



FREEDOM TO READ FOUNDATION REPORT TO COUNCIL: 2016 MIDWINTER MEETING, BOSTON

As President of the Freedom to Read Foundation, it is my privilege to report on the Foundation's activities since the 2015 Annual Conference:

Litigation

PRIVACY AND SURVEILLANCE

One of the ongoing priorities for the Freedom to Read Foundation is the preservation of reader privacy and the right of the library user to read and inquire free from any surveillance or unwanted interference by the government. In particular, FTRF wants to ensure that library users are not chilled in their right to receive information because they fear the government's warrantless surveillance of their communications will reveal the subject matter of their inquiries.

Past history has taught us that individuals will avoid accessing controversial, unorthodox, or sensitive material they have a constitutional right to read if they believe the government is monitoring their reading habits.

To address this priority, FTRF recently joined two different *amicus curiae* briefs to challenge the government's bulk collection of phone metadata without a warrant and to support the right of libraries to challenge warrantless surveillance on behalf of their patrons.

The *amicus* brief filed in *United States v. Moalin* argues that the government should not be permitted to engage in warrantless searches and seizures of phone metadata because that metadata reveals information about an individual's expressive and associational activities that should be protected by both the First and Fourth Amendments of the Constitution. The underlying case arose as

a criminal prosecution and involves the defendant's request for a new trial based on the government's failure to disclose that evidence used against the defendant was gathered through the National Security Agency's bulk phone metadata surveillance program without a warrant. The *amicus* brief signed by FTRF challenges existing Supreme Court precedent holding that individuals "voluntarily" provide such data to third parties like phone companies, thereby ending the user's Fourth Amendment expectation of privacy. The brief asserts that, given the realities of the digital age that require individuals to entrust their metadata and content to third party communications companies, this doctrine should be set aside and the government required to obtain a warrant whenever it seeks to access metadata that reveals information about a user's associations and expressive activities.

The *amicus* brief was prepared by the Brennan Center for Justice at New York University's School of Law. Joining FTRF on the *amicus* brief are the American Library Association, the Electronic Privacy Information Center, the National Association of Criminal Defense Lawyers, the Ninth Circuit Federal and Community Defenders and the Reporters Committee for Freedom of the Press. The case is currently pending before the Ninth Circuit Court of Appeals.

The second *amicus curiae* brief joined by FTRF asserts the importance of privacy to the unfettered exercise of First Amendment rights and argues that libraries, booksellers, and similar organizations can assert the rights of their users related to their privacy concerns associated with the government surveillance of users' reading records. The underlying lawsuit, *Wikimedia v. National Security Agency*, challenges the National

Security Agency's practice of using "upstream surveillance" to intercept international communications as they travel across the internet's backbone and was filed by the ACLU on behalf of a number of legal, educational, and human rights organizations. The government argues that these organizations have no standing to challenge the NSA's surveillance; the *amicus* brief points out that individual users are likely to avoid challenging the law for fear that the content of their communications would be revealed. Consequently, libraries, booksellers, and similar organizations can assert their users' privacy rights on the grounds that such warrantless surveillance chills communications between users and the libraries, booksellers, and organizations that serve and represent them.

The *amicus* brief was written by the Electronic Frontier Foundation. Joining FTRF on the brief are the American Booksellers Association, the American Library Association, the Association of Research Libraries and The International Federation of Library Associations. On October 23, 2015, the district court dismissed the lawsuit on the grounds that the plaintiffs failed to provide factual evidence of how NSA actually was using its program to search and seize communications; it held that the plaintiffs lacked standing because the plaintiffs' alleged injury was speculative. The plaintiffs are currently considering an appeal to the Fourth Circuit Court of Appeals.

