

**2020 Midwinter Meeting**

**IMPLEMENTATION REPORT**

**ON ALA COUNCIL ACTIONS**

**TAKEN AT THE**

**2019 ANNUAL CONFERENCE**

**IN**

**WASHINGTON, DC**

ALA Policy A.4.2.4 requires the Executive Board or its delegates to report to Council on the status of implementation of motions and resolutions passed by Council during the preceding year. The report shall be entered in the Council minutes.

## **REPORT ON THE IMPLEMENTATION OF THE 2019 ANNUAL CONFERENCE COUNCIL ACTIONS**

### **Document Number/Title of Document: ALA CD#49, Resolution in Defense of the Free Speech of Supporters of the Movement for Palestinian Rights**

**Implementation Action:** The ALA Council **REFERRED**, in Defense of the Free Speech of Supporters of the Movement for Palestinian Rights to the Committee on Legislation, Committee on Intellectual Freedom & the International Relations Committee.

*Resolved*, that the American Library Association, on behalf of its members

1. opposes the Combating of BDS Act of 2019 contained in S.1 and H.R. 336;
2. opposes S.852, the Anti-Semitism Awareness Act of 2019; and
3. opposes any federal, state, or local legislation that would restrict the First Amendment rights of supporters of the movement for Palestinian rights, including activists and supporters of the BDS movement.

**Response:** A report out to Council will take place at the 2020 ALA Midwinter Meeting in Philadelphia, PA.

### **Document Number/Title of Document: ALA CD #50, Resolution on Renaming the Melvil Dewey Medal**

**Implementation Action:** The ALA Council **ADOPTED AS AMENDED**, Resolution on Renaming the Melvil Dewey Medal, the resolution will go to the Awards Committee for renaming and any structural changes to the award that need to be made.

*Resolved*, that the American Library Association (ALA), on behalf of its members, rename the Melvil Dewey Medal to remove Melvil Dewey's association with the award. The Resolution will go to the Awards Committee for renaming and any structural changes to the award that need to be made.

**Response:** The ALA Award Committee will bring forth the rename to Council at the Midwinter 2020 conference.

The Adopted resolution was added to the ALA website: <http://www.ala.org/aboutala/midwinter-and-annual-2019>

**Document Number/Title of Document: ALA CD #27.1, ALA Committee on Organization\_ACT**

**Implementation Action:** The ALA Council **APPROVED**, two additional representatives from Association of Bookmobile and Outreach Services (ABOS) and from Association for Rural and Small Libraries (ARSL) respectively to the Rural, Native, and Tribal Libraries of All Kinds Committee (RNTLOAK).

**Response:** The Adopted resolution was added to the ALA website <http://www.ala.org/aboutala/midwinter-and-annual-2019>.

**Document Number/Title of Document: ALA CD #25.1, ALA Constitution and Bylaws Committee\_ACT**

**Implementation Action:** The ALA Council **APPROVED**, the proposed changes to ALA Bylaws Article VI, Section 1& Article VII, Section 1

1. New language to clarify the status of a councilor of a division or round table going through the discontinuance process.

**Revised language of Article VI and VII:**

Article VI. Divisions

Section 1. **The Council may establish divisions under the following conditions: (Delete)**

- a. The Council may authorize the organization as a division of any group of not less than 500 members of the Association who are interested in the same field of librarianship, upon petition of such group. Under exceptional circumstances, the Council may admit as divisions, groups having fewer than 500 members.
- b. The Council by a vote of two consecutive meetings may discontinue a division when, in the opinion of the Council, the usefulness of the division as ceased.
- c. **A division that is going through the process of discontinuance is entitled to council representation until it is officially discontinued. (Add)**

Article VII. Round Tables

Section 1. **The Council may establish round tables under the following conditions: (Delete)**

- a. The Council may authorize the organization as a round table of any group of not less than 500 members of the Association who are interested in the same field of librarianship not within the scope of any division, upon petition of such group which shall include a statement of purpose.
- b. The Council may discontinue a round table, when in the opinion of the Council, the usefulness of that round table has cease.
- c. **A roundtable that is entitled to a councilor and is going through the process of discontinuance is entitled to council representation until it is officially discontinued. (Add)**

**Response:** The ALA Bylaw change will appear on the 2020 ALA Ballot for approval of the ALA Membership.

**Implementation Action:** The ALA Council **APPROVED**, the proposed changes to ALA Bylaws Article II, Section 5

2. Insertion of “electronic voting”

**Revised language of Article II. Meetings:**

Article II. Meetings

**Section 5. Votes by Mail/Electronic voting**

- a. By petition of one percent of the personal voting membership, as certified by the Executive Director, membership referenda shall be placed on the annual ballot for a vote by mail/**electronic voting**. A petition for a membership referenda must be filed with the Executive Director at least four months before the annual conference.
- b. The Executive Board may authorize votes by mail/electronic voting of both the Association and of the Council between meetings.
- c. For votes by Council, fifty percent of the voting membership shall constitute a quorum and a **majority** of those voting shall be required to carry.
- d. For votes by the Association, twenty-five percent of the voting membership shall constitute a quorum and a majority of those voting shall be required to carry.
- e. The Executive Board shall have authority to set the time limit during which votes will be recorded but if no such time limit is set no vote shall be counted unless received within thirty days from the day the text of the ballot or question voted upon was mailed/electronic voting, properly addressed, to those entitled to vote on the matter involved. In the case of a vote by mail by the Association, the Executive Board may designate publication of the ballot or question submitted in the official journal of the Association as the appropriate method of submitting the matter to the members for their determination.

3. changing the majority needed to carry a Council vote taken by mail/electronic vote

**Response:** The ALA Bylaw change will appear on the 2020 ALA Ballot for approval of the ALA Membership.

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#19.7 Library-Initiated Programs and Displays as a Resource: An Interpretation of the *Library Bill of Rights*”

Library-initiated programs support the mission of the library by providing users with additional opportunities for accessing information, education, and recreation. 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.” Library displays increase awareness of programs, resources, and services.

Library-initiated programs include, but are not limited to, lectures, displays, exhibits, community forums, performing and visual arts,<sup>1</sup> participatory workshops, technology programming, creative learning programming, wellness programs, story times, continuing education, fairs and conventions, book clubs, discussion groups, demonstrations, and presentations for social, cultural, educational, or entertainment purposes. Library-initiated programs may take place on-site at the library, off-site at other locations, or online, and may be provided by library workers, volunteers, or partners. Libraries may also choose to promote their programs, services, and resources through displays and digital signs.

