

ISSUES OF CONFIDENTIALITY AND PUBLIC INTEREST: A CASE STUDY FROM A LIBRARY PERSPECTIVE

Isaiah Munyoro

University of South Africa

Parliament of Zimbabwe

munyoro.isaiah@unisa.ac.za

ABSTRACT

In 2004, Zimbabwe suffered a number of undocumented challenges, including the externalisation of billions of United States (US) dollars. This was associated with the buying of assets abroad with foreign currency acquired in Zimbabwe. A number of prominent public figures were implicated in these transactions, leading to investigations which did not spare libraries from revealing information about patrons. Libraries connected to institutions, such as the police, hospitals and parliament, have information that is of interest to researchers and, like any other library, also store patron records, which are considered to be of public interest. This article reports on a study that explored a court case where information was provided by the Parliament of Zimbabwe library. The study used a case study methodology and reviewed information in the literature relating to confidentiality and public interest issues, as well as the use of a decision-making model and documents to identify existing operating procedures, if any. The study pointed to the debatable issue of public interest and the need for clear laws on the confidentiality and privacy of patrons in Zimbabwe. It also highlighted the importance for Library and Information Science (LIS) practitioners to understand the legal issues relating to the confidentiality of patron records. Accordingly, clear guidelines are important for decision-making when such practitioners are faced with the need to provide patron records. A simple decision-making model is thus recommended to complement existing legislation. Although the story of the court case appeared in local papers in Zimbabwe, placing the case study in a research context provides a useful tool for LIS students and practitioners.

Keywords: confidentiality; patron records; libraries; public interest; case study

INTRODUCTION AND BACKGROUND

The political, economic and social challenges experienced in Zimbabwe were characterised by financial leakages. The former Governor of the Reserve Bank of Zimbabwe (RBZ), Gideon Gono (2006), maintained that the leakages occurred in two forms. Firstly, leakages of foreign exchange flowed from the official system to the black market in the country. This was associated with increased trading of foreign exchange outside the formal banking system as a result of the monetary authorities having lost control over large amounts of foreign currency trading in the country. Secondly, leakages of foreign currency occurred through externalisation, where illegal foreign currency dealers purchased foreign currency from the parallel and the black market for the purposes of remitting such funds illegally to offshore destinations. This had a catastrophic effect on the country. This externalisation of foreign currency involved funds being transferred telegraphically to offshore accounts (Gono 2006).

A number of prominent people, who had bought assets abroad with the foreign currency they acquired in Zimbabwe, were implicated in this matter. They included the former Minister of Finance and Economic Development, Dr Chris Kuruneri, who was accused of siphoning off foreign currency from Zimbabwe to South Africa and buying properties in contravention of the requirements of the Zimbabwe Statutory Instrument 109/96 Exchange Control Regulations 1996.

The effects of externalisation peaked during the tenure of RBZ Governor, Leonard Tumba, between 2000 and 2003. Later, on his appointment as RBZ Governor, Gono promised to clean up the financial sector which by then was widely perceived as the catalyst for Zimbabwe's economic downturn. The initiatives that followed his appointment led to five years of sensational arrests, escapes, court cases, asset seizures and investigations of a number of suspects, including many of the country's business leaders at the time.

Some of the accused even chose self-imposed exile to escape prosecution, leading to failed requests for extradition by the RBZ through the Police's Serious Economic Offences Unit. The Eastern and Southern Africa Anti-Money Laundering Group (ESAAM 2007) carried out investigations into serious crimes in Zimbabwe and found that these were characterised by violations of exchange control rules, underground banking, cross-border crime, organised crime syndicates (both domestic and international), and increased cooperation between criminal networks and legal business activities resulting in serious corruption and bribery.

During these challenging times in the history of Zimbabwe, the media had to battle for readers, listeners and viewers. News organisations went to great lengths to obtain information, stretching, bending and sometimes breaking the rules in their attempts to keep the public informed and stay ahead of the competition. During this period, the courts and libraries were important sources of information for both journalists and investigators. These institutions play an essential role in any democratic society by collecting, organising and disseminating information that relates to the activities of the

government, private organisations, parastatals, private and public figures and the general public (Rogers 2006). Norton (2007) notes that there is a great deal of public interest in what the courts do, particularly in criminal cases. The World Legal Institute (2014) also regards libraries as being under threat in troubled states for supplying information.