CENSORSHIP

On July 7, 2015, the Ninth Circuit Court of Appeals issued the long-awaited decision in *Maya Arce, et al. v. Diane Douglas, et al* (formerly *Arce v. Huppenthal*). The lawsuit, filed by teachers and students in the Tucson Unified School District (TUSD)



against the Arizona Superintendent of Public Instruction and other state officials, challenged the constitutionality of an Arizona statute prohibiting the use of class materials or books that encourage the overthrow of the government, “promote resentment toward a race or class of people,” or “designed primarily for pupils of a particular ethnic group,” or “advocate ethnic solidarity instead of the treatment of pupils as individuals.” The plaintiffs filed the lawsuit after TUSD was forced to cease its Mexican-American Studies program and remove books from its classrooms. After the district court upheld the constitutionality of the statute, the plaintiffs appealed, asking the Ninth Circuit Court of Appeals to overturn the district court’s decision.

At the request of the plaintiffs’ legal counsel, FTRF’s legal counsel authored an *amicus curiae* brief in support of the plaintiffs’ First Amendment claims. The American Library Association, REFORMA, the Black Caucus of the ALA and the Asian/Pacific American Librarians Association all joined FTRF on the brief.

The Ninth Circuit issued a mixed opinion in the case, handing the plaintiffs both a defeat and a victory. It held that the district court’s determination concerning the constitutionality of the statute was correct, finding that, with the exception of the provision banning courses designed for students of a particular ethnic group, the statute, as written, was neither overbroad or vague in violation of the Constitution. However, it reversed the district court’s grant of summary judgment for defendants on plaintiffs’ equal protection claim and remanded that claim and the plaintiffs’ First Amendment viewpoint discrimination claim to the district court for further proceedings. FTRF continues to monitor the lawsuit and is prepared

to assist the plaintiffs as they pursue their claims before the district court.

I am extremely pleased to report that the federal district court in Arizona has entered a final decree in favor of FTRF and its fellow plaintiffs in *Antigone Books LLC, et al., v. Tom Home*, our legal challenge to the Arizona statute that makes it a crime to publish, sell, loan, or disclose images that include nudity without the depicted person’s consent for each distribution. Although the statute had the laudable goal of preventing “revenge porn,” the law, as written, threatened to make the dissemination of a large number of historic, artistic, educational, and other newsworthy images a crime punishable by fines and imprisonment, placing librarians at risk of prosecution for distributing images such as the iconic photo of “Napalm Girl” fleeing from an attack on her village during the Vietnam war. The final decree resolves all claims in the lawsuit and permanently enjoins Arizona’s state prosecutors from enforcing the law.

Global Strong Encryption

The Freedom to Read Foundation trustees have voted to sign on to a coalition letter endorsing strong encryption for networks, digital communications, and data and urging governments to refrain from any action that would compromise the security of encrypted networks, communications, and data. The letter, circulated by the digital rights and free expression organization Access Now, has been endorsed by many other organizations, including the American Library Association, the Center for Democracy and Technology, the Electronic Frontier Foundation, and PEN International. We are pleased to join the campaign to secure the internet and preserve the right of free expression in the digital age.

Developing Issues

Members of the Foundation’s Developing Issues committee reported on a number of issues involving threats to free expression or civil liberties. Martin Garnar led a discussion on diversity and free speech issues on campus and Doug Archer explored the potential for challenges to religious materials in libraries arising from anti-Islam and anti-Muslim sentiment and from the mistaken belief that the separation of church and state bars any discussion of religion in publicly funded agencies. Ray James reviewed access and service to diverse populations, while Baxter Andrews provided information and web resources addressing privacy and national security. Em Claire Knowles concluded the report by leading a discussion about the European Union’s “right to be forgotten” concept and its potential impact on access to information.

The Judith F. Krug Memorial Fund

The Judith F. Krug Memorial Fund, which was created by donations made by Judith’s family, friends, colleagues, and admirers, supports projects and programs that assure that her passion to educate both librarians and the public about the First Amendment and the importance of defending the right to read and speak freely.

In 2015, the fund continued to support two major initiatives: a grants program that underwrites Banned Books Week activities in libraries, schools, and community institutions across the country and an education initiative intended to augment and improve intellectual freedom education in LIS programs.

