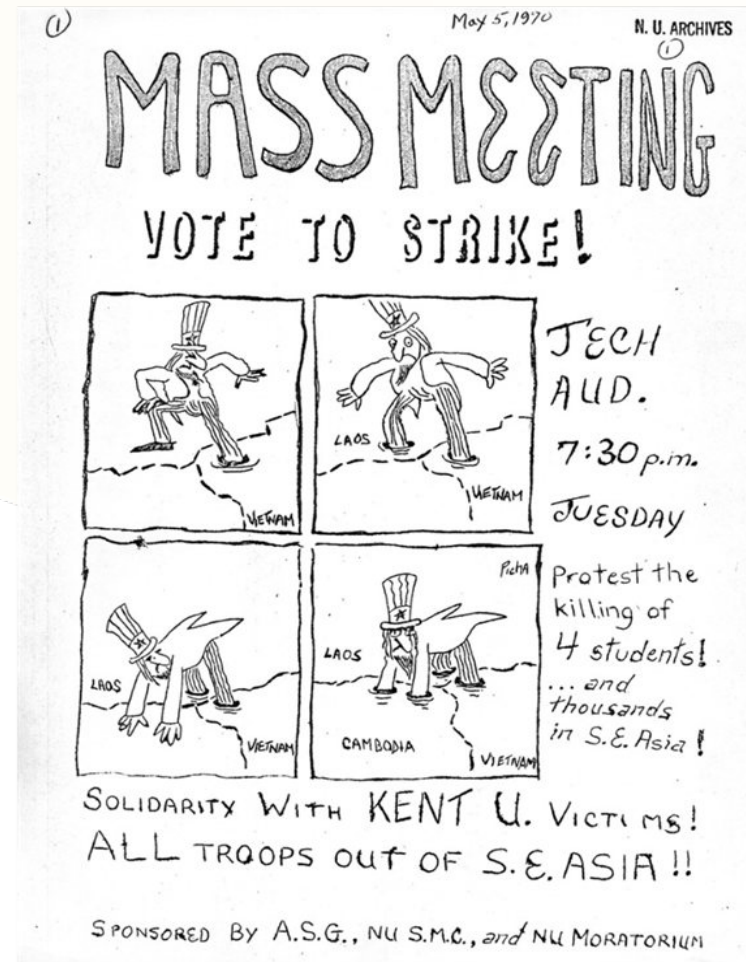
Sen. William Saxbe

2-J
5-8,9-70

71A

Example 2 (Copyright): Campus Strike Papers

Northwestern University
Campus Strike Vote Poster
May 5, 1970



Example 3 (Copyright): Miscellaneous

- Simple Gestures Installation in 1995

- Photographs of custom-made seed packets

"They tried to bury us. They didn't know we were seeds." – Dinos Christianopoulos

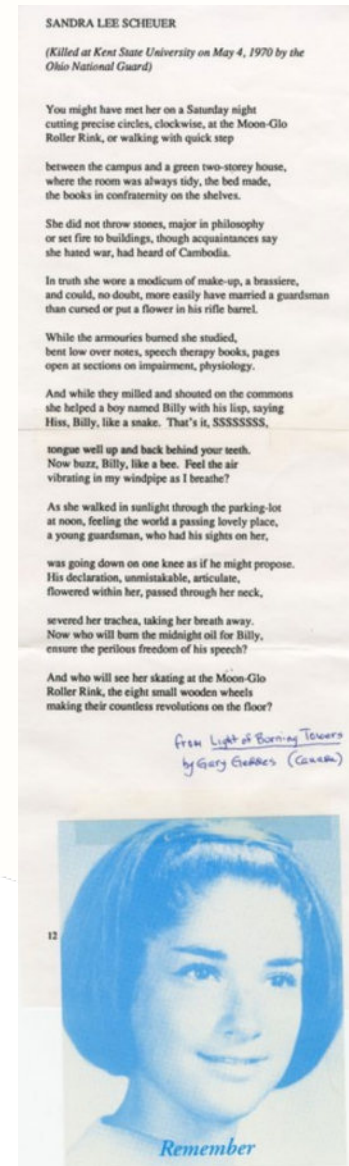


Example 3 (Copyright)

- Simple Gestures Installation in 1995, cont'd.

- Poem by Gary Geddes

<https://canpoetry.library.utoronto.ca/geddes/index.htm>



Example 3 (Copyright)

- Simple Gestures Installation in 1995, cont'd.



