

Access to ~~Electronic~~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 ~~by selecting, producing, providing access to, identifying, retrieving, organizing, providing instruction in the use of, and preserving recorded expression~~ regardless of ~~the~~ format or technology.

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

Libraries empower users by ~~providing access to~~offering opportunities both for accessing the broadest range of information. ~~Electronic resources, including created by others and for creating and sharing information available via the Internet, allow.~~ Digital resources enhance the ability of libraries to fulfill this responsibility ~~better than ever before.~~

Issues arising from digital ~~generation~~creation, distribution, ~~and~~ retrieval, and archiving of information need to be approached and regularly reviewed ~~from a~~in the context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are ~~not swept away.~~

~~Electronic~~upheld. Although digital information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it. ~~Even so,~~ many people lack access or capability to use ~~electronic~~or create digital information effectively.

In making decisions about how to offer access to ~~electronic~~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~~and regulations relating to ~~electronic~~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~~or~~, 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~~or~~, utilized~~electronically~~, or created digitally is constitutionally protected unless determined otherwise by a court of law with appropriate 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 ~~People~~Adults to ~~Videotapes and Other~~Nonprint ~~Formats~~Materials; and Minors and Internet Interactivity).²*

Libraries should use technology to enhance, not deny, digital access~~to information~~. 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. (Importance of Education to Intellectual Freedom)

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*.

Equity of Access

The ~~Internet~~digital environment provides expanding opportunities for everyone to participate in the information society, but ~~too many~~ individuals may face serious barriers to access. ~~Libraries play a critical role in bridging information access gaps for these individuals. Libraries also ensure that the public can find content of interest and learn the necessary skills to use information successfully.~~

~~Electronic~~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 ~~their major~~ 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 ~~electronic~~digital information that are consistent with ALA's policy statements, 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 ~~Resolution on Access to the Use of Libraries and Information by Individuals~~Services to Persons with Physical or Mental Impairment~~Disabilities~~.

Information Resources and Access

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. ~~Determining the accuracy or authenticity of electronic information may present special problems.~~ Some information accessed ~~electronically~~digitally may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate. Parents and legal guardians

who are concerned about their children's use of ~~electronic~~digital resources should provide guidance to their own children.

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. Libraries have an obligation to provide access to government information available in digital format. 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 ~~electronically.~~ ~~Libraries have an obligation to provide access to government information available in electronic format.~~ digitally.

Libraries and librarians should not deny or limit access to ~~electronic~~digital information because of its allegedly controversial content or because of ~~the~~a librarian's personal beliefs or fear of confrontation. Furthermore, libraries and librarians should not deny access to ~~electronic~~digital information solely on the grounds that it is perceived to lack value.

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

~~Electronic~~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 ~~electronic~~digital resources ~~no less than~~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 ~~Electronic~~Digital Information, Services and Networks: an Interpretation of the Library Bill of Rights*.

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