

TO: ALA Council

DATE: June 3, 2022

RE: (select one)

- ACTION REQUESTED
- INFORMATION
- REPORT

ACTION REQUESTED/INFORMATION/REPORT: (add below)

Report: ALA Intellectual Freedom Committee

Action requested from Councilors is to cast their vote to: (if applicable)

None. Two information items.

ACTION REQUESTED BY: (add committee name)

CONTACT PERSON:

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BACKGROUND: (add information)

**ALA INTELLECTUAL FREEDOM COMMITTEE
REPORT TO COUNCIL
2022 ALA ANNUAL CONFERENCE**

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

IFC PRIVACY SUBCOMMITTEE

The IFC Privacy Subcommittee has updated the guidelines and checklists for Library Management Systems. These have been approved by IFC and updated on the ALA privacy landing page. The Subcommittee has completed updates to the guidelines for Library Websites, OPACs, and Discovery Services and is currently working on the updates to the checklist. These should be ready for review by the IFC this summer.

The working group formed from the “Resolution on Forming a Working Group to Align Vendor Privacy Policies with ALA Policies and Ethics” charge was:

1. completing a study of current vendor privacy policies and identifying key issues within 12 months;
2. developing a shared set of privacy guidelines;
3. exploring the requirements for turning guidelines into standards supported by ALA;
4. exploring the creation of a transparent online resource where libraries can view vendors’ alignment with the standards, and
5. drafting any additional guidelines and/or resources deemed necessary by the joint working group.

As the group began completing the first task on this list, identifying key issues, we discovered there was a piece missing before any of the other work could take place. Together, the group went through a human-centered design process to discover what problem we were trying to solve. Together we came up with the question, *how might we create an open, shared community of practice that fosters a mindset of continual improvement around library user privacy?* The group recognized that before we can come to shared policies around privacy, we had to build trust.

The first step in building this trust and shared network of communication is to build a Community of Practice with library workers and vendors. The first meeting will be held in person on Friday, June 24th. The group has penned a white paper (attached) detailing our process and why the Community of Practice is the desired next step. A Connect Community is also being built where vendors and library workers can continue the discussion around privacy practices.

The working group in its current format will not continue to meet monthly. Members have signed on to continue community building in the Connect Community. Plans are to hold in-person sessions at LibLearnX and Annual Conferences each year.

To date 18 vendors and 11 library workers have agreed to join this Community of Practice. It is the hope of the working group that once the foundation of trust has been established, the Community of Practice will continue to grow and spur the creation of new working groups that will address transparency, policy development, and guidelines.

PRIVACY FIELD GUIDES

Erin Berman and Bonnie Tijerina have successfully completed their IMLS grant for the creation of the Privacy Field Guides. Physical guides were mailed to 193 libraries and 25 individuals who were determined to be privacy experts. The general mailings to libraries were targeted to reach libraries that are historically underrepresented in large projects such as this, that is, community colleges, small, rural, and tribal public libraries, and school libraries. Additionally, guides were distributed during a presentation at the Public Library Association's conference in March. Furthermore, the ALA Annual Conference attendees can receive guides during the Privacy Field Guides: Take Action on Privacy in Your Library session or at the Privacy exhibit hall booth.

Field Guides are available for download at <https://www.ala.org/advocacy/privacy/fieldguides>. Library workers who visit this site can also use an interactive website to work through the various guides. To create more opportunities for these guides to reach a wide range of audiences, the complete set will be available for purchase as a bound volume through ALA Editions later this summer. The Privacy Subcommittee will hold these guides in their charge, updating and creating new guides as needed.

CHALLENGES TO CRT AND DIVERSITY TRAINING TOOLKIT

The Challenges to CRT and Diversity Training Toolkit subgroup continued to meet throughout the winter and spring quarters to develop a toolkit to aid library workers to address censorship resulting from challenges to "critical race theory" in curricula, anti-racist materials, and diversity staff trainings. The toolkit is intended to serve as a practical adjunct to the ALA's Statement on Censorship of Information Addressing Racial Injustice, Black American History, and Diversity Education, approved by the ALA Executive Board in August of 2021.