Example 4 (Copyright): Art

- **George Segal materials**
 - *Abraham and Isaac* sculpture,
now installed at Princeton University



Example 4 (Copyright)

- George Segal licenses

HARRY RANSOM CENTER
The University of Texas at Austin

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RESEARCH

FINDING AIDS SEARCH THE COLLECTIONS USING THE COLLECTIONS TEACH THE COLLECTIONS FELLOWSHIPS POLICIES, FEES, AND FORMS OPEN ACCESS POLICY WATCH COPYRIGHT FILE

University of Reading WATCH WRITERS ARTISTS AND THEIR COPYRIGHT HOLDERS HRC HARRY RANSOM CENTER

Contact for George Segal 1924-2000

Artists Represented VAGA 111 Broadway Suite 1006 New York NY 10006 USA	Phone: 1 - 212 - 736 6666 [Office] 1 - 212 - 736 6767 [Fax] E-mail: info@vagarights.com URL: www.vagarights.com
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- Copyright Resources
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Artists Rights Society

SUBMIT A REQUEST MEMBER ARTISTS JOIN ARS ADVOCACY NEWS & EVENTS INFO

Search our member artists.

Search

Artists' names in search will appear as last name, first name.


Or browse our complete list by first letter of the artist's last name.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

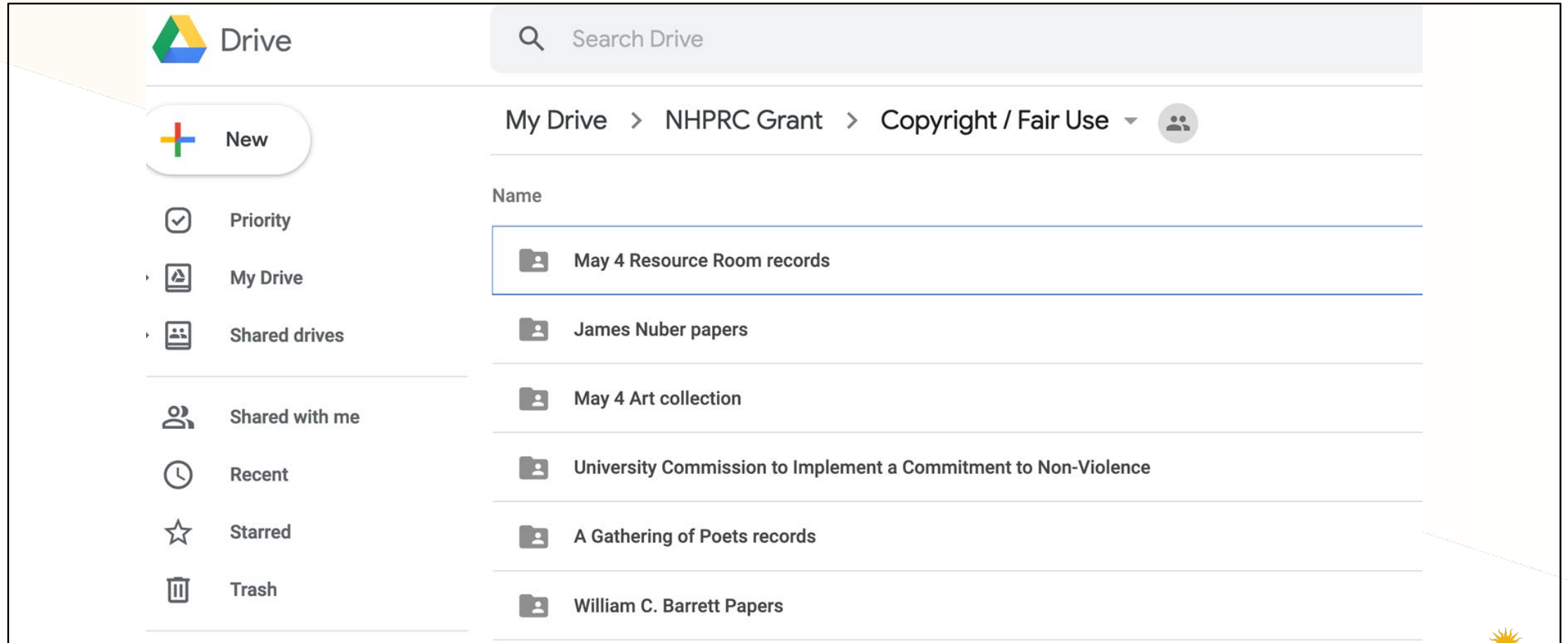
Submit a request for copyright clearance.

Are you seeking to reproduce the artwork of an ARS member artist?

