

MATERIALS EVALUATION AND SELECTION POLICY
BOARD OF TRUSTEES
CLEVELAND HEIGHTS-UNIVERSITY HEIGHTS PUBLIC LIBRARY

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I. INTRODUCTION

“The Cleveland Heights-University Heights Public Library: Opening doors, opening minds.”¹¹¹

The appropriate selection of materials is central to carrying out this mission. This *Materials Selection and Evaluation Policy* guides staff in the acquisition of material that is of current interest and/or of lasting value to existing and potential library customers. This Policy is also intended to familiarize library users with the principles upon which selection decisions are made. Librarians have a professional responsibility to be inclusive, not exclusive, in collection development by upholding the principles of intellectual freedom as stated by the American Library Association.

The Cleveland Heights-University Heights Public Library provides library materials to meet the informational and recreational needs of the culturally and economically diverse cosmopolitan residential communities it serves.

Essentially, the selection of library materials is a two-way process. While librarians encourage the users of the library, with their varying backgrounds, tastes and reading abilities, to indicate their interests and needs, they (the librarians) also exercise judgment to anticipate and evaluate these interests and needs, and it is the library staff that has the final responsibility for selection of materials.

The library provides tools for reference and research as well as materials for informational and recreational use. Materials are selected not only on the basis of community interests and needs, but also on the basis of social significance, authoritativeness, timeliness, and literary quality, with regard given to the availability of library funds and space, and the specialized holdings of other libraries within the Cleveland area. Materials, as defined by the library, may consist of books, magazines, electronic resources, DVDs, compact discs, in short, any format that can meet the community needs whether expressed or implied.

“The central collection of the system shall be maintained in the Lee Road Library (~~the main library~~) and shall include a strong reference resource for the community with a broad range of materials, electronic and traditional, both circulating and non-circulating...”¹²¹

“Each of the libraries shall provide library service to their immediate neighborhoods that reflects that community’s interest...”¹³¹ by maintaining circulating and general reference collections.

This Materials Evaluation and Selection Policy offers guidance for all who are responsible for selection and is the official policy of the library. It is subject to revision and change of emphasis.

II. RESPONSIBILITY TO THE COMMUNITY

The public library is unique among institutions as an unbiased repository for the recorded expression of thought. It must, therefore, accept responsibility for providing free access by the public to a variety of points of view; however, the addition of an item to the collection in no way represents an endorsement by the library of any theory, idea, or policy contained in it. The collection will strive to represent many sides of controversial issues as far as availability of materials, space and budget allow. Selection will be based upon criteria given throughout this policy statement. The race, religion, nationality or political views of an author, frank or coarse language, the controversial content of an item or the endorsement or disapproval

of an individual or group in the community will not cause an item to be automatically included or excluded.

The responsibility for determining a child's reading material rests entirely with his or her parents or legal guardians. Materials selection is not restricted by parental objection to content.

The library will review the selection of a specific item upon written submission of a "Citizen's Request for Reconsideration of Library Materials" (Form M-59), a copy of which is appended to this policy, and which is available in all departments and branches. This form, once submitted to the library, is considered a "public document" and, as such, is subject to Ohio's "open records" laws. The "Request" will be reviewed by staff and submitted to the Library Director with a recommendation for action. This Materials Evaluation and Selection Policy will be used as a basis for the review. A letter will be sent promptly to the person or organization making the request for reconsideration. If necessary, the request will be reviewed by the Board of Library Trustees.

III.

PRINCIPLES OF EVALUATION AND SELECTION

A. General Guidelines

The rising cost of library materials and the information "explosion," coupled with limitation of funds, have greatly increased the difficulties of selection. The result is that the library must be highly selective in many fields and aim for a comprehensive growth that concentrates on the areas in which there is the greatest community interest.

1. Limitations. Materials are selected to fill the interests of both actual and potential readers. The library, within financial and space limitation, provides general tools for reference and research, as well as informational and recreational reading, viewing and listening. In some cases, the most satisfactory service to a reader is retrieval of material through CLEVNET^[4], via the interlibrary loan network or by referral to another system.

In the case of interlibrary loan, multiple sources will be identified for a requested item. Attempts to acquire the item for a customer may be limited by format, price, availability or the policies of the lending library. If we are unable to obtain an item on loan through the OCLC system we may refer it to selectors for purchase, or suggest that the customer contact the OhioLink network.

2. Local Focus. The known interests of local groups are reflected in materials purchased for educational, vocational and recreational needs. Any request from a customer also receives appropriate consideration.
3. Evaluation of Individual Materials
 - a. The overall value of each item is the chief criterion of selection. All materials are judged by trained staff consulting recognized review sources with respect to:
 - Community use or demand
 - Value—literary, educational, informational or recreational
 - Authority, effectiveness and readability
 - Relative importance of subject matter to the collection

- Timeliness and social significance
 - Importance of the author in the field
 - Qualities conducive to critical thought and understanding
 - Relationship to other materials in the same subject field
 - Comparative scarcity of published material on the subject
 - Cost; availability elsewhere
 - Suitability of format for library purposes
- b. Materials presenting a variety of points of view concerning the problems and issues of our times, international, national and local, shall be provided, if available, and shall not be excluded from library shelves because of partisan or doctrinal disapproval. The race, nationality, origin, background, sexual orientation or the social, political or religious views of the writer or producer do not prohibit inclusion.
- c. Works may be included despite coarse language or frankness. Materials are selected on the basis of the work as a whole and are not excluded because of isolated passages.
- d. Materials representing many points of view on controversial subjects, when available, are considered for inclusion in the library, recognizing that those that offend, shock, or bore one adult may be considered meaningful or significant to another.
- e. Multiple copies of currently popular materials are purchased to back up the general collection.
4. Gifts. As a general policy the library welcomes gifts for the collection, reserving the right to dispose of those that cannot be used. Gifts of large collections that fall into subject categories not previously developed by the library will receive careful study. The implications of cost, maintenance and growth must be considered before acceptance. Gifts of material sponsored by commercial and special interest groups will be evaluated to see that they conform to general selection policies.
5. Weeding and Discarding. A continuous re-evaluation of all library materials is essential in order to assure currency of factual information. Withdrawal of outdated material, materials no longer in use and duplicate and worn copies is ongoing. Popularity, community interest and availability of newer and more valid material are considerations.
6. Duplication. Heavy demand for a popular title is sufficient reason for considering duplication, depending upon the material's importance, popularity and budgetary constraints. The library may purchase materials to supplement reading assignments of local schools. However, the library is unable to purchase materials in sufficient quantities to meet all of their needs. Materials, including textbooks, may be purchased to support special after-school programs designed to give homework help to children and teens.
7. Replacement. Titles withdrawn because of condition, loss, or damage are considered for replacement, using original selection guidelines.
8. Collection Size. It is recognized that collection size is not an indication of the quality of a collection, and space limitation in branches and the Lee Road Library is a factor that must be

considered. Optimum size must be based on a determination of both available space and current marketing techniques.

B. Selection for Adults

1. Fiction. The library attempts to satisfy readers by choosing both notable and popular novels in all categories of fiction writing. Novels representing the major types and trends in writing are added to the collection. Novels which treat a subject with frankness and realism or which deal with unconventional topics are judged on the basis of the author's purpose and quality of writing.
2. Non-fiction. The library has a balanced, up-to-date circulating collection of authoritative, well-recognized books in multiple fields for the general reader. However, the limitation of funds prevents any attempt to provide a complete collection in any one field.
3. Reference. The library maintains a collection of up-to-date, non-circulating, print and virtual reference materials which, by virtue of their content and treatment, are consulted for definite items of information rather than for consecutive reading. Limitation of funds precludes a comprehensive collection and, when patrons require in-depth research, they may be referred to the specialized collections available at other libraries in the area.

The library supports small businesses and investment through electronic databases and some print sources as funds allow.

4. Literacy Materials. In support of community agencies and tutoring programs, the library maintains a collection of materials that are of interest to and accommodate the limited reading skills of some adults.

C. Selection for Young Adults

A collection representing the recreational and informational needs and interests of young adults, ages 12-18, including advanced juvenile titles and appropriate adult titles, will be provided. Curriculum-related, reference, and in-depth subject materials are maintained in the general collection for use by students of all ages and of diverse backgrounds.

The same criteria listed for selection of adult materials apply to young adult materials. The content, style, format, and appeal to young adults are taken into consideration.

The collection also includes adult materials about young adult literature, parenting, and library service to teens.

D. Selection for Children

1. Books for children are selected to serve the needs of boys and girls of diverse backgrounds, tastes and interests from infancy through age 12. The same criteria listed for selection of adult materials apply to children's, with the addition of a few special factors:
 - Suitability of content, style, and format to age of reader
 - Emphasis on fiction that entertains, stimulates the imagination, develops reading ability and enables children to explore the world around them

- Emphasis on non-fiction that displays careful organization and presentation, encourages analytical thinking, and has an absence of stereotyping, and distinguishes carefully between fact and opinion
 - Artistic merit in illustrated books
2. The collection also includes adult materials about children's literature, parenting, child development and library service to children.

E. Specific Policies of Selection for Materials in Varied Forms

1. Uncataloged Paperbacks. Not all paperback titles are included in the permanent collection. Uncataloged paperbacks are selected to meet heavy demand for popular material.
2. Periodicals and Newspapers. The Cleveland Heights-University Heights Public Library subscribes to periodicals to meet both informational and recreational needs of adults, young adults, and children. Periodical titles shall be reviewed annually to ensure maximum usefulness to the public, taking into consideration the year's budget and the following criteria:
 - a. Community interest especially as recreational reading in a popular form
 - b. Supplement to the book collection
 - c. Availability in electronic format
 - d. Availability at other libraries in the area
 - e. Value as a reference source
 - f. Recommendations from professional sources such as *Magazines for Public Libraries*, *Library Journal*, etc.
 - g. Price

Space and budget considerations preclude the addition of specialized journals to the collection. Online availability of full-text versions of magazine backfiles represents the library's major resource for information supplementing that found in books. Because they are often not easily available online, some permanent files of older magazine or newspaper titles may, because of their historical value, be retained on microform or bound.

The library subscribes to selected local, national and international newspapers for news, current affairs and business information. Many can be found in electronic library databases. Limited backfiles of paper copies of the most frequently consulted papers will be maintained, along with more extensive microform backfiles of selected local newspapers.

3. Foreign Language Materials. Materials on learning languages are added to the collection. The library's collection of foreign language materials is supplemented on a regular basis by collections borrowed from the Foreign Language Department of the Cleveland Public Library. Consideration is given to the needs of the English as a second language group.
4. Special Interests. Consideration is given to the language needs of special groups such as the sight and hearing impaired.

5. Government Publications. Government documents are selected on the same basis as books and other library materials. Federal, state and local documents are selected as available and as needed. The library is not a government depository.
6. Non-print Materials. The library acknowledges the popularity of many different formats of audio-visual and other non-print materials for both learning and entertainment. Based on both actual and anticipated demand as well as the suitability of formats, the library purchases, within budgetary limitations, items such as puppets and games for children, audiocassettes and compact disc recordings of both music and spoken word, DVDs and MP3s and access to digital content. While the same general selection criteria are used for these formats as for books, there is an added emphasis on meeting the needs of the disabled, as provided for by the Americans With Disabilities Act. There is also the recognition that people learn in a variety of ways and that for better comprehension, auditory or visual content are, for many, more appropriate than text.
7. Electronic Resources. Sources of information in electronic formats are selected or recommended to meet the needs of library customers. Electronic sources may supplement or replace traditional sources and are chosen primarily on the basis of accuracy, timeliness, ease of use, cost, demand and system compatibility. Evaluation by professional organizations or in the professional literature may also be considered. Electronic resources will replace traditional sources when they offer something above and beyond the traditional source, such as better indexing, more sophisticated searching or more comprehensive data. Whenever possible, electronic resources will only be purchased if they can be accessed in all buildings and remotely.
8. Web Sites. Web sites are selected, and linked from the library's Web site, to supplement and extend our print collection, as well as to provide age-appropriate games and other recreational and educational activities. Commercial sites with significant content may be included as long as advertising does not overshadow content. The addition of web sites is affected by a number of factors, including the staff time required to evaluate and select sites and the computer equipment required to maintain an efficient, user-friendly site. Content on the Internet changes rapidly. Staff reviews the web sites regularly.

F. Special Collections

1. Deaf Collection. Materials are selected for the Deaf Community of greater Cleveland and persons involved with that community for its support and entertainment. The collection, housed at Coventry Village Library, includes materials for students of American Sign Language (ASL), interpreters, linguistic researchers, relatives of deaf individuals and deaf history. This is a permanent collection due to its limited availability elsewhere.
2. Miniature Score Collection. The primary focus of the collection is to complement the music/works being performed by the Cleveland Orchestra each concert year.
3. Local Authors. Materials by authors residing, or who have resided, in the State of Ohio, and especially those who reside or have resided in the cities of Cleveland Heights or University Heights, will be collected. Community interest in such materials often makes purchase desirable, even if some other qualities may be lacking. A reasonable effort will be made to

make this collection as complete as possible, within the guidelines of this Policy, so that the wealth of creativity found within our communities will be evident to all.

IV. SOURCES

This revision of the Materials Evaluation and Selection Policy was prepared by the library staff and reviewed by the **Operations Committee and the Planning and External Relations Committee of the Board of Library Trustees**. The library subscribes to the principles stated in the latest revisions of the American Library Association's Freedom to Read and Freedom to View statements; the Library Bill of Rights, Ohio Library Council Intellectual Freedom Policy Statement and its various interpretations; and the Ohio Library Council's Ohio Children's Library Bill of Rights. Copies of these documents appear as appendices to this Policy.