Methods of providing the information found in libraries have been criticised, and debate often rages over whether certain information about organisations and people should be made accessible. At the centre of the controversy are the public's right to be informed and the right of individuals and organisations to maintain secrecy or enforce confidence. The law on its part attempts to balance these competing interests. A widely accepted test for confidential information is whether or not the information can be disclosed for a limited purpose. Journalists and Library and Information Science (LIS) practitioners who receive information of a confidential nature, communicated in circumstances of confidence, cannot make unauthorised use of that information (Carter and Bouris 2006). This article reports on a study that explored a court case where information was provided by the Parliament of Zimbabwe library, and hence its preparedness to deal with information users' confidential information.

PROBLEM STATEMENT

LIS professionals respect users' personal privacy, and the protection of personal data shared between the users and the institution. The relationship between these parties is one of confidentiality and librarians will take appropriate measures to ensure that user data is not shared beyond the original transaction. LIS practitioners also practise transparency such that the operations of government, institutional administration and business are open to the scrutiny of the general public. As with most professions, they also recognise that it is in the public interest that misconduct, corruption and crime be exposed and this may lead to breaches in confidentiality. The statement by the International Federation of Library Associations (IFLA 2015) on privacy in the library environment also recommends that government access to users' data and the practice of data surveillance by government cannot be completely avoided. As such, LIS practitioners should ensure that intrusion in users' information or communications by government is based on legitimate principles for such practices and is necessary and proportionate to legitimate aims.

Case studies on issues of confidential information and public interest in Zimbabwe have been focused mainly on journalistic ethics and less on workplace application, and the actions and decisions taken by LIS practitioners. There is a need to focus on the appropriateness of the country's laws and guidelines that are applied to safeguard patrons' privacy and confidentiality. The purpose of the study was to examine a case study of the provision of "confidential" information on a public figure (library patron) to law enforcement agents in response to allegations of financial externalisation in Zimbabwe.

This issue was also assessed against the issue of public interest. The current study also explored the institution's preparedness to deal with users' confidential information.

OBJECTIVES OF THE STUDY

The specific objectives of the study were to:

- examine the extent to which existing information access laws in Zimbabwe are applicable to LIS professionals;
- assess the extent to which information about public figures, such as parliamentarians, held by the library is confidential;
- identify the extent of preparedness of the Parliament of Zimbabwe library when faced with legal issues on information provision; and
- recommend a simplified decision-making model.

LITERATURE REVIEW

The confidentiality of information is a basic tenet of journalistic ethics (van Rooyen 1995). It is a universal feature of journalism ethical codes (Ronning and Kasoma 2002) and is recognised in some form in the law of most journalist associations.

Confidentiality arises when "information comes to the knowledge of a person in circumstances where one is held to have agreed that the information is confidential" (Kruger 2004, 23). Personal information can be about political affiliation, religious beliefs, medical history or sexuality. It is information about people who can be identified as individuals. Such information can be deemed to be sensitive or intimate, with the sensitivity depending upon the purpose to which it will be put. Confidentiality is required to protect sensitive or personal information from disclosure to others. For LIS practitioners, Radak (1994, 13) explains that

confidentiality as the process of protecting a library patron's privacy of information that the patron has disclosed in a relationship of trust, with the expectation that this information will not be divulged to others without permission. The need for personal information is often weighed against the need to share information that has the potential to benefit the public good.

IFLA (2015) observes that librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed or acquired.

Ocholla (2009) examined the state of information ethics education in Africa in over 60 LIS schools. The findings support earlier reports which argue that because information ethics is interwoven in all human activities that generate, process, store, disseminate and use information and knowledge, everyone working in the information and knowledge industry, including consumers of knowledge products and services, should undergo information ethics education. This idea of education, according to Yucht (2001), requires that LIS professionals should have an in-depth understanding

of information-related law and ethical issues pertaining to intellectual property rights (IPR) such as copyright laws, information access, rights and privacy and open access.