Library-initiated programs and displays utilize library worker expertise for community interests, collections, services, facilities, and providing access to information and information resources. They introduce users and potential users to library resources and the library’s role as a facilitator of information access. The library may participate in cooperative or joint programs with other agencies, organizations, institutions, or individuals to facilitate information access in the community the library serves.

Libraries should not discriminate against individuals with disabilities and shall ensure they have equitable access to library resources. Library-initiated programs and displays should comply with all applicable laws, including the standards and requirements of The Americans with Disabilities Act and state and local disability accessibility guidelines.<sup>2</sup> If a program is held in a location not controlled by the library, the library should assure that the space is accessible to all users. If users overflow designated event areas during library events, libraries should secure accessible public spaces (e.g., ramps, pathways, and emergency exit routes) to ensure access and safety for everyone. Reasonable accommodations should also be made to have interpretation or real-time captioning for the deaf or hard of hearing at library-initiated programs when needed or requested by library users.

“Socially excluded, marginalized, and underrepresented people, not just the mainstream majority, should be able to see themselves reflected in the resources and programs that libraries offer.”<sup>3</sup> Libraries should actively seek to include a variety of programming options representing diversity of genres, formats, ideas, and expressions with a multitude of viewpoints and cultural perspectives that reflect the diversity in our communities. Library-initiated programs that cross language and cultural barriers introduce community members to the library’s resources and provide access to information. Libraries serving multilingual or multicultural communities should make efforts to accommodate the information needs of those who speak and read languages other than English, including advertising for such events.

Concerns, questions, or complaints about library-initiated programs and displays are handled according to the same written policy and procedures that govern reconsiderations of other library resources. These policies should apply equally to all people, including, but not limited to, library users, staff, and members of the

governing body. The policies should set forth the library's commitment to free and open access to information and ideas for all users.

Programs should not be canceled because of the ideas or topics of the program or the views expressed by the participants or speakers, nor should library workers censor or remove displays because someone may disagree with the content. Library sponsorship of a program does not constitute an endorsement of the program content or the views expressed by the participants or speakers, any more than the purchase of resources for the library collection or curation of a display constitutes an endorsement of the resources content or its creator's views. Libraries should vigorously defend the First Amendment right of speakers and participants to express themselves.

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 encompasses all the resources the library offers, including the right to attend library-initiated programs. Libraries create programs for an intended age group or audience based on educational suitability and audience interest; however, restrictions on participation based solely on the gender, chronological age, or educational level of users violate this right and should be enforced only when not doing so would adversely impact the safety of the participants or interfere with the intended purpose of the program. Parents and guardians may restrict their own children's access to library programs, but no person or organization can interfere in others' access and participation. A parent or guardian may discuss their child's access to and participation in library programs with their child, but may not impose those decisions on others, including other people's children.

Libraries should not deny access to library-initiated programs if patrons owe the library for overdue fines or other fees. If libraries charge program participants for supplies used, they should make every effort to reduce economic barriers to participation.

Any collection and retention of program participants' personal information should be on an opt-in basis only. While attendees may need to demonstrate their eligibility to attend the program by showing a library card or student ID, they should not be required to share their personal information in order to attend a library program.

1. [Visual and Performing Arts in Libraries: An Interpretation of the Library Bill of Rights](#)," adopted February 13, 2018, by ALA Council.
2. [Services to People with Disabilities: An Interpretation of the Library Bill of Rights](#)," adopted January 28, 2009, by the ALA Council; amended June 26, 2018.
3. [Equity, Diversity, Inclusion: An Interpretation of the Library Bill of Rights](#)," adopted June 27, 2017, by the ALA Council.

Adopted January 27, 1982, by the ALA Council; amended June 26, 1990; July 12, 2000; June 26, 2018. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Statement updated and available on the ALA website.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.11 Library-Initiated Programs and Displays as a Resource (Old Number 53.1.10) per the Policy Monitoring Committee report (**ALA Council Document #19.7**).

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.8, “Diverse Collections: An Interpretation of the *Library Bill of Rights*”

Collection development should reflect the philosophy inherent in Article I of the *Library Bill of Rights*: “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.” A diverse collection should contain content by and about a wide array of people and cultures to authentically reflect a variety of ideas, information, stories, and experiences.

Library workers have an obligation to select, maintain, and support access to content on subjects by diverse authors and creators that meets—as closely as possible—the needs, interests, and abilities of all the people the library serves. This means acquiring resources to address popular demand and direct community input, as well as addressing collection gaps and unexpressed information needs. Library workers have a professional and ethical responsibility to be proactively inclusive in collection development and in the provision of interlibrary loan where offered.

A well-balanced collection does not require a one-to-one equivalence for each viewpoint but should strive for equity in content and ideas that takes both structural inequalities and the availability of timely, accurate materials into account. A diverse collection should contain a variety of works chosen pursuant to the library’s selection policy and subject to periodic review.

Collection development, as well as cataloging and classification, should be done according to professional standards and established procedures. Developing a diverse collection requires

- selecting content in multiple formats;
- considering resources from independent, small, and local producers, as well as those that are self-published
- seeking content created by and representative of marginalized and underrepresented groups;
- evaluating how diverse collection resources are cataloged, labeled, and displayed;
- including content in all of the languages used in the community that the library serves, when possible; and
- providing resources in formats that meet the needs of users with disabilities.<sup>1</sup>

Best practices in collection development assert that resources should not be excluded from a collection solely because the content or its creator may be considered offensive or controversial. Refusing to select resources due to potential controversy is considered censorship, as is withdrawing resources for that reason. Libraries have a responsibility to defend against challenges that limit a collection’s diversity of content. Challenges commonly cite content viewed as inappropriate, offensive, or controversial, which may include, but is not limited to, prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, scientific research, sexual content, and representation of diverse sexual orientations, expressions, and gender identities.

Intellectual freedom, the essence of equitable library services, provides for free access to varying expressions of ideas through which a question, cause, or movement may be explored. Library workers have a professional and ethical responsibility to be fair and just in defending the library user’s right to read, view, or listen to content protected by the First Amendment, regardless of the creator’s viewpoint or personal history. Library workers

should not permit their personal biases, opinions, or preferences to unduly influence collection-development decisions.<sup>2</sup>

1. "[Services to People with Disabilities: An Interpretation of the Library Bill of Rights](#)," adopted January 28, 2009, by the ALA Council under the title "Services to Persons with Disabilities"; amended June 26, 2018.
2. [ALA Code of Ethics](#), Article VII, adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

Adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; and July 1, 2014. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.12 Diverse Collections (Old Number 53.1.11) per the Policy Monitoring Committee report (**ALA Council Document #19.8**).

