



SCHOOLS Georgia

Legislation to remove school librarians from the review process for challenged books was passed by the Georgia Senate on March 8, 2021. The bill (SB 226) would place responsibility for removing challenged materials entirely with principals and school boards.

Under SB 226, principals (or their delegates) would have seven business days to determine if challenged materials appealed to “prurient, shameful, or morbid” interests and were “lacking in serious literary, artistic, political, or scientific value for minors.” If so, they would be removed.

Parents could then appeal the decision to the school board, which would have 30 calendar days to review it.

If the school board rejected the parent’s appeal, it would have 15 business days to post the challenged content (for example, the book passage, website, or film clip) on the school’s website. The school would then be required to host the material for four years.

Julia Bernath, president of the Fulton County School Board, expressed concerns that the legislation would impose a “huge burden” on school districts.

Amanda Lee, a school library media specialist in the Atlanta metro area and president-elect of the Georgia Library Media Association, expressed concerns that some principals “will simply bow to the pressure of a very vocal parent or group of parents . . . and we’re going to find books being banned on a much more regular basis.”

The American Civil Liberties Union said in a letter sent to Governor Brian Kemp and the state House of Representatives that the bill “threatens to chill the open exchange of ideas in Georgia schools.”

The Georgia Library Association and the Georgia Association of

Educators also went on record opposing the bill.

Supporters of the bill appeared at legislative hearings with parents who objected to the teaching of Margaret Atwood’s *The Handmaid’s Tale*, which had been assigned at Roswell High School.

Noelle Kahai\4an informed the Senate Judiciary Committee that Atwood’s award-winning dystopian novel was “garbage” and expressed dismay that the graphic novel adaptation makes it even more accessible to juvenile audiences.

Another parent testified that her request to ban *The Handmaid’s Tale* was rejected by a panel of staff and parents that met in the school library. “Every school district is exhibiting obscene materials to minors,” she said.

Bernath provided details about the book challenge process for her district and stated that the parent who objected to *The Handmaid’s Tale* did not follow the process through to the end.

The bill was withdrawn from consideration by the House on March 31.

Reported in: *The Atlanta Journal-Constitution*, March 26, 2021; *LegiScan*, March 31, 2021.

PRIVACY Nationwide

The American Civil Liberties Union (ACLU) and more than 40 other civil rights groups—including the American Library Association and Freedom to Read Foundation—urged President Biden to issue an executive order halting the federal government’s use of facial recognition technology (FRT).

A statement issued by the organization characterized FRT as “extraordinarily dangerous to core freedoms even if it worked perfectly.” Worse than this, the dangers associated with the technology are not evenly distributed.

Kate Ruane, senior legislative counsel for the ACLU, said FRT “disproportionately misidentifies people of color, women, trans people, and other marginalized groups.”

The joint statement asserted that FRT enables the government “to keep a running record of every person’s public movement, habit, and association.” The statement also noted the chilling effect of pervasive surveillance.

“If the government can track everyone who goes to a place of worship, attends a political rally, or seeks healthcare for reproductive health or substance use, we lose our freedom to speak our minds, freely criticize the government, pray to the god we want, and access healthcare in private.”

This is not merely hypothetical. The statement cited that it was being done now and without meaningful oversight.

One example included was the Detroit Police Department’s purchase and integration of FRT with its networked public surveillance camera system “in secret, without public debate, legislative authorization, or regulations to protect civil rights and liberties.”

In addition to requesting an executive order halting the federal government’s use of FRT, the groups also requested the Biden administration’s support for the Facial Recognition and Biometric Technology Moratorium Act.

Reported in: *The Hill*, February 17, 2021; *ACLU*, February 16, 2021.

Virginia

Governor Ralph Northam signed the Consumer Data Protection Act into law on March 2, 2021, making Virginia the second state to enact a consumer privacy bill.

When it takes effect on January 1, 2023, the law will allow Virginia residents to opt out of having their data



collected or sold, and it will give them access to view, correct, and delete the data which companies have collected about them.

Virginia's law is similar to one which went into effect in California last year, though it received much more support from the technology sector. Notably, the Consumer Data Protection Act does not allow individuals to

bring lawsuits against companies for violations.

Several other states are considering similar legislation, including Washington, New Jersey, and Utah. As more states adopt such laws, pressure will increase for Congress to enact federal privacy legislation.

Privacy advocates urged Virginia lawmakers to strengthen consumer protections even further, including by

adding a global opt-out browser setting to easily minimize data collection.

C.E. "Cliff" Hayes Jr., who introduced the bill, said he also wanted to propose legislation addressing privacy concerns related to artificial intelligence and facial recognition technology.

Reported in: *The Washington Post*, March 2, 2021.