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- [1] The library's Mission Statement approved by the Board of Library Trustees: July 18, 2005.
 - [2] Service and Administration Policies, Board of Library Trustees, 2009
 - [3] Ibid.
 - [4] CLEVNET, owned and operated by the Cleveland Public Library, is the automated catalog and circulation control system jointly used by over 35 library systems, including the Cleveland Heights-University Heights Public Library, in northern Ohio.
 - [5] OCLC, Not for profit computer service and research organization whose systems help libraries locate, acquire, catalog, and lend library materials. Our vendor for ILL services.
 - [6] OhioLINK, the Ohio Library and Information Network, is a consortium of Ohio's college and university libraries and the State Library of Ohio.

APPENDIX



THE FREEDOM TO READ

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.* Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.
2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.* Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.
3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953; revised January 28, 1972, January 16, 1991, July 12, 2000, June 30, 2004, by the ALA Council and the AAP Freedom to Read Committee.

A Joint Statement by:

[American Library Association](#)
[Association of American Publishers](#)

Subsequently endorsed by:

American Booksellers Foundation for Free Expression
The Children's Book Council
Freedom to Read Foundation
National Association of College Stores
National Coalition Against Censorship
National Council of Teachers of English
The Thomas Jefferson Center for the Protection of Free Expression



FREEDOM TO VIEW

The FREEDOM TO VIEW, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantees of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.



LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

A history of the Library Bill of Rights is found in the latest edition of the [Intellectual Freedom Manual](#).

ACCESS FOR CHILDREN AND YOUNG ADULTS TO NONPRINT MATERIALS

An Interpretation of the Library Bill of Rights

Library collections of nonprint materials raise a number of intellectual freedom issues, especially regarding minors. Article V of the [Library Bill of Rights](#) states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

The American Library Association's principles protect minors' access to sound, images, data, games, software, and other content in all formats such as tapes, CDs, DVDs, music CDs, computer games, software, databases, and other emerging technologies. ALA's *Free Access to Libraries for Minors: An Interpretation of the Library Bill of Rights* states:

. . . The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

. . . [P]arents—and only parents—have the right and responsibility to restrict access of their children—and only their children—to library resources. Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

Policies that set minimum age limits for access to any nonprint materials or information technology, with or without parental permission, abridge library use for minors. Age limits based on the cost of the materials are also unacceptable. Librarians, when dealing with minors, should apply the same standards to circulation of nonprint materials as are applied to books and other print materials except when directly and specifically prohibited by law.

Recognizing that librarians cannot act in loco parentis, ALA acknowledges and supports the exercise by parents of their responsibility to guide their own children's reading and viewing.

Libraries should provide published reviews and/or reference works that contain information about the content, subject matter, and recommended audiences for nonprint materials. These resources will assist parents in guiding their children without implicating the library in censorship.

In some cases, commercial content ratings, such as the [Motion Picture Association of America](#) (MPAA) movie ratings, might appear on the packaging or promotional materials provided by producers or distributors. However, marking out or removing this information from materials or packaging constitutes expurgation or censorship.

MPAA movie ratings, [Entertainment Software Rating Board](#) (ESRB) game ratings, and other rating services are private advisory codes and have no legal standing ([Expurgation of Library Materials](#)). For the library to add ratings to nonprint materials if they are not already there is unacceptable. It is also unacceptable to post a list of such ratings with a collection or to use them in circulation policies or other procedures. These uses constitute labeling, "an attempt to prejudice attitudes" ([Labels and Rating Systems](#)), and are forms of censorship. The application of locally generated ratings schemes intended to provide content warnings to library users is also inconsistent with the *Library Bill of Rights*.

The interests of young people, like those of adults, are not limited by subject, theme, or level of sophistication. Librarians have a responsibility to ensure young people's access to materials and services that reflect diversity of content and format sufficient to meet their needs.

Adopted June 28, 1989. Amended June 30, 2004, by the ALA Council.

[ISBN 8389-7351-5]

**Challenged Materials:
An Interpretation of the *Library Bill of Rights***

Libraries: An American Value states, “We protect the rights of individuals to express their opinions about library resources and services.” The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined written policy for collection development that includes a procedure for review of challenged materials. Selection of online resources, including Web sites, should also be governed by this collection development policy and be subject to the same procedures for review of challenged materials. This policy reflects the *Library Bill of Rights* and is approved by the appropriate governing authority.

Challenged materials should remain in the collection during the review process. The *Library Bill of Rights* states in Article I that “Materials should not be excluded because of the origin, background, or views of those contributing to their creation,” and in Article II, that “Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” Freedom of expression is protected by the Constitution of the United States, but constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line. The Supreme Court has held that the Constitution requires a procedure designed to examine critically all challenged expression before it can be suppressed.¹ A hearing is a part of this procedure. Materials that meet the criteria for selection and inclusion within the collection should not be removed.

Therefore, any attempt, be it legal or extra-legal,* to regulate or suppress materials in libraries must be closely scrutinized to the end that protected expression is not abridged.

Adopted June 25, 1971; amended July 1, 1981; amended January 10, 1990;
January 28, 2009, by the ALA Council.

* “*Extra-legal*” refers to actions that are not regulated or sanctioned by law. These can include attempts to remove or suppress materials by library staff and library board members that circumvent the library’s collection development policy, or actions taken by elected officials or library board members outside the established legal process for making legislative or board decisions. “*Legal process*” includes challenges to library materials initiated and conducted pursuant to the library’s collection development policy, actions taken by legislative bodies or library boards during official sessions or meetings, or litigation undertaken in courts of law with jurisdiction over the library and the library’s governing body.

¹ *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963)

Free Access to Libraries for Minors

An Interpretation of the Library Bill of Rights

Library policies and procedures that effectively deny minors equal and equitable access to all library resources and services available to other users violate the *Library Bill of Rights*. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

Libraries are charged with the mission of providing services and developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, educational level, literacy skills, or legal emancipation. Equitable access to all library resources and services shall not be abridged through restrictive scheduling or use policies.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Children and young adults unquestionably possess **First Amendment** rights, including the right to receive information through the library in print, nonprint, or digital format. Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.¹ Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether material is not constitutionally protected.

The mission, goals, and objectives of libraries cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents and guardians. As *Libraries: An American Value* states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services." Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies should maintain

that *only* parents and guardians have the right and the responsibility to determine their children's—and *only their children's*—access to library resources. Parents and guardians who do not want their children to have access to specific library services, materials, or facilities should so advise their children.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

See also Access to Resources and Services in the School Library Media Program and Access to Children and Young Adults to Nonprint Materials.

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008.

¹ ¹See [Erznoznik v. City of Jacksonville](#), 422 U.S. 205 (1975) "Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors." *See also* [Tinker v. Des Moines School Dist.](#), 393 U.S.503 (1969); [West Virginia Bd. of Ed. v. Barnette](#), 319 U.S. 624 (1943); [AAMA v. Kendrick](#), . 244 F.3d 572 (7th Cir. 2001).

Labeling and Rating Systems **An Interpretation of the *Library Bill of Rights***

Libraries do not advocate the ideas found in their collections or in resources accessible through the library. The presence of books and other resources in a library does not indicate endorsement of their contents by the library. Likewise, providing access to digital information does not indicate endorsement or approval of that information by the library. Labeling and rating systems present distinct challenges to these intellectual freedom principles.

Labels on library materials may be viewpoint-neutral directional aids designed to save the time of users, or they may be attempts to prejudice or discourage users or restrict their access to materials. When labeling is an attempt to prejudice attitudes, it is a censor's tool. The American Library Association opposes labeling as a means of predisposing people's attitudes toward library materials.

Prejudicial labels are designed to restrict access, based on a value judgment that the content, language, or themes of the material, or the background or views of the creator(s) of the material, render it inappropriate or offensive for all or certain groups of users. The prejudicial label is used to warn, discourage, or prohibit users or certain groups of users from accessing the material. Such labels sometimes are used to place materials in restricted locations where access depends on staff intervention.

Viewpoint-neutral directional aids facilitate access by making it easier for users to locate materials. The materials are housed on open shelves and are equally accessible to all users, who may choose to consult or ignore the directional aids at their own discretion.

Directional aids can have the effect of prejudicial labels when their implementation becomes proscriptive rather than descriptive. When directional aids are used to forbid access or to suggest moral or doctrinal endorsement, the effect is the same as prejudicial labeling.

Many organizations use rating systems as a means of advising either their members or the general public regarding the organizations' opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, Web sites, games, or other materials. The adoption, enforcement, or endorsement of any of these rating systems by a library violates the *Library Bill of Rights*. When requested, librarians should provide information about rating systems equitably, regardless of viewpoint.

Adopting such systems into law or library policy may be unconstitutional. If labeling or rating systems are mandated by law, the library should seek legal advice regarding the law's applicability to library operations.

Libraries sometimes acquire resources that include ratings as part of their packaging. Librarians should not endorse the inclusion of such rating systems; however, removing or destroying the ratings—if placed there by, or with permission of, the copyright holder—

could constitute expurgation (see “Expurgation of Library Materials: An Interpretation of the *Library Bill of Rights*”). In addition, the inclusion of ratings on bibliographic records in library catalogs is a violation of the *Library Bill of Rights*.

Prejudicial labeling and ratings presuppose the existence of individuals or groups with wisdom to determine by authority what is appropriate or inappropriate for others. They presuppose that individuals must be directed in making up their minds about the ideas they examine. The American Library Association affirms the rights of individuals to form their own opinions about resources they choose to read or view.

Adopted July 13, 1951, by the ALA Council; amended June 25, 1971; July 1, 1981; June 26, 1990; January 19, 2005; July 15, 2009.

Restricted Access to Library Materials: An Interpretation of the *Library Bill of Rights*

Libraries are a traditional forum for the open exchange of information. Restricting access to library materials violates the basic tenets of the *Library Bill of Rights*.

Some libraries block access to certain materials by placing physical or virtual barriers between the user and those materials. For example, materials are sometimes placed in a “locked case,” “adults only,” “restricted shelf,” or “high-demand” collection. Access to certain materials is sometimes restricted to protect them from theft or mutilation, or because of statutory authority or institutional mandate.

In some libraries, access is restricted based on computerized reading management programs that assign reading levels to books and/or users and limit choice to those materials on the program’s reading list. Materials that are not on the reading management list have been removed from the collection in some school libraries. Organizing collections by reading management program level, ability, grade, or age level is another example of restricted access. Even though the chronological age or grade level of users is not representative of their information needs or total reading abilities, users may feel inhibited from selecting resources located in areas that do not correspond to their assigned characteristics.

Physical and virtual restrictions on access to library materials may generate psychological, service, or language skills barriers to access as well. Because restricted materials often deal with controversial, unusual, or sensitive subjects, having to ask a librarian or circulation clerk for access to them may be embarrassing or inhibiting for patrons desiring the materials. Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication. (See also “Labels and Rating Systems.”) Because restricted materials often feature information that some people consider objectionable, potential library users may be predisposed to think of the materials as objectionable and, therefore, be reluctant to ask for access to them.

Although federal and state statutes require libraries that accept specific types of state and/or federal funding to install filters that limit access to Internet resources for minors and adults, filtering software applied to Internet stations in some libraries may prevent users from finding targeted categories of information, much of which is constitutionally protected. The use of Internet filters must be addressed through library policies and procedures to ensure that users receive information and that filters do not prevent users from exercising their First Amendment rights. Users have the right to unfiltered access to constitutionally protected information. (See also “Access to Electronic Information, Services, and Resources.”)

Library policies that restrict access to materials for any reason must be carefully formulated and administered to ensure they do not violate established principles of intellectual freedom. This caution is reflected in ALA policies, such as “Evaluating Library Collections,” “Free Access to Libraries for Minors,” “Preservation Policy,” and the ACRL “Code of Ethics for Special Collections Librarians.”

Donated materials require special consideration. In keeping with the “Joint Statement on Access” of the American Library Association and Society of American Archivists, libraries should avoid accepting donor agreements or entering into contracts that impose permanent restrictions on special collections. As stated in the “Joint Statement on Access,” it is the responsibility of a library with such collections “to make available original research materials in its possession on equal terms of access.”

A primary goal of the library profession is to facilitate access to all points of view on current and historical issues. All proposals for restricted access should be carefully scrutinized to ensure that the purpose is not to suppress a viewpoint or to place a barrier between users and content. Libraries must maintain policies and procedures that serve the diverse needs of their users and protect the First Amendment right to receive information.

Adopted February 2, 1973, by the ALA Council; amended July 1, 1981; July 3, 1991; July 12, 2000; June 30, 2004; January 28, 2009.

[ISBN 8389-7552-6]

Access to Digital Information, Services, and Networks

An Interpretation of the *Library Bill of Rights*

Introduction

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information.¹ Libraries and librarians protect and promote these rights regardless of the format or technology employed to create and disseminate information.

The American Library Association expresses the fundamental principles of librarianship in its *Code of Ethics* as well as in the *Library Bill of Rights* and its Interpretations. These principles guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to digital information, services, and networks.

Libraries empower users by offering opportunities both for accessing the broadest range of information created by others and for creating and sharing information. Digital resources enhance the ability of libraries to fulfill this responsibility.

Libraries should regularly review issues arising from digital creation, distribution, retrieval, and archiving of information in the context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are upheld. Although digital information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it, many people lack access or capability to use or create digital information effectively.

In making decisions about how to offer access to digital information, services, and networks, each library should consider intellectual freedom principles in the context of its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

The Rights of Users

All library system and network policies, procedures, or regulations relating to digital information and services should be scrutinized for potential violation of user rights.

User policies should be developed according to the policies and guidelines established by the American Library Association, including “Guidelines for the Development and Implementation of Policies, Regulations, and Procedures Affecting Access to Library Materials, Services, and Facilities.”

Users’ access should not be restricted or denied for expressing, receiving, creating, or participating in constitutionally protected speech. If access is restricted or denied for behavioral or other reasons, users should be provided due process, including, but not limited to, formal notice and a means of appeal.

