

Developing Museum Information Policies

Michael S. Shapiro, JD, Ph.D
ShapiroEsq@iipi.org

Drafting the Introduction

- Need and Purpose of the Policy
- Statement of Underlying Values
- Principles Guiding the Policy



Statement of Purpose Example 1

A great deal of the ABC Museum's business is conducted with computer work stations and communications systems. Protection of these systems and the information handled by these systems is an essential part of working at the ABC Museum. To this end, all ABC Museum employees, contractors, consultants, and temporary staff must comply with these computer workstation usage policies as a condition of continued employment with the ABC Museum. This policy applies whether these systems are stand-alone or part of a network such as a LAN.

Statement of Purpose Example 2

The information of the XYZ Museum is one of its most valuable resources. Now that activities of the XYZ Museum are conducted extensively through computers – both within the museum and through the global network of computers known as the Internet – every member of the XYZ Museum community has a special responsibility to protect these vital resources. To assist you in discharging this important responsibility, the policies of the XYZ Museum are set forth in this document. Please take the time to become familiar with them.

Statement of Principles Example 1

Everyone using the electronic resources of the XYZ Museum of Natural History is expected to honor the values of the museum, whose existence makes the use of these resources possible. Every user is also expected to be considerate of the needs of others by making every reasonable effort not to impede the ability of others to use these resources. Examples of infringements of these principles are:

Statement of Principles (cont'd)

- ⟨ Obstructing usage or denying access to others
- ⟨ Compromising privacy or confidentiality
- ⟨ Unauthorized use of computer accounts
- ⟨ Attempting to modify system facilities without authorization
- ⟨ Allowing unauthorized access to private accounts
- ⟨ Unauthorized use of museum resources for commercial gain
- ⟨ Violating intellectual property rights
- ⟨ Violating licensing agreements
- ⟨ Violating museum rules or policies
- ⟨ Violating local, state or federal laws

Values

- Freedom of Inquiry
- Privacy and Confidentiality
- Respect for Intellectual Property
- Civility and Diversity in a Public Forum
- Rule of Law



Values in Conflict

- Curator Mary Featherstone was very upset that the proposed museum information policy did not include a strong endorsement of artists' moral rights.



Statement of Values Example 1

Values Statement -- ABC Museum of Art

- ⟨ Respect for freedom of inquiry and expression, and a vigorous opposition to censorship
- ⟨ Respect for the rights of creators, including the right of accurate attribution and respect for integrity
- ⟨ Respect for intellectual property
- ⟨ Respect for all members of the artistic community
- ⟨ Respect for the rights of others, especially privacy and confidentiality
- ⟨ Respect for the rule of law, including due process

Values Statement Example 2

Values Statement
XYZ Museum of Natural History

- ⟨ Promotion of dissemination and access to knowledge
- ⟨ Guarantees of preservation of information
- ⟨ Respect for the rights of creators, owners and users
- ⟨ Respect for scholarly communications
- ⟨ Respect for the rights of others, especially privacy and confidentiality
- ⟨ Respect for the rule of law, including due process

Access Issues

- Who is assured access?
- Levels of access?
- Changing access policy?
- Use of public facilities?
- Denying or revoking access?



President Larry Tweeds and Director Sandy Hills Agree



Getting to Know You

- Professor Van Buren was surprised to learn of the depth of feeling of the Metropolis curators about respect for the integrity of museum collections.



Getting to Know You

- Curator Mary Livingston was surprised to learn that the university wanted to extend access privileges to museum resources to alumni of the university.



Electronic Mail

- Monitoring
- ECPA
- Authorized Users
- Permitted Uses
- Prohibited Uses
- Spam, Archives and other issues



Reasons for Monitoring Employee E-mail

- Investigation of theft, bad conduct, illegality
- Inappropriate use of computer resources
- Safeguarding proprietary information
- Disruptive or offensive behavior



Museum Websites and Publishing

- Content
- Copyrights
- Trademarks and Logos
- Linking and Framing
- Defamation and Obscenity
- Electronic Commerce



Tips on Linking

- Always link to homepage where possible
- Use name of entity not its trademark
- Use disclaimers on contents of linked site
- Avoid suggesting business affiliation



Tips to Avoid Being Linked or Framed



- Post notices or licenses on your site
- Use trademarks or logos on every page
- Use Web linking agreements that spell out terms
- Use gateway technology

DMCA Safe Harbors

- Caching Information
- Storing Information at Direction of Users
- Information Location Tools
- University Service Providers



Information Location Tools

- Follow Notice & Take Down Procedures
- No obligation to seek out information
- Don't Turn a "Blind Eye" to Red Flags (like pirate sites)



System Caching



- Don't modify retained material
- Follow any rules on refreshing material
- Don't mess with "hit information" tech
- Limit access to cached materials

Storing Information

- No obligation to monitor service
- No obligation to seek out information
- Act promptly to remove or disable access to infringing material



University Safe Harbor

- Not applicable to required course materials
- University not "on notice" of infringing activity
- Promote compliance with copyright law



“Put Back” Procedure



- Provide notice to subscriber
- Opportunity to contest
- Send a copy to the complaining party
- Place material back online within 10 to 14 days

Enforcement

- Museum Rules
- Due Process
- State Laws
- Federal Laws: Civil and Criminal



Due Process



- A museum information policy should identify the forms of redress available if policy violations occur and the processes that will be followed.

Repeat Offender Policy

- Unauthorized use of computer resources
- Attempts to steal passwords or data
- Unauthorized use or copying of licensed resources
- Repeated harassment of coworkers



Federal Laws: Civil and Criminal

- Museum information policies should indicate clearly those actions that may involve violations of federal law. In some instances, a museum's discretionary latitude may be severely limited.



Malicious Misuse: Hacking

- Cracking passwords
- Crashing and disrupting the system
- Forging e-mail
- Invading privacy
- Destroying information



Implementation and Review

- Clear and Unambiguous
- Publicly Available
- Updated