**Document Number/Title of Document:** [ALA CD #19.7-19.11, ALA Intellectual Freedom Committee\\_ACT](#)

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.9, "Minors and Online Activity: An Interpretation of the *Library Bill of Rights*"

The online environment offers opportunities for accessing, creating, and sharing information. The rights of minors to retrieve, create, and interact with information posted on the Internet in schools and libraries are extensions of their First Amendment rights.

Schools and libraries should ensure that they offer opportunities for students to use social media and other online applications constructively in their academic and recreational pursuits. Students can enhance their social, interpersonal, and academic skills with the use of online applications. Some examples include

- creating documents and sharing them online;
- uploading pictures, videos, and visual material;
- engaging in interactive games;
- classifying content and organizing information; and
- participating in online communities.

Online tools may help children and young adults learn about and organize social, civic, recreational, and academic activities. Many sites invite users to establish online identities, join networks, share personal information, and create web content. Library workers curate age-appropriate resources for academic and personal pursuits and teach children and young adults how to be safe online. Parents and guardians play a critical role in preparing their children for participation in online activity by communicating their values and guiding their children's use of the Internet. Libraries and their governing bodies shall ensure that only a parent or guardian has the right and the responsibility to determine what their child—and only their child—accesses online.

The use of social media and online resources poses two compelling intellectual freedom issues for minors: the right to free expression and the right to privacy.



Filters are often used in libraries and educational institutions to restrict access to online content, limiting access to information and social-media platforms beyond what is required by the Children’s Internet Protection Act and similar state laws. These restrictions deny minors’ rights to free expression online.

Protection of minors’ privacy rights online is also paramount. In addition to concerns about the vulnerability of young people who post personally identifiable information online, other threats to minors’ privacy cause libraries and educational institutions to restrict and monitor minors’ online activities. Perceived safety threats, such as cyberbullying, also lead to restrictive policies. These actions not only deny minors’ right to free expression, but may also deny their right to privacy.

Prohibiting minors from using social media or participating in online communities prevents youth from engaging in opportunities to learn and develop skills needed for responsible speech online, civil engagement, and personal-privacy protection. Instead, libraries and library workers should educate youth about online activities that are appropriate for their maturity level without blocking access for others. Furthermore, library workers should advocate for implementing privacy-protecting policies and technology in libraries and educational institutions that both empower youth to take personal responsibility for their online privacy and prevent the collection and use of information about minors and their online activities for marketing and for-profit activities.

The First Amendment applies to all forms of speech created by minors and posted online. Restricting access to social media in schools and libraries limits young people’s right to free expression and violates the tenets of the *Library Bill of Rights*. Instances of inappropriate use of social media and online applications should be addressed as individual-behavior issues, not as justification for restricting or banning access to such tools. While other safety threats exist beyond schools’ and libraries’ physical space, these threats should not be a reason for limiting access for minors. Library workers, educators, and administrators have a responsibility to educate themselves about safety threats while continuing to advocate for the intellectual freedom of minors.

As defenders of intellectual freedom and the First Amendment, libraries have a responsibility to offer unrestricted access to online activity in accordance with local, state, and federal laws and to advocate for greater access where it is abridged. Of equal importance is the responsibility to advocate for minors’ right to free expression and privacy online while using libraries of all types. In addition, library workers and educators should help young people learn digital citizenship skills that will prepare them to be responsible, effective members of a global society.

Adopted July 15, 2009, by the ALA Council; amended on July 1, 2014. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.23 Minors and Online Activity (Old Number 53.1.22) per the Policy Monitoring Committee report (***ALA Council Document #19.9***).

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.10, “Privacy: An Interpretation of the *Library Bill of Rights*”

All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use.<sup>1</sup> When users recognize or fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists.

Privacy is essential to the exercise of free speech, free thought, and free association. Federal and state courts have established a First Amendment right to receive information in a publicly funded library.<sup>2</sup> Further, the courts have upheld the right to privacy based on the U.S. Constitution. Many states provide guarantees of privacy in their constitutions and statute law.<sup>3</sup> Numerous decisions in U.S. case law have defined and extended rights to privacy to all.<sup>4</sup>

The right to privacy includes the right to open inquiry without having the subject of one’s interest examined or scrutinized by others, in person or online. Confidentiality exists when a library is in possession of personally identifiable information about its users and keeps that information private on their behalf.<sup>5</sup> Article III of the *Code of Ethics of the American Library Association* states that confidentiality extends to “information sought or received and resources consulted, borrowed, acquired or transmitted,” including, but not limited to, reference questions and interviews, circulation records, digital transactions and queries, as well as records regarding the use of library resources, services, programs, or facilities.

Protecting user privacy and confidentiality has long been an integral part of the mission of libraries. The American Library Association has affirmed a right to privacy since 1939.<sup>6</sup> Existing ALA policies affirm that confidentiality is crucial to freedom of inquiry. Rights to privacy and confidentiality are explicit in Article VII of the *Library Bill of Rights* and implicit in its guarantee of free access to library resources for all users.

## **Rights of Library Users**

Lack of privacy and confidentiality has a chilling effect on users’ selection, access to, and use of library resources. All users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use. ALA and its members recognize that children and youth have the same rights to privacy as adults. Library users expect, and in many places have, a legal right to have their personally identifiable information and library-use data protected and kept private and confidential by anyone with access to that information. Libraries should never enact policies or practices that abridge users’ right to privacy regardless of their age, ability, housing status, immigration status, involvement with the criminal justice system, religious affiliation, ethnicity, sexual orientation, gender identity, or other forms of identity or status unless explicitly required by law. Even then, libraries should consult with legal counsel before abridging any user’s right to privacy.

Libraries have a responsibility to inform users about policies and practices governing the collection, security, and retention of personally identifiable information and library use data. Additionally, users should have the choice to opt-in to any data collection that is not essential to library operations and the opportunity to opt-out again at any future time. All nonessential data collection should be turned off by default. In all areas of librarianship, best practice leaves users in control of as many choices as possible regarding their privacy. This includes decisions about the selection of, access to, and use of information. Information about options available to users should be prominently displayed, accessible, and understandable for a general audience.

## Responsibilities in Libraries

The library profession has a long-standing ethic of facilitating, not monitoring, access to information. Libraries implement this commitment through the adoption of and adherence to library privacy policies that are consistent with applicable federal, state, local, and where appropriate, international law. It is essential that libraries maintain an updated, publicly available privacy policy that states what data is being collected, with whom it is shared, and how long it is kept. Everyone who provides governance, administration, or service in libraries, including volunteers, has a responsibility to maintain an environment respectful and protective of the privacy of all users. It is the library's responsibility to provide ongoing privacy education and training to library workers, governing bodies, and users in order to fulfill this responsibility.