Information retrieved, utilized, or created digitally is constitutionally protected unless determined otherwise by a court of competent jurisdiction. These rights extend to minors as well as adults

(“Free Access to Libraries for Minors”; “Access to Resources and Services in the School Library Media Program”; “Access for Children and Young Adults to Nonprint Materials”; and “Minors and Internet Interactivity”).²

Libraries should use technology to enhance, not deny, digital access. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Libraries should provide library users the training and assistance necessary to find, evaluate, and use information effectively.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice in accordance with “Privacy: An Interpretation of the *Library Bill of Rights*,” and “Importance of Education to Intellectual Freedom: An Interpretation of the *Library Bill of Rights*.”

Equity of Access

The digital environment provides expanding opportunities for everyone to participate in the information society, but individuals may face serious barriers to access.

Digital information, services, and networks provided directly or indirectly by the library should be equally, readily, and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by libraries that receive support from public funds (50.3 “Free Access to Information”; 53.1.14 “Economic Barriers to Information Access”; 60.1.1 “Minority Concerns Policy Objectives”; 61.1 “Library Services for the Poor Policy Objectives”). All libraries should develop policies concerning access to digital information that are consistent with ALA’s policies and guidelines, including “Economic Barriers to Information Access: An Interpretation of the *Library Bill of Rights*,” “Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities,” and “Services to Persons with Disabilities: An Interpretation of the *Library Bill of Rights*.”

Information Resources and Access

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user’s age or the content of the material. In order to preserve the cultural record and to prevent the loss of information, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained digitally. Libraries have an obligation to provide access to government information available in digital format.

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. Libraries and librarians should not deny or limit access to digital information because of its allegedly controversial content or because of a librarian’s personal beliefs or fear of confrontation. Furthermore, libraries and librarians should not deny access to digital information solely on the grounds that it is perceived to lack value.

Parents and legal guardians who are concerned about their children's use of digital resources should provide guidance to their own children. Some information accessed digitally may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate.

Publicly funded libraries have a legal obligation to provide access to constitutionally protected information. Federal, state, county, municipal, local, or library governing bodies sometimes require the use of Internet filters or other technological measures that block access to constitutionally protected information, contrary to the *Library Bill of Rights* (ALA Policy Manual, 53.1.17, *Resolution on the Use of Filtering Software in Libraries*). If a library uses a technological measure that blocks access to information, it should be set at the least restrictive level in order to minimize the blocking of constitutionally protected speech. Adults retain the right to access all constitutionally protected information and to ask for the technological measure to be disabled in a timely manner. Minors also retain the right to access constitutionally protected information and, at the minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely manner. Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights.³

Digital resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to digital resources as much as they do to the more traditional sources of information in libraries ("Diversity in Collection Development").

¹*Martin v. Struthers*, 319 U.S. 141 (1943); *Lamont v. Postmaster General*, 381 U.S. 301 (1965); Susan Nevelow Mart, *The Right to Receive Information*, 95 Law Library Journal 2 (2003).

²*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969); *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853, (1982); *American Amusement Machine Association v. Teri Kendrick*, 244 F.3d 954 (7th Cir. 2001); cert.denied, 534 U.S. 994 (2001)

³"If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge, not the facial challenge made in this case." *United States, et al. v. American Library Association*, 539 U.S. 194 (2003) (Justice Kennedy, concurring).

See Also: "Questions and Answers on Access to Digital Information, Services and Networks: An Interpretation of the *Library Bill of Rights*."

Adopted January 24, 1996; amended January 19, 2005, by the ALA Council.

**Questions and Answers:
Access to Digital Information, Services, and Networks:
An Interpretation of the Library Bill of Rights**

INTRODUCTION

Following the initial adoption by the ALA Council of “Access to Electronic Information, Services and Networks: An Interpretation of the Library Bill of Rights” in January 1996, the ALA Intellectual Freedom Committee produced a sample set of questions and answers to clarify this Interpretation’s implications and applications.

As librarians, we have a professional obligation to strive for free access to all information resources. However, many of the questions concerning digital information will not have a single answer. ALA recognizes that each library needs to develop policies in keeping with its mission, objectives, and users. Librarians also need to be cognizant of local legislation and judicial decisions that may affect implementation of their policies.

RATIONALE FOR DIGITAL ACCESS

1. What are the factors that uniquely position American librarianship to provide access to digital information?

Electronic media offer an unprecedented forum for the sharing of information and ideas envisioned by the Founding Fathers in the U.S. Constitution. Their vision cannot be fully realized unless libraries provide free access to digital information, services, and networks.

Thomas Jefferson, James Madison, and others laid the basis for a government that made education, access to information, and toleration for dissent cornerstones of a great democratic experiment. With geographic expansion and the rise of a mass press, American government facilitated these constitutional principles through the creation of such innovative institutions as the public school, land grant colleges, and the library. By the close of the 19th century, professionally trained librarians developed specialized techniques in support of their democratic mission. In the 1930s, the [*Library Bill of Rights*](#) acknowledged librarians’ professional and ethical responsibilities to provide access to information in all formats to all people.

2. What is the library’s role in facilitating freedom of expression in a digital arena?

Libraries are an essential part of the national information infrastructure, providing people with access and opportunities for participation in the digital arena. They are fundamental to the informed debate demanded by the Constitution and for the provision of access to digital information resources to those who might otherwise be excluded.

3. Why should libraries extend access to digital information resources to minors?

Those libraries with a mission that includes service to minors should make available a full range of information necessary for young people to become thinking adults and part of the informed electorate envisioned in the Constitution. The opportunity to participate responsibly in the digital arena is also vital for nurturing the information literacy skills demanded today. Librarians need to remember that minors also possess First Amendment rights. Although parents and legal guardians have the right to restrict their children’s access to digital resources, federal and state legislation as well as institutions’ policies also impact minors’ access to digital information. Libraries should extend as much access as permitted under the law.

RIGHTS OF USERS

4. Do the policies of ALA regarding intellectual freedom and ethics apply to digital information, services and networks in libraries?

Yes, because information is information regardless of format. Library resources in digital form are increasingly recognized as vital to the provision of information that is the core of the library's role in society.

5. How can libraries help to ensure library user confidentiality in regard to digital information access?

Librarians must be aware of patron confidentiality laws on library records for their particular state and community. In accordance with such laws and professional and ethical responsibilities, librarians should ensure and routinely review policies and procedures for maintaining confidentiality of personally identifiable use of library materials, facilities, or services. Electronic records on individual use patterns should be strictly safeguarded. Software and protocols should be designed for the automatic and timely deletion of personal identifiers from the tracking elements within digital databases. System access to computer terminals or other stations also should be designed to eliminate indicators of the research strategy or use patterns of any identifiable patron. For example, the efforts of the last user of a terminal or program should not remain on the monitor or be easily retrievable from a buffer or cache by subsequent users. Methods used by libraries or institutions to monitor reserving computer time and the amount of time spent in digital information resources also must protect the confidentiality rights of patrons.

Databases and other digital resources provided by the library should allow anonymous searching and should not require users to reveal personally identifiable information. In their contract negotiations with vendors/network providers/licensors, librarians should ensure that these third parties will protect any personally identifiable information obtained from users in accordance with confidentiality law and the *ALA Code of Ethics*.

Libraries and their institutions should provide physical environments that facilitate user privacy for accessing digital information. For instance, libraries should consider placing terminals, printers, and access stations so that user privacy is enhanced. Computer accessories, such as privacy screens, offer additional protection. Where resources are limited, libraries should consider time, place, and manner restrictions.

Finally, libraries must be sensitive to the special needs for confidential access to digital information sources by patrons with disabilities.

6. Our library is just one of many autonomous institutions in a consortium. How can we be sure that our cooperating partners honor the confidentiality of our library users in a shared network environment?

This is a contractual and legal matter. The importance of confidentiality of personally identifiable information about library users transcends individual institutional and type-of-library boundaries. Libraries should establish and regularly review interlibrary and interagency cooperative agreements to ensure clear policies and procedures that obligate all members of a cooperative or all departments and branches within a parent institution to maintain user confidentiality.

7. Why shouldn't parental permission be required for minors to access digital information?

As with any other information format, parents are responsible for determining what digital information they wish their own children to access. Library staff may need to help parents understand their options, but should not be in the position of policing and enforcing parental restrictions within the library. In addition, libraries cannot use children as an excuse to violate their Constitutional duty to help provide for an educated adult electorate.

The *Library Bill of Rights*—its various Interpretations (especially “Free Access to Libraries for Minors,” “Minors and Internet Interactivity,” “Access for Children and Young People to Nonprint Materials”) and ALA’s “Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities”—also endorse the rights of youth to access library resources and information as part of their inalienable rights and the passage to informed adulthood. Digital information access is no different in these regards.

EQUITY OF ACCESS FOR USERS

8. Do libraries need to develop policies about access to digital information, services, and networks?

In view of the complex issues associated with access, creation, distribution, retrieval, and archiving of digital information, the ALA strongly recommends that libraries formally adopt and periodically reexamine policies that develop from the missions and goals specific to their institutions.

9. My library recognizes different classes of users. Is this a problem?

The mission and objectives of some libraries recognize distinctions between classes of users. For example, academic libraries may have different categories of users (e.g., faculty, students, others). Public libraries may distinguish between residents and non-residents. School library media centers embrace curricular support as their primary mission; some have further expanded access to their collections to include use by parents and community members. Special libraries may vary their access policies, depending on their definition of primary clientele. Establishing different levels of users should not automatically assume the need for different levels of access.

10. Must our library make provisions for patrons with disabilities to access digital information?

Yes. The Americans with Disabilities Act and other federal and state laws forbid providers of public services, whether publicly or privately governed, from discriminating against individuals with disabilities. All library information services, including access to digital information, should be accessible to patrons regardless of disability.

Many methods are available and under development to make digital information universally accessible, including adaptive devices, software, and human assistance. Libraries must consider such tools in trying to meet the needs of persons with disabilities in the design or provision of digital information services.

11. Does the statement that “digital information, services, and networks provided directly or indirectly by the library should be equally, readily, and equitably available to all library users” (a phrase from “Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights”) mean that exactly the same service must be available to anyone who wants to use the library?

No. It means that library staff should provide reasonable accommodations to barriers to accessing digital information and services, such as providing adaptive technology or alternate formats, and should do so in a timely manner. For example, if a library has determined that all students should have access to interlibrary loan services free of charge, then a student with a disability should not be charged for needing interlibrary loan material in a special format. It also means that arbitrary distinctions, such as age or the presumed ability to use technology, should not be used as the basis for restricting access.

12. Which is a higher priority: offering more information or deciding to charge no fees? Does this mean my library cannot charge fees?

The higher priority is free services. Charging fees creates barriers to access. That is why ALA has urged librarians, in “Economic Barriers to Information Access,” to “resist the temptation to impose user fees to alleviate financial pressures, at long-term cost to institutional integrity and public confidence in libraries.”

13. Does “provision of information services” include printouts?

Whenever possible, all services should be without fees. In any case, fees should not create a barrier to access. Applied to the digital environment, this means that some libraries will provide the text on the screen at no charge, but might charge for printouts.

14. If my library has no “major support from public funds,” can we then charge fees?

Yes, but ALA advocates achieving equitable access and avoiding and eliminating barriers to information and ideas whenever possible.

15. Do libraries need a use policy for digital information access? If so, what elements should be considered for inclusion?

Access questions are rooted in Constitutional mandates and a *Library Bill of Rights* that reach across all media. Library policies related to access to digital information should be informed by a library’s mission and institutional objectives and consistent with ALA’s policies and guidelines, including “Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights,” “Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities,” “Services to Persons with Disabilities: An Interpretation of the Library Bill of Rights,” and “Minors and Internet Interactivity: An Interpretation of the Library Bill of Rights.”

Reasonable restrictions placed on the time, place, and manner of library access should be used only when necessary to achieve significant library managerial objectives and only in the least restrictive manner possible. Libraries should focus on developing policies that ensure broad access to information resources of all kinds. Policies should not limit the kinds of information accessed by which patrons and in what manner.

16. What do you do if one person monopolizes library technologies such as Internet-accessible terminals?

Libraries should address this issue in their use policies. Time, place, and manner restrictions should be applied equitably to all users.

SELECTION AND MANAGEMENT ISSUES

17. How does providing connections to “global information, services, and networks” differ from selecting and purchasing material for an individual library?

Selection begins with the institution’s mission and objectives. The librarian performs an initial selection from available resources, and then the user makes a choice from that collection. Many digital resources, such as DVDs, are acquired for the library’s collection in this traditional manner.

When libraries provide Internet access, they provide a means for people to use the wealth of information stored on computers throughout the world. The information available through the Internet is always changing and is created, maintained and made available beyond the library. The library also provides a means for the individual user to choose for himself or herself the resources accessed and to interact electronically with other computer users throughout the world.

18. How can librarians use their selection expertise to help patrons use the Internet?

Librarians should play a proactive role in guiding users, especially parents and their children, to the most effective locations and answers. Library Web sites are one starting place to the vast resources of the Internet. All libraries are encouraged to develop Web sites, including links, to Internet resources to meet the information needs of their users.

These links should be made within the existing mission, collection development policy, and selection criteria of the library.

19. Should the library deny access to constitutionally protected speech on the Internet in order to protect its users or reflect community values?

No. “Publicly funded libraries have a legal obligation to provide access to constitutionally protected information” (“Access to Digital Information, Services, and Networks: An Interpretation of the Library Bill of Rights”). The library should not deny access to constitutionally protected speech. People have a right to receive constitutionally protected speech, and any restriction of those rights imposed by a library violates the U.S. Constitution. Only a court of law can judge speech to be outside of the protection of the First Amendment. “If a library uses a technological measure that blocks access to information, it should be set at the least restrictive level in order to minimize the blocking of constitutionally protected speech” (“Access to Digital Information, Services, and Networks”).

20. Does using software that filters or blocks access to digital information resources on the Internet violate “Access to Digital Information, Services, and Networks: An Interpretation of the Library Bill of Rights”?