The subgroup, under the able leadership of Rhonda Evans, has completed its draft of the toolkit and will present their draft to the Intellectual Freedom Committee for review and approval at ALA's Annual Conference in Washington, D.C.

Rhonda Evans and members of the subgroup have also organized a program for ALA Annual that will provide information to aid in understanding of what Critical Race Theory actually is, and how the concept is being co-opted by different advocacy groups as a means to ban books, materials, and programs that address the history of systemic racism in America. The program will also discuss the current ongoing challenges and legislation and how library workers can respond to these threats to intellectual freedom.

JOINT PROFESSIONAL VALUES PROGRAMMING SUBGROUP

The Joint Professional Values Programming Subgroup formed after the 2021 ALA Annual Conference, with members from the Intellectual Freedom Committee, IFC Privacy Subcommittee, COPE, IFRT, and FTRF convening to share resources and planning for conference programs addressing intellectual freedom and privacy. The group met twice virtually and collaborated to develop programs for LibLearnX 2022 and ALA Annual 2022.

Programs accepted for ALA Annual include *Top Ten Banned Author: A Conversation with George M. Johnson, author of "All Boys Aren't Blue" and "We are Not Broken"*; *Addressing Critical Race Theory Challenges in Your Library*; *Privacy Field Guides: Take Action on Privacy in Your Library*; *News You Can Use: Updates from the Working Group on Intellectual Freedom and Social Justice*; and *News You Can Use: Intellectual Freedom and the Law: Obscenity, Minors' Rights, and First Amendment Audits Redux*.

INTELLECTUAL FREEDOM AND SOCIAL JUSTICE WORKING GROUP

The Intellectual Freedom and Social Justice Working Group continued its work on a draft report that will respond to the charge from the ALA Council to identify alternatives to neutrality rhetoric, as instructed by the "Resolution on White Supremacy and Fascism Being Antithetical to Librarianship" adopted by ALA Council at ALA's 2021 Virtual Midwinter Meeting. The draft report identifies three alternatives to neutrality for discussion, including radical empathy, trauma-informed response, and cultural humility.

The working group met throughout the winter and spring to consider responses to its draft report gathered at its program held during ALA's Virtual LibLearnX event. To gather additional feedback from ALA members and library workers, the working group convened three virtual gatherings in April and May of 2022. Each conversation focused on a specific type of library – either public, school, or academic – and offered participants an opportunity to learn more about potential alternatives to neutrality and to discuss one of the three alternatives in breakout sessions.

The working group will consider the feedback gathered in these sessions and provided to the working group from ALA members in drafting its final report. The report will be delivered to the ALA Executive Board in July, 2022.

BOOK CHALLENGES AND CENSORSHIP

During National Library Week, the Office for Intellectual Freedom released its report identifying the ten books that were most challenged and banned in 2021:

1. *Gender Queer* by Maia Kobabe
2. *Lawn Boy* by Jonathan Evison
3. *All Boys Aren't Blue* by George M. Johnson
4. *Out of Darkness* by Ashley Hope Perez
5. *The Hate U Give* by Angie Thomas
6. *The Absolutely True Diary of a Part-Time Indian* by Sherman Alexie
7. *Me and Earl and the Dying Girl* by Jesse Andrews
8. *The Bluest Eye* by Toni Morrison
9. *This Book is Gay* by Juno Dawson
10. *Beyond Magenta* by Susan Kuklin

In releasing the list of 2021's most challenged books, the Office for Intellectual Freedom noted that it received an unprecedented 729 reports from library workers and educators documenting challenges brought by individuals, parents, and advocacy groups demanding the removal of books and other resources from libraries and schools across the country. The 729 challenges targeted 1,597 individual book titles that ranged from picture book biographies of civil rights heroes to graphic novels recounting the coming-of-age stories of gay and transgender persons. This is the most attempts to ban books since the Office for Intellectual Freedom began to track book challenges over 20 years ago.