REQUEST PERMISSION



Project tracking of copyright and fair use forms



Review processes worked into platform & metadata

The screenshot shows the Omeka admin interface for editing item #3225, titled "Collected Poems". The browser address bar shows the URL: <https://omeka.library.kent.edu/admin/items/edit/3225>. The page header includes "Kent State University Libraries. Special Collections and Archives" and navigation links for "Plugins", "Appearance", "Users", "Settings", "Welcome, Ginnie Dressler", and "Log Out".

The left sidebar contains a menu with the following items: Dashboard, Items (selected), Collections, Item Types, Exhibits, Bulk Editor, History Logs, Simple Pages, Simple Vocab, Solr Search, Element Administration, CSV Import, Redirects, Masquerade, and Saved Searches.

The main content area includes several sections:

- Add Input** (green button)
- Restrictions Note** (text area with "Add Input" button): "See google drive for permissions and fair use evaluations."
- Use HTML** (checkbox, unchecked)
- Permissions *** (text area with "Add Input" button): A dropdown menu is open, showing the following options: "Copyright Cleared (NHPRC)", "Select Below", "Public", "Restricted (Copyright)", "Restricted (Donor)", "Copyright Review", "Copyright Review (NHPRC)", "Copyright Cleared", "Copyright Cleared (NHPRC)" (highlighted), and "Unknown".
- Access Rights *** (text area)

The right sidebar contains the following elements:

- Save Changes** (green button)
- View Public Page** (dark blue button)
- Delete** (brown button)
- Published:** ☒ **Featured:** ☐
- Collections** (checkboxes):
 - ☐ Borowitz True Crime Digital Collection
 - ☐ Exhibits
 - ☐ Kent State History: Digital Archive
 - ☒ Kent State Shootings: Digital Archive
 - ☐ Kent State Shootings: Oral Histories

References

- “Creating digital collections of archival and special collections materials” in *Code of Best Practices in Fair Use for Academic and Research Libraries*. Washington, D.C.: ARL, 2012, pp. 19-21
<https://www.arl.org/focus-areas/copyright-ip/fair-use/code-of-best-practices>
- Crews, K. and Buttler, D. *Fair Use Checklist*
<https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>
- Hirtle, Peter B.; Hudson, Emily; Kenyon, Andrew T. *Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums*. Ithaca, NY: Cornell University Library, 2009,
<https://ecommons.cornell.edu/handle/1813/14142>
- National Institute of Standards and Technology, “Guide to Protecting the Confidentiality of Personal Identifiable Information”,
<https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-122.pdf>

Questions?

Thank you!!

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Cindy Kristof
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**Kent State's May 4 memorial
is surrounded by 58,175
daffodils, the number of the
country's losses in Viet Nam.**





Thank You

www.kent.edu

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10/4/2019

References:

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- Crews, K. and Buttler, D. *Fair Use Checklist* <https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>
- Hirtle, Peter B.; Hudson, Emily; Kenyon, Andrew T. *Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums*. Ithaca, NY: Cornell University Library, 2009, <https://ecommons.cornell.edu/handle/1813/14142>
- National Institute of Standards and Technology, “Guide to Protecting the Confidentiality of Personal Identifiable Information”, <https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-122.pdf>

Web Sites, in order of appearance:

Kent State University Special Collections and Archives, May 4th Collection

<https://www.library.kent.edu/special-collections-and-archives/kent-state-shootings-may-4-collection>

Kent State University Special Collections and Archives, NHRPC Grant

<https://www.library.kent.edu/special-collections-and-archives/nhprc>

Correspondence: Students to Fishel <https://omeka.library.kent.edu/special-collections/items/show/2815>

Campus Strike Papers: Wisconsin <https://omeka.library.kent.edu/special-collections/items/show/2815>

Copyright for Educators and Librarians <https://www.coursera.org/learn/copyright-for-education>

Newspaper Clippings (example) <https://omeka.library.kent.edu/special-collections/items/show/2926>

Campus Strike Papers: Northwestern <https://omeka.library.kent.edu/special-collections/items/show/4023>

Simple Gestures Installation <https://omeka.library.kent.edu/special-collections/items/show/3519>

Gary Geddes, poet <https://canpoetry.library.utoronto.ca/geddes/index.htm>

George Segal, *Abraham and Isaac* <https://omeka.library.kent.edu/special-collections/items/show/3306>

Harry Ransom Center, University of Texas at Austin <https://www.hrc.utexas.edu/>

Artists Rights Society <https://www.arsny.com/>