This interpretation states that libraries and librarians should not deny access to constitutionally protected information. “Adults retain the right to access all constitutionally protected information and to ask for the technological measure to be disabled in a timely manner. Minors also retain the right to access constitutionally protected information and, at the minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely manner. Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights” (“Access to Digital Information, Services, and Networks” and *United States, et al. v. American Library Association*, 539 U.S. 194 (2003)). The use of filters presents a number of complex legal, technical, and ethical issues. For discussion of these issues librarians should review information located on the Office for Intellectual Freedom Web page, “Filters and Filtering,” at <http://www.ala.org/ala/aboutala/offices/oif/ifissues/filtersfiltering.cfm/>.

21. Why do libraries have an obligation to provide government information in digital format?

The role of libraries is to provide ideas and information across the spectrum of social and political thought and to make these ideas and this information available to anyone who needs or wants it. In a democracy, libraries have a particular obligation to provide library users with information necessary for participation in self-governance. Because access to government information is rapidly shifting to digital format only, libraries should provide access to government information in this format.

22. What is the library’s role in the preservation of information in digital formats?

The digital medium is ephemeral and information may disappear without efforts to save it. Libraries may need to preserve and archive digital information critical to their mission.

23. Do libraries have a role in supporting the creation and distribution of digital information by patrons?

Library services should reflect the library’s specific mission and the objectives of the institution. For example, some schools may have budgeted funds to support the creation, storage, and distribution of student-generated content; others may not have such resources. Academic libraries may have resources for “creation and distribution” to which their enrollees would have access but the community users would not, including their intranet and campus e-mail. Public libraries generally must consider all eligible users rather than a minority when offering services.

24. Does “must support access to information on all subjects” mean a library must provide material on all subjects for all users, even if those users are not part of the library’s community of users or the material is not appropriate for the library?

No. The institution’s decisions about digital resources, like those of other formats, will be based on its mission and objectives.

25. The Interpretation states that libraries should not deny access to resources solely because they are perceived to lack value. Does this mean the library must buy or obtain every digital resource available?

No. The institution’s decisions will be based on its mission and objectives as well as its selection policy. Selection of digital resources, like those of other formats, is based on selection policy criteria and fulfilling a collection (or user) need, taking economic resources into consideration. For additional explanation of this issue librarians should refer to “Diversity in Collection Development: An Interpretation of the Library Bill of Rights.”

26. How can libraries impact vendors/network providers/licensors who attempt to limit or edit access to digital information?

Librarians have an ethical responsibility to be strong advocates of open access to information. Therefore, when purchasing digital information resources, librarians should conduct contract negotiations with vendors/network providers/licensors to ensure the least restrictive access in current and future products.

27. How can the library avoid becoming a game room and still provide access to digital resources?

Just as libraries do not make value judgments on print materials in their collections, so libraries should not judge games as having less value than other digital content or resources. The library can avoid becoming a game room by developing policies that address time, place, or manner restrictions when determining the use of digital technology and resources. Policies can allow for more equitable access to digital content, without censoring specific types of digital content.

28. Do copyright laws apply to digital information?

Yes. Librarians have professional and ethical responsibilities to keep abreast of copyright and fair use rights. This responsibility applies to the library’s own online publications, contractual obligations with authors and publishers, and informing library users of copyright laws that apply to their use of digital information.

American Library Association
June 5, 1997; rev. November 17, 2000; rev. January 16, 2010

Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation

An Interpretation of the Library Bill of Rights

American libraries exist and function within the context of a body of laws derived from the United States Constitution, including the First Amendment. The *Library Bill of Rights* embodies the basic policies that guide libraries in the provision of services, materials, and programs.

In the preamble to its *Library Bill of Rights*, the American Library Association affirms that *all* libraries are forums for information and ideas. This concept of *forum* and its accompanying principle of *inclusiveness* pervade all six Articles of the *Library Bill of Rights*.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including sex, gender identity, gender expression, or sexual orientation:

- Article I of the *Library Bill of Rights* states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The Association affirms that books and other materials coming from gay, lesbian, bisexual, and/or transgendered presses; gay, lesbian, bisexual and/or transgendered authors or other creators; and materials regardless of format or services dealing with gay, lesbian, bisexual and/or transgendered life are protected by the *Library Bill of Rights*. Librarians are obligated by the *Library Bill of Rights* to endeavor to select materials without regard to the sex, gender identity, gender expression, or sexual orientation of their creators by using the criteria identified in their written, approved selection policies ([ALA policy 53.1.5](#)).
- Article II maintains that "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library services, materials, and programs representing diverse points of view on sex, gender identity, gender expression, or sexual orientation should be considered for purchase and inclusion in library collections and programs. (ALA policies [53.1.1](#), [53.1.9](#), and [53.1.11](#)). The Association affirms that attempts to proscribe or remove materials dealing with gay, lesbian, bisexual, and/or transgendered life without regard to the written, approved selection policy violate this tenet and constitute censorship.
- Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."
- Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the *Library Bill of Rights* and all its Interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and

maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals. Therefore, Article V of the *Library Bill of Rights* mandates that library services, materials, and programs be available to all members of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation. This includes providing youth with comprehensive sex education literature ([ALA Policy 52.5.2](#)).

- Article VI maintains that "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." This protection extends to all groups and members of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of sex, gender identity, gender expression, or sexual orientation.

Adopted June 30, 1993, by the ALA Council; amended July 12, 2000, June 30, 2004, July 2, 2008.

Diversity in Collection Development

An Interpretation of the Library Bill of Rights

Collection development should reflect the philosophy inherent in Article II of the *Library Bill of Rights*: “Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” Library collections must represent the diversity of people and ideas in our society. There are many complex facets to any issue, and many contexts in which issues may be expressed, discussed, or interpreted. Librarians have an obligation to select and support access to materials and resources on all subjects that meet, as closely as possible, the needs, interests, and abilities of all persons in the community the library serves.

Librarians have a professional responsibility to be inclusive, not exclusive, in collection development and in the provision of interlibrary loan. Access to all materials and resources legally obtainable should be assured to the user, and policies should not unjustly exclude materials and resources even if they are offensive to the librarian or the user. This includes materials and resources that reflect a diversity of political, economic, religious, social, minority, and sexual issues. A balanced collection reflects a diversity of materials and resources, not an equality of numbers.

Collection development responsibilities include selecting materials and resources in different formats produced by independent, small and local producers as well as information resources from major producers and distributors. Materials and resources should represent the languages commonly used in the library’s service community and should include formats that meet the needs of users with disabilities. Collection development and the selection of materials and resources should be done according to professional standards and established selection and review procedures. Librarians may seek to increase user awareness of materials and resources on various social concerns by many means, including, but not limited to, issuing lists of resources, arranging exhibits, and presenting programs.

Over time, individuals, groups, and entities have sought to limit the diversity of library collections. They cite a variety of reasons that include prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, sexual content and expression, and other potentially controversial topics. Examples of such censorship may include removing or not selecting materials because they are considered by some as racist or sexist; not purchasing conservative religious materials; not selecting resources about or by minorities because it is thought these groups or interests are not represented in a community; or not providing information or materials from or about non-mainstream political entities. Librarians have a professional responsibility to be fair, just, and equitable and to give all library users equal protection in guarding against violation of the library patron’s right to read, view, or listen to materials and resources protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of materials and resources based on personal bias or prejudice.

Intellectual freedom, the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Toleration is meaningless without tolerance for what some may consider detestable. Librarians must not permit their own preferences to limit their degree of tolerance in collection development.

Adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008.

Evaluating Library Collections

An Interpretation of the Library Bill of Rights

The continuous review of library materials is necessary as a means of maintaining an active library collection of current interest to users. In the process, materials may be added and physically deteriorated or obsolete materials may be replaced or removed in accordance with the collection maintenance policy of a given library and the needs of the community it serves. Continued evaluation is closely related to the goals and responsibilities of each library and is a valuable tool of collection development. This procedure is not to be used as a convenient means to remove materials that might be viewed as controversial or objectionable. Such abuse of the evaluation function violates the principles of intellectual freedom and is in opposition to the Preamble and Articles I and II of the *Library Bill of Rights*, which state:

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

The American Library Association opposes internal censorship and strongly urges that libraries adopt guidelines setting forth the positive purposes and principles of evaluation of materials in library collections.

Adopted February 2, 1973; amended July 1, 1981; July 2, 2008.

Expurgation of Library Materials

An Interpretation of the Library Bill of Rights

Expurgating library materials is a violation of the *Library Bill of Rights*. Expurgation as defined by this interpretation includes any deletion, excision, alteration, editing, or obliteration of any part(s) of books or other library resources by the library, its agents, or its parent institution (if any) when done for the purposes of censorship. Such action stands in violation of Articles I, II, and III of the *Library Bill of Rights*, which state that “Materials should not be excluded because of the origin, background, or views of those contributing to their creation,” that “Materials should not be proscribed or removed because of partisan or doctrinal disapproval,” and that “Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.”

The act of expurgation denies access to the complete work and the entire spectrum of ideas that the work is intended to express. This is censorship. Expurgation based on the premise that certain portions of a work may be harmful to minors is equally a violation of the *Library Bill of Rights*.

Expurgation without permission from the rights holder may violate the copyright provisions of the United States Code.

The decision of rights holders to alter or expurgate future versions of a work does not impose a duty on librarians to alter or expurgate earlier versions of a work. Librarians should resist such requests in the interest of historical preservation and opposition to censorship. Furthermore, librarians oppose expurgation of resources available through licensed collections. Expurgation of any library resource imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information.

Adopted February 2, 1973; amended July 1, 1981; January 10, 1990; July 2, 2008.

THE UNIVERSAL RIGHT TO FREE EXPRESSION

An Interpretation of the Library Bill of Rights

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedoms of speech, press, religion, assembly, and association, and the corollary right to receive information.

The American Library Association endorses this principle, which is also set forth in the *Universal Declaration of Human Rights*, adopted by the United Nations General Assembly. The Preamble of this document states that “. . .recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. . .” and “. . .the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people. . .”

Article 18 of this document states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

Article 20 states:

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

We affirm our belief that these are inalienable rights of every person, regardless of origin, age, background, or views. We embody our professional commitment to these principles in the *Library Bill of Rights* and *Code of Ethics*, as adopted by the American Library Association.

We maintain that these are universal principles and should be applied by libraries and librarians throughout the world. The American Library Association's policy on International Relations reflects these objectives: “. . .to encourage the exchange, dissemination, and access to information and the unrestricted flow of library materials in all formats throughout the world.”

We know that censorship, ignorance, and limitations on the free flow of information are the tools of tyranny and oppression. We believe that ideas and information topple the walls of hate and fear and build bridges of cooperation and understanding far more effectively than weapons and armies.

The American Library Association is unswerving in its commitment to human rights and intellectual freedom; the two are inseparably linked and inextricably entwined. Freedom of opinion and expression is not derived from or dependent on any form of government or political power. This right is inherent in every individual. It cannot be surrendered, nor can it be denied. True justice comes from the exercise of this right.

We recognize the power of information and ideas to inspire justice, to restore freedom and dignity to the oppressed, and to change the hearts and minds of the oppressors.

Courageous men and women, in difficult and dangerous circumstances throughout human history, have demonstrated that freedom lives in the human heart and cries out for justice even in the face of threats, enslavement, imprisonment, torture, exile, and death. We draw inspiration from their example. They challenge us to remain steadfast in our most basic professional responsibility to promote and defend the right of free expression.

There is no good censorship. Any effort to restrict free expression and the free flow of information aids the oppressor. Fighting oppression with censorship is self-defeating.

Threats to the freedom of expression of any person anywhere are threats to the freedom of all people everywhere. Violations of human rights and the right of free expression have been recorded in virtually every country and society across the globe.

In response to these violations, we affirm these principles:

- The American Library Association opposes any use of governmental prerogative that leads to the intimidation of individuals that prevent them from exercising their rights to hold opinions without interference, and to seek, receive, and impart information and ideas. We urge libraries and librarians everywhere to resist such abuse of governmental power, and to support those against whom such governmental power has been employed.
- The American Library Association condemns any governmental effort to involve libraries and librarians in restrictions on the right of any individual to hold opinions without interference, and to seek, receive, and impart information and ideas. Such restrictions pervert the function of the library and violate the professional responsibilities of librarians.
- The American Library Association rejects censorship in any form. Any action that denies the inalienable human rights of individuals only damages the will to resist oppression, strengthens the hand of the oppressor, and undermines the cause of justice.
- The American Library Association will not abrogate these principles. We believe that censorship corrupts the cause of justice, and contributes to the demise of freedom.

Adopted by the ALA Council, January 16, 1991

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ECONOMIC BARRIERS TO INFORMATION ACCESS

An Interpretation of the Library Bill of Rights

A democracy presupposes an informed citizenry. The First Amendment mandates the right of all persons to free expression, and the corollary right to receive the constitutionally protected expression of others. The publicly supported library provides free, equal, and equitable access to information for all people of the community the library serves. While the roles, goals and objectives of publicly supported libraries may differ, they share this common mission.

The library's essential mission must remain the first consideration for librarians and governing bodies faced with economic pressures and competition for funding.

In support of this mission, the American Library Association has enumerated certain principles of library services in the *Library Bill of Rights*.

Principles Governing Fines, Fees, and User Charges

Article I of the *Library Bill of Rights* states:

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves.

Article V of the *Library Bill of Rights* states:

A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

The American Library Association opposes the charging of user fees for the provision of information by all libraries and information services that receive their major support from public funds. All information resources that are provided directly or indirectly by the library, regardless of technology, format, or methods of delivery, should be readily, equally and equitably accessible to all library users.

Libraries that adhere to these principles systematically monitor their programs of service for potential barriers to access and strive to eliminate such barriers when they occur. All library policies and procedures, particularly those involving fines, fees, or other user charges, should be scrutinized for potential barriers to access. All services should be designed and implemented with care, so as not to infringe on or interfere with the provision or delivery of information and resources for all users. Services should be reevaluated regularly to ensure that the library's basic mission remains uncompromised.