The *National Information Standards Organization (NISO) Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems* recognizes that

[t]he effective management and delivery of library services may require the library user to opt into the provision of personal data in order to access a library resource or receive library services. Users' personal data should only be used for purposes disclosed to them and to which they consent.<sup>7</sup>

Libraries should not monitor, track, or profile an individual's library use beyond operational needs. Data collected for analytical use should be limited to anonymous or aggregated data and not tied to individuals' personal data. Emerging biometric technologies, such as facial recognition, are inconsistent with the mission of facilitating access to library resources free from any unreasonable intrusion or surveillance.

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. Library security practices to safeguard personal information should be up to date and in compliance with state and national standards. Adherence to *NISO Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems* requires that these practices include:

encryption of personal data while they are at-rest and in-motion; prompt updates of systems and software to address vulnerabilities; systems, procedures, and policies for access control of sensitive data; a procedure for security training for those with access to data; and documented procedures for breach reporting, incident response, and system, software, and network security configuration and auditing.<sup>8</sup>

Libraries should follow purpose-limitation, storage-limitation, and data-minimization principles<sup>9</sup> when making decisions about collecting and retaining library-use data. In particular, libraries should collect and store only personally identifiable data required for specific purposes that are disclosed to the users.

Libraries should periodically review their data-collection and retention policies to identify situations in which the reason for collecting user data may no longer apply. Libraries may need to comply with state, institutional, or other governmental record-retention policy in addition to developing their own data-management policies. In addition, libraries should regularly review and update procedures for collecting and maintaining user data to ensure compliance with current industry privacy and security standards.

Libraries should never share users' personally identifiable information with third parties or vendors that provide resources and library services, unless the library obtains explicit permission from the user or if required by law or existing contract. Libraries or their governing institutions should negotiate agreements with vendors that retain library ownership of user data and permit independent auditing of vendor data collection, retention, and access policies and practices. Such agreements should stipulate that user data is confidential and that it may not

be used or shared except with the permission of the library. Any vendor that handles user information as part of a library's service should have a publicly available privacy policy that commits to compliance with the *NISO Consensus Principles*. As existing contracts approach expiration, libraries should renegotiate future contracts to include these privacy safeguards.

Law enforcement agencies and officers may request library records and data that they believe contain information that would be helpful to the investigation of criminal activity. Libraries should have a procedure in place for handling law-enforcement requests. Libraries should make such records available only in response to properly executed court orders or legal process. These court orders are issued following a showing of good cause based on specific facts by a court of competent jurisdiction.

The American Library Association affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethical practice of librarianship. The rapid pace of information collection and changes in technology means that users' personally identifiable information and library-use data are at increased risk of exposure. The use of new technologies in libraries that rely on the collection, use, sharing, monitoring and/or tracking of user data may come into direct conflict with the *Library Bill of Rights* and librarians' ethical responsibilities. Libraries should consider privacy in the design and delivery of all programs and services, paying careful attention to their own policies and procedures and that of any vendors with whom they work. Privacy is the foundation upon which our libraries were built and the reason libraries are such a trusted part of every community.

1. Article VII, *Library Bill of Rights*
2. 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).
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 Regarding Library Records](#).
4. Cases recognizing a right to privacy include: *NAACP v. Alabama*, 357 U.S. 449 (1958); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Lamont v. Postmaster General*, 381 U.S. 301 (1965); *Katz v. United States*, 389 U.S. 347 (1967); and *Stanley v. Georgia*, 394 U.S. 557 (1969).
5. The phrase "personally identifiable information" was adopted by the ALA in 1991. See: "[ALA Policy Concerning Confidentiality of Personally Identifiable Information about Library Users](#)."
6. Article XI 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." Article III of the current *Code of Ethics of the American Library Association* (2008) 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. National Information Standards Organization, "[NISO Consensus Principles on User's Digital Privacy in Library, Publisher, and Software-Provider Systems \(NISO Privacy Principles\), Principle 4, Data Collection and Use](#)" (Baltimore: National Information Standards Organization, December 10, 2015).
8. [NISO Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems \(NISO Privacy Principles\) \(2015\)](#)
9. These principles, drawn from the [European Union "General Data Protection Regulation \(GDPR\)" \(2016\)](#) and reflected in other fair privacy practice principles such as the "[NISO Privacy Principles](#)" (Baltimore: National Information Standards Organization, 2015) and "Guidelines on the Protection of Privacy and

Transborder Flows of Personal Data" ([Paris: Organisation for Economic Co-operation and Development, 2013](#)), provide sound guidelines for libraries to follow in their data-privacy practices. Libraries in the United States are generally not subject to the GDPR but should consult with legal counsel to determine whether GDPR applies.

Adopted June 19, 2002, by the ALA Council; amended July 1, 2014. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.17 Privacy (Old Number 53.1.16) per the Policy Monitoring Committee report (**ALA Council Document #19.10**).

**Document Number/Title of Document:** [ALA CD #19.7-19.11, ALA Intellectual Freedom Committee\\_ACT](#)

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.11, “User-Generated Content in Library Discovery Systems: An Interpretation of the *Library Bill of Rights*”

Libraries offer a variety of information-retrieval systems to provide access to the resources in their collections. Such systems include, but are not limited to, the library catalog, institutional repositories, digital collections, and discovery services.<sup>1</sup> Many of these systems have the ability to include social-media components and knowledge-sharing tools that allow libraries to provide greater opportunities for engagement through user-generated content. The inclusion of this content presents an opportunity for users to engage in conversation with the library and the community, creating shared knowledge and demonstrating the value of libraries as institutions for information and learning.

Discovery systems that offer user-generated-content features may allow users to contribute commentary and reviews, use simple point-and-click rating systems (e.g., one star to five stars), or engage in discussions. To avoid appearance of library endorsement or disapproval, libraries should make efforts to differentiate between user-generated content and library-generated content within discovery systems. When user-generated content has the potential to influence the retrieval function (e.g., content with more stars could appear higher in search results), such features should not be applied by default but presented as a clearly labeled choice for users.

Libraries are not obligated to open discovery systems to user-generated content. A publicly funded library can limit user-generated content to a defined class of users or limit the subject matter of user-generated content as long as any restrictions do not pertain to the views, beliefs, or affiliations of the user.<sup>2</sup> 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.

If a publicly funded library does choose to allow users to contribute content to the library’s discovery system, the commenting system may be considered a limited public forum. Libraries that allow users to contribute content should adopt policies that define the time, place, and manner in which the user contributes the content to the library’s discovery system. Any 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.<sup>3</sup> Policies should be regularly reviewed with legal counsel, shared with staff, and made available to the public in all of the commonly used languages within the community served.