The overwhelming majority of books challenged or banned in 2021 were books that dealt with the lives and experiences of traditionally marginalized groups in the United States, particularly those books reflecting LGBTQIA+ concerns and experiences and books addressing the lived experiences of Black, Indigenous, and persons of color or that address the history of racism and slavery in the United States from the perspective of Black and Indigenous persons.

OIF reports that the unprecedented number of challenges can be traced to the efforts of a number of well-organized, well-funded conservative advocacy groups that are engaged in an effort to censor books and educational resources. These advocacy groups, which are national in nature, have established local chapters that are targeting local school and library boards with demands to censor books and establish policies that would prevent libraries and library workers from building diverse library collections and would impair young persons' right to use school and public libraries.

OIF is also reporting a rise in extreme censorship tactics that include theft and vandalism of books in libraries; the use of “doxxing” and threats of physical harm to intimidate library workers, educators, administrators, and board members; and attempts to criminally prosecute library workers and school librarians for providing minors access to age-appropriate materials dealing with gender identity, sexual orientation, human reproduction, and puberty. A number of library workers have had their employment threatened or have been fired for upholding students’ and library users’ freedom to read.

To help libraries and library workers address these challenges, members of the Intellectual Freedom Committee and the Intellectual Freedom Roundtable worked with OIF, PPA, and CMO staff to augment existing challenge support and advocacy tools and build out an online [Fight Censorship](#) resource page. In addition, committee members and staff raised the profile of the [Leroy C. Merritt Humanitarian Fund](#), reminding the library community that the fund is available to assist library workers facing discrimination or loss of employment due to their defense of intellectual freedom.

ADVERSE LEGISLATION

In addition to direct challenges to books, the Office for Intellectual Freedom and ALA’s Public Policy and Advocacy Office identified and tracked over 100 bills introduced during the 2022 state legislative session that would ban or regulate access to library materials based on their subject matter or viewpoint, impair the professional authority of library workers, or ban or censor materials used in classroom instruction in schools and universities. Many of these bills relied on disinformation spread by partisan advocacy groups claiming that materials made available to students and minors by school library workers, educators, and public library workers were illegal pornography or taught “critical race theory.”

PPA and OIF staff had previously released the [State Legislative Toolkit](#) to assist state chapters addressing adverse legislation, but the extraordinary, organized censorship campaign driving book bans and the passage of adverse legislation required consideration of further advocacy and support initiatives for libraries and library workers.

The Intellectual Freedom Committee and the Committee on Library Advocacy met in February, 2022 to discuss how libraries, and library workers could respond to adverse advocacy and legislation. As part of that conversation, committee members offered ideas and advice to OIF and PPA staff members assisting state chapters working to prevent passage of adverse legislation, centered on developing a course of action that would leverage the strengths of the association and the library ecosystem to respond effectively to adverse legislation as well as the disinformation about library workers and the false narratives about books and materials reflecting the lives and experiences of LGBTQIA+ persons and the lives and experiences of Black and Indigenous persons and persons of color.

UNITE AGAINST BOOK BANS

To advance the proposed course of action, member leaders and OIF and PPA staff began to collaborate with consultants and subject matter experts to research and launch an initiative to disrupt and defeat the ongoing, national censorship campaign and the effort to utilize law, policy, and politics locally and in the states to censor library materials.

On April 4, during National Library Week, ALA launched [Unite Against Book Bans](#), a national non-partisan, grassroots advocacy campaign intended to empower readers everywhere to stand together in the fight against censorship. Relying on [in-depth polling](#) that confirms that large majorities of voters and parents oppose book bans in public and school libraries and have overwhelmingly favorable opinions of public and school libraries, the campaign will amplify the voices of individuals opposed to book censorship and expand the reach of national organizations representing librarians; educators; authors; publishers, civil liberties and equality organizations in the fight against censorship.