Librarians and governing bodies should look for alternative models and methods of library administration that minimize distinctions among users based on their economic status or financial condition. They should resist the temptation to impose user fees to alleviate financial pressures, at long-term cost to institutional integrity and public confidence in libraries.

Library services that involve the provision of information, regardless of format, technology, or method of delivery, should be made available to all library users on an equal and equitable basis. Charging fees for the use of library collections, services, programs, or facilities that were purchased with public funds raises barriers to access. Such fees effectively abridge or deny access for some members of the community because they reinforce distinctions among users based on their ability and willingness to pay.

Principles Governing Conditions of Funding

Article II of the *Library Bill of Rights* states:

Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

Article III of the *Library Bill of Rights* states:

Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

Article IV of the *Library Bill of Rights* states:

Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

The American Library Association opposes any legislative or regulatory attempt to impose content restrictions on library resources, or to limit user access to information, as a condition of funding for publicly supported libraries and information services.

The First Amendment guarantee of freedom of expression is violated when the right to receive that expression is subject to arbitrary restrictions based on content.

Librarians and governing bodies should examine carefully any terms or conditions attached to library funding and should oppose attempts to limit through such conditions full and equal access to information because of content. This principle applies equally to private gifts or bequests and to public funds. In particular, librarians and governing bodies have an obligation to reject such restrictions when the effect of the restriction is to limit equal and equitable access to information.

Librarians and governing bodies should cooperate with all efforts to create a community consensus that publicly supported libraries require funding unfettered by restrictions. Such a consensus supports the library mission to provide the free and unrestricted exchange of information and ideas necessary to a functioning democracy.

The Association's historic position in this regard is stated clearly in a number of Association policies: 50.4 "Free Access to Information," 50.8 "Financing of Libraries," 51.2 "Equal Access to Library Service," 51.3 "Intellectual Freedom," 53 "Intellectual Freedom Policies," 59.1 "Policy Objectives," and 60 "Library Services for the Poor."

Adopted by the ALA Council, June 30, 1993.

Privacy:

An Interpretation of the Library Bill of Rights

Introduction

Privacy is essential to the exercise of free speech, free thought, and free association. The courts have established a [First Amendment](#) right to receive information in a publicly funded library.¹ Further, the courts have upheld the right to privacy based on the Bill of Rights of the U.S. Constitution.² Many states provide guarantees of privacy in their constitutions and statute law.³ Numerous decisions in case law have defined and extended rights to privacy.⁴

In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf.⁵

Protecting user privacy and confidentiality has long been an integral part of the mission of libraries. The ALA has affirmed a right to privacy since 1939.⁶ Existing ALA policies affirm that confidentiality is crucial to freedom of inquiry.⁷ Rights to privacy and confidentiality also are implicit in the [Library Bill of Rights](#)'⁸ guarantee of free access to library resources for all users.

Rights of Library Users

The *Library Bill of Rights* affirms the ethical imperative to provide unrestricted access to information and to guard against impediments to open inquiry. Article IV states: "Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas." When users recognize or fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists.

In all areas of librarianship, best practice leaves the user in control of as many choices as possible. These include decisions about the selection of, access to, and use of information. Lack of privacy and confidentiality has a chilling effect on users' choices. All users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.

Users have the right to be informed what policies and procedures govern the amount and retention of personally identifiable information, why that information is necessary for the library, and what the user can do to maintain his or her privacy. Library users expect and in many places have a legal right to have their information protected and kept private and confidential by anyone with direct or indirect access to that information. In addition, Article V of the *Library Bill of Rights* states: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." This article precludes the use of profiling as a basis for any breach of privacy rights. Users have the right to use a library without any abridgement of privacy that may result from equating the subject of their inquiry with behavior.⁹

Responsibilities in Libraries

The library profession has a long-standing commitment to an ethic of facilitating, not monitoring, access to information. This commitment is implemented locally through

development, adoption, and adherence to privacy policies that are consistent with applicable federal, state, and local law. Everyone (paid or unpaid) who provides governance, administration, or service in libraries has a responsibility to maintain an environment respectful and protective of the privacy of all users. Users have the responsibility to respect each others' privacy.

For administrative purposes, librarians may establish appropriate time, place, and manner restrictions on the use of library resources.¹⁰ In keeping with this principle, the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library. Regardless of the technology used, everyone who collects or accesses personally identifiable information in any format has a legal and ethical obligation to protect confidentiality.

Conclusion

The American Library Association affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethics and practice of librarianship.

¹ Court opinions establishing a right to receive information in a public library include *Board of Education v. Pico*, 457 U.S. 853 (1982); *Kreimer v. Bureau Of Police For The Town Of Morristown*, 958 F.2d 1242 (3d Cir. 1992); and *Reno v. American Civil Liberties Union*, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997).

² See in particular the [Fourth Amendment](#)'s guarantee of "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," the [Fifth Amendment](#)'s guarantee against self-incrimination, and the [Ninth Amendment](#)'s guarantee that "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This right is explicit in Article Twelve of the [Universal Declaration of Human Rights](#): "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." See: <http://www.un.org/Overview/rights.html>. This right has further been explicitly codified as Article Seventeen of the "[International Covenant on Civil and Political Rights](#)," a legally binding international human rights agreement ratified by the United States on June 8, 1992. See: http://www.unhcr.ch/html/menu3/b/a_ccpr.htm.

³ Ten state constitutions guarantee a right of privacy or bar unreasonable intrusions into citizens' privacy. Forty-eight states protect the confidentiality of library users' records by law, and the attorneys general in the remaining two states have issued opinions recognizing the privacy of users' library records. See: [State Privacy Laws](#).

⁴ Cases recognizing a right to privacy include: [NAACP v. Alabama](#), 357 U.S. 449 (1958); [Griswold v. Connecticut](#) 381 U.S. 479 (1965); [Katz v. United States](#), 389 U.S. 347 (1967); and [Stanley v. Georgia](#), 394 U.S. 557 (1969). Congress recognized the right to privacy in the [Privacy Act of 1974 and Amendments \(5 USC Sec. 552a\)](#), which addresses the potential for government's violation of privacy through its collection of personal information. The Privacy

Act's "Congressional Findings and Statement of Purpose" state in part: "the right to privacy is a personal and fundamental right protected by the Constitution of the United States." See: http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=5&sec=552a.

⁵ The phrase "Personally identifiable information" was established in ALA policy in 1991. See: [Policy Concerning Confidentiality of Personally Identifiable Information about Library Users](#). Personally identifiable information can include many types of library records, for instance: information that the library requires an individual to provide in order to be eligible to use library services or borrow materials, information that identifies an individual as having requested or obtained specific materials or materials on a particular subject, and information that is provided by an individual to assist a library staff member to answer a specific question or provide information on a particular subject. Personally identifiable information does not include information that does not identify any individual and that is retained only for the purpose of studying or evaluating the use of a library and its materials and services. Personally identifiable information does include any data that can link choices of taste, interest, or research with a specific individual.

⁶ Article Eleven of the *Code of Ethics for Librarians* (1939) asserted that "It is the librarian's obligation to treat as confidential any private information obtained through contact with library patrons." See: [Code of Ethics for Librarians \(1939\)](#). Article Three of the current [Code](#) (1995) states: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted."

⁷ See these ALA Policies: [Access for Children and Young People to Videotapes and Other Nonprint Formats](#); [Free Access to Libraries for Minors](#); [Freedom to Read](#) (<http://www.ala.org/alaorg/oif/freeread.html>); [Libraries: An American Value](#); the newly revised [Library Principles for a Networked World](#); [Policy Concerning Confidentiality of Personally Identifiable Information about Library Users](#); [Policy on Confidentiality of Library Records](#); [Suggested Procedures for Implementing Policy on the Confidentiality of Library Records](#).

⁸ Adopted June 18, 1948; amended February 2, 1961, and January 23, 1980; inclusion of "age" reaffirmed January 23, 1996, by the ALA Council.

⁹ Existing ALA Policy asserts, in part, that: "The government's interest in library use reflects a dangerous and fallacious equation of what a person reads with what that person believes or how that person is likely to behave. Such a presumption can and does threaten the freedom of access to information." [Policy Concerning Confidentiality of Personally Identifiable Information about Library Users](#)

¹⁰ See: [Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities](#).

Adopted June 19, 2002, by the ALA Council.
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QUESTIONS AND ANSWERS ON PRIVACY AND CONFIDENTIALITY

The IFC developed this Q&A to work in conjunction with [Privacy: An Interpretation of the Library Bill of Rights](#), adopted by the ALA Council on June 19, 2002. Revised April 14, 2005; June 26, 2006; October 30, 2006.

Preamble

What prompted the Intellectual Freedom Committee to take on the privacy question now?

In 1999 ALA Council resolved that the [Library and Information Technology Association](#) be asked to examine the impact of new technologies on patron privacy and the confidentiality of electronic records. The Taskforce on Privacy and Confidentiality in the Electronic Environment was formed at the 1999 ALA Midwinter Conference with broad participation from across ALA. In July 2000, ALA Council approved the [Final Report of the Task Force on Privacy and Confidentiality in the Electronic Environment](#) (Council Document #62) and referred it to the [Intellectual Freedom Committee](#) for review. The recommendations contained therein were:

- That ALA revise its policy statements related to [Confidentiality of Library Records](#) (rev. 1986), and [Concerning Confidentiality of Personally Identifiable Information About Library Users](#) (1991), in order to specifically and appropriately incorporate Internet privacy.
- That ALA develop model privacy policies, instructional materials, and privacy “best practices” documents for libraries; and
- That ALA urge that all libraries adopt a privacy statement on Web pages and post privacy policies in the library that cover the issues of privacy in Internet use as accessed through the library’s services.

In its [own end-of-conference report to Council](#), the IFC responded to this referral by saying: “The Intellectual Freedom Committee gladly accepts Council’s charge to review the recommendations. IFC has been reviewing and will continue to monitor the appropriateness of all ALA policies regarding privacy and confidentiality and will address all three recommendations in our Midwinter Meeting report to Council.”

At the 2001 ALA Midwinter Meeting, the IFC established a standing Privacy Subcommittee, which is charged to monitor ongoing privacy developments in technology, politics and legislation and identify needs and resources for librarians and library users (cf. [2000–2001 CD#19.1](#)).

At its 2001 spring meeting, the committee returned to Council’s original request to consider developing an Interpretation of the [Library Bill of Rights](#) on Privacy. Initial work began on a draft Interpretation at that time and continued through the 2001 Annual Conference and the Committee’s 2001 fall meeting. In its deliberations, the committee thought carefully about the implications of 9/11 on privacy issues. We have sought to develop the Interpretation for lasting impact, knowing that this issue was of importance to libraries prior to those events and that it has enduring importance for those who rely on us in our libraries. (cf. [2002–2003 CD#19](#)).

ALA Council adopted [Privacy: An Interpretation of the Library Bill of Rights](#) on June 19, 2002, at the ALA Annual Conference in Atlanta, Georgia.

Basic Concepts

What is the difference between privacy and confidentiality?

In a library, the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information (see "[What is personally identifiable information](#)" below) about users and keeps that information private on their behalf. Confidentiality is a library's responsibility. This responsibility is assumed when library procedures create records such as closed-stack call slips, computer sign-up sheets, registration for equipment or facilities, circulation records, what Web sites were visited, reserve notices, or research notes.

In protecting the privacy rights and the confidentiality rights of library users, librarians should limit the degree to which personally identifiable information is monitored, collected, disclosed, and distributed.

For ALA's privacy policies and Privacy: An Interpretation of the Library Bill of Rights, see the [Intellectual Freedom Manual](#), latest edition, and the Web site, "[Privacy and Confidentiality](#)."

What is "personally identifiable information?" Why is it such a wordy phrase?

"Personally identifiable information" (PII) seems to have become the generally accepted language because it covers a greater range than "personal identification," such as a driver's license. The phrase has been in use in ALA policy since the 1991 adoption of the [Policy Concerning Confidentiality of Personally Identifiable Information about Library Users](#).

PII connects you to what you bought with your credit card, what you checked out with your library card, and what Web sites you visited where you picked up cookies. More than simple identification, PII can build up a picture of your tastes and interests—a dossier of sorts, though crude and often inaccurate. While targeted advertising is the obvious use for PII, some people would use this information to assess your character, decide if you were a security risk, or embarrass you for opposing them. Because of the chilling effect that such scrutiny can have on open inquiry and freedom of expression, libraries and bookstores have long resisted requests to release information that connects individual persons with specific books.

If there is no reasonable expectation of privacy in a public place, how can anyone expect privacy in a library?

A library cannot be responsible for someone being seen or recognized in a library, but should take steps to protect user privacy whenever possible. That is, in a library, a user's face may be recognized, but that does not mean that the subject of the user's interest must also be known. Library buildings, interior design, and functions can be planned to preserve privacy of inquiry, even while the user's presence and behavior remain observable. Thus, both safety and privacy are maintained. To the greatest extent possible, the user should be able to work independently, both to afford privacy and to reduce the quantity of confidential records for which the library must be responsible.

What about the rights of staff, volunteers, and trustees?

[Privacy: an Interpretation of the Library Bill of Rights](#), like the [Library Bill of Rights](#) itself, addresses the rights of library users. As such, this latest *Interpretation* does have implications for staff, volunteers, and trustees. Librarians involved in training volunteers, new employees, or

trustees should inform them of the requirements that they not abuse confidentiality and that they protect library users rights of privacy. When staff are themselves library users, they are entitled to equal protection of their privacy and confidentiality of their records as library users.

If users have rights and librarians have responsibilities, don't users also have responsibilities to protect their own privacy?