For this year’s Banned Books Week, the Krug Fund made grants to the Chapel Hill Public Library in North Carolina, the Kurt Vonnegut Memorial Library in Indianapolis,



Indiana, the Virginia Beach Public Library in Virginia, SA Youth (an organization that works with at-risk youth) in San Antonio, Texas, and Remembering for the Future Community Holocaust Initiative in Neptune Beach, Florida. Their initiatives included a new series of Banned Book Week trading cards, development of a curriculum addressing banned books in schools, interactive displays, and a “lock-in” with banned books. Grant recipients’ photos, videos, and written reports of their events will be available online at www.ftrf.org/?Krug_BBW.

This past fall, Professor Emily Knox once again taught “Intellectual Freedom and Censorship,” under the auspices the University of Illinois Graduate School of Library and Information Science (GSLIS) and the Krug Memorial Fund. The online, graduate-level class was well-received by students and we look forward to continuing our educational partnership with GSLIS. We thank Professor Knox and FTRF education consultant Joyce Hagen-McIntosh for their thoughtful and dedicated work towards fulfilling FTRF’s goal of assuring the availability of intellectual freedom curricula and training for LIS students and professionals.

Executive Director James LaRue

At this meeting we welcomed our new Executive Director, James LaRue. The CEO of LaRue and Associates, Jamie has had an active career in writing, speaking and consulting prior to joining FTRF. He served as the director of the Douglas County Libraries in Colorado for many years and previously worked as the Library Services Director at the Greeley, Colorado, Public Library. He has also held positions at the Lincoln Library in Illinois and Illinois

State University. He has a master’s degree in library and information science from the University of Illinois, Champaign-Urbana and a bachelor’s degree in philosophy and English from Illinois State University.

While Jamie may be new to FTRF’s and ALA’s staff roster, he has a long history of professional engagement and involvement with ALA and other professional organizations. He has served as president of the Colorado Council for Library Development and the Colorado Library Association and has most recently been active on ALA’s Digital Content Working Group. He is a member of the Library Leadership and Management Association (LLAMA) and Public Library Association (PLA), and the ALA Intellectual Freedom Round Table. He was named Colorado Librarian of the Year in 1998 and received the Julia J. Boucher Award for Intellectual Freedom from the Colorado Library Association in 2007. In 2004, he was awarded the National Council of Teachers of English/Support for the Learning and Teaching of English Intellectual Freedom Award. Among his publications is *The New Inquisition: Understanding and Managing Intellectual Freedom Challenges* (2007).

FTRF Membership

Your membership in the Freedom to Read Foundation is needed to sustain and grow FTRF’s unique role as the defender of First Amendment rights in the library and in the wider world. I invite you to join me in supporting FTRF as a personal member, and ask that you please consider inviting your organization or your institution to join FTRF as an organizational member. Please send a check (\$35.00+ for personal members, \$100.00+ for organizations, and \$10.00+ for students) to:

Freedom to Read Foundation
50 E. Huron Street
Chicago, IL 60611

Alternatively, you can join or renew your membership by calling (800) 545-2433, ext. 4226, or online at www.ftrf.org.

Respectfully submitted,
Julius C Jefferson, Jr.
President, Freedom to Read Foundation

ALA INTELLECTUAL FREEDOM COMMITTEE REPORT TO COUNCIL: 2016 ALA MIDWINTER MEETING, BOSTON

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities:

Information

A NEW JOURNAL ON INTELLECTUAL FREEDOM: *IN LIBRIS LIBERTAS*

Since 1952, the *Newsletter on Intellectual Freedom* has been the go-to place for librarians, attorneys, and the general public to find the latest reliable news on court cases, censorship incidents, and other First Amendment news in the United States. In spring 2016, NIF will relaunch as *In Libris Libertas: A Journal of Intellectual Freedom and Privacy*.¹ *In Libris Libertas* will provide the same NIF news coverage, but in an expanded digital format. Included will be peer-reviewed articles, book reviews, opinion pieces, and other features. We want *In Libris Libertas* to be at the center of discourse on intellectual freedom and privacy issues in libraries.