Libraries should safeguard the privacy of users who contribute content to library discovery systems and should review—and encourage users to review—the user-data-collection policies of any third-party providers involved in managing or storing the user-generated content. User consent should be obtained before any personal data is collected and shared with third-party providers, and libraries should protect all library-use data collected from library users.<sup>4</sup>

1. [Library Privacy Guidelines for Library Websites, OPACs, and Discovery Systems](#),” Intellectual Freedom Committee, June 24, 2016. “A discovery service provides a single web-based user interface to search across multiple resources such as library catalogs, periodical databases, institutional repositories, and digital collections.”
2. *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541 (S.D.N.Y. May 23, 2018).
3. *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541 (S.D.N.Y. May 23, 2018). See also “[Social Media Guidelines for Public and Academic Libraries](#),” approved by the Intellectual Freedom Committee June 2018.
4. *Library Bill of Rights*, Article VII, adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019; “Privacy: An Interpretation of the *Library Bill of Rights*,” adopted June 19, 2002, by the ALA Council; amended on July 1, 2014. Revisions proposed for ALA Annual Conference.

Adopted January 12, 2016, by the ALA Council. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.25 User-Generated in Library Systems per the Policy Monitoring Committee report (***ALA Council Document #19.11***).

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.13, “Education and Information Literacy: An Interpretation of the *Library Bill of Rights*”

Intellectual freedom is the right of every individual to both seek and receive information from all points of view without restriction. Education and information literacy<sup>1</sup> are fundamental to the mission of libraries of all types and form the foundation of intellectual freedom. Libraries provide access to information and ideas through their facilities, resources, and services. Libraries foster the ability to use those resources through educational programs and instruction.

The value and importance of intellectual freedom and its relationship to education is widely recognized in the “Universal Declaration of Human Rights” adopted by the United Nations in 1948. These principles align closely with the American Library Association’s *Library Bill of Rights*.

The importance of intellectual freedom is expressed in both documents, and the necessity of education to the development of intellectual freedom is specifically discussed in Article 26 of the “Universal Declaration of Human Rights”:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial, or religious groups, and shall further the activities of the United Nations for the maintenance of peace.<sup>2</sup>

The *Library Bill of Rights* “affirms that all libraries are forums for information and ideas,” making them resources for facilitating education, encouraging curiosity, seeking knowledge, and further expanding the principles of intellectual freedom.

Access to information reflecting a variety of viewpoints is listed as the first principle in Article 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.

Article II of the *Library Bill of Rights* emphasizes the importance of fostering access to information by providing resources that allow users to evaluate content and context, and to find information representing multiple viewpoints:

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.

Libraries and library workers foster education and lifelong learning by promoting free expression and facilitating the exchange of ideas among users.<sup>3</sup> Libraries use resources, programming, and services to strengthen access to



information and thus build a foundation of intellectual freedom. In their roles as educators, library workers create an environment that nurtures intellectual freedom in all library resources and services by doing the following:

- developing collections and services representative of multiple perspectives that empower individuals to explore broadly when pursuing their own interests
- providing programming through a variety of formats that accommodates multiple methods of learning and expands opportunities to discover, respond to, and create ideas
- leading instruction framed around information literacy skills and critical thinking
- supporting the development of skills necessary to effectively evaluate the accuracy of content and identify false or misleading information
- advocating for the appreciation of diverse voices and using the library to explore unfamiliar or controversial concepts

Through engaging in these educational services, libraries encourage individuals to explore ideas; discover, access, and evaluate information; draw meaning from information presented in a variety of formats; develop valid conclusions; and express new ideas. By offering these services, libraries facilitate access to information and offer a path to a robust appreciation of intellectual freedom rights and the value of libraries as cornerstones of education in the communities they serve.

1. "[Evaluating Information: Information Literacy](#)," American Library Association, March 18, 2019. "To be information literate, a person must be able to recognize when information is needed and have the ability to locate, evaluate, and use effectively the needed information." — ALA Presidential Committee on Information Literacy, January 10, 1989
2. "[Universal Declaration of Human Rights](#)," Article 26, United Nations General Assembly, December 10, 1948.
3. "[The Universal Right to Free Expression: An Interpretation of the Library Bill of Rights](#)," adopted January 16, 1991, by the ALA Council; amended on July 1, 2014. "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 without interference and without compromising personal privacy."

Adopted July 15, 2009, by the ALA Council; amended July 1, 2014. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.22 Education and Information Literacy per the Policy Monitoring Committee report (*ALA Council Document #19.13*).



**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.14, “Economic Barriers to Information Access: An Interpretation of the *Library Bill of Rights*”

The essential mission of a publicly funded library is to provide free, equal, and equitable access to information in all its forms. While the roles, goals, and objectives of publicly supported libraries may differ, they all share this common mission. Just as economic issues may challenge the library’s ability to meet its mission, economic barriers may also threaten user access.

Those who work in libraries and serve on their governing bodies sometimes face economic pressures and competition for funding but must remain committed to the library’s essential mission. To sustain this mission, the American Library Association has enumerated certain principles of library services in the *Library Bill of Rights* and associated policy statements.

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 fundamentally opposes the creation of economic barriers to access services and resources provided by publicly funded libraries, including public, school, and academic libraries. All resources provided directly or indirectly by the library, regardless of format or method of delivery, should be readily and equitably accessible to all library users. Imposing any financial barrier may disadvantage users, and libraries of all types—public, school, and academic—should consider eliminating barriers that limit access to library resources and other services.

Libraries should systematically monitor their programs and services for potential barriers to access and strive to eliminate them when they occur. Libraries should design and implement services with care so as not to infringe upon access to or delivery of information and resources for all users. Services should be reevaluated regularly to ensure that the library’s essential mission remains uncompromised.

The “[Resolution on Monetary Library Fines as a Form of Social Inequity](#)” states that monetary library fines create a barrier to the provision of library and information services.<sup>1</sup> Libraries should examine policies and procedures, particularly those involving fines, fees, or other user charges, and actively move toward eliminating any that may create potential barriers to access or academic achievement. If a library has a policy to charge a user for lost, stolen, or willfully damaged materials or property, it should consider waiving or reducing the cost, at its discretion, based on that user’s ability to pay. Likewise the library should consider a user’s ability to pay when it charges a flat annual fee for borrowing privileges to people living outside the tax-support area of the library.