Over 30 national partners have joined the campaign, including members of the National Associations of Librarians of Color, the American Federation of Teachers, the American Booksellers for Free Expression, the Authors' Guild, the National Book Foundation, the National Coalition Against Censorship, and several publishers, including Penguin Random House, Simon and Schuster, Sourcebooks, and Macmillan.

The campaign website provides those joining the campaign [an action toolkit](#) that provides resources and information for campaign supporters that helps them share the campaign with their social networks, communicate with their legislators, school officials and library boards, and create petitions.

The Intellectual Freedom Committee encourages ALA members, library workers, allies, and library supporters everywhere to join the campaign and to urge their friends, neighbors, and colleagues to sign up to support the fight against book bans.

In closing, the Intellectual Freedom Committee thanks the division and chapter intellectual freedom committees, the Intellectual Freedom Round Table, the unit liaisons, and the members of the OIF staff, recognizing the tireless work of Kristin Pekoll and Deborah Caldwell-Stone in supporting our members and colleagues who are fighting censorship and other challenges to intellectual freedom in their communities.

The IFC would also like to thank their outgoing members for their incredible dedication and leadership, as well as welcome incoming committee members and committee associates.

The IFC thanks outgoing IFC Privacy Subcommittee chair Erin Berman for her leadership and devotion to advancing the work of the Privacy Subcommittee and to defending the privacy rights of library users everywhere.

Lastly, we thank outgoing IFC chair Martin Garnar for his outstanding service to the association and his longstanding commitment to supporting and advancing our core values of intellectual freedom, social justice, and equity, diversity, and inclusion.

Respectfully Submitted,
ALA Intellectual Freedom Committee

Martin L. Garnar, Chair
Glen J. Benedict
Erin Berman
Peter D. Coyl
Jina DuVernay
Rhonda Evans
Sukrit Goswami
Sarah Houghton
Lesliediana Jones
Donna Morris
Sophia Sotilleo
Julia M. Warga
Johannah Genett, Committee Associate
Tina Thomas, Committee Associate

INFORMATION ITEMS:

CD#19.3: A COMMUNITY APPROACH TO USER PRIVACY: AN INVITATION TO PARTICIPATE

CD #19.4: ADDRESSING CHALLENGES TO BOOKS BY PROBLEMATIC AUTHORS: Q&A

May 12, 2022

A Community Approach to User Privacy: An Invitation to Participate

The rapid evolution of technology in the last decade prompted substantial changes across libraries as well as the vendors that serve the library community. From digital resources and online services to the software and hardware used for critical library infrastructure, libraries increasingly rely on library vendors to provide products, resources, and services to serve their users.

This increased reliance on third parties has also introduced and perpetuated legitimate concerns about surveillance of user identities and activities, which have at times been exacerbated by conditions including:

1. In general, unpermitted tracking and retention of user identities and their activities that is easily carried out on the web;
2. Inconsistent privacy policies and practices across third party products and services that can make it difficult to discern the baseline protections that consumers and libraries can or should expect from those third parties; and
3. A lack of intentional communication between libraries and vendors that articulates clear privacy expectations. This leads to a lack of transparency, which can foster distrust.

It is this third statement that has created a cyclical obstacle to the discussion around user privacy. Vendors want to learn more about how to meet the needs of the library community above and beyond the letter of the law, but are challenged by a lack of an open, centralized forum for discussion of these complex, commercially and otherwise sensitive issues.

To date, libraries have contributed much valuable work in this area - as evidenced by the [ALA Bill of Rights' positions on privacy](#), focused library/provider product reviews, and recent work to synthesize guidance and expectations in the [Vendor Contract and Privacy Rubric](#), developed by the [Licensing Privacy](#) project. This latter exemplifies a clear resource that informs service and content providers as much as libraries. However, providers are also often faced with feedback and requests from their customers that conflict with published guidelines and blur the lines of what is expected.