To that end, we invite all to participate and provide ideas, reviews, and

1. Now renamed *Journal of Intellectual Freedom and Privacy*.



articles. Please contact Deborah Caldwell-Stone of the ALA Office for Intellectual Freedom (dstone@ala.org) if you are interested.

CHALLENGES TO LIBRARY MATERIALS UPDATE

Since ALA Annual Conference in 2015, OIF has worked on many challenges to library materials. The following are a sample of some of the public cases:

***This Book is Gay* by James Dawson**
Wasilla Public Library, Alaska

Reason: Homosexuality

Complainant: Parent

Action: Collaboration with Alaska Library Association's Intellectual Freedom Committee to provide support to director and city administration.

Resolution: Retained. Also, the young adult non-fiction collection will be interfiled with the adult non-fiction collection moving forward.

***Just One Day* by Gayle Forman**
School District 196 in Rosemount, Minnesota

Reason: Parents want copies of the book removed from all the middle school and high school libraries in the district, citing adult themes such as a graphic sexual encounter, underage drinking, and date rape as reasons for the removal. Also, inappropriate language and "no life lessons."

Complainant: Parents of sixth-grade student

Action: Support of the librarians and school administration. OIF provided a letter from Barbara Jones to the reconsideration committee, defending the novel and the right to independent reading for students.

Resolution: Retained. Committee voted 7-4 to retain the book.

***Death and the Maiden* by Ariel Dorfman and *Cal* by Bernard MacLaverty**

Rumson-Fair Haven Regional High School, New Jersey

Reason: Not age appropriate

Complainant: Parent who started a petition against two works being used in the English curriculum

Action: Support of the school administration. OIF provided a letter from Barbara Jones to the school board, defending the works and the professional judgment of teachers.

Resolution: Retained

***Bleach* (series) by Tite Kubo**
Highland School District, Arkansas

Reason: Graphic images

Complainant: Superintendent removed the series without following policy

Action: OIF provided resources to defend graphic novels and independent reading. Assistance in creating talking points for the librarian to speak at the school board meeting in defense of intellectual freedom. A letter was written by OIF but the superintendent denied circulation to the school board members.

Resolution: Reinstated

Online Learning

OIF coordinated webinars dealing with challenges to library materials and issues with meeting room policies. To view archived webinars, please visit <http://www.ala.org/onlinelearning/unit/oif>.

ANGRY AND SCARED: EMBRACING THE CONCERNED PARENT

In August, ALA's Office for Intellectual Freedom hosted acclaimed writers, educators, and librarians, Pat Scales and Jamie LaRue who talked about library interactions with parents who are concerned about library materials and trying to protect

their children. They shared valuable insights to guide a library's response from defensive to embracing, empathetic, and educational.

CRAFTING MEETING ROOM POLICIES THAT KEEP YOU IN CHARGE AND OUT OF COURT

On November 4, OIF Deputy Director Deborah Caldwell-Stone and Freedom to Read Foundation (FTRF) General Counsel Theresa Chmara led a well-attended webinar addressing concerns raised by recent lawsuits filed against libraries whose meeting room policies excluded meetings with religious activities. The webinar discussed the First Amendment principles and legal precedents that underlie these lawsuits, and provided practical guidance on crafting policies that allow the library to effectively manage its facilities while avoiding legal liability and preserving patrons' access and First Amendment rights.

PICTURE BOOKS AND CHALLENGES: DEALING WITH CONTROVERSIAL TOPICS IN CHILDREN'S COLLECTIONS

On November 18, in the first of (hopefully) many, OIF collaborated with the Intellectual Freedom Round Table and the Gay Lesbian Bisexual Transgender Round Table to provide a free webinar that discussed the classification of picture books and the challenges that arise with controversial titles. The round tables' sponsorship increased enrollment and gave a great membership perk for the round tables. Presenters: Carolyn Caywood, member of IFRT and GLBTRT, and Peter Coyl, chair of GLBTRT.