Librarians should educate the public, through a variety of methods, about information and tools that can help to preserve privacy or protect the confidentiality of personally identifiable information. In each library transaction in which an individual is asked to divulge personally identifiable information, library staff need to ensure that the individual is making an informed choice. Librarians should clarify any trade-offs between greater convenience and greater privacy. Users also need to understand their own responsibility to respect each one another's privacy.

Does privacy include a right to avoid exposure to unwanted images?

Protecting privacy in the library setting ensures open inquiry without fear of having one's interests observed by others. Ensuring user privacy not only benefits the user, but also those who prefer not to see what other users view. When there is a conflict between the right of individuals to view constitutionally protected speech and the sensibilities of unwilling viewers, free expression rights have generally prevailed in the Courts unless unwilling viewers are unable to avert their eyes. Libraries may address the concerns of unwilling viewers in a number of different ways, including the strategic placement of workstations and the use of devices such as privacy screens or recessed monitors.

What role does education play in protecting patron privacy?

The library should have a continuing training plan to educate staff, trustees, volunteers, and contract workers about library privacy principles, policies and procedures, and library staff's legal and ethical responsibilities as custodians of personally identifiable information. It is important that all concerned understand that this responsibility includes avoiding any inferences about users based on their library use.

Library staff should also be informed of their responsibility to cooperate with other organizations that work to protect privacy and challenge intrusions.

Librarians must educate the public through a variety of learning methods that provide the information and tools individuals need to protect their privacy and the confidentiality of their own personally identifiable information. For support in this area, see the "[Privacy and Confidentiality](#)" section of the ALA Office for Intellectual Freedom's Web site.

I know people can be suspicious of what bureaucrats might do with personal information, but I'm a librarian — can't people just trust me?

While we librarians don't often think of ourselves as government bureaucrats, members of the public may see us as authorities just like a uniformed police officer or a robed judge. In fact, staff in publicly funded libraries are part of government and are constrained by all the laws that restrict the power of government. One of the lessons learned on the way to democracy was that no matter how nice the current office holder may be, someday someone else may try to abuse the position. Laws and institutional policies are among the ways we make sure that we aren't totally dependent on the character of the person in the job. Especially when new technology makes

issues look different, policies can provide guidance and strength. By establishing strong privacy and confidentiality policies, libraries can protect staff from pressure to violate users' rights.

Protection of Privacy and Library Records

What is a Privacy Audit and whose responsibility is it?

A privacy audit is a technique for assuring that an organization's goals and promises of privacy and confidentiality are supported by its practices, thereby protecting confidential information from abuse and the organization from liability and public relations problems. An audit ensures that information processing procedures meet privacy requirements by examining how information about customers and employees is collected, stored, shared, used and destroyed. Privacy auditing is a process, not a one-time solution, as services, data needs, and technology change. A designated Privacy Officer may lead the audit, but all stakeholders and aspects of privacy need to be represented, from information technology to public relations. The audit process needs to be capable of dealing with the full extent of the information system. When a library is part of a larger organization that is conducting a privacy audit, specific library issues and needs must be included.

The audit process begins by evaluating the organization's existing policies and procedures for legality and consistency with the organization's mission and image. When policies have been reviewed (or established), the data collected can be categorized according to the degree of security necessary. The audit assesses the sensitivity, security risks, and public perceptions of the information the organization collects. The audit examines the necessity for each type of data, how it is collected, and what notice and options are provided to the individuals identified by the information. Mapping how data flows through the organization for access, storage, and disposal can reveal security needs, both electronic and physical. The audit process itself must be managed so that it does not increase risks and its recommendations must be addressed quickly once risks are revealed.

Sources:

- Coyle, Karen. 2002. "[Privacy and Library Systems Before & After 9/11.](#)" (last accessed December 15, 2004).
- Enright, Keith P. [2001]. "[Privacy Audit Checklist.](#)" (last accessed December 15, 2004).
- Flaherty, David H. 1998. "[How To Do A Privacy And Freedom Of Information Act Site Visit.](#)" David H. Flaherty. (last accessed December 15, 2004).
- Jerskey, Pamela, Ivy Dodge, Sanford Sherizen. [1998]. "[The Privacy Audit: a Primer.](#)" (last accessed December 15, 2004).
- Matis, Michael. 2002. "[The Code of Librarianship: Ethics and Information Architecture.](#)" (last accessed December 15, 2004).
- Texas Department of Information Resources. 2000. "[Privacy Issues Involved in Electronic Government.](#)" (last accessed December 15, 2004).

Can libraries use social security numbers (SSNs) in patron databases or for other means of uniquely identifying our users?

SSNs are not entirely random numbers: the first three digits indicate in which state the number was issued, and the next two numbers indicate the order in which the SSN was issued in each

area. Only the last four numbers are randomly generated. Thus, even the disclosure of an SSN without further action does divulge private information.

Some states restrict the use of social security numbers to circumstances explicitly authorized by law, particularly for the reporting of income for employees. Section 7 of the Federal Privacy Act of 1974 provides that any agency requesting an individual to disclose his or her SSN must "inform that individual whether that disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it." The Family Educational Rights and Privacy Act (FERPA) requires publicly-funded schools to obtain written consent for the release of personally identifiable information, which courts have ruled includes SSNs. The widespread use of SSNs by public and private agencies had created a dual threat of fraud victimization and the invasion of privacy, by linking significant amounts of personal and financial information through a single number. In November 2004 the GAO noted that ". . . it is clear that the lack of a broad, uniform policy allows for unnecessary exposure of personal Social Security numbers."

Libraries have long used SSNs to trace patrons who have outstanding fines or overdue materials, often through collection agencies. In fact, the current state of internet technology often allows an individual to be located without the use of an SSN. Libraries that choose to use SSNs in patron databases or to identify users should:

- inform patrons whether providing their SSNs is mandatory or voluntary, and under what statutory authority the SSNs are solicited;
- inform patrons of the purpose for which SSNs will be used;
- use encryption to protect SSNs within patron databases, and;
- investigate other methods of uniquely identifying patrons and tracing those who have outstanding fines or overdue materials.

Sources:

- EPIC. [Social Security Number \(SSN\) Privacy Page](#) (last accessed December 15, 2004).
- [Family Educational Rights and Privacy Act](#) (FERPA) (last accessed November 19, 2004).
- Governmental Accounting Office. [Social Security Numbers: Governments Could Do More to Reduce Display in Public Records and on Identity Cards](#), GAO-05-59, November 9, 2004 (last accessed November 19, 2004).
- [Privacy Act of 1974 and Amendments](#) (as of Jan 2, 1991) (last accessed November 19, 2004).
- Privacy Rights Clearinghouse. "[Your Social Security Number: How Secure Is It?](#)" (last accessed December 15, 2004).

Are there special challenges created for library administration by digital patron records?

Any database of personally identifiable information is a potential target for computer crime and identity theft. Data security must be planned to protect both the library itself and its promise of confidentiality, and to ensure the thorough removal of patron records as soon as each ceases to be needed. Library administration should seek ways to permit in-house access to information in all formats without creating a data trail. Library policies should clearly state the purposes for which users' personally identifiable information is needed; these records should be deleted as soon as the original purpose for collection has been satisfied.

In general, acquiring the least amount of personally identifiable information for the shortest length of time reduces the risk of unwanted disclosure. The library should also invest in appropriate technology to protect the security of any personally identifiable information while it is in the library's custody, and should ensure that aggregate data has been stripped of personally identifiable information.

In order to assure their obligations of confidentiality, libraries should implement written policies governing data retention and dissemination of electronic records. These policies should affirm the confidentiality of information about library users and their use of all library materials.

What if our library or institutional policy requires us to be closely involved with or closely monitoring our library users?

In all libraries, it is the nature of the service rather than the type of the library that should dictate any gathering of [personally identifiable information](#). Some common library practices necessarily involve close communication with—or monitoring of—library users. Services such as bibliographic instruction, reference consultation, teaching and curriculum support in school libraries, readers' advice in public libraries, and preservation of fragile or rare library materials in special collections libraries are just a few instances of services that require library staff to be aware of users' information-access habits. As part of serving the user, it is often necessary for staff to consult with each other. Staff must be careful to conduct such conversations privately and keep strictly to the purpose. But in all types of libraries, any such compromising of user privacy by library staff carries with it an ethical and professional (and often legal) obligation to protect the confidentiality of that personally identifiable information. Most important, all gathering of personally identifiable information should be done in the interests of providing, or improving, particular library services.

What else besides library records might compromise user privacy?

It is inevitable that library staff will recognize users. It is also necessary that staff be aware of activity and behavior inside the library to ensure that users' needs are met and for security purposes. This knowledge should not be put to any purpose other than service to library users.

Does the library's responsibility for user privacy and confidentiality extend to licenses and agreements with outside vendors and contractors?

Most libraries conduct business with a variety of vendors in order to provide access to electronic resources, to acquire and run their automated systems, and in some instances, to enable access to the Internet. Libraries need to ensure that contracts and licenses reflect their policies and legal obligations concerning user privacy and confidentiality. Whenever a third party has access to [personally identifiable information](#), the agreements need to address appropriate restrictions on the use, aggregation, dissemination, and sale of that information, particularly information about minors. In circumstances in which there is a risk that personally identifiable information may be disclosed, the library should warn its users.

How does the library's responsibility for user privacy and confidentiality relate to the use by library users of third party services in accessing their own circulation records?

Free third-party services are now available that remind library users of due dates and circulation fines via e-mail or RSS feeds. Libraries should advise users about the risks associated with providing library card numbers, passwords, or other library account information to any third party. These risks include changes in the privacy policies of the third-party service without customer notification, and disclosure of the user's library circulation records or other personally identifiable information, whether such disclosure is inadvertent or purposeful. Third parties are not bound by library confidentiality statutes or other laws protecting the privacy of user records. For these reasons, neither the library nor the library user can be certain that confidentiality will be adequately protected.

Are privacy rights of minors the same as those of adults? What information about a minor's use of the library should be kept confidential and what may be released to parents?

The rights of minors vary from state to state. Libraries may wish to consult the legal counsel of their governing authorities to ensure that policy and practice are in accord with applicable law. In addition, the legal responsibilities and standing of library staff in regard to minor patrons differ substantially in school and public libraries. In all instances, best practice is to extend to minor patrons the maximum allowable confidentiality and privacy protections.

Parents are responsible not only for the choices their minor children make concerning the selection of materials and the use of library facilities and resources, but also for communicating with their children about those choices. Librarians should not breach a child's confidentiality by giving out information readily available to the parent from the child directly. Libraries should take great care to limit the extenuating circumstances in which they will release such information.

Parental responsibility is key to a minor's use of the library. Notifying parents about the library's privacy and confidentiality policies should be a part of the process of issuing library cards to minors. In some public libraries, the privacy rights of minors may differ slightly from those of adults, often in proportion to the age of the minor. The legitimate concerns for the safety of children in a public place can be addressed without unnecessary invasion of minors' privacy while using the library.

The rights of minors to privacy regarding their choice of library materials should be respected and protected. More information on the privacy rights of children can be found on the OIF's page "[Privacy Resources for Librarians, Library Users, and Families](#)."

My library already has a Web Site Privacy Policy. Where can I go for guidance on what our Web Site Privacy Policy should contain?

This new [Interpretation](#) of the [Library Bill of Rights](#) is intended to reaffirm and clarify the long-standing commitment of librarians to protect the privacy rights of our users, regardless of the format or medium of information in use. This commitment has not changed in the era of the World Wide Web. In fact, it has only strengthened in the years since the Internet was introduced into America's libraries. See for example [Access to Electronic Information, Services, and Networks](#), in which ALA reaffirmed that "Users have both the right of confidentiality and the right of privacy."

Many non-library Web sites now have privacy policies that explain whether [personally identifiable information](#) is collected, how it is used if it is collected, and whether they sell or share this information to third parties. Such policies often explain how “[cookies](#)” are placed on hard drive and how they are used to track Web surfing. The privacy policies on governmental Web sites—including governmental library sites—may be covered by applicable local, [state](#), and federal laws. However, regardless of whether such laws are in place or not, libraries of all types—not just those that are publicly funded—need policies outlining the protections in place governing the online and offline privacy and confidentiality rights of library users. Links to selected sample library privacy policies can be found at [Privacy Resources for Librarians, Library Users, and Families](#). In addition, Chapter 2, part V, of the [Intellectual Freedom Manual](#) (latest edition) discusses the process involved in developing a confidentiality policy. See also, “[Developing a Confidentiality Policy](#).”

What about additional records kept by libraries for the purpose of serving patrons with special needs?

If libraries create additional records for special purposes, the same responsibility to maintain the confidentiality of those records applies. However, libraries that choose to keep such information on an ongoing basis acquire a correspondingly greater responsibility to maintain the ongoing confidentiality of that information. Policies and procedures should address the collection, retention, and disclosure of records in any format that contain [personally identifiable information](#) in compliance with statutory requirements. Libraries should also apply the [Fair Information Practice Principles: Notice, Consent, Access, Security and Enforcement](#). When complying with ALA’s [Library Services for People with Disabilities Policy](#), all attempts should be made to protect the privacy and confidentiality of library users with disabilities.

What about smart cards, or ID cards that use biometric enhancements? Won't they help protect privacy?

Smart cards are getting a lot of attention for their ability to store personal data for a variety of applications. With the best intentions, government agencies sometimes propose sharing data on people who receive government services. Library policies on confidentiality should state clearly that personally identifiable information collected by the library will not be shared with any other agency or organization unless required by a court order. If agencies are jointly issuing a smart card, library data must be partitioned with no leakage to other agencies.

The more agencies using a shared card, the greater the need for strong identification confirmation. Various biometrics, from photographs to fingerprints to iris scans, are proposed to ensure that identification cards are authentic. This raises correspondingly greater risks that tampering with the encoding of identification will affect every aspect of an individual's life. Biometrics can offer increased convenience, as in the suggestion of children checking out books by thumb print, but the risks must be carefully weighed. Libraries have a responsibility to invite public discussion on the pros and cons of identification technology proposals. The following URLs consider various aspects of new identification card technology:

- American Library Association. [Resolution on Privacy and Standardized Driver's Licenses and Personal Identification Cards](#) (adopted January 19, 2005; last accessed February 2, 2005). Barnes, Bill. 2001. ["The National ID Card: If They Build it, Will it Work?"](#) Slate. (last accessed December 15, 2004).