Economic barriers are not limited solely to financial constraints and a user’s ability to pay fines or fees. Many policies and procedures may disproportionately harm those having financial difficulties, experiencing homelessness, or those from marginalized communities. These policies may include those related to personal belongings, hygiene requirements, verification of a permanent address, access to an email account or computer. Such policies and procedures effectively abridge or deny access for some members of the community because they reinforce distinctions among users.

Libraries and their governing bodies should look for alternative models and methods of administration that minimize distinctions among users based on their economic status. They should resist imposing user fees to alleviate financial pressures on the library, as those fees may impose a long-term cost to institutional integrity and public confidence in libraries. Likewise, they should not enact policies that cater to the desires of the economically fortunate at the expense of the economically unfortunate.

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

Libraries and their governing bodies should carefully examine terms or conditions attached to library funding and should oppose conditions that might limit equal or equitable access to content. This principle applies equally to private gifts or bequests and to public funds. In particular, libraries and their governing bodies have an obligation to reject such restrictions when the effect of the restriction is to limit access to information.

Libraries and their governing bodies should cooperate with efforts to create a community consensus that publicly supported libraries require funding unfettered by conditions that limit equal or equitable access to content. Such a consensus supports the library mission to provide the free and unrestricted exchange of information and ideas.

1. [“Resolution on Monetary Library Fines as a Form of Social Inequity,”](#) adopted by ALA Council January 28, 2019.

Adopted June 30, 1993, by the ALA Council. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.15 Economic Barriers per the Policy Monitoring Committee report (*ALA Council Document #19.14*).

**Document Number/Title of Document: ALA CD #19.13-19.19, ALA Intellectual Freedom Committee\_ACT**

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.15, “User Initiated Exhibits, Displays, and Bulletin Boards: An Interpretation of the *Library Bill of Rights*”

Libraries may offer spaces for exhibits, displays, and bulletin boards in physical or digital formats as a benefit for their communities. The use of these spaces should conform to the American Library Association’s *Library Bill of Rights*, which states:

- “Materials should not be excluded because of the origin, background, or views of those contributing to their creation.” (Article I)
- “Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” (Article II)
- “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.” (Article VI)

Libraries are not required to make space available to community groups or individuals for exhibits, public displays, notices, pamphlets, or flyers. However, if they do, they should post a permanent notice stating that these spaces are available as a service for the public and are not necessarily reflective of the library’s viewpoint.

Libraries should have written policies that are content-neutral (do not pertain to the content of the display or to the identity, beliefs, or affiliations of the sponsors), clearly defined, and applied equally, and that address any time, place, and manner restrictions. Policies should be inclusive rather than exclusive. For example, a policy that the library’s space is “open to organizations engaged in educational, cultural, intellectual, or charitable activities” is an inclusive statement about the limited uses of the space.

Those who object to the content should be able to request a reconsideration, similar to challenging any library resource. Library workers should not censor or remove materials from exhibits, displays, or areas designated for the distribution of information because someone may disagree with the content or with the identity, beliefs, or affiliations of the sponsors.

Adopted July 2, 1991, by the ALA Council; amended June 30, 2004, and July 1, 2014. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.9 User Initiated Exhibits, Displays, and Bulletin Boards (Old Number 53.1.8) per the Policy Monitoring Committee report (***ALA Council Document #19.15***).

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.16, “Access to Digital Resources and Services: An Interpretation of the *Library Bill of Rights*”

The fundamental mission of libraries is to provide access to information, regardless of content or format, to everyone. Digital resources and services, or resources and services made primarily available online or on digital devices, are integral to libraries’ mission in the twenty-first century. Libraries are important points of access to many digital resources and services, including, but not limited to, computers, the Internet, and digital resources and tools. In order to provide access to digital resources and services while upholding the *Library Bill of Rights*, libraries must consider intellectual freedom principles and issues of equity to ensure that access to information is enhanced, not restricted, by digital technology.

Libraries should regularly review issues arising from digital creation, distribution, retrieval, and archiving of information. Any review of these issues should consider users’ First Amendment rights, rights to privacy, and the core values of librarianship as expressed in the *Library Bill of Rights* and the *Code of Ethics of the American Library Association*. Many people lack access or the capability to use or create digital resources effectively. There is a need for places where people can access, use, or create information without impediment. It is the responsibility of libraries to provide access to digital resources and services and to mitigate all barriers, whether they are economic, educational, or political. The provision of access does not imply sponsorship or endorsement by the library. Libraries should resist all attempts by individuals, governments, and private entities to censor or limit access to digital resources or services.

In making decisions about how to offer access to digital resources, services, tools, physical equipment, and networks, each library should consider intellectual freedom principles and issues of equity 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 policies, procedures, or regulations relating to digital resources and services should be scrutinized for potential violations of user rights. User policies should be developed according to the policies and guidelines established by the American Library Association.<sup>1</sup>

Users’ access to digital resources and services 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.<sup>2</sup> 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, use, and create information effectively.

All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use.<sup>3</sup> The library should uphold these rights by policy, procedure, and practice in accordance with Article VII of the *Library Bill of Rights*. The library should regularly maintain its systems and networks in order to protect users' rights to privacy and confidentiality. As libraries increasingly provide access to digital resources through third-party vendors, libraries have a responsibility to hold vendors accountable for protecting patrons' privacy.

### 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. These barriers, often referred to as the digital divide, may include a lack of infrastructure for Internet connectivity, lack of tools (hardware or software), and lack of skills, knowledge, or means necessary to access digital resources.<sup>4</sup> Libraries should be cognizant of the digital divide and work to minimize it as they provide access to digital resources for their communities.

Digital resources, services, training, and networks provided directly or indirectly by the library should be 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.<sup>5</sup> Libraries should develop policies concerning access to digital resources. These policies should be consistent with ALA's policies and guidelines. When new digital resources are provided to library users, libraries have an obligation to provide equitable training opportunities to library users and workers in using those new resources. Training should also address privacy and security issues that accompany the use of digital resources and services.

### Information Resources and Access

Libraries, acting within their mission and objectives, should 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. 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. Libraries and library workers should not deny or limit access to digital resources because of their allegedly controversial content or because of a library worker's personal beliefs or fear of confrontation. Furthermore, libraries and library workers should not deny access to digital resources solely on the grounds that they are 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.

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*.<sup>6</sup> 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 and confidential manner. Minors also retain the right to access constitutionally protected information and, at a minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely and confidential manner. In order to ensure user privacy and confidentiality, records of these requests should not contain personally identifiable information. Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights.<sup>7</sup>

Digital resources and services allow libraries to significantly expand the scope of information available to users. Like all resources and services provided by the library, provision of access to digital resources and services should follow the principles outlined in the *Library Bill of Rights* to ensure equitable access regardless of content or platform.