Privacy Subcommittee

The IFC Privacy Subcommittee, chaired by Michael Robinson, met jointly with the LITA Patron Privacy



Interest Group to discuss ongoing concerns and issues involving library user privacy.

At the meeting, the subcommittee finalized plans for Choose Privacy Week 2016 (see below) and began work on a set of patron privacy guidelines intended to provide guidance to library and information technology professionals on best practices and policies for protecting user privacy, in the same fashion as the recently published *Library Privacy Guidelines for E-book Lending and Digital Content Vendors*. The proposed guidelines will address Public Access Computers and Devices, WiFi and Networks, Integrated Library Systems, Websites and Discovery Layers, SIP, APIs, and Web Services, and Student Privacy. The subcommittee will seek input and advice from members and member groups as they work on these documents. The subcommittee hopes to complete the guidelines for review at the ALA Annual Conference in Orlando, Florida.

The subcommittee also discussed ALA-OIF's sponsorship of Let's Encrypt, a service provided by the Internet Security Research Group (ISRG) operated for the public's benefit. It will allow anyone who owns a domain name—including libraries—to obtain a server certificate at zero cost, making it possible to encrypt data communications with the server and provide greater security for library users and others accessing the library's website and online services. The subcommittee is planning guidelines, webinars, and other documents to guide libraries seeking to encrypt their websites.

Projects

BANNED BOOKS WEEK

OIF has partnered with SAGE again in 2015 and hosted a Banned Books Virtual Read-Out booth. Over 200

people participated in the Read-Out booth. The videos are available via the Banned Books Week channel on YouTube at www.youtube.com/bannedbooksweek.

In addition to the Banned Books Virtual Read-Out, OIF presented two webinars:

Before the Mud Flies: Conversations for Banned Books Week

In September, Millie Davis from the National Council of Teachers of English and Kristin Pekoll shared practical ways to prepare colleagues for Banned Books Week. The speakers focused on talking points and ideas to encourage chats with those in the workplace not familiar with the First Amendment, the Library Bill of Rights and the rights librarians defend. The webinar embraces the idea that Banned Books Week doesn't have to be controversial or negative if we plant the seed of excitement and being proactive in our defense of the freedom to read.

Advocating for Intellectual Freedom: Beyond "Banned Books Week"

In October, Susan Brown from Chapel Hill and Marci Merola, ALA's director of Library Advocacy, provided excellent tips about raising public awareness beyond Banned Books Week displays and events. It's important to have a strong foundation of intellectual freedom awareness, not just with librarians but also with support staff, boards, stakeholders, and most of all with your community or readers.

Banned Books Week 2016 will take place September 25–October 1. Banned Books Week merchandise, including posters, bookmarks, t-shirts, and tote bags, are sold and marketed through the ALA Store and will be available online in the late Spring. More information on Banned Books

Week can be found at www.ala.org/bbooks and www.bannedbooksweek.org.

CHOOSE PRIVACY WEEK

Choose Privacy Week, observed annually each May 1–7, is ALA's national public awareness campaign that seeks to deepen public awareness about personal privacy rights and the need to insure those rights in an era of pervasive surveillance. Choose Privacy Week is an opportunity for librarians to acquire the knowledge they need to insure patron privacy rights and for libraries to offer programming, online education and special events in order to give individuals opportunities to learn, think critically, and make more informed choices about their privacy.

This year, Choose Privacy Week will promote respect for minors' and students' privacy rights. The theme will be "Respect me and respect my privacy." In the works are a March 16 webinar on program planning and messaging for libraries and librarians planning Choose Privacy Week activities, as well as a series of online posts discussing various privacy topics, with an emphasis on minors' privacy rights. Among the invited bloggers are Dorothea Salo, Michael Zimmer, Galen Charlton, and Neil Richards, addressing such topics as protecting privacy in multitype consortial library systems, student data privacy legislation, privacy curricula, privacy from a vendor's perspective, and privacy as a form of respect.