- Computer Professionals for Social Responsibility. 2002. "[National Identification Schemes: Links to Resources.](#)" (last accessed December 15, 2004)
- Electronic Privacy Information Center. 2002. "[National ID Cards.](#)" (last accessed December 15, 2004)
- Ellison, Larry. 2001. "[Smart Cards: Digital IDs Can Help Prevent Terrorism.](#)" Wall Street Journal, Monday, October 8, 2001, (last accessed December 15, 2004)
- Garfinkel, Simson. 2002. "[Identity Card Delusions.](#)" Technology Review, April 2002, (last accessed December 15, 2004)
- Glasner, Joanna. 2001. "[Linking Records Raises Risks.](#)" Wired News, April 20, 2001, (last accessed December 15, 2004)
- Ham, Shane and Robert D. Atkinson. 2002. "[Frequently Asked Questions about Smart ID Cards.](#)" Progressive Policy Institute. (last accessed December 15, 2004)
- Smart Card Basics. "[A sponsored site brought to you by a number of companies in the smart card industry.](#)" (last accessed January 24, 2005)
- Wylie, Margie. 2001. "[Database Flaws Could Hamper Any National ID System, Experts Warn.](#)" Newhouse News Service. (last accessed December 15, 2004)

What about data encryption?

Some privacy rights advocates encourage increased use of data encryption as a method for enhancing privacy protection. Encrypted data requires others to use a pre-defined electronic "key" to decipher the contents of a message, file, or transaction. While not yet in widespread use by individuals, data encryption is commonly used in online banking and commerce. Libraries should negotiate with vendors to encourage the use of such technology in library systems (e.g., in the document deliver, saved searches, and email features now offered by many OPAC vendors). Whenever possible, libraries should consider making encryption tools available to library users who are engaging in personalized online transactions or communications.

- [Center for Democracy and Technology Resource Library: Encryption.](#) (last accessed March 4, 2005)
- [Electronic Frontier Foundation Encryption Archive.](#) (last accessed March 4, 2005)
- [Electronic Privacy Information Center Cryptography Policy.](#) Revised October 2001. (last accessed March 4, 2005)
- [Electronic Privacy Information Center Online Guide to Practical Privacy Tools.](#) Updated March 2005. (last accessed March 4, 2005)
- [MyCrypto.net - Encryption, Privacy and Internet Security.](#) (last accessed March 4, 2005)

Our library has been using a lot of new technologies in recent years. How can we stay on top of all the privacy concerns?

Every technology since fire can be used for both good and evil. It is the responsibility of librarians to establish policies to prevent "function creep." As much as any threat or promise to privacy posed by new technologies, it is attention and commitment to fundamental principles of data security that may best ensure that user rights to privacy and confidentiality are not threatened through their use of library services. To help define and assess your local data security practices, consider reviewing these guidelines:

- [Fact Sheet 12: Responsible Information-Handling. Utility Consumers' Action Network/Privacy Rights Clearinghouse.](#) Revised May 2002. (last accessed May 27, 2005)

- [Infopeople Project How-To Guides: Library Computer and Network Security](#). Updated November 2004. (last accessed May 27, 2005)

My library is considering implementing a Radio Frequency Identification (RFID) system for circulation and stacks maintenance. What are the implications for patron privacy of such systems?

Some libraries have already implemented RFID; others are waiting until some of the industry technical standards and privacy implications have been better resolved. ALA has approved [RFID Privacy Principles](#) that encourage libraries to adopt and enforce privacy policies and discourage inclusion of personal information on RFID tags. When considering, selecting and implementing RFID, libraries should safeguard user privacy by consulting ALA's [RFID in Libraries: Privacy and Confidentiality Guidelines](#) in order to adopt best practices to protect privacy and confidentiality. Additional resources are also available:

- ALA Library. "[Fact Sheet 25 - RFID: A Brief Bibliography](#)."
- ALA Office for Intellectual Freedom. "[RFID: Radio Frequency IDentification Chips and Systems](#)."
- Ayre, Lori Bowen, The Galecia Group. "[Position Paper: RFID and Libraries](#)". August 19, 2004."
- Book Industry Study Group. "[BISG Policy Statement #002: RFID - Radio Frequency Identification Privacy Principles](#)". Approved : September 23, 2004."
- E-list: "[RFID LIB A forum for discussion of the uses and implications of using RFID technology in libraries](#)."
- Electronic Frontier Foundation. "[Radio Frequency Identification \(RFID\)](#)."
- Electronic Privacy Information Center. "[Radio Frequency Identification \(RFID\) Systems](#)."
- Givens, Beth, Director of the Privacy Rights Clearinghouse. "[RFID Implementation in Libraries: Some Recommendations for 'Best Practices'](#)."
- Library and Information Technology Association. "[Technology and library users, an ongoing discussion. The Top Trends, Issue Two: RFID](#)". January 11, 2004.
- Molnar, David and David Wagner. "[Privacy and Security in Library RFID Issues, Practices, and Architectures](#)". (CCS'04, October 25-29, 2004, Washington, DC)
- "[RFID Position Statement of Consumer Privacy and Civil Liberties Organizations](#)". November 20, 2003.
- Weblog: "[RFID in Libraries](#)."

Can circulation or registration information be used for other library purposes, such as to generate mailing lists for fund-raising by the library or its Friends group?

The Fair Information Practice Principles of "Notice and Openness" and "Choice and Consent" should be reflected in library privacy policies. See "[How to Draft a Library Privacy Policy](#)." Some states impose restrictions on the use of personally identifiable information (PII) for any purposes other than circulation or administration. In other states it is illegal to provide library user PII to any third party except under court order. (See "[State Privacy Laws Regarding Library Records](#)"). In all states, regardless of the status of the law, library policies regarding the collection, use and dissemination of PII should be carefully formulated and administered to ensure that they do not conflict with the ALA Code of Ethics that states "we protect each user's right to privacy and confidentiality." Libraries choosing to use PII for any library-related purpose

other than for which the PII was gathered should consider the following standard "opt-in" practices:

- Notice should be provided to all users of any library use of PII.
- Any use of PII beyond circulation or administration should be authorized only on an opt-in basis. At the time of registration, users should be asked to opt-in to additional and specifically enumerated uses of their PII (e.g., for fund-raising appeals). The PII of those who decline to 'opt-in' should not be made available for any additional uses.
- Any time a library decides to extend use of PII in ways not already authorized, it must seek user opt-in. Libraries should presume that all non-responders wish to opt out of the new use.

What privacy rights do library employees enjoy in the workplace?

Employers have a legitimate interest in ensuring efficiency and productivity. Library management has an obvious further interest in ensuring that employee practices do not adversely affect user service or infringe on user rights, including user rights of privacy and confidentiality. But library employers who use electronic or video surveillance or engage in monitoring of computer, e-mail, or telephone use must carefully evaluate these practices in light of both legal requirements and the profession's ethical commitment to upholding rights of privacy and confidentiality.

- Legal issues: Few laws regulate employee monitoring in the private sector, although federal, state, and local government employees benefit from some degree of legal protection. However, some state public record and record retention laws may impact the degree to which employee personally identifiable information (PII) is kept confidential. Employee PII not covered by law or regulation must be kept confidential. Further, employees have a right to know what security and information management systems are in place to protect personnel records containing PII, and a right to a clear enumeration of the circumstances under which such information may be provided to third parties. Library policy should call for the release of PII to law enforcement requests only when those requests come in the form of a court order from a court of competent jurisdiction.
- Monitoring: In many libraries, employees are required to sign Internet and computing use agreements that differ from the policies extended to library users. However, if a library intends to engage in monitoring of staff workstations or work spaces, it should give notice through a written policy providing:
 - notice of these practices to employees
 - notice to the public if any staff-user interactions (e.g., virtual reference) are subject to monitoring or recording; and both redaction of PII from and regular purging of all such records
 - notice to employees if their social security numbers are used as unique identifiers in personnel or other records
 - employee access to all PII, including any collected through monitoring, and the right to dispute and delete inaccurate data
 - no monitoring of areas designed for employee health or comfort
 - no collection of data not specifically related to work performance
 - restrictions on PII disclosure to third parties without employee consent

- Staff with access to employee PII: All staff and any others with access to employee PII must understand they are not to look at any stored information without prior authorization to do so, and in accordance with written policies; and that if they accidentally see any such data (such as electronic monitoring logs, e-mail subject lines, file names, etc.) they are bound by confidentiality guidelines.
- Staff use of library resources: All staff use of library resources or public access workstations that is conducted outside of work hours and/or is not directly job-related should be covered in the same way that any library user's privacy and confidentiality is protected.

For more information on employee privacy rights, and on policy writing to protect those rights, see:

- ACLU. [Privacy in America: Electronic Monitoring](#). (Oct. 22, 2003).
- ACLU. [Through the Keyhole](#). (July 26, 1998).
- EPIC. [Workplace Privacy Page](#). (Aug. 3, 2004).
- Privacy Rights Clearinghouse. [Fact Sheet 7: Workplace Privacy](#). (Rev. Sept. 2002).

Security Concerns

What if law enforcement requests disclosure of library records? What if laws applicable to my library require the disclosure of some or all library records or other personally identifiable information without a court order?

Library policies must not violate applicable federal, [state](#), and local laws. However, in accordance with Article IV of the [Library Bill of Rights](#), librarians should oppose the adoption of laws that abridge the privacy rights of any library user.

Forty-eight states have statutes that protect the confidentiality of library records. The other two have attorneys general opinions that support the confidentiality of library records. For your state statute or opinion, see [State Privacy Laws regarding Library Records](#).

Library policy should require that law enforcement requests for any library record be issued by a court of competent jurisdiction that shows good cause and is in proper form. See ALA's documents, [Suggested Procedures for Implementing Policy on Confidentiality of Library Records](#) and [Policy on Confidentiality of Library Records](#). The library governing authority needs to be aware that privacy, and especially the privacy of children and students may be governed by additional state and federal laws. For example, on April 21, 2000, a new Federal law, the [Children's Online Privacy Protection Act \(COPPA\)](#), went into effect. This law, designed to protect children's privacy on the Internet, directly impacts how children access Internet content.

When creating its privacy policies, library governing authorities need to be fully aware of any such laws regarding disclosure and the rights of parents, and create policies accordingly. Faculty and school administrators do not have parental authority over students' privacy.

Chapter 2, part V, of the [Intellectual Freedom Manual](#) (latest edition) discusses the process involved in developing a confidentiality policy. See also, "[Developing a Confidentiality Policy](#)."

What about library staff's civic duty to help law enforcement?

If staff observe illegal behavior, this should be reported to law enforcement. A library should have clear, written procedures for responding to criminal behavior, in addition to behavior that violates policy. Neither libraries, their resources, nor their staff should be used in any scheme to elicit and catch criminal behavior.

In the event of a request for information from a federal or local law enforcement agency, librarians should consult with their library administration and/or legal counsel before complying with such requests. Librarians should note that requests made under the [USA PATRIOT Act](#) must come from the [Federal Bureau of Investigation](#) and are not valid if coming from state agencies. If a librarian is compelled to release information, further breaches of patron confidentiality will be minimized if the librarian personally retrieves the requested information and supplies it to the law enforcement agency. Otherwise, allowing the law enforcement agency to perform its own retrieval may compromise confidential information that is not subject to the current request.

Library policies protecting patron privacy and confidentiality are grounded in the profession's ethical commitment to providing an atmosphere conducive to free intellectual inquiry. We must always remember that we have a unique and important contribution to make to society through this protection, and that as such we have a duty to make it a priority.

Are video or electronic surveillance cameras in libraries a violation of patron privacy?

Today's sophisticated high-resolution surveillance equipment is capable of recording patron reading and viewing habits in ways that are as revealing as the written circulation records libraries routinely protect. When a library considers installing surveillance equipment, the administrative necessity of doing so must be weighed against the fact that most of the activity being recorded is innocent and harmless. Any records kept may be subject to FOI requests. Since any such personal information is sensitive and has the potential to be used inappropriately in the wrong hands, gathering surveillance data has serious implications for library management.

If the library decides surveillance is necessary, it is essential for the library to develop and enforce strong policies protecting patron privacy and confidentiality appropriate to managing the equipment, including routine destruction of the tapes in the briefest amount of time possible, or as soon as permitted by law.

What about security? Shouldn't priority be given to the legitimate needs of security personnel who are responsible for protecting the physical safety of users and staff? And what about the needs of systems personnel to ensure security of computers and networks?

Those responsible for maintaining the security of the library, its users, staff, collections, computing equipment and networks all have a special obligation to recognize when they may be dealing with sensitive or private information. Like other staff whose jobs are not direct library service (custodians, guards, etc), those with access to [personally identifiable information](#) or to users' personal files need to be informed of library ethics and of job expectations that they will not abuse confidentiality.

It is the responsibility of library staff to destroy information in confidential or privacy protected records in order to protect from unauthorized disclosure. Information that should be regularly purged or shredded includes personally identifiable information on library resource use, material circulation history, and security / surveillance tapes and logs. Libraries that use surveillance cameras should have written policies stating that the cameras are not to be used for anything else to avoid “function creep.” If the cameras create any records, the library must recognize its responsibility to protect their confidentiality like any other library record. This is best accomplished by purging the records as soon as their purpose is served.

Won’t privacy policies create a situation that will protect illegal acts?

All libraries are advised to have in place Patron Behavior policies as well as Internet Use policies. In both instances it should be clearly stated that engaging in any illegal act will not be permitted. A possible policy statement could be:

Any activity or conduct that is in violation of federal, state, or local laws is strictly prohibited on library premises.