LIS legislation regulates the operation of LIS practitioners in providing a service to the public. Ladenson (1970) maintains that the term “library legislation” or the phrase “library law” has connotations corresponding to the three basic areas of the law, namely, constitutional law, statutory law, and administrative law.

Library practitioners are also governed by codes of ethics which guide them in their work. IFLA (2012) recognises the need for the establishment and implementation of professional codes. IFLA’s focus on professional ethics has led to the creation of a distinctive body of specialised knowledge and skills, as well as the production of a code of ethics which librarians and other information workers can use to draw up policies and handle dilemmas. LIS associations in many countries have developed and approved national guidelines to assist LIS professionals achieve standards of behaviour that reflect their professional values, good governance, integrity, honesty and accountability. The American Library Association (ALA 2004a) Code of Ethics provides an example of efforts to provide principles expressed in broad statements to guide ethical decision-making.

These codes, according to the ALA (2004a), emphasise the same broad principles that include:

- providing guidance for dealing with ethical issues that are not addressed by the domain of codified law but that should not be left to the domain of free choice;
- getting legal support intended to protect the profession, individual practitioners and their clients and ensure policies are legal; and
- serving as a point of reference when dealing with disciplinary procedures.

Trust is a cornerstone of the librarian–patron relationship and confidentiality belongs to the clients. The librarian would need strong reasons to disclose user information without the client’s consent. Librarians are required to break confidentiality only when legal requirements demand that confidential information be revealed. Chmara (2009) identifies three “limiting principles” which apply in breach of confidence:

- only protects information which is truly confidential and has not entered the public domain;
- does not apply to trivial or useless information;
- the public interest in maintaining the confidence may be outweighed by an opposing public interest in publication.

In order to be confidential, information must have the necessary quality of confidence, that is, it must not be something that is public property and public knowledge. Most library policy exceptions to the confidentiality of user information or profiles would release information: (1) to a law enforcement agency or a prosecutor under a court order

or subpoena obtained; and (2) when the record is evidence of an offence or constitutes evidence that a particular person committed an offence.

The New Zealand Ombudsmen (2002) advises that knowing why the information is required is often helpful in identifying the considerations favouring disclosure of information and assessing whether these considerations outweigh the interest in withholding information.

There is a growing body of literature on parliamentary information and how it is accessed by the public and researchers. For both parliaments and parliamentarians, there is the issue of what legitimately can be regarded as public information. There is now evidence that parliaments have opted to disclose more information than was previously available. Parliaments have put material on the web that is already in the public domain, although the extent of the information made available varies from parliament to parliament. In the Inter-Parliamentary Union's *Human Rights Handbook for Parliamentarians*, Nowak (2002, 24) explains: "As public figures, parliamentarians are always at scrutiny and the public want to know about the private dealings of their representatives." The assertion is that parliaments, as public bodies, hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law. However, Drobnicki (1992) argues that although many libraries are financed through both public and state funds, they are not considered to be governmental institutions in the traditional sense and have no obligation to surrender patron records. The library differs from other public institutions, because the records it keeps do not "contain information about the affairs of government, but about the reading habits and propensities of individual citizens" (Drobnicki 1992). Libraries, thus, do not perform the same function as traditional government and state institutions.

Public figures thrive on publicity and for that reason it has been argued that information about them is of public interest (Margerison 1980). The media compete to expose the dealings of prominent people such as executives, celebrities and politicians. Newspapers sell faster by publishing or exposing intimate details of the lives of such prominent people. Without restrictions, wider concepts, such as an individual's right to fairness and natural justice in respect of the actions of public agencies, should also be considered when assessing whether the overall public interest favours disclosure of certain information. This may often reflect the purposes for which the information is initially generated or supplied and used.