Action Items

The Intellectual Freedom Committee moves the adoption of the following action items:

- CD # 19.1, Resolution for Restoring Civil Liberties and Opposing Mass Surveillance



- CD # 19.2, User Generated Content in Library Online Systems

SURVEILLANCE RESOLUTION

Representatives from IFC, COL, SRRT, and Council formed a Working Group to review the National Surveillance Resolution discussed during last year’s annual conference and to revise it consistent with the Council debate at that meeting. Over the course of three conference calls in August, September, and October, the group discussed its charge and reviewed the resolution. Doug Archer, Aaron Dobbs, and Laura Koltutsky formed a drafting party and created a first draft revision of the resolution. The Working Group reviewed the first draft, made additional changes, and finalized the work on the document during the third call in October. At that time, the proposed draft document was taken back to COL, IFC, and SRRT for further review. All three groups reported that they could support the document in principle. The proposed draft of the revised resolution was then posted to the Working Group’s ALA Connect page at <http://connect.ala.org/node/246874> and also was sent to the Council listserv in mid-November for further comment and discussion. Comments received were very positive and no substantive changes were suggested. COL and IFC, with SRRT participation, discussed the final draft of the resolution at this Midwinter Meeting and jointly recommended its adoption to Council. As a result of this collaboration, The SRRT Action Council has accepted our invitation to appoint a SRRT liaison to the IFC and to the COL Legislative Assembly. We hope this process will serve as a model of how different groups within ALA can work together respectfully to resolve differences and advance the goals we share as an Association. We thank the

members of the Working Group: Kent Oliver (COL), Doug Archer (IFC), Al Kagan and Laura Koltutsky (SRRT), Aaron Dobbs and Jim Neal (Council) for their participation, and we thank COL Chair Ann Ewbank, for co-managing the process.

In closing, the Intellectual Freedom Committee thanks the division and chapter intellectual freedom committees, the Intellectual Freedom Round Table, the unit liaisons, and the OIF staff for their commitment, assistance, and hard work.

Respectfully Submitted,
ALA Intellectual Freedom Committee:

- Pam Klipsch (Chair)
- Doug Archer
- Danita Barber-Owusu
- Teresa Doherty
- Tiffany Arielle
- Clem Guthro
- Charles Kratz
- Jean McFarren
- Dale McNeill
- Michael Wright
- Hannah Buckland (intern)
- Johanna Orellana (intern)

The resolution below was adopted by the ALA Council on Tuesday, January 12, 2016.

RESOLUTION FOR RESTORING CIVIL LIBERTIES AND OPPOSING MASS SURVEILLANCE

Whereas the American Library Association (ALA) has always supported the fundamental principles of government transparency and public accountability that undergird the People’s right to know about the workings of our government and to participate in our democracy;

Whereas the ALA Council adopted “Resolution Reaffirming the

Principles of Intellectual Freedom in the Aftermath of Terrorist Attacks” (2002-2003 CD#19.1), “Resolution on the USA PATRIOT Act and Libraries” (2004-2005 CD#20.6), “Resolution on the Use and Abuse of National Security Letters” (2006-2007 CD#19.3), and “Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability” (2012-2013 ALA CD#19.2 and CD#20.40), and other surveillance-related resolutions;

Whereas the ALA “values access to the documents disclosing the extent of public surveillance and government secrecy as access to these documents now enables the critical public discourse and debate needed to address the balance between our civil liberties and national security” (2012-2013 ALA CD#19.2 and CD#20.40);

Whereas the ALA reaffirms that “these disclosures enable libraries to support public discourse and debate by providing information and resources and for deliberative dialogue and community engagement” (2012-2013 ALA CD#19.2 and CD#20.40);

Whereas the nation’s intelligence and law enforcement agencies conduct surveillance activities pursuant to multiple legal authorities, including Executive Order 12333, the Foreign Intelligence Surveillance Act (FISA) as amended, the USA PATRIOT Act, and the USA FREEDOM Act;

Whereas the ALA defends privacy rights and supports government transparency and accountability; and