1. "[Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities](#)," adopted June 28, 1994 by the ALA Intellectual Freedom Committee; revised January 19, 2005; March 29, 2014.
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. "Privacy: An Interpretation of the *Library Bill of Rights*," adopted June 19, 2002, by the ALA Council; amended on July 1, 2014.
4. Martin Hilbert, "The End Justifies the Definition: The Manifold Outlooks on the Digital Divide and Their Practical Usefulness for Policy-Making," *Telecommunications Policy* 35, no. 8 (2011): 715-736. <https://doi.org/10.1016/j.telpol.2011.06.012>
5. "Economic Barriers to Information Access: An Interpretation of the *Library Bill of Rights*," adopted June 30, 1993, by the ALA Council.
6. "Internet Filtering: An Interpretation of the *Library Bill of Rights*," adopted June 30, 2015, by the ALA Council.
7. "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).

Adopted January 24, 1996; amended January 19, 2005; and July 15, 2009, by the ALA Council.

References to cited policies have been updated on November 6, 2018. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.20 Access to Digital Resources and Services (Old Number 53.1.19) per the Policy Monitoring Committee report (***ALA Council Document #19.16***).

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.17, “Evaluating Library Collections: An Interpretation of the *Library Bill of Rights*”

Libraries continually develop their collections by adding and removing resources to maintain collections of current interest and usefulness to their communities. Libraries should adopt collection development and maintenance policies that include criteria for evaluating materials. Reasons for inclusion or removal of materials may include but are not limited to accuracy, currency, budgetary constraints, relevancy, content, usage, and community interest. The collection-development process is not to be used as a means to remove materials or deny access to resources on the grounds of personal bias or prejudice or because the materials may be viewed as controversial or objectionable. Doing so violates the principles of intellectual freedom and is in opposition to the *Library Bill of Rights*.

Some resources may contain views, opinions, and concepts that were popular or widely held at one time but are now considered outdated, offensive, or harmful. Content creators may also come to be considered offensive or controversial. These resources should be subject to evaluation in accordance with collection-development and collection-maintenance policies. The evaluation criteria and process may vary depending on the type of library. While weeding is essential to the collection-development process, the controversial nature of an item or its creator should not be the sole reason to remove any item from a library’s collection. Rather than removing these resources, libraries should consider ways to educate users and create context for how those views, opinions, and concepts have changed over time.

Failure to select resources merely because they may be potentially controversial is censorship, as is withdrawing resources for the same reason. Library workers should consider the cataloging, classification, and display of resources to ensure that they are discoverable and readily available to the populations they are meant to serve.

The American Library Association opposes censorship from any source, including library workers, faculty, administration, trustees, and elected officials. Libraries have a profound responsibility to encourage and support intellectual freedom by making it possible for the user to choose freely from a variety of offerings.

Adopted February 2, 1973, by the ALA Council; amended July 1, 1981; June 2, 2008. Revisions proposed for ALA Annual Conference 2019. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1. Evaluating Library Collections: An Interpretation (Old Number 53.1.5) per the Policy Monitoring Committee report (**ALA Council Document #19.17**).



**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.18, “Access to Library Resources and Services for Minors: An Interpretation of the *Library Bill of Rights*”

The American Library Association supports equal and equitable access to all library resources and services by users of all ages. Library policies and procedures that effectively deny minors equal and equitable access to all library resources and services available to other users is in violation of the American Library Association’s *Library Bill of Rights*. The American Library Association opposes all attempts to restrict access to library services, resources, 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, resources, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, apparent maturity, educational level, literacy skills, emancipatory or other legal status of users violates Article V. This applies to minors who do not have a parent or guardian available to sign a library-card application or permission slip. Unaccompanied youth experiencing homelessness should be able to obtain a library card regardless of library policies related to chronological age.

School and public libraries are charged with the mission of providing services and resources to meet the diverse interests and informational needs of the communities they serve. Services, resources, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of providing library services and use of them should be determined on an individual basis. Equitable access to all library resources and services should not be abridged based on chronological age, apparent maturity, educational level, literacy skills, legal status, or through restrictive scheduling and use policies.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. A library’s failure to acquire materials on the grounds that minors may be able to access those materials 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, sound, images, data, social media, online applications, games, technologies, programming, and other formats.<sup>1</sup> 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.<sup>2</sup> Libraries and their 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 or not content is constitutionally protected.

Article VII of the *Library Bill of Rights* states, “All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use.” This includes students and minors, who have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.<sup>3</sup>

The mission, goals, and objectives of libraries cannot authorize libraries and their 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.”<sup>4</sup> Libraries and their governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Libraries and



their governing bodies shall ensure 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, resources, or facilities should so advise their own children. Libraries and library governing bodies should not use rating systems to inhibit a minor’s access to materials.<sup>5</sup>

Libraries and their governing bodies have a legal and professional obligation to ensure that all members of the communities they serve have free and equitable access to a diverse range of library resources and services that is inclusive, regardless of content, approach, or format. This principle of library service applies equally to all users, minors as well as adults. Lack of access to information can be harmful to minors. Libraries and their governing bodies must uphold this principle in order to provide adequate and effective service to minors.

1. *Brown v. Entertainment Merchants Association, et al.* 564 U.S. 08-1448 (2011).
2. See *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).
3. “[Privacy: An Interpretation of the Library Bill of Rights](#),” adopted June 19, 2002, by the ALA Council; amended on July 1, 2014.
4. “[Libraries: An American Value](#),” adopted on February 3, 1999, by ALA Council.
5. “[Rating Systems: An Interpretation of the Library Bill of Rights](#),” adopted on June 30, 2015, by ALA Council.

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 under previous name "Free Access to Libraries for Minors"; and July 1, 2014. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.4 Access to Library Resources and Services for Minors: An Interpretation (Old Number 53.1.4) per the Policy Monitoring Committee report (**ALA Council Document #19.18**).

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.19, “Rating Systems: An Interpretation of the *Library Bill of Rights*”

Libraries, no matter their size, contain an enormous wealth of viewpoints and are responsible for making those viewpoints available to all. However, libraries do not advocate or endorse the content found in their collections or in resources made accessible through the library. Rating systems are tools or labels devised by individuals or organizations to advise people regarding suitability or content of materials. Rating systems appearing in library catalogs or discovery systems present distinct challenges to intellectual freedom principles.

Creators of rating systems assume that individuals or groups exist who can determine what is appropriate or inappropriate for others. They also assume that individuals want or need direction in making decisions about the materials or resources they use. While the creation and publication of such systems is protected by the First Amendment’s right to free speech, the American Library Association also affirms the rights of individuals to form their own opinions about the information that they consume.