Mayson (2011) points out that while the term "public interest" is often cited, there is a certain vagueness inherent in it. Who is, or who represents, the "public"? In some instances, reference is to the "general public" or to society as a whole. In other instances, reference is to the interests of certain subgroups of society, such as end-users, who are viewed as being in opposition to the interests of the right holders. Furthermore, the term "public" is sometimes used to mask private or commercial interests. In fact, postmodern discourse has made it clear that every person forms part of several "publics", each of which has its own unique interests. The International Federation of Accountants (IFA 2012)

defines public interest as the net benefits derived for, and procedural rigour employed on behalf of, all society in relation to any action, decision or policy. In the broadest respect, “interests” are all things valued by individuals and by society. These include rights and entitlements, access to government, economic freedoms, and political power. Interests are things that people seek to acquire and control; they may also be ideals to which people aspire, and protections from things that are harmful or disadvantageous to them. There is also no firm or fixed list of the types of groups that define public interest. Researchers variously include trade unions, non-governmental organisations, business associations, interest organisations, pressure groups, cause groups, citizen interest groups, social movement organisations, and civil society organisations (Halpin 2010). Library associations, commercial publishers and non-commercial publishers, such as universities and colleges, and authors and researchers are also groups of stakeholders representing public interest.

The Institute of Chartered Accountants in England and Wales (ICAEW 2012) is of the view that governments represent public interests, and so actions against public interest should be made public. It is unacceptable, in a democratic society, that there should be a restraint on the publication of information relating to government when the only vice of the information is that it enables the public to discuss, review and criticise government action. Unless disclosure of information is likely to injure the public interest, the information will not be protected. This view was supported in *Attorney-General (UK) vs Heinemann Publishers (Pty) Ltd 13*, where McHugh JA said governments and their agencies had a constitutional duty to act in and further the public interest.

As a result of the challenges faced by LIS practitioners, the ALA (1983) strongly recommends the use of certain procedures by libraries in order to:

- formally adopt a policy which specifically recognises its circulation records and other records identifying the names of library users to be confidential in nature;
- advise LIS professionals that such records shall not be made available to any agency of state, federal or local government except pursuant to such process, order or subpoena as may be authorised under the authority of, and pursuant to federal, state or local law relating to civil, criminal or administrative discovery procedures or legislative investigatory power;
- resist the issuance or enforcement of any such process, order or subpoena until such time as a proper showing of good cause has been in a court of competent jurisdiction. This means that upon receipt of an order, or subpoena, the library’s officers will consult with their legal counsel to determine the way forward.

The reviewed literature identified debatable issues of confidentiality and public interest with regard to understanding the concepts, the studies that have been conducted, legislation, and approaches when faced with such a dilemma. The next section explains that use of a decision-making model is important when faced with information access challenges.

Decision-Making Model

In complex situations, Cooper (1998) recommends that professionally accepted decision-making models need to be explored in order to arrive at solutions. Several authors (Jalal-Karim 2013; Nooraie 2008; Verboncu 2011) have offered various contributions to the decision-making process using several steps as guidelines. Welfel's (2010) ethical decision-making model has been applied in a number of fields because it incorporates the standards and ethical principles of the information and counselling profession; promotes analysis that is grounded in an overarching moral vision; and emphasises the individual's reflection on the decision-making process. Such reflection increases the individual's competence to make future ethical decisions; deepens the sense of ethical sensitivity; and can safeguard other patrons from harm. The model provides certain steps that may be necessary when individuals face a dilemma in coming to terms with the best solution to a challenge. These steps call for people to:

- define dilemmas and options;
- define the central issue and options;
- refer to the professional standards and examine relevant laws and regulations, if any;
- search out ethical scholarship;
- consult with supervisors and colleagues;
- deliberate and decide;
- inform supervisor and document;
- reflect on the experience.

The model can be made more useful by defining stages of procedures to address challenging issues. In addition to the literature reviewed in the article, a decision-making model has been applied to show how challenging issues can be simplified.

CASE STUDY

The following are the brief details of the court case reported in the *Herald* on 4 June 2004.

Christopher Kuruneri vs The State: HH 33-2005 / CRB B205/05

The High Court of Zimbabwe rejected a bid by the defence to stop the prosecution in the trial of Christopher Kuruneri from tendering as evidence a documents on: (1) The relations between the former Finance Minister and the Solano family in Spain. Kuruneri claimed in his defence that he acquired large sums of foreign currency from consultancy work he did for the Solano family in Spain. The document contained information about

Kuruneri's commercial relations with the Solano family members and the huge sums of foreign currency paid to him for the consultancy work. (2) The use by the state of Kuruneri's CV as evidence on other issues raised in his defence. After the court's ruling, Mr Samkange (the lawyer) cross-examined Mr Munyoro, the Parliament of Zimbabwe principal librarian, that is, the custodian of parliamentarians' CVs. Munyoro testified that all Members of Parliament (MPs) and former MPs were required to submit their CVs to Parliament and these were kept in the library. This, he said, was done to provide information to journalists and selected people in the event they needed information about an MP.