Whereas passage of the USA FREEDOM Act meaningfully contributed to recalibration of the nation’s privacy and surveillance laws, restoring civil liberties, but accomplished only a fraction of all such necessary change; now, therefore, be it



Resolved, that the American Library Association (ALA), on behalf of its members and the public interest:

1. urges the President and Congress to amend all germane surveillance-enabling authorities, such as Executive Order 12333, the Foreign Intelligence Surveillance Act (FISA) as amended, and the USA PATRIOT Act, to:
 - a. Require government agencies to obtain judicial warrants before collecting any individual's personal information from third parties and require court approval for National Security Letters;
 - b. Raise the standard for government collection of all records under FISA from "reasonable grounds" to "probable cause" and sunset Section 215 of the USA PATRIOT Act (commonly known as the "library records" section);
 - c. Limit the government's ability to use information gathered under intelligence authorities in unrelated criminal cases, thereby making it easier to challenge the use of illegally obtained surveillance information in criminal proceedings; and
 - d. Prohibit the government from requiring hardware and software companies to deliberately design encryption and other security features to facilitate government access to information otherwise protected by such features;
2. recommits itself to leadership in the fight for restoration of the public's privacy and civil liberties through statutory and other legal reforms; and
3. commends and thanks all parties, both inside and outside of government, involved in developing

and securing passage of the USA FREEDOM Act, resulting in movement away from overbroad surveillance laws and practices for the first time in more than a decade.

Adopted by the Council of the American Library Association Tuesday, January 12, 2016, in Boston, Massachusetts

Keith Michael Fiels
Executive Director and Secretary of the ALA Council
2015-2016 ALA CD#19.2
2016 Midwinter Meeting

USER GENERATED CONTENT IN LIBRARY DISCOVERY SYSTEMS **An Interpretation of the Library Bill of Rights**

Libraries offer a variety of discovery systems to provide access to the resources in their collections. Such systems can include online public access catalogs (OPAC), library discovery products, institutional repositories, and archival systems. With the widespread use of library technology that incorporates social media components, intelligent objects, and knowledge-sharing tools comes the ability of libraries to provide greater opportunities for patron engagement in those discovery systems through user-generated content. These features may include the ability of users to contribute commentary such as reviews, simple point-and-click rating systems (e.g., one star to five stars), or to engage in extensive discussions or other social interactions. This kind of content could transform authoritative files, alter information architecture, and change the flow of information within the library discovery system.

The library is not obligated to open its discovery system to user-generated content. A publicly funded library can choose by policy or practice to do so, and limit the contributions of user-generated content to a defined class of users or limit the subject matter of user-generated content, as long as the distinctions drawn are viewpoint neutral and reasonable in light of the mission and purpose of the library. For example, the library could require that users contributing content to the library's discovery system possess a valid library card or an online account with the library or limit the subject of their reviews to resources they have used.

If a publicly funded library by policy or practice chooses to invite everyone to contribute user-generated content to the library's discovery system, the library then may not limit or exclude a particular user's content based upon the content's subject or viewpoint. Publicly funded libraries may define the time, place, or manner in which the user contributes the content to the library's discovery system. Such restrictions must be reasonable and cannot be based upon the beliefs or affiliations of the user or the views expressed in the user-generated content.

In any instance, libraries should develop and publish written policies addressing users' contributions to the discovery system. These policies should be made available in commonly used languages within the community served.

The library must clearly identify what is user-generated content and what is library-generated content in the library discovery system. Such a distinction serves to affirm both the users' First Amendment right to free expression and their responsibility for that expression.



Finally, the library must be scrupulous in protecting the confidentiality of personally identifiable information of users who contribute content to the library discovery system.¹

Adopted July 13, 1951, by the ALA Council; amended June 25, 1971; July 1, 1981; June 26, 1990; January 19, 2005; July 15, 2009; and July 1, 2014.

Note

1. See Privacy: An Interpretation of the Library Bill of Rights, last amended July 1, 2014, www.ala.org/advocacy/intfreedom/librarybill/interpretations/privacy.