Libraries’ explicit or implicit adoption, enforcement, or endorsement of any of these rating systems violates the *Library Bill of Rights* and may be unconstitutional if used to prevent an individual’s access to materials or resources. If enforcement of rating systems is mandated by law, the library should seek legal advice regarding the law’s applicability to library operations.

Libraries often acquire resources, such as DVDs and video games, that include ratings as part of their publication materials. Library workers should not endorse the inclusion of such rating systems; however, removing or destroying the rating placed on the original item by the publisher, distributor, or copyright holder could constitute expurgation.<sup>1</sup>

Because cataloging standards provide an opportunity for libraries to include ratings in their bibliographic records, many libraries have chosen to do so—some by acceptance of standard records containing such ratings and others by a desire to provide the maximum descriptive information available on a resource. Libraries are not required by cataloging best practices to provide this information. If they choose to do so, for whatever reason, they should cite the source of the rating and indicate that the library does not endorse external rating systems.

The inclusion of ratings in bibliographic records within library catalogs or discovery systems may be interpreted as an endorsement by the library. Therefore, without attribution, inclusion of such ratings is a violation of the *Library Bill of Rights*.

If libraries include information about rating systems on items or records, this information should not be used to restrict access to those materials based on the age of library users. Such a restriction may violate minors’ First Amendment rights.<sup>2</sup>

That libraries do not endorse or advocate for the use of rating systems does not preclude them from answering questions about such systems. It is appropriate to provide access to sources containing information on rating systems in order to meet the specific information-seeking needs of individual users. The American Library Association affirms the rights of individuals to form their own opinions about resources they choose to read or view.

1. "[Expurgation of Library Resources: An Interpretation of the \*Library Bill of Rights\*](#)," adopted February 2, 1973, by the ALA Council; amended July 1, 1981; January 10, 1990; July 2, 2008; and July 1, 2014.
2. *Enghahl v. City of Kenosha*, 317 F. Supp. 1133 (E.D. Wis. 1970); *Motion Picture Association of America v. Specter*, 315 F. Supp. 824 (E.D. Pa. 1970); *Swope v. Lubbers*, 560 F.Supp. 1328 (W.D. Mich. 1983); and *Rosen v. Budco*, 10 Phila. 112 (1983).

Adopted on June 30, 2015, by ALA Council. Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the new edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.1.8 Rating Systems: An Interpretation (Old Number 53.1.4) per the Policy Monitoring Committee report (***ALA Council Document #19.19***).

### **Document Number/Title of Document: ALA CD #19.20 and 24.3, ALA Intellectual Freedom Committee and the Committee on Professional Ethics\_ACT**

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD 19.20 and 24.3, "Intellectual Freedom Advocacy and Education

As members of the American Library Association, we recognize intellectual freedom as a universal human right.<sup>1</sup> This right ensures free access to seek and receive information and expression of ideas from all points of view without restriction for every individual of any age, ability, socioeconomic status, religious affiliation, race, ethnicity, sexual orientation, gender identity, or other form of identity or status. The *Library Bill of Rights* and *Code of Ethics of the American Library Association* express core values of our profession and affirm the primacy of intellectual freedom for full participation in a just, equitable, and informed society. We acknowledge our professional obligation to actively defend intellectual freedom rights and to protect the privacy and confidentiality of library users. We advocate for intellectual freedom and strive to educate ourselves, library users, the communities we serve, and the broader society about intellectual freedom and related topics, including privacy, information literacy, and inclusion.

1. ALA Policy B.2.1.13, Universal Right to Free Expression

Adopted, Monday, June 24<sup>th</sup> at the 2019 ALA Annual Conference in Washington, DC.

**Response:** Statement updated and available on the ALA website.

**Document Number/Title of Document: ALA CD #42, Taskforce for Online Deliberation & Voting\_ACT**

**Implementation Action:** The ALA Council **APPROVED**, to extend the taskforce until the ALA Midwinter Meeting 2020.

**Response:** The taskforce will report out at the 2020 ALA Midwinter Council meeting.

**Document Number/Title of Document: ALA CD #52, Resolution on Library Service for Children in Detention at Migrant Detention Centers**

**Implementation Action:** The ALA Council **ADOPTED**, the Resolution on Library Service for Children in Detention at Migrant Detention Centers

*Resolved*, that the American Library Association

1. Denounces the existence of family and youth detention centers;
2. Denounces the ongoing deplorable conditions in family and youth detention centers;
3. Denounces the removal of educational and recreational programming, such as storytimes, from youth detention centers and calls for the reestablishment of these programs;
4. Urges libraries with detention centers in or near their service areas to reach out to and work with local authorities, schools, and governmental support agencies;
5. Strongly encourages libraries to perform outreach and provide access to materials for both education and entertainment in a variety of formats and media in as many languages as possible as appropriate for the populations being served;
6. Strongly encourages libraries and library workers to provide services to migrant families and reexamine their policies to resolve any barriers to access presented to the access to services.

**Response:** The Adopted resolution was added to the ALA website: <http://www.ala.org/aboutala/midwinter-and-annual-2019>

**Implementation Action:** The ALA Council **ADOPTED**, the Resolution on Digital Content Pricing for libraries

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

1. Creates a joint working group of representatives from ALA, ULC, ASGCLA, COSLA, PLA, LITA, ALCTS, RUSA, SLA and other members to be determined to address library concerns with publishers and content providers specifically:
  - a. to develop a variety of digital content license models that will allow libraries to provide content more effectively, allowing options to choose between one-at-a-time, metered, and other options to be made at point of sale;
  - b. to make all content available in print and for which digital variants have been created to make the digital content equally available to libraries without moratorium or embargo;
  - c. to explore all fair options for delivering content digitally in libraries;
  - d. to urge Congress to explore digital content pricing and licensing models to ensure democratic access to information
2. Develops an advocacy and public awareness campaign to provide accurate information about the true value of library purchasing of digital, all library materials to publishers.

**Response:** The Adopted resolution was added to the ALA website:

<http://www.ala.org/aboutala/midwinter-and-annual-2019>

A Joint Working Group was established in August 2019, with representatives from, AASL, ALCTS, ALSC, ACRL, ASGCLA, LITA, LLAMA, PLA, RUSUA UFL, YALSA, GODORT, COSLA, ARL, SLA, MLA, ALISE, BISG, AILA, APALA, BCALA, ALA-IFC, ALA-LEG, ALA-OITP, ALA-COLA, ALA-CRC, CNI, Urban Libraries Council, Readers First