However, such information could be released after verification. Asked to comment on whether a CV is a public or private document, Munyoro said to a certain extent it was a private and confidential document. Samkange told the court that Munyoro had acted unlawfully when he gave Kuruneri's CV, which is a private and confidential document, to a police officer without his consent. "The policeman was not a general officer," said the librarian, responding to the defence's suggestion. Samkange charged that: "Your conduct shows gross negligence and recklessness causing my client mental anguish." Munyoro said when he gave Kuruneri's CV to the investigating officer there was no need to seek his consent because the investigating officer had produced a court order for verification. And above all, the librarian said, Kuruneri is a public figure. "That doesn't make your conduct legal, it remains unacceptable and unlawful ... a clear intrusion into his private life," said Samkange. Kuruneri was facing charges of illegally exporting large sums of foreign currency to South Africa. He pleaded not guilty when his trial opened on 16 May 2004. He was, however, convicted on his own plea of guilt for possessing a Canadian passport.

METHODOLOGY

The study applied a case study method, which involved the examination of documents such as an analysis of a single court case, press reports, legislative documents, and procedures from the Parliament of Zimbabwe Legal Department and the Library Department. This methodology is supported by Yin (1994), who points out that case study research uses evidence from different sources such as interviews, documents and press publications.

The case study method has been used in many areas and disciplines, such as social science studies, education and sociology (Gulsecen and Kubat 2006), and to address community-based problems such as poverty, unemployment, drug addiction, illiteracy, law, government and management (Johnson 2006). The case study method was deemed useful for the current study, and was complemented by an analysis of the relevant documents.

ANALYSIS AND DISCUSSION

This section discusses the analysis according to the objectives set for the study.

Zimbabwe's Information Access Laws Applicable to LIS Practitioners

It has been noted in the literature (Ladenson 1970) that three corresponding laws, that is, constitutional, statutory and administrative laws, are important in regulating the operation of libraries when providing a service to the public.

A close analysis of these categories shows that, firstly, constitutional law as applied to the Republic of Zimbabwe legal system guarantees the protection of privacy (section 57 of the Constitution of Zimbabwe Amendment (No. 20) Act, 2013). Among other clauses, this section specifies that every person has the right to privacy, which includes the right not to have the privacy of their communications infringed. Secondly, statutory law consists of the compilations and codes of law that have been enacted through the instrumentality of a legislative body such as parliament, a state legislature, a local authority board of supervisors, a municipality, or a district development council. The legislative acts of parliament are generally referred to as statutes, whereas the legislative acts of a city council and similar bodies are generally denoted as rules and regulations. In law, both rules and regulations constitute statutory law. Finally, administrative law is that field of law that governs the functions of administrative agencies. Many administrative agencies are authorised by statute to make rules and regulations and these have the binding effect of law. For example, the board of directors of a library or library committee is an administrative agency empowered to make rules and regulations governing the operation of the library. The rules and regulations which the library board establishes have the effect of law and to that extent the library committee is a law-making body.

With regard to confidentiality or right to privacy, few protections for privacy exist in Zimbabwe's domestic law. Zimbabwe lacks data protection legislation and does not have a data protection authority to investigate breaches of data protection principles and order redress. The Access to Information and Protection of Privacy Act (AIPPA 2002, Chapter 10:27), has been one of the most criticised pieces of legislation to emanate from the Zimbabwean Government and is seen as symptomatic of the country's descent into undemocratic practices. Despite its name, the AIPPA contains numerous sections that do nothing either to secure access to information or to protect privacy. Most of the AIPPA provisions have been largely applied to the work of media practitioners, particularly the print media. In very limited circumstances this Act has been applied to other sectors of information provision like libraries and records management. It is important to note, however, that the AIPPA, at least, through section 5(1), grants every person a right of access to any record, including a record that contains personal information that is in the custody or under the control of a public body, provided that such access shall not extend

to excluded information. Section 5(2) further provides that where information can be extracted from a record containing excluded information, an applicant may have access to the part of the record that does not contain excluded information.

