


E-Government Questions: helping users navigate online government resources without practicing law!

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**Help them find information.
Don't tell them what to do.**


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Libraries and E-government

26 million+ people used public library computers to get government/legal info

- Over half downloaded forms e.g. Social Security, Medicare, tax forms
- Almost half submitted from library
- Over 80% said they got help (it worked)



Opportunity for All. (IMLS-2010-RES-01). Institute of Museum and Library Services. Washington, D.C. (2010)

http://tascha.washington.edu/usimpact/documents/OPP4ALL_ExecSumm.pdf



http://www.plinternetsurvey.org/images/state_one_pagers_2011/E-Gov/CA-EgovOnePager2011.pdf

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Agenda

1. Legal information, not advice
2. Staff and volunteer training
3. Nuts and bolts
4. Who me, liable?
5. Sources – laws, cases

Legal Disclaimer

- Legal information
- **Not** legal advice!

1. Legal Information, Not Advice

Legal information

Facts about law and the legal process

Legal advice

Advice about the course of action someone **should take** to further his or her own best interests




Public Libraries and Access to Justice: What Public Librarians Can Do

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Unauthorized Practice of Law (UPL)


Okay
help tab through forms
point to instructions,
pathfinders



Not okay
answer "should I ... ?"
interpret "what do they mean by ... ?"
tell what words to use in legal docs

Don't advise what to do.

Legal information
Show websites, indexes




Legal advice
Recommend specific options,
Opinions, conjecture, predictions

Public Libraries and Access to Justice: What Public Librarians Can Do

Online Forms

Okay to help
navigate forms.



However, patron
should:
*choose form
*supply all
information
*click SUBMIT

www.courtinfo.ca.gov/forms/

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2. Staff and Volunteer Training

“I am not an expert...”

“I can show you how to look and you can decide...”

User types passwords, SS# ...

Teach strong passwords

Caution users to safeguard info

Refrain from:

- Clicking “SUBMIT” (may certify it’s true)
... but remind patron to SUBMIT
- Co-signing forms (e.g. “person helping fill out form”)
- Typing in social security numbers, passwords etc...
(if you help someone with typing)
- Don’t keep user files (e.g. faxes with personal info)

Lead Patrons to State and Local Resources



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Keyloggers: Serious Threat

- Furniture to lock away vulnerable areas of computer
- Keep computers in easy view
- Visual check when helping someone





DANGER: Record every keystroke, passwords etc.

<http://egovflorida.pbworks.com/w/page/26765186/Physical-Security>

4. Who me, liable? The Library?

- Can I go to jail?
- Negligence
- Discrimination and speech





Law and Order

Criminal Intent

Has a library user ever asked your help to falsify info?

Yes No Not Sure

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If found to be Unauthorized Practice of Law ...



isolated – likely to get cease and desist
ongoing – civil prosecution
extreme cases – criminal prosecution

Florida Bar Chapter 10. Rules Governing the Investigation and Prosecution of the Unlicensed Practice of Law

Don't knowingly help someone commit fraud



... with e-gov or any reference inquiry

<http://www.gethelpflorida.org/help.shtml>

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<http://www.ala.org/ala/issuesadvocacy/advocacy/federallegislation/govinfo/egovernment/index.cfm>

Can a library patron sue me if I make a mistake answering a question?


Yes No Not Sure



Negligence and Personal Liability

Public employees not liable for injuries resulting from acts or omissions resulting from exercise of discretion unless bad faith

...honest mistakes not a problem



mistakes

Calif. Govt Code Sect. 820 et seq.

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Unhappy Library User Must Show...

- Duty
- Breach
- Harm

Disclaimer


Can a library patron sue the LIBRARY if I err?

Yes No Not Sure



Don't undertake a duty

Undertaker's doctrine
assume a duty
"come to us, we are the experts!"
"you can rely on us"



Better – "I am not an expert"
"Here's a list of forms to look at"

DISCLAIMERS

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SAMPLE DISCLAIMER

Library staff cannot give users legal, financial or medical advice and are not case workers. **Library staff** may assist users in searching for E-resources, but **may not advise users on specific forms, sign or submit forms for users.**

The Library is not responsible for the content found on other government agencies' websites. The Library cannot guarantee that other government agencies will receive forms or information submitted from library computers or act on them appropriately.