The ALA Intellectual Freedom Committee's Vendor Privacy Resolution Working Group kicked off in mid-2021. Our group was tasked with completing a study of current vendor privacy policies, identifying key issues, and developing a shared set of privacy guidelines. It includes participants from across the community, from service and content providers as well as libraries, universities, and the data privacy community at large.

Acknowledging the current state and perception of privacy practices, our working group's activities focus not just on assessing vendor privacy policies and practices but also largely on building trust, transparency, and a shared understanding of the problems we seek to solve. Questions specific to our roles, such as...

- As a library worker, how can I identify privacy red flags and make informed licensing decisions? How can I add my voice and position to this discourse?
- As a service or content provider, what are the most critical priorities of my community? How can I learn where improvements are desired, without opening the door to unconstructive, public critique?

...segued into questions that require all our input, such as *how might we create an open, shared community of practice that fosters a mindset of continual improvement around library user privacy?*

This last question is rooted in the current reality that as the use of third-party technology products and services continues (and even increases more over time), concerns about surveillance and user privacy will persist. It also acknowledges that data can be valuable, when anonymized and in the aggregate - to decision making for libraries, and product improvement for vendors - but that responsible data practices are important to agree upon.

At ALA Annual 2022 on June 24 2022, from 10:30 - 11:30 AM, the Vendor Privacy Resolution Working Group plans to kick off its transition into a community of practice. Motivations for growing to a community of practice include providing a forum where past and existing efforts can be socialized, and to foster a community-wide culture of iterative improvement.

Importantly, these goals are dependent upon stakeholders across the community getting involved - service and content providers, in addition to libraries. Involvement could include attendance at the initial kick-off but also engagement with ongoing work and discussions.

Pragmatically, a shared community of practice is an opportunity to address concerns specific to each of our roles as well as those that are shared.

- As a library worker, I need to be a good steward of institutional resources. This includes minimizing the risks our users take when using electronic resources we license. I need to advocate for their right to pursue their own intellectual paths.
- As a service provider to libraries, I need to clearly understand the community's expectations around privacy practices and policies to ensure I'm investing in the right improvements, and balance that work against my organization's existing objectives and initiatives. I need to iterate over time, and want to be more transparent about timelines, limitations, and my need for more feedback from my community.

To help shape and grow this initiative, please join us at our first convening at the ALA Annual Convention in Washington, D.C. this June. We will also be launching an online space for discussion and announcements. Visit bit.ly/privacycommunity to RSVP to the in-person event and sign up for the online community.

Vendor Privacy Resolution Working Group

Members:

Erin Berman, IFC Privacy Subcommittee Chair, Alameda County Library
Adam Chandler, Cornell University
Amanda Ferrante, EBSCO Information Services
Martin Garnar, Intellectual Freedom Committee Chair, Amherst College
Lisa Hinchliffe, University of Illinois
Erica Lazzaro, OverDrive
Becky Yoose, LDH Consulting Services

LIBRARY PRIVACY CHECKLIST FOR LIBRARY MANAGEMENT SYSTEMS

This checklist is intended to help all libraries take practical steps to improve privacy practices. It can help all libraries implement the principles laid out in the [Library Privacy Guidelines for Library Management Systems](#) (LMS).

Priority 1 actions are steps all libraries can take to improve privacy practices. Priority 2 and Priority 3 actions are as important as Priority 1 actions. They help protect user privacy but may be more difficult for libraries to implement. This is because each library may or may not have the capacity to do Priority 2 or 3, depending on:

- differing technical expertise
- available resources
- organizational structure

Regardless of these factors, libraries can use Priority 2 and Priority 3 actions as talking points with third parties and vendors. These third parties and vendors may have the resources and expertise to help the library implement these actions.