Section 4 of the AIPPA applies to records (defined in section 1 as including books, maps, documents, drawings, letters, photographs, vouchers, papers or any other thing on which information is recorded or stored by graphic, electronic or any other means but does not include a computer program) under the control of a public body (these are set out in the Second Schedule of the AIPPA and include government departments, statutory corporations and authorities, government agencies, local authorities and various professional regulatory bodies, such as the Institute of Chartered Accountants of Zimbabwe, the Law Society and others) excluding those records listed in the First Schedule of the AIPPA, namely:

- a record or question to be used in an examination or test;
- a record containing teaching materials or research information of employees of a post-secondary educational body;
- material placed in the National Archives or the archives of a public body by a person or agency which is not a public body.

Sections 6 and 7 of the AIPPA provide that any person requesting information from a public body must make the request in writing and must pay the prescribed fee. Section 8 imposes a duty on the head of a public body to assist an applicant.

There is an intersectional relationship between the confidentiality of the patron records, public interests and information access laws. There is limited research to show that LIS practitioners in Zimbabwe are well-prepared when challenged with invasions of personal data. In addition, there is no law that specifically deals with library patrons' confidential information. The AIPPA is tailored towards media operation and interpreting it to suit library environment is difficult. In fact, a literature search shows that the AIPPA remains untested in libraries.

Extent to which Information on Public Figures Held by a Library is Confidential

Definite grey areas exist when attempting to interpret and apply library records access laws to public figures. The Parliament of Zimbabwe library keeps copies of CVs for legislators for several reasons. Keeping profiles of MPs helps the public who would want to know more about their parliamentary representatives. Analysis of documents revealed that, when writing profiles about MPs, obituaries of former MPs and ministers, journalists have always obtained CVs from parliament library without questions being raised. When obtaining CVs for parliamentarians journalists are requested to make requests in writing to obtain CVs for parliamentarians, stating the reasons for the request. Based on this precedent, when state agents approached the Parliament

library, they produced a subpoena or court order to support their request for Kuruneri's CV. Subsequently, approved procedures were followed in handling the request. The Parliament of Zimbabwe then conducted an investigation for further information. After the state agents were issued with the accused's CV, a few days later, the librarian who had provided the CV was issued with a subpoena to appear in court as a witness. The court report then appeared in the local press.

The IFLA Code of Ethics for Librarians and Other Information Workers (IFLA 2015) mandates the confidentiality of patron records. Patron confidentiality is perhaps one of the most sacred of all trusts in the library profession. Even though nowadays most people's records, including CVs, are available online, for those that the library keeps there is a need to offer ways to ensure patron privacy. In this case, there was a need to strike a balance between safeguarding the individual's privacy and confidentiality. It was also a story of public interest. Parliament and parliamentarians are at the centre of accountability, thus, in conducting their affairs, MPs must lead by example.

A more specific and more visible aspect of the case study was that it had come to the attention of the public through a controversial incident, thereby attracting the attention of an entire nation due to the externalisation of resources and, as such, for the library to refuse to provide the CV to a law enforcement agency would also be considered acting against the state.

Libraries are responsible for safeguarding clients' confidential information in their custody. Any disclosure will result in legal and ethical dilemmas. The law in Zimbabwe protects individual privacy and the right to disseminate confidential information is legally and morally restricted. In this case, the library staff found themselves performing a difficult balancing act as they weighed these obligations against their duty to keep the public informed. The law attempts to balance the public right to disseminate information with the right of an individual to protect information and privacy. The enforcement of confidence through a breach of confidence action promotes trust in society, but in such a situation it may prevent disclosure of information of importance to the state as well as being of serious public concern.

Preparedness of the Parliament of Zimbabwe Library when Faced with Legal Issues on Information Delivery

There are procedures in place for dealing with legal issues related to information delivery. These involve several steps to follow when resolving challenging issues:

- The library procedure titled Parliament of Zimbabwe Legal Compliance Procedure Number 5.12: The purpose of this procedure is to identify and understand information access laws and other requirements applicable to all parliamentary operations in Zimbabwe. Ideally, this is a procedure deliberated upon by the Parliament of Zimbabwe Library Committee.