The Library uses best efforts to ensure network security. Nevertheless, the **user assumes all responsibility for the use of the Library's network**, including interference with the user's data, laptop or other device.

The Library is **not liable for the loss or compromise of any confidential** or sensitive, or any other information, nor for any and all damages resulting from that loss or compromise.

based in part on Pasco County Library System

Breach

Don't "sign" or submit for users

"I certify everything is accurate"

User's responsibility



Harm



Courts:

No harm if there's an administrative remedy

even if inadequate

Fair Hearing Requests

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Network Security Liability

- Duty no promises
- Breach poor security
- Harm stolen identity



keylogger

Disclaimer

Discrimination and Disability

Many lawsuits against library make discrimination claims - race, disability, etc.

Treat everyone the same.

Make accommodations.



First Amendment

Speech restrictions should be content neutral



... including cell phone policies

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5. Resources



www.egovflorida.org





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INFORMATION INSTITUTE

A SUMMARY OF FLORIDA STATE-FUNDED E-GOVERNMENT PROGRAMS, 2004-2010
April 1, 2010

The Information Institute prepared this summary to bring stakeholders with all other Florida public libraries with IFLA-funded e-government programs, and the State Library and Archives of Florida, the Office of Government Services of Public Information Office. This program is funded under the provisions of the Library Services and Technology Act, administered by the Institute of Museum and Library Services, administered by Florida Department of State, Division of Library and Information Services. The Information Institute has been selected to conduct a number of e-government projects to meet your cost objectives.

The additional goal of this eight IFLA-funded e-government programs in Florida, with the exception of the South Central Florida E-Government Services Project, is to provide the following:

- 1. South Central Florida E-Government Services Project; and
- 2. Florida Partnership Branch and E-Government Services Project

Florida Statewide E-Government Services Project

- A. e-government e-government
- B. Statewide Public Library e-government
- C. Training, outreach
- D. Strategic e-government
- E. The Right Service at the Right Time, Navigating E-Government
- F. Florida Statewide E-Government Services
- G. Miami Dade E-Library

Public County Library Cooperative (Public IFLA) Information Services

- 1. E-Government Services of Public Libraries, and
- 2. Public County E-Government Initiative (Outreach Time 1)

The list is not comprehensive of all the e-government efforts in Florida as several entities offer

http://www.ii.fsu.edu/content/download/33151/207451/FLA_E_gov_Handout_Apr3_10.pdf

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University of Maryland

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E-Government Concentration at University of Maryland's iSchool

www.cipep.umd.edu

The E-Government Concentration focuses on the policy, research, and practice issues of e-government. It is a multidisciplinary center that brings together researchers from various disciplines to study the impact of e-government on society, as well as the use of information and communication technologies by governments to provide information services, as well as the use of information and communication technologies by citizens, businesses, and other governments. The Center focuses on the policy, research, and practice issues of e-government, including the use of information and communication technologies to provide information services, as well as the use of information and communication technologies by citizens, businesses, and other governments. The Center focuses on the policy, research, and practice issues of e-government, including the use of information and communication technologies to provide information services, as well as the use of information and communication technologies by citizens, businesses, and other governments.

This concentration will include study of the nature of government information, the use of the political process and information policy in shaping government, the issues that arise in providing to use of information and communication technologies in government, and the issues of evaluating the impact and success of e-government. It will also address special issues that arise from the information professionals who are engaged in designing, delivering, evaluating, and managing e-government.

Information & Policy concentration is open to students in the MEd program at the College of Information Studies. Students should first complete the MEd program and then take MEd and MEd students, through MEd students may take the course and an elective. MEd students interested in studying in the E-Government Concentration should contact Dr. Paul T. Jaeger at jaep@umd.edu or (301) 441-1700.

<http://cipep.umd.edu/teaching/egovcon.html>

Summary Recommendations

- Emphasize staff does not give advice
- Click-through disclaimers and personal interactions
- User types in social security numbers, passwords.
- User clicks e-signature
- Do not keep user files
- Network security best practices
- Treat all users equally, including cell phone policies




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Questions?

Thanks for coming!



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