PRIORITY 1 ACTIONS

1. **Privacy Policy:** Develop a privacy policy that includes personal data collection and use in the Library Management System (LMS). Publish it on the library's website in a place that is easy to find. Refer to the [Privacy Policies Field Guide](#) for assistance.
2. **Informed Consent:** Request consent from users before collecting personal data. Inform the user what data the LMS collects and how it will be used. Clarify what data is mandatory for library operations and what data is optional.
3. **Minimization:** Collect the minimum amount of personal data necessary for library operations. Regularly review what personal data is required.
4. **Restricted Access:** Restrict access to user records in the LMS to staff members with a demonstrated need.
 - Staff members should have individual logins to the LMS.
 - All staff members with access to LMS user records should have ongoing privacy training.
5. **Limited Storage:** Store only the personal data necessary for library operations.
6. **Retention and Deletion:** Periodically remove data that is no longer necessary for library operations. An example is purchase-request data. Refer to the Data Lifecycles Field Guide for developing policies and procedures.

7. **Aggregation:** Aggregate personal data in reports to the greatest extent possible. Periodically review reports to check that they are not revealing personal data.
8. **Borrowing History:** Disable the borrowing history function by default. In other words, set the LMS to remove transactional data between users and the materials they borrow or access. The data should be removed when it is no longer needed for library operations. For example, a user borrows an item. The library keeps that record until the user returns the item. That borrowing history can then be removed.
 - Allow users the ability to opt-in to personalization features. Examples include keeping their checkout history or a list of favorite titles.
 - Allow users to later opt-out of features if they change their mind. Delete the data previously retained for these features when users opt out.
9. **Resetting Passwords and PINs:** Develop procedures for when staff assist users in creating and resetting their passwords, including:
 - Staff can show users how to set the password or Personal Identification Number (PIN). However, staff should not know the new password or PIN.
 - Users, not staff, should set their password and PIN.
 - Do not announce the password in a public space, such as the circulation or help desk.
 - Encourage users not to share passwords with others, including library staff.
 - Do not send the password via unencrypted email or chat.
10. **Law Enforcement Requests:** Develop procedures for library staff on how to handle law enforcement and government requests for user records. Refer to the ALA Laws & Law Enforcement Inquiries for suggested guidelines. These resources can help develop the policies and procedures.

PRIORITY 2 ACTIONS

1. **Notifications:** Configure library notifications to send a minimal amount of personal data. Examples include notifications for holds and overdues.
2. **Third Parties:** Limit and audit the collection, use, storage, retention, and sharing of personal data from the LMS by third parties, such as:
 - Departments and offices in the larger organization
 - Vendors
 - Third party integrations and applications, such as Application Program Interfaces (APIs) and data analytics products
3. **Data Backups:** Encrypt data backups to prevent unauthorized access to personal data.
4. **Security Updates:** Keep LMS applications and underlying server software up to date to mitigate the impact of security vulnerabilities:
 - Install security patches and updates to local servers, desktop clients, and other locally hosted LMS applications.

- Coordinate security patches and updates with third parties hosting any cloud LMS applications and systems.
- 5. **Laws:** Check vendor licenses for compliance to relevant library privacy and data privacy regulations, such as:
 - [European Union General Data Protection Regulation \(GDPR\)](#)
 - [California Consumer Privacy Act \(CCPA\)](#)
 - [Family Educational Rights & Privacy Act \(FERPA\)](#)
 - [Children’s Online Privacy Protection Act \(COPPA\)](#)
 - [Relevant state library privacy regulations](#)

PRIORITY 3 ACTIONS

1. **Password Encryption:** Encrypt all LMS passwords in storage and in transit using current encryption best practices and standards.
2. **Encrypting Traffic:** Encrypt all traffic between the LMS and any application connections. For example, use a Virtual Private Network (VPN) to encrypt the connection between a checkout station at a branch library to the LMS server at the main library.
3. **Security Audits:** Conduct regular audits of the network and LMS servers. Audits help verify that necessary security measures are in place to prevent unauthorized access. Refer to the Privacy Audits Field Guide for developing policies and procedures.
4. **Data Breaches:** Create procedures to respond to data breaches and mitigate their impact on users.

Approved January 21, 2017 by the Intellectual Freedom Committee; revised January 26, 2020 and April 2022.