- The interdepartmental service level agreement between the Library Department and the Legal Services Department: The responsibilities of the Legal Services Department include to provide legal services to Parliament. In turn, the library has to respect advice rendered by the Legal Services Department.

The available documents show that as a process of the institution's quality management system, the Parliament of Zimbabwe has developed procedures that guide communication with clients. If information is demanded in an official manner, such as through a court order, librarian staff will then turn the matter over to legal counsel to make the appropriate investigations and advise as to whether the order is legitimate, and what or how much information must be released. However, the literature reveals that, even when complying with court orders, many librarians still strongly disagree with disseminating information about their patrons (Drobnicki 1992).

The Parliament of Zimbabwe has put in place risk assessment procedures, referred to as inter-departmental service level agreements, to solve problems that might arise and need to be referred to the relevant department for assistance. In a way, Parliament has unknowingly incorporated Welfel's (2010) ethical decision-making model into the institutional problem-solving process and this system has proved to be very useful to address challenges faced by library staff.

Recommendation for a Simplified Decision-Making Model

Information access laws on their own are not enough to solve the challenges. There is a need to make an extra effort to manage within the operating environment. Having faced the challenge and experience of going through the court case, and owing to the complexity of the confidentiality and public concern issues examined in the article, the author recommends the application of a clear library legal compliance procedure. A simplified decision-making model is provided, as shown in Table 1.

Table 1: A simplified legal compliance procedure for the Library Department

Purpose: ▼	Identifies, describes and understands information access laws Complies with constitutional, statutory and administrative laws
Scope: ▼	Applies to all legal issues affecting library services applicable to the institution's operational processes
References:	Information access legislation and administrative laws (Constitution of Zimbabwe, Access to Information and Protection of Privacy Act, library committee, etc.)
Professional codes ▼	

Responsibility: ▼	Legal counsel and process owners (librarian) responsible for effective implementation of procedure
Preparatory activities: ▼	Legal counsel ensures formulated access policies and procedure improve legal compliance Training of process owners Updating legal register with all identified legislation
Activity description: ▼	Process owners describe all transactions and communicate
Decision-making:	Legal counsel makes decisions in consultation with process owners Decision communicated (internal/external patron)

The process follows a number of steps borrowed from Welfel's (2010) decision-making model. The model can be made more useful in the AIPPA by defining the stages or steps towards solving a dilemma the library might face. Although information access laws exist, the current study recommends the use of internal procedures to complement existing legal provisions. In addition, LIS practitioners in Zimbabwe should take the opportunity provided by the ongoing harmonisation of laws to the Constitution to improve library legislation. In the US, the ALA (2002) has published guidelines which national associations may choose to follow in case they receive a request for patron information. Borrowing from this, the Zimbabwe Library Association or individual libraries should ensure that access policy is clear with regard to privacy and confidentiality issues.

CONCLUSIONS AND IMPLICATIONS

The case study reported on focused on confidentiality and public interest issues. The conclusion that can be drawn from the study shows that:

- There are limited case studies on confidentiality and public interest involving LIS professionals in Zimbabwe that have involved library practitioners going through court proceedings after providing patron records.
- The case study is a legal issue, combining operating environment matters related to political-economic challenges of financial externalisation and issues of confidentiality and public interest.
- The case study may make a valuable contribution to the academic literature on issues of confidentiality, public interest and library legislation in Zimbabwe.
- The case study may be used for learning experiences by students and LIS practitioners who may encounter such issues.

Based on the case study analysis and subsequent conclusions presented and the limitations of the study, questions can be raised concerning whether the case study was of a limited scale and about the author's personal experience. A follow-up survey

on the preparedness of libraries in Zimbabwe when faced with the situation examined in the article would substantiate the study. As libraries are moving more and more to the online environment, it is possible that stories about personal data infringements will be encountered. The best that LIS practitioners can do is risk preparedness for unpredictable challenges that may arise due to the increasing electronic environment.

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