Clear evidence of illegal behavior is best referred to law enforcement who know the processes of investigation that protect the rights of the accused.

Should staff be instructed to monitor library use by patrons to determine inappropriate or illegal behavior?

Library Patron Behavior policies and [Internet Use policies](#) should clearly state that illegal activity is prohibited. Staff should be carefully trained to deal with any illegal patron behavior that is apparent to them or has been brought to their attention. General monitoring by staff of patron content or use of library materials and resources in any format is inappropriate in all instances with the exception of observation for the purposes of protecting library property. Patron Behavior and Internet Use policies should clearly state all of the steps to be taken by staff when illegal behavior or activity in violation of the above policies is observed. The steps in these guidelines will vary from library to library and should be determined locally. Once again, clear evidence of illegal behavior is best referred to law enforcement who know the processes of investigation that protect the rights of the accused.

POLICY CONCERNING CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION ABOUT LIBRARY USERS

"In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf" ([Privacy: An Interpretation of the Library Bill of Rights](#)).

The ethical responsibilities of librarians, as well as statutes in most states and the District of Columbia, protect the privacy of library users. Confidentiality extends to "information sought or received and resources consulted, borrowed, acquired or transmitted" ([ALA Code of Ethics](#)), and includes, but is not limited to, database search records, reference interviews, circulation records, interlibrary loan records and other personally identifiable uses of library materials, facilities, or services.

The First Amendment's guarantee of freedom of speech and of the press requires that the corresponding rights to hear what is spoken and read what is written be preserved, free from fear of government intrusion, intimidation, or reprisal. The American Library Association reaffirms its opposition to "any use of governmental prerogatives that lead to the intimidation of individuals or groups and discourages them from exercising the right of free expression as guaranteed by the First Amendment to the U.S. Constitution" and "encourages resistance to such abuse of governmental power . . ." ([ALA Policy 53.4](#)). In seeking access or in the pursuit of information, confidentiality is the primary means of providing the privacy that will free the individual from fear of intimidation or retaliation.

The American Library Association regularly receives reports of visits by agents of federal, state, and local law enforcement agencies to libraries, asking for personally identifiable information about library users. These visits, whether under the rubric of simply informing libraries of agency concerns or for some other reason, reflect an insensitivity to the legal and ethical bases for confidentiality, and the role it plays in the preservation of [First Amendment](#) rights, rights also extended to foreign nationals while in the United States. The government's interest in library use reflects a dangerous and fallacious equation of what a person reads with what that person believes or how that person is likely to behave. Such a presumption can and does threaten the freedom of access to information. It also is a threat to a crucial aspect of First Amendment rights: that freedom of speech and of the press include the freedom to hold, disseminate and receive unpopular, minority, extreme, or even dangerous ideas.

The American Library Association recognizes that law enforcement agencies and officers may occasionally believe that library records contain information that would be helpful to the investigation of criminal activity. The American judicial system provides the mechanism for seeking release of such confidential records: a court order, following a showing of *good cause* based on *specific facts*, by a court of competent jurisdiction.¹

The American Library Association also recognizes that, under limited circumstances, access to certain information might be restricted due to a legitimate national security concern. However, there has been no showing of a plausible probability that national security will be compromised by any use made of unclassified information available in libraries. Access to this unclassified

information should be handled no differently than access to any other information. Therefore, libraries and librarians have a legal and ethical responsibility to protect the confidentiality of all library users, including foreign nationals.

Libraries are one of the great bulwarks of democracy. They are living embodiments of the First Amendment because their collections include voices of dissent as well as assent. Libraries are impartial resources providing information on all points of view, available to all persons regardless of origin, age, background, or views. The role of libraries as such a resource must not be compromised by an erosion of the privacy rights of library users.

1 See [*Confidentiality and Coping With Law Enforcement Inquiries: Guidelines for the Library and its Staff*](http://www.ala.org/oif/ifissues), ALA Office for Intellectual Freedom, available on the Web at <http://www.ala.org/oif/ifissues>.

Adopted July 2, 1991, by the ALA Council; amended June 30, 2004.

[ISBN 8389-7554-2]

POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS

The Council of the American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy that specifically recognizes its circulation records and other records identifying the names of library users to be confidential. (See also *ALA Code of Ethics*, Article III, “We protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired or transmitted” and *Privacy: An Interpretation of the Library Bill of Rights*.)
2. Advise all librarians and library employees 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 authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
3. Resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.¹

¹Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Adopted January 20, 1971; revised July 4, 1975, July 2, 1986, by the ALA Council.

[ISBN 8389-6082-0]

EXHIBIT SPACES AND BULLETIN BOARDS

An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries often provide exhibit spaces and bulletin boards. The uses made of these spaces should conform to the *Library Bill of Rights*: Article I states, “Materials should not be excluded because of the origin, background, or views of those contributing to their creation.” Article II states, “Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” Article VI maintains that exhibit space should be made available “on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.”

In developing library exhibits, staff members should endeavor to present a broad spectrum of opinion and a variety of viewpoints. Libraries should not shrink from developing exhibits because of controversial content or because of the beliefs or affiliations of those whose work is represented. Just as libraries do not endorse the viewpoints of those whose work is represented in their collections, libraries also do not endorse the beliefs or viewpoints of topics that may be the subject of library exhibits.

Exhibit areas often are made available for use by community groups. Libraries should formulate a written policy for the use of these exhibit areas to assure that space is provided on an equitable basis to all groups that request it.

Written policies for exhibit space use should be stated in inclusive rather than exclusive terms. For example, a policy that the library’s exhibit space is open “to organizations engaged in educational, cultural, intellectual, or charitable activities” is an inclusive statement of the limited uses of the exhibit space. This defined limitation would permit religious groups to use the exhibit space because they engage in intellectual activities, but would exclude most commercial uses of the exhibit space.

A publicly supported library may designate use of exhibit space for strictly library-related activities, provided that this limitation is viewpoint neutral and clearly defined.

Libraries may include in this policy rules regarding the time, place, and manner of use of the exhibit space, so long as the rules are content neutral and are applied in the same manner to all groups wishing to use the space. A library may wish to limit access to exhibit space to groups within the community served by the library. This practice is acceptable provided that the same rules and regulations apply to everyone, and that exclusion is not made on the basis of the doctrinal, religious, or political beliefs of the potential users.

The library should not censor or remove an exhibit because some members of the community may disagree with its content. Those who object to the content of any exhibit held at the library should be able to submit their complaint and/or their own exhibit proposal to be judged according to the policies established by the library.

Libraries may wish to post a permanent notice near the exhibit area stating that the library does not advocate or endorse the viewpoints of exhibits or exhibitors.

Libraries that make bulletin boards available to public groups for posting notices of public interest should develop criteria for the use of these spaces based on the same considerations as those outlined above. Libraries may wish to develop criteria regarding the size of material to be displayed, the length of time materials may remain on the bulletin board, the frequency with which material may be posted for the same group, and the geographic area from which notices will be accepted.

Adopted July 2, 1991, by the ALA Council; amended June 30, 2004, by the ALA Council.

[ISBN 8389-7551-8]



REQUEST FOR RECONSIDERATION OF LIBRARY MATERIAL

Your Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: () _____

Representing: _____ Self _____ Organization (please name) _____

Author: _____

Title: _____

Publisher (if known): _____

Book _____ Magazine _____ Video _____ Other (please state) _____

- 1. Have you read the Library's Materials Selection Policy? _____ Yes _____ No (please do so)
- 2. Did you read, view or listen to the entire material? _____ Yes _____ No, Just Parts (which) _____

3. What do you believe is the theme of this material? _____

4. To what in this material do you object? (Please be specific; cite pages): _____

5. What do you feel might be the result of reading, viewing or listening to this material? _____

6. Are you aware of the critics' judgment of this item? _____

7. What do you suggest we do with this item? _____

8. What could we add to our collection to represent your point of view? _____

Signature: _____ Date: _____

OHIO LIBRARY COUNCIL

INTELLECTUAL FREEDOM POLICY STATEMENT

I. PREAMBLE

The Ohio Library Council is concerned with the freedom of all members of a democratic society to examine what they will in the course of making the social, educational, and political judgments upon which that society is based. Libraries provide to a free society the defense necessary against pressures toward conformity. Libraries enrich their communities through provision of recreational reading, listening, and viewing materials for a wide variety of tastes and interests. Libraries provide students and scholars with the records concerning current, and perhaps controversial, issues. Library employees should deem their freedom, and that of libraries and their users, of the utmost importance to the continued existence of democracy.

II. AUTHORITY

The Board of Directors of the Ohio Library Council endorses the "Library Bill of Rights," "Interpretations of the Library Bill of Rights," and the "Freedom to Read Statement", as delineated in the latest edition of the *Intellectual Freedom Manual*, published by the American Library Association*, and ALA's "Libraries: An American Value" statement.

The Board of Directors empowers the Intellectual Freedom Committee to investigate and report to the Chairperson of the Council and the Board of Directors about problems arising in the areas of concern described below. Such investigations and reports shall follow the "Procedures for Handling Reported Violations of Intellectual Freedom" adopted by the Intellectual Freedom Committee and the OLC Board of Directors.

Reports to the Board will normally be given at regularly scheduled meetings, but the Chairperson, or an authorized deputy, shall call special meetings, as authorized under Article 3, Section 3.07, of the Code of Regulations of the Ohio Library Council, in circumstances which necessitate immediate action.

* Available from ALA Books, American Library Association, 50 East Huron St., Chicago, IL 60611; -800-545-2433

III. AREAS OF CONCERN

- A. The Council is concerned with actual or proposed restrictions on library materials or on the selection judgments, order procedures, or administrative practices of library employees, originating with individuals, voluntary committees, or administrative and governmental authorities.
- B. The Council believes that every library, in order to strengthen its own selection process and to provide an objective basis for evaluation of that process, should develop an official statement of policy for the selection of library materials based on the Library Bill of Rights. In making decisions about how to offer access to information, each library should consider its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.
- C. The Council is concerned about legislation or policies at the state, local, or school district level which might place library collections in jeopardy or which might restrict, prejudice, or otherwise interfere with selection, acquisition, or other professional activities of library employees. At the same time, the Council is supportive of legislation or policies at the state, local, or school district level which would strengthen the position of libraries and other media of communication as instruments of knowledge and culture in a free society.
- D. The Council believes that its members should be free to exercise their constitutional rights as individuals to express their views in public on any subject. Members should not be constrained by the possibility that expression of unpopular views may result in loss of employment. Members should, however, make a clear distinction between their personal views and the policies of the library or institution by which they are employed.
- E. The Council believes that each library user has a right to privacy with regard to information sought or received and materials consulted, borrowed, or acquired.
- F. The Council believes in full and free access to the Internet in libraries and opposes all attempts by federal and state governments, or their agencies, to impose filtering on libraries.

Adopted by the OLC Board of Directors, January 3, 1997

Modified and Revised, November 4, 1999

Modified and Revised, December 7, 2001

Modified and Revised, January 12, 2005

PROCEDURES FOR HANDLING REPORTED VIOLATIONS OF INTELLECTUAL FREEDOM

If there is an alleged violation of intellectual freedom involving an institution or library employee in Ohio, the Intellectual Freedom Committee (IFC) will adhere to the following procedures:

1. Any person may report an alleged violation of intellectual freedom by telephoning the OLC Executive Office staff. The Executive Office staff will be responsible for immediately notifying the IFC Chairperson.
2. The IFC Chairperson should contact immediately the affected institution or individual, if the reporting individual is not an official representative of an affected institution or individual, to ascertain whether the assistance of the Committee is needed/requested.
3. If assistance is requested, the IFC Chairperson will send an Intellectual Freedom Report Form to the institution or individual affected. The form should be completed and returned to the IFC Chairperson and shall become part of the Committee's file. The IFC Chairperson will maintain a confidential file of the report for the duration of the case. Upon settlement of the case, the file will be transferred to the OLC Executive Office for appropriate disposition. The provision of assistance by the Committee should not be contingent upon the return of a completed form.
4. Once the assistance has been requested, the IFC Chairperson should immediately inform the following of the request:
 - IFC members
 - American Library Association Office for Intellectual Freedom
 - Executive Director of OLC, who shall immediately inform the OLC President
5. The IFC Chairperson, or designee, will review the alleged violation of intellectual freedom by contacting the involved parties to determine the facts.
6. The IFC Chairperson will draft a statement of position in light of the facts and in relation to the stated Intellectual Freedom policy of the OLC; this statement shall include recommendation for appropriate action by OLC.
7. The IFC Chairperson will present the draft statement to the OLC President and Board of Directors. The IFC Chairperson will be responsible for providing any assistance necessary to the OLC Chair and Board to facilitate their deliberations.
8. The Board will issue the official position statement of the OLC. The IFC will follow the guidelines set forth in the statement while providing assistance to the affected institution or individual.
9. If, in the judgment of the IFC Chairperson, a violation of intellectual freedom requires immediate action on the part of the Committee, he/she may contact the OLC President to determine what actions may be taken before the regular procedures are followed.
10. In extreme cases, where the IFC and the Board of Directors find that an intrusion on intellectual freedom exists and cannot be resolved by conciliatory procedures, the Directors may authorize one or more of the following actions:

- a) in cases of censorship of library material(s), publicize this fact in OLC publications and local media;
- b) in cases involving dismissal or threats of dismissal:
 - i. provide moral support to the library employee to resist.
 - ii. provide factual support in documented evidence.
 - iii. publicize this fact in OLC publications and local media.
 - iv. assist in seeking monetary support for maintenance and legal aid. If monetary support is required for maintenance and legal aid, the Committee shall recommend and the Board shall promptly determine whether such aid can best be furnished by the OLC or by such groups as the Freedom to Read Foundation, the American Library Association, the American Association of University Professors, the American Civil Liberties Union, or the National Education Association Legal Fund, and shall take all possible steps to ensure that prompt and adequate assistance is made available.