

# Collection security: legal implications and lessons learned

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- lessons learned from 4 readers
- what we are doing differently
- how we are changing our culture
- legal implications

## Forbes Smiley III

expert, scholarly

known & trusted

carefully planned

used wet string & knife

BL alerted to its loss when another reader requested a reprographic copy

inserted facsimiles to disguise theft

caught in America

Smiley's advice:

create a fear of detection

no coats

search lap tops

CCTV – dummy cameras better than nothing

digital images

glass desks

alleged catalogue records were inaccurate

## Oliver Fallon

- exemplifies access v. security dilemma
- demonstrates two issues:
  - flag - attracts thieves to 'soft' targets
  - boost – repeat victimisation
- loose sheets, unstamped, not foliated, inconsistent security
- prioritised response

Mr X

- BL drew on its experience of Smiley
- developed investigative / detective techniques

## Detection

- engage colleagues & users
- do not underestimate the thief's skill
- consistent, collaborative approach to detection
  - curator
  - conservator
  - co-ordinator
- agree that it will be a priority

## Working with the police

- raise their appetite
- develop the relationship
- educate
- agree a reporting format
- disclosure to the defence
- maintain victim status

## Lessons learned

- must verify address and identity
- agree acceptable proof
- it's harder to steal or forge two proofs than one
- readers must agree to legally binding terms
- reader identity information now kept for 100 years
- collection audit trail archived – 7 years for paper tickets
- automated request history kept permanently

## Taking down the flag

- offer surrogates
- ownership stamp
- foliate
- invigilate
- increase & improve CCTV
- only one bag (& one for laptop)
- no coats
- loose papers?
- pencil cases?
- jackets?
- engage security staff
- always suspend / prosecute / share the information
- use post case publicity to emphasise this

## Prevention

- Mr Y
- off the record information
- verified by two further off the record sources
- credible risk to the collections
- legal advice sought
- precedent

## Legal learning – Mr Y

- **Data Protection and FOIA apply**
- **may not require full disclosure**
- **protection of informants**
- **must demonstrate that:**
  - **we believe there is a credible risk**
  - **we have acted in a reasonable and proportionate way**
  - **we cannot manage the risk in other ways**
- **recourse to judicial review**

## Legal learning

- circumstantial evidence
- statute of limitations – restricts our ability to draw on older records of use
- we rely on the British Library Act 1972 which says:
  - ‘The Board may, subject to **such restrictions and conditions as they think necessary to safeguard their collections**, lend any item, and make any part of their collections, or of their premises, available in connection with events of an educational, literary or cultural nature’
- DPA permits processing of data for purposes of detection and prevention of crime and apprehension and prosecution of offenders
- able to report ‘fair and accurate’ data from a person’s arrest & charge, and from court proceedings
- protected by absolute privilege
- legal admissibility

## Culture change

- trust
  - users
  - staff
- process review
- increased